REGULAR meeting of the Hornell Common Council was held on Monday, Feb. 11, 2008, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Honorable Shawn D. Hogan, Mayor; Aldermen Flaitz, Koehler, Norton, Testani, Shepard, Hann, Lewis, and Carbone; City Attorney Joseph Pelych; Stenographer Karen Schu; and City Clerk Robert J. Roberts.

AND FROM THE MEDIA: Bob Clark from
The Evening Tribune and Brian O'Neal of radio station WLEA-WCKR.

ALSO PRESENT: Deacon Bob McCormick; Johnny Buckley; and Hornell High School students Bryan Swift, Matt Schnell, Shawn Walsh, Robert Mullen, and Greg Hayes

ABSENT: Aldermen Sciotti and Foreman, who were out ill.

INVOCATION: Deacon Bob McCormick of St. James Ministry/Our Lady of the Valley Parish.

PLEDGE TO THE FLAG: City Attorney Pelych.

By Carbone/Hann:
RESOLVED, that the minutes of the Jan. 28, 2008, regular meeting be approved as read.
Carried – Ayes all (8)
Absent – Sciotti, Foreman (2)

By Koehler/Flaitz:
RESOLVED, that the Reports of Officers be accepted and placed on file.
Carried – Ayes all (8)
Absent – Sciotti, Foreman (2)

REPORTS FILED: City Clerk 1/2008; General Fund Expenditures 1/2008; Water Fund Expenditures 1/2008; General Fund Revenues 1/2008; Water Fund Revenues 1/2008; Humane Society 1/2008; and, Library Board Minutes 12/17/2007.

REPORTS OF COMMITTEES:
Feb. 11, 2008

To: the Honorable Shawn D. Hogan
and members of the Common Council

Ladies and Gentlemen:

The Finance Committee met on Monday, Feb. 11, 2008, at 5 p.m. in the conference room of City Hall. Members present were: Aldermen Flaitz, Koehler, Norton, and Carbone. Chairman Foreman was absent due to illness. Also present were Mayor Shawn D. Hogan and Bob Clarke of The Evening Tribune.
Items discussed and acted upon are as follows:

1) Reviewed the first draft of the budget. The biggest expense is in Public Safety and health insurance. The budget now shows a 4.67 percent increase. Mayor Hogan and the committee will review that over time. The City is awaiting insurance and other competitive quotes.

There being no further business, the meeting adjourned at 5:45 p.m.
Respectfully submitted,
Shawn D. Hogan, Mayor
for Joseph Foreman, Chairman
Finance Committee

By Carbone/Shepard:

RESOLVED, that the Reports of Committees be accepted and placed on file.
Carried – Ayes all (8)
Absent – Sciotti, Foreman

RESOLUTIONS:

#1 – AUTHORIZE CITY TO APPLY FOR RECORDS GRANT – HN-08-11

By Lewis/Koehler:
(Authorizing Submission of Application by City of Hornell Planning Office for Grant Funs from Local Government Records Management Improvement Fund of New York State Archives and Records Administration/New York State Education Department.)

WHEREAS, the Commissioner of Education is offering Local Government Records Management Improvement Fund (LGRMIF) grants from the New York State Archives and Records Administration of the State Education Department for Records Management Improvement Projects within the counties of New York State; and,

WHEREAS, in order to receive such grant funds, applications must be submitted to the New York State Grants Administration Unit; and,

WHEREAS, the City of Hornell applied for and received grants from the Local Government Records Management Improvement Fund in 1999 and 2005 for records management activities; and,

WHEREAS, the City of Hornell has been successful in its direction of all activities funded by the LGRMIF in 1999 through 2005; and,

WHEREAS, the City of Hornell seeks to continue its record

management improvement efforts and activities in ways that will benefit the City of Hornell;

NOW, THEREFORE, BE IT RESOLVED, that Heather Kaszynski, Director of the Mayor's Planning Office, is authorized to execute and submit an application for an individual LGRMIF grant from the New York State Archives and Records Administration of the State Education Department under the direction of the Mayor for the year 2008 with a requested amount of $70,330; and be it further

RESOLVED, that said grant agreement shall be deemed executory only to the extent of monies available to the City for the performance of the terms hereof and no liability on account thereof shall be incurred by the City beyond monies available to, or appropriated by, the City for the purpose of the grant agreement and that said grant agreement shall automatically terminate upon the termination of State or Federal funding available for such contract purposes.

Carried – Ayes all (8)
Absent – Sciotti, Foreman (2)

ON THE QUESTION: Mayor Hogan noted the 2005 grant funded a study on digitizing City maps in the Engineering Office. This grant, if successful, would pay for the actual digitization process, he said.

#2 – AUTHORIZE CITY TO SUBMIT AIRPORT BUSINESS GRANT – HN-08-12

By Norton/Flaitz:
(Authorizing the implementation, and funding in the first instance of the State AIR 99 Program-aid [and State administered federal program-aid] eligible costs, of an Aviation project, and appropriating funds therefore.)

WHEREAS, a Project for the City of Hornell, PIN 6902.80 ("the Project") is eligible for funding under New York State's AIR 99 Program administered by the New York State Department of Transportation ("NYSDOT"); and

WHEREAS, the City of Hornell desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the Common Council, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Hornell to pay in the first instance 100% of the federal and non-federal share of the cost of design work for the Project or portions thereof; and it is further

RESOLVED, that a sum not to exceed $1,005,000 be applied for through the Business Airports Development Program and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the Common Council

of the City of Hornell shall convene as soon as possible to appropriate said excess amount immediately upon the notification thereof, and it is further

RESOLVED, that the Mayor of the City of Hornell be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or AIR 99 Program Funding on behalf of the City of Hornell with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Carried – Ayes all (8)
Absent – Sciotti, Foreman (2)

ON THE QUESTION: Hornell Municipal Airport presently lacks a hangar big enough to store planes for deicing during the winter, Mayor Hogan said. This hurts business activity, he added, because corporate jets that do use the airport in warm-weather months – such as Hon Industries – do not come to Hornell in the winter. The City applied for this grant last year and was unsuccessful, but Mayor Hogan said officials told him the City could have better luck this year if it applied again. This grant, if obtained, would build a 10,000-square-foot hangar for maintenance and storage. The City also is removing obstructions that will enable the ceiling to reduce. "We are constantly improving because that airport is an asset," the Mayor said.

#3 – ACCEPT PETITION FOR ANNEXATION – HN-08-13

By Shepard/Carbone:
(Approving the petition of Dr. Alan M. Robbins for the annexation of territory to the City of Hornell, Steuben County, New York)
WHEREAS, a petition dated Aug. 6, 2007, has been presented to City of Hornell Common Council ("City") by Dr. Alan M. Robbins, for the annexation to the City of approximately 34.66 acres of territory situated in the Town of Hornellsville and Village of North Hornell, identified by tax parcel number 136.18-01.002.11 ("Petition"), and which territory is more particularly described in said Petition; and
WHEREAS, pursuant to Sections 704 and 705 of the General Municipal Law, a joint public hearing with the Village of North Hornell ("Village") and the Town of Hornellsville ("Town") was held on Dec. 12, 2007, whereby the City, Village and Town heard testimony and received comments concerning the Petition; and
WHEREAS, this City Council has found that the Petition complies substantially in form and content with the provisions of Section 703 of the General Municipal Law; and
WHEREAS, this City Council has determined that it is in the overall public interest to approve the proposed annexation; and

WHEREAS, pursuant to Section 707 of the General Municipal Law, the governing boards of the affected local governments (or their designated representatives), at any time prior to the annexation determination, may agree on the disposition of real property rights of the affected local government; and
WHEREAS, by Resolution No. HN-08-10 of 2008, adopted by the City on Jan. 28, 2008, the City deemed it in the best interests of its residents to enter into a joint development agreement, pursuant to Section 707 of the General Municipal Law, to set forth the agreement among the parties for the future development of the Premises, and to reduce their agreement to writing; and
WHEREAS, on Feb. 8, 2008, Mayor Shawn Hogan executed an agreement regarding the joint development of the subject property, a copy of which is annexed hereto and incorporated by reference.
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Hornell, Steuben County, New York, as follows:
Section 1. The Petition of Dr. Alan M. Robbins dated Aug. 6, 2007, for annexation to the City of the territory described in said Petition substantially complies in form and content with the provisions of Section 703 of the General Municipal Law.
Section 2. It is in the overall public interest to approve the proposed annexation, for reasons including, but not limited to: a) annexation will facilitate the commercial development of the territory described in the Petition; b) annexation will allow for access to enhanced municipal services within the City; c) the annexation will provide the requisite unity of purpose and facilities; d) the premises to be annexed is undeveloped land with no inhabitants; e) the City, Village, and Town deem it in the best interests of their respective communities to enter into the attached agreement, pursuant to Section 707 of the General Municipal Law, to set forth the agreement among the parties thereto for future development of the subject property; f) there are no delinquent taxes or assumption of debt or current liabilities attached to the real estate proposed to be annexed; and g) if and when the property is developed, the overall public interest of the City, Town and the Village and the citizens of all three municipalities will benefit as a result.
Section 3. The Petition of Dr. Alan M. Robbins for annexation to the City of approximately 34.66 acres of territory situated in the Town of Hornellsville and Village of North Hornell, identified by tax parcel number 136.18-01.002.11, and which territory is more particularly described in said Petition, is hereby approved.
Carried – Ayes all (8)
Absent – Sciotti, Foreman (2)

ON THE QUESTION: Mayor Hogan reminded the Council that this resolution accepts and approves the petition, and that the actual annexation itself will be another, later step. “This reflects that the City of Hornell and its administrations recognizes the petition for annexation is in the overall public interest,” said the Mayor.

#4 – WAIVE AGENDA – HN-08-14

By Carbone/Hann:

RESOLVED, that the Common Council of the City of Hornell hereby approves waiving the agenda to consider a resolution authorizing Mayor Hogan to sign an agreement with the New York State Department of Transportation for capital grant funding.
Carried – Ayes all (8)
Absent – Sciotti, Foreman (2)

ON THE QUESTION: Mayor Hogan explained that the agenda had to be waived because the following resolution came in Friday after packets were sent out to be delivered to aldermen.

#5 – AUTHORIZE MAYOR TO SIGN AGREEMENT WITH DOT FOR TRANSPORTATION CAPITAL GRANT – HN-08-15

By Koehler/Lewis:

WHEREAS, the City of Hornell has been approved for a grant of funds by the New York State Department of Transportation, pursuant to §5311, Title 49, United States Code for a project described as the purchase of five buses for Hornell Area Transit;

WHEREAS, the City of Hornell and the State of New York are entering into an Agreement which authorizes the undertaking of the Project and payment of the Federal and State shares for the project;

RESOLVED, that Mayor Shawn D. Hogan is authorized to sign:
Any and all Agreements between the City of Hornell and the State of New York for the above-named Project;
Any and all Agreements between the City of Hornell and any third-party subcontractors necessary to complete the Project;
Any and all agreements between the City of Hornell and any vendor for the purchase and/or installation of vehicles and/or equipment or facilities; and,
FURTHER RESOLVED, that the City of Hornell certifies through this Resolution that the estimated share of $32,410 is committed to this Project from
Carried – Ayes all (8)
Absent – Sciotti, Foreman (2)

ON THE QUESTION: The City applied two years ago for three buses, but received no word, Mayor Hogan said. Last year, the City applied for two buses. This agreement would provide five new buses for HAT's aging fleet. The City will begin the procurement process through state bid or the City's own bid, the Mayor said. He reminded aldermen not to confuse this grant with another §5311 grant the City received for operating assistance.

PETITIONS: None.

CLAIMS: None.

NEW & UNFINISHED BUSINESS:

Mayor Hogan said he had just returned from a Chinese New Year festival at the Board of Education building, with kindergarten and high-school students in the Mandarin Chinese program. “It’s really amazing,” he said of the program, adding, “It shows you how our world shrinks daily.” Hornell High School has 12 international students. The City’s largest employer is a U.S. subsidiary of a large French company, Alstom. “We are a global community,” he said.

Mayor Hogan announced he would go to Albany the next day to meet with the state Comptroller to discuss pension costs and other mayoral issues.

Mayor Hogan said he would begin contract negotiations soon with the unions representing City Hall employees, the Department of Public Works, and the police department.

Alderwoman Shepard asked what would happen next with the Lowe’s project. Mayor Hogan said the North Hornell Village Board soon is expected to authorize Mayor John Falci to sign the agreement. At any rate, Mayor Hogan said, the agreement has to be signed by March 11.

By Shepard/Flaitz:
RESOLVED, that the Common Council adjourn at 7:
42 p.m.
Carried – Ayes all (
8)
Absent – Sciotti, Foreman

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Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk