

REGULAR meeting of the Hornell Common Council was held on Tuesday, May 27, 2008, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Honorable Shawn D. Hogan, Mayor; Aldermen Flaitz, Koehler, Sciotti, Foreman, Testani, Lewis, and Carbone; City Attorney Joseph Pelych; and City Clerk Robert J. Roberts.

AND FROM THE MEDIA: Bob Clark of The Evening Tribune.

ALSO PRESENT: Deacon Bob McCormick; Johnny Buckley; County Legislator Randy Weaver; and Hornell High School students Katie Cady, James Hulbert, Joshua Matteson, Bailey Grillo, Ashley Sirianni, Michelle Kubiak, Eric Davidson, Katie Mauro, Rae Easton, Ian Schu, Shawna McNeil, and Shawn Walsh.

ABSENT: Alderman Hann and Stenographer Schu, due to illness; Aldermen Norton and Shepard.

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

PLEDGE TO THE FLAG: City Clerk Roberts.

By Foreman/Flaitz:

RESOLVED, that the minutes of the public hearing and Common Council meeting of May 12, 2008, be approved as read.

Carried – Ayes all (7)

Absent – Norton, Shepard, Hann (3)

By Koehler/Carbone:

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

Carried – Ayes all (7)

Absent – Norton, Shepard, Hann (3)

REPORTS FILED: BPW Minutes 4/23/2008; DPW 4/2008; Sewer 4/2008; WPCP 4/2008; WTP 4/2008; LaBella 4/2008; Library Minutes 4/21/2008.

REPORTS OF COMMITTEES:

May 21, 2008

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

Ladies and Gentlemen:

The Audit Committee met and audited bills at 7 p.m. Tuesday, May 20, 2008. Bills were audited and approved by members Jean Shepard and Chris Koehler, Chairman. Joe Testani read the bills at 3:45 p.m. May 21, 2008. Bills audited and approved:

CC	\$ 311,729.94
CD	49,286.97
PAYROLL	88,492.61
TOTAL	\$ 449,509.52

Respectfully submitted,
Christopher Koehler, Chairman
Audit Committee

By Lewis/Koehler:

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

Carried – Ayes all (7)

Absent – Norton, Shepard, Hann (3)

RESOLUTIONS:

#1 – LOCAL LAW #4 OF 2008 – HN-08-34

By Lewis/Koehler:

LOCAL LAW #4 OF 2008

A LOCAL LAW AMENDING A SECTION IN THE ZONING ARTICLES OF THE CITY OF HORNELL, NEW YORK

WHEREAS, the steady increase in the costs of building supplies and labor have made some monetary amounts cited in the Zoning Codes of the City of Hornell unrealistically low in terms of construction costs; and,

WHEREAS, the City of Hornell Codes Enforcement Office has recommended a change to be made in the section detailing applicability of review requirements; and,

WHEREAS, a public hearing was held in the City of Hornell, New York, on May 27, 2008, at 6:45 p.m. and notice of the hearing was published beforehand in The Evening Tribune;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby approves amends §315-37.C(c) of the Codes of the City of Hornell to read as follows:

“Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25 percent and having a cost value of less than \$35,000.”

Carried – Ayes all (7)

Absent – Norton, Shepard, Hann (3)

ON THE QUESTION: Mayor Hogan noted this revision was necessary to adjust for the increased expense of construction.

#2 – TRANSFER OF FUNDS – HN-08-39**By Foreman/Carbone:**

WHEREAS, the following transfers must be made to close out the appropriation accounts for Fiscal Year 2007-2008,

NOW, THEREFORE, BE IT RESOLVED, that the following transfers be hereby approved:

FROM AMT.		TO	
SERIAL BONDS INT. A9710.7		SERIAL BONDS-PRINCIPAL	A9710.6
\$55,000.00			
“	“	CHAMB. PER. SERVICES	A1325.1 \$
7,043.12			
“	“	FIRE MISC.	A3410.49 \$
21.00			
“	“	CITY ATTY PERS. SERV.	A1420.1 \$
8.78			
“	“	POOL MAT & SUPP.	A7180.41 \$
2.27			
STATE RETIREMENT A9010.8		HAT CONT. SERVICES	A5630.4
\$50,003.27			
“	“	PLANNING CONT. SERVICES	A8010.46 \$
5,837.00			
HOSP.&MED. INSUR. A9060.8		WORKER’S COMP.	A9040.8
\$31,382.43			
“	“	SOCIAL SECURITY	A9030.8
\$13,121.98			
“	“	POLICE MAT & SUPPLIES	A3120.41 \$
3,890.79			
FIRE&POLICE RETIRE.A9014.8		BUILDINGS-UTILITIES	A1620.44
\$10,604.58			
“	“	HAT-PERSONAL SERVICES	A5630.1
\$ 7,723.88			
“	“	HAT-FRINGE BENEFITS	A5630.8 \$
6,352.95			
“	“	STREETLIGHTING	A5182.44 \$
4,631.35			
ELECT-PERS.SERV.A1450.1		UNEMPLOYMENT INSUR. A9050.8	
\$ 5,922.29			
“	“	SEWERS UTILITIES	A8120.44 \$
4,774.23			

“	“	SNOW & ICE PERSONAL A5142.1	\$
3,563.79			
“	“	PARKS PERS. SERVICES A7110.1	\$
3,846.19			
“	“	BUILDINGS-PERS. SERV. A1620.1	\$
694.58			
UNALLOCATED INS .A1910.4		SEWERS PER. SERVICES A8120.1	
\$ 3,643.85			
“	“	LEGISLATIVE BRD. PERSONA. A1010.1	
\$ 2,664.78			
“	“	MAYOR PERS. SERVICES A1210.1	\$
2,590.12			
“	“	GARAGE UTILITIES A5132.44	\$
2,002.30			
“	“	POLICE – EQUIPMENT A3120.2	
\$ 1,797.83			
“	“	PERM. IMP. CONTRACTUAL A5112.4	
\$ 1,747.05			
“	“	BRIDGES MISCELLANEOUS A5120.41	\$
485.56			
“	“	POOL UTILITIES A7180.44	\$
307.52			
AMBULANCE PERS. A4540.1		CENTRAL COMM. SYSTEMS A1640.46	
\$ 1,623.66			
“	“	PARKS UTILITIES A7110.44	\$
1,600.65			
“	“	STREETS EQUIPMENT A5110.2	
\$ 1,566.31			
“	“	STORM SEWERS PERSONAL A8140.1	
\$ 934.95			
“	“	POLICE CONT. SERVICES A3120.46	\$
417.31			
“	“	SEWERS MAT. & SUPPLIES A8120.41	\$
266.11			
“	“	PARKS REPAIRS A7110.47	\$
233.36			
“	“	FIRE CONT. SERVICES A3410.46	\$
233.02			
“	“	PUB. WORKS AD TRAVEL A1490.491	\$
231.74			
PURIFIC. REAL PROP.F8330.491		PURIFICATION UTILITIES F8330.44	
\$11,570.82			
“	“	WATER ADMIN PERS. SERV. F8310.1	

\$ 410.63

TRANS/DIST REAL PR F8340.491 SOURCE SUPPLY MAT&SUPP F8320.41

\$ 9,737.53

“ PURIFICATION MISC. F8330.49 \$
1,080.72

PURIFICATION PERS. F8330.1 TRANS/DIST PERS. SERV. F8340.1

\$ 7,089.58

“ TRANS/DIST MAT. & SUPP. F8340.41 \$
874.77

“ PURIFICATION CONT. SERV. F8330.46 \$
703.49

HOSPITAL&MED INS F9060.8 SERIAL BONDS – INTEREST F9710.7

\$ 5,678.55

“ WATER ADMIN-MISC/TAXES F8310.49
324.42

SOURCE SUPP-RPTAX F8320.49 TRANS/DIST MISC. F8340.49 \$
2,514.32

Carried – Ayes all (

7)

Absent – Norton, Shepard, Hann (3)

ON THE QUESTION: Mayor Hogan said this revision came from the City Clerk’s and Chamberlain’s offices to correct overages and balance accounts, as suggested by the City’s auditors. He commended Deputy Clerk Tina Lee for “staying atop of it.” Mayor Hogan said it appears the 2007-08 City budget will end up with a larger fund balance because there was no overspending and because revenues came in almost as expected. Drescher & Malecki auditors will audit the City in July, with a final report expected in the fall; Mayor Hogan said he will ask to have the audit sooner than that. Alderman Carbone asked about the workers’ compensation line item, and Mayor Hogan explained how it works.

#3 – AUTHORIZE MAYOR TO SIGN TRANSPORTATION GRANTS AGREEMENT – HN-08-40

By Carbone/Sciotti:

(A resolution authorizing the filing of three applications for the New York State Department of Transportation, Transportation Enhancement Program Grant, a signing of the associated state contracts, under the appropriate laws of New York State.)

WHEREAS, the State of New York provides financial aid for municipal transportation projects; and

WHEREAS, the City of Hornell (herein called the MUNICIPALITY), has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file applications under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK (herein called the STATE), and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Hornell:

That the filing of applications in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said applications is hereby authorized.

That Shawn D. Hogan is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the applications and to provide such additional information as may be required and to sign the resulting contracts if said applications are approved by the STATE;

That the MUNICIPALITY agrees that it will fund its portion of the cost of said Transportation Enhancement Program(s).

That this resolution shall take effect immediately.

Carried – Ayes all (7)

Absent – Norton, Shepard, Hann (3)

ON THE QUESTION: Mayor Hogan explained that this Transportation Enhancement Agreement (TEA) is the same used to enhance the northern entrance to the City. This resolution authorizes the Mayor to seek grant funding for three projects: 1) a similar improvement to the southern end of the city; 2) a similar improvement to the western entrance of the City [on Rt. 21, from Alfred]; and, 3) expanding the Shawmut Park paved walking trail to Webbs Crossing.

#4 – AUTHORIZE MAYOR TO SIGN LOWE’S CONSERVATION EASEMENT – HN-08-41

By Flaitz/Foreman:

WHEREAS, the project to develop a Lowe’s Home Center in the City of Hornell is deemed to be beneficial to the City of Hornell and its residents due to the employment and sales-tax revenues it will generate; and,

WHEREAS, the attached Conservation Easement and Acceptance is necessary for the Lowe’s development project to move forward; and,

WHEREAS, the Conservation Easement and Acceptance has been reviewed for form and content by the City Attorney and approved;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby authorizes Mayor Shawn D. Hogan to sign the Conservation Easement and Acceptance.

Carried – Ayes all (7)

Absent – Norton, Shepard, Hann (3)

ON THE QUESTION: Mayor Hogan said he had City Attorney Pelych review the easement, which he said ensures 19 acres of the development will be maintained as wetlands. “We are stewards of this property on the behalf of Lowe’s,” he explained. This step is necessary to have the Army Corps of Engineers issue a permit, Mayor Hogan added. “When you displace wetlands,” he said, “you have to replace it with an equal amount”

PETITIONS: None.

CLAIMS:

By

- **Koehler/Lewis:**
NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$449,509.52, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$	311,729.94
CD	\$	49,286.97
Payrolls	\$	88,492.61
TOTAL	\$	449,509.52

Carried – Ayes all (7)
Absent – Norton, Shepard, Hann (3)

NEW & UNFINISHED BUSINESS:

Mayor Hogan reminded Council members to attend the kickoff update of the Community Master Plan for the City of Hornell from 9:30 a.m.-noon on Saturday, June 7, at City Hall. It was last done about six years ago, he said. This time, officials and residents will review what has been accomplished, and will “get people thinking and brainstorming,” he said. City department heads have been mandated to appear, he said.

By

Carbone/Flaitz:

RESOLVED, that the Common Council adjourn at 7:25 p.m.

Carried – Ayes all (7)

Absent – Norton, Shepard, Hann (3)

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk