

**REGULAR** meeting of the Hornell Common Council was held on Monday, July 23, 2012, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

**PRESENT:** Mayor Shawn D. Hogan; Aldermen Murray, Harkenrider, Foreman, Bacon, Lehman, Buckley and Carbone; City Attorney Joe Pelych, Stenographer Karen Schu and Deputy City Clerk Tina Lee.

**AND FROM THE MEDIA:** Christine Loman, Evening Tribune.

**ALSO PRESENT:** City Chamberlain Michele Smith and Eileen Lehman.

**ABSENT:** Aldermen Brown, Sciotti and Bassage

**INVOCATION:** Rev. Jerry Springston

**PLEDGE TO THE FLAG:** Alderman Randy Harkenrider

By: Lehman/Bacon

**RESOLVED**, that the minutes of the Common Council meetings of June 25, 2012 be approved as read.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Buckley/Murray

**RESOLVED**, that the Reports of Officers be accepted and placed on file.

**REPORTS FILED:** Gen. Fund Exp. – 6/2012; Water Fund Exp. – 6/2012; City Clerk – 6/2012; Humane Society – 6/2012; Gen. Fund Rev. – 6/2012; Water Fund Rev. – 6/2012; BPS Minutes – 4/16/12; HPD – 6/2012; Code Enforcement – 6/2012; Fire & Ambulance – 6/2012; BPW Minutes – 6/21/12; DPW – 6/2012; Petro Tank Insp. – 7/2/12; WPCP – June 2012; WTP – 6/2012; Project Summary Report – 7/19/12.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Bacon/Carbone

**RESOLVED**, that the Reports of Committees be accepted and placed on file.

**Audit Committee**

July 19 2012

To the Honorable Shawn D. Hogan, Mayor  
And  
Members of the Common Council

Ladies and Gentlemen:

Bills were audited and approved on Wednesday, July 18th, 2012 and Thursday, July 19th, 2012, by Audit Committee members Jim Bassage, Randy Harkenrider and by Audit Committee Chairman John Carbone.

Bills audited and approved:

CC	\$357,492.88
CD	\$ 15,338.00
PAYROLL	\$ 91,507.80
TOTAL	\$464,338.68

Respectfully submitted,

John Carbone, Chairman  
Audit Committee

### **Law & Ordinance Committee**

June 27, 2012  
Hon Mayor Shawn D Hogan  
Members of the Council

Ladies & Gentlemen:

**The Law & Ordinance Committee** met on Wednesday June 27, 2012, at 6:00pm at City Hall. Members present were Aldermen Brown, Sciotti, Buckley, Harkenrider, Bacon and Murray. Other attendees included Mayor Hogan, City Attorney Joe Pelych, and members from the Hornell Area Humane Society, Gary Hadsell from Canisteo, two local residents and Andrew Poole from the Evening Tribune.

#### **Items discussed:**

1. A general discussion on domestic and feral cats in the City of Hornell included:
  - Current status of the Trap, Neuter, Release (TNR) program
  - Methods of identifying registered neutered cats. (collars or micro chips)
  - Cost for cat owners to have their cats neutered and vaccinated
  - What the town of Savona is currently doing to handle this problem
  - Property destruction done by domestic and feral cats.
2. City Attorney Joe Pelych will review some of the current Cat Nuisance laws from other communities and draft a law for the City. That draft will be discussed at our next meeting.
3. The Committee voted to approve the placement of 'No Parking' signs on both sides of Adsit Place affective when Adsit Place becomes a two way street.
4. The need for a 'Stop' sign at the corner of Rose and Orchard Streets.
5. Adding two more 'Stop' signs at the corner of Church and Bennett Street, making that a four way stop. Chief Murray will get back to this committee with his recommendations.
6. The Mayor stated that there will be a review of all 'No Parking' signs placed in the City.
7. A date will be announced for the next Committee Meeting once Joe Pelych has drafted a 'Cat' law.

There being no further business, the meeting adjourned at 6:45pm

Respectfully submitted,

Bob Murray, Chairman

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Buckley/Murray

**HN-12-44 RE-APPOINT MELISSA LOGAN FHA/ADA COORDINATOR**

**RESOLVED**, that the Common Council does hereby re-appoint Melissa Logan as the Fair Housing Officer/ADA (Americans with Disabilities Act) Coordinator for the City of Hornell for the 2012-13 year.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Murray/Lehman

**HN-12-45 NYS Main St. Program Funding**

**RESOLVED**, that the Common Council of the City of Hornell hereby supports the 2012 application for New York State Main Street Program funding in order to assist building and business owners in the Main Street area with renovations, with funding available up to \$150,000 per building not to exceed 75% of the total cost.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor's Planning Office is hereby authorized as the official representative of the City to execute and submit a New York State Main Street application for the Fiscal Year 2012 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Bacon/Buckley

**HN-12-46 Capital Assistance - HAT**

**Whereas** the City of Hornell has been approved for a grant of funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code, for a project described as Capital Assistance.

**Whereas**, the City of Hornell and the State of New York are entering into a 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:

- 1) Any and all Agreements between the City of Hornell and the State of New York for the above named Project;
- 2) Any and all Agreements between the City of Hornell and any third party subcontractors necessary to complete the Project;
- 3) 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

**Now Therefore Be It Resolved** that the Common Council of the City of Hornell certifies through this Resolution that the estimated local share of \$22,781 is committed to this Project from Hornell Transit Authority Budget.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Sciotti/Brown

**HN-12-47 Support YMCA Funding Application**

**WHEREAS**, The Hornell YMCA has submitted a Consolidated Funding Application to secure funds to complete the new swimming pool.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Hornell hereby supports the Consolidated Funding Application and the efforts of the YMCA as they continue efforts to provide Hornell with wellness programs in our community by securing funds to complete the new pool.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Carbone/Buckley

**HN-12-48 Appoint Mark Labanoski ZBA Chairman**

**RESOLVED**, that Mark Labanoski, of 25 Shamrock Lane, Hornell, is hereby appointed Chairman of the City of Hornell Zoning Board of Appeals.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Buckley/Murray

**HN-12-49 BAN – Grand St. Bridge**

(A RESOLUTION AUTHORIZING THE ISSUANCE OF \$800,000 SERIAL BONDS OF THE CITY OF HORNELL, STEUBEN COUNTY, NEW YORK, TO PAY COSTS OF THE REPLACEMENT OF THE GRAND STREET BRIDGE, IN AND FOR SAID CITY.)

**WHEREAS**, all conditions precedent to the financing of the capital item hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

**WHEREAS**, it is now desired to authorize the financing of such capital item;

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Hornell, Steuben County, New York, as follows:

Section 1 For the specific object or purpose of paying the cost of the replacement of the Grand Street Bridge, in and for said City, including incidental costs and expenses in connection therewith, there are hereby authorized to be issued \$800,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2 It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is hereby determined to be \$1,327,486.20, which specific object or purpose is hereby authorized at said maximum estimated cost, and the plan for the financing thereof is: (i) by the issuance of the \$800,000 bonds of said City authorized to be issued pursuant to this bond resolution; (ii) by the issuance of \$180,000 bonds authorized for engineering expenses in connection therewith, pursuant to a bond resolution dated June 30, 2010, and (iii) by the application of grants-in-aid to fund the balance of such project costs; **PROVIDED, HOWEVER**, that to the extent that any additional grants-in-aid are received for such specific object or purpose or the City, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3 It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose, including the engineering expenses, is twenty years, pursuant to subdivision 10 of paragraph (a) of Section 11.00 of the Local Finance Law,

Section 4 The faith and credit of said City of Hornell, Steuben County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid therefrom, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5 Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Chamberlain, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Chamberlain, consistent with the provisions of the Local Finance Law.

Section 6 The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Chamberlain, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the City Chamberlain shall deem best for the interests of the City.

Section 7 All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, and also including the consolidation with other issues, shall be determined by the City Chamberlain.

Section 8 The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9 This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10 This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

By: Carbone/Bacon

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$464,338.68 as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council

\$357,492.88

Community Development	\$ 15,338.00
Payrolls	<u>\$ 91,507.80</u>
<b>TOTAL</b>	<b><u>\$464,338.68</u></b>

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

**NEW & UNFINISHED BUSINESS: -**

- Work continues on Elizabeth St. Crews have prepped and formed the base.
- The paths at Veterans' Memorial Park were repaved in June. Cost of the paving was \$33,000.
- Alderman Buckley asked about the possibility of repaving Crosby St. Mayor Hogan responded that a 1 inch covering for patching is possible.
- The House at 37-39 Washington St. has been demolished.
- Codes have been working with the owner of 151 Thacher St. (property was damaged in a fire last year). They are considering removing the second floor and keeping the ground floor.
- Mayor Hogan encouraged aldermen to read an article on abandoned properties on [NewYorkwired.com](http://NewYorkwired.com).
- Hogan commended new City Chamberlain Michele Smith on the fine job she has done.
- Hogan also recognized the new Evening Tribune reporter, Christine Loman, originally from Greece, NY. He wished Andrew Poole the best of luck. Poole was great to work with and will be missed.
- Alderman Buckley commended Bud Burdett on the great job he has done dealing with code issues in the 9<sup>th</sup> Ward and his accessibility to the aldermen.

By: Carbone/Bacon

**RESOLVED**, that the Common Council adjourn at 7:50 p.m.

Carried – 7

Absent – 3 (Brown, Sciotti, Bassage)

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SHAWN D. HOGAN  
DEPUTY MAYOR

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TINA M. LEE  
DEPUTY CITY CLERK