

REGULAR meeting of the Hornell Common Council was held on Monday, Aug. 18, 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, Sciotti, Foreman, 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 of The Evening Tribune.

ALSO PRESENT: The Rev. Michael Childs; Joseph J. Duffy.

ABSENT: None.

INVOCATION: The Rev. Michael Childs of First Baptist Church.

PLEDGE TO THE FLAG: City Clerk Roberts.

By Carbone/Koehler:

RESOLVED, that the minutes of the Common Council meeting of July 28, 2008, be approved as read.

Carried – Ayes all (10)

Absent – None

By Shepard/Lewis:

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

Carried – Ayes all (10)

Absent – None

REPORTS FILED: City Clerk 7/2008; General Fund Expenditures 7/2008; Water Fund Expenditures 7/2008; General Fund Revenues 7/2008; Water Fund Revenues 7/2008; BPS Minutes 7/102/2008; BPS Special Meeting Minutes 8/4/2008; HPD 7/2008; Codes 7/2008; HFD 7/2008; BPW Minutes 7/17/2008; DPW 7/2008; Sewer 7/2008; WPCP 7/2008; WTP 7/2008; River St. Bridge Minutes 7/31/2008; LaBella 7/2008; and Humane Society 7/2008.

REPORTS OF COMMITTEES:

Aug. 13, 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. Wednesday, Aug. 13, 2008. Bills were audited and approved by members Glenn Hann, Jean Shepard, and Chris Koehler, Chairman. Bills audited and approved:

CC	\$ 199,489.28
CD	25,993.50
PAYROLL	145,356.09
TOTAL	\$ 370,838.79

Respectfully submitted,
Christopher Koehler, Chairman
Audit Committee

By Koehler/Flaitz:

RESOLVED, that the Reports of Committees be accepted and placed on file.
Carried – Ayes all (10)
Absent – None

RESOLUTIONS:

#1 – LOCAL LAW #5 OF 2008 [ALTERNATIVE VETERANS TAX EXEMPTION] – HN-08-52

By Lewis/Koehler:

LOCAL LAW #5 OF 2008

WHEREAS, the Common Council for the City of Hornell wishes to recognize the efforts put forth by veterans; and,

WHEREAS, the state law allows the City of Hornell to grant a partial exemption to said veterans;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Local Law No. 5 of 2008 is hereby adopted and enacted as follows:

SECTION 1 – LEGISLATIVE INTENT

It is the legislative intent of the within Local Law to exercise the option relative to limitations of the exemption of taxation as provided in Real Property Tax Law Section 458-a(2)(d)(ii) so as to permit the maximum exemption allowable in Real Property Tax Law Section 458-a(2), Paragraphs “a”, “b”, and “c” to be limited to \$9,000.00, \$6,000.00, and \$30,000/00, respectively.

SECTION 2 – ELECTION OF LIMITATIONS REDUCING THE MAXIMUM EXEMPTION

The maximum exemption allowable in Paragraphs “a”, “b”, and “c” of Subdivision 2 of the Real Property Tax Law Section 458-a be and the same hereby are established at \$9,000.00, \$6,000.00, and \$30,000.00, respectively.

SECTION 3 – EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage, subject to Real Property Tax Law Section 458-a(4).

Carried – Ayes all (10)

Absent – None

ON THE QUESTION: Mayor Hogan reviewed the sliding scale of exemptions based on level of disability. He said this proposed Local Law was worked out after review with Steuben County Real Property Tax Service, and the City Assessor and City Attorney. Both Local Laws were delivered to Council members more than a week prior, he added.

#2 – LOCAL LAW #6 OF 2008 [COLD WAR VETERANS TAX EXEMPTION] – HN-08-53

By Hann/Shepard:

LOCAL LAW #6 OF 2008

WHEREAS, the Common Council for the City of Hornell wishes to recognize the efforts put forth by the veterans of the Cold War; and,

WHEREAS, the state law allows the City of Hornell to grant a partial exemption to said veterans;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Local Law No. 6 of 2008 is hereby adopted and enacted as follows:

SECTION 1 – LEGISLATIVE INTENT

It is the legislative intent of the within Local Law to adopt a Local Law to provide a qualified owner an exemption for qualifying residential real property from taxation to the extent of 15 percent of the assessed value of such property, which exemption shall not exceed \$9,000.00 and, in addition, to provide a disability exemption to the multiple of 50 percent of the disability rating, not to exceed \$30,000.00, all as set forth in the Real Property Tax Law, Section 458-b.

SECTION 2 – COLD WAR VETERANS EXEMPTION

As is authorized by Real Property Tax Law, Section 458-b, the City of Hornell does hereby provide that qualifying residential real property shall be exempt from taxation to the extent of 15 percent of the assessed value of such property; provided, however, that such exemption shall not exceed \$9,000.00 or the product of \$9,000.00 multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

In addition, as is authorized by Real Property Tax Law 458-b, to the exemption provided by Paragraph (a) of this Subdivision, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50 percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$30,000.00, or the product of \$30,000.00 multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 3 – EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage, subject to

Real Property Tax Law Section 458-b.
Carried – Ayes all (10)
Absent – None

ON THE QUESTION: Alderman Koehler asked if an eligible resident could get both the veterans' tax exemption and the senior citizens' tax exemption. Mayor Hogan said it was possible, but noted that the latter was only given to those with income levels below \$15,000.

PETITIONS: None

CLAIMS:

By Koehler/Shepard:

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$370,838.79, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

	Common Council	\$	199,489.28
CD		\$	25,993.50
	Payrolls	\$	145,356.09
	TOTAL	\$	370,838.79

Carried – Ayes all (10)
Absent – None

NEW & UNFINISHED BUSINESS:

- Mayor Hogan noted Council members' packets contained a letter from him to City department heads, noting Gov. Patterson's proposal to cut state aid to municipalities by 6 percent, or an estimated \$100,000 in the City of Hornell. "The tax burden would be onerous, to say the least," Mayor Hogan said in reviewing the effect of the Governor's proposal. He said that while he does not criticize what programs New York State funds, the State does spend "way too much money." The City was able to stabilize its budget and have a total tax rate increase of less than 1.3 percent the past three years because it had the State AIM funds. Now, the Mayor said, the City will not count on the \$100,000 next year, although he added it would be unlikely the State will cut what already has been promised this year. Alderwoman Shepard wondered

where revenue given to municipalities goes after it is cut by federal and state governments.

- Alderwoman Shepard asked if the River Street Bridge still is expected to be open by Labor Day. Mayor Hogan replied affirmatively.
- Mayor Hogan asked for an executive session of the Council's Finance Committee after the regular meeting of the Council, in order to discuss negotiations and a possible settlement with the Hornell Police union.

By

Shepard/Flaitz:

RESOLVED, that the Common Council adjourn at 7:37 p.m.

Carried – Ayes all (10)

Absent – None

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk