

**REGULAR** meeting of the Hornell Common Council was held on Monday, September 9, 2013, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

**PRESENT:** Mayor Shawn D. Hogan; City Attorney Joe Pelych; Aldermen Murray, Brown, Harkenrider, Sciotti, Lehman, Buckley and Carbone, City Clerk Barbara Perrott.

**ALSO PRESENT:** Eileen Lehman, City Chamberlain Michele Smith, one high school student, Jeff Cole from the Evening Tribune and Brian O'Neil from WLEA.

**ABSENT:** Alderman Foreman, Bacon, Bassage

**INVOCATION:** Pastor Bliss, Free Methodist Church

**PLEDGE TO THE FLAG:** Mayor Shawn Hogan

By: Carbone/Lehman

**RESOLVED**, that the minutes of the Common Council meetings of August 19, 2013 be approved as read.

Carried – 7

Absent – 3(Foreman, Bacon, Bassage)

By: Buckley/Sciotti

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

**REPORTS FILED:** City Clerk-8/2013; Gen. Fund Exp.-8/13; Water Fund Exp.-8/13; Gen. Fund Rev.-8/13; Water Fund Rev.-8/13; Humane Society-8/2013; Municipal Shelter Inspection Rpt.-8/29/13

Carried – 7

Absent – 3(Foreman, Bacon, Bassage)

By: Lehman/Sciotti

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

September 9, 2013

Hon Mayor Shawn D Hogan  
Members of the Council

Ladies & Gentlemen:

**The Law & Ordinance Committee** met on Monday September 9, 2013 at 6:15pm at City Hall. Members present were Aldermen Lehman, Sciotti, Buckley, Brown, Harkenrider, and Murray. Mayor Hogan and Jeff Cole from the Hornell Evening Tribune also attended the meeting.

**Items discussed:**

1. The City's agreement with the Humane Society expired 8/31/13. The committee decided that since the new 'Cat Nuisance Law' does not go into effect until January 1<sup>st</sup> 2014 and cat owners have not registered their cats yet; we would extend the Humane Society's contract until 3/31/14. At that time the contract with the Humane Society will be reviewed.  
Motion approved by Lehman and seconded by Brown. Vote: all ayes
  
2. Alderman Buckley's proposal for smoke free school bus stops. The committee agreed to this proposed ordinance that would only be enforceable during the times that the bus stops were being used. (approximately 10-15 minutes in the morning and afternoon) It was agreed that City attorney would be given the task of drawing up a rough draft of this new ordinance and present it at the next L&O Committee meeting.  
Motion approved by Lehman and seconded by Brown. Vote: all ayes
  
3. Alderman Buckley made a request that a three way STOP be placed at the intersection of West Pine Street and Grand Street. This request will be sent to Chief Murray for his recommendation.

There being no further business, the meeting adjourned at 6:56pm. Next meeting TBA.

Respectfully submitted,

Bob Murray, Chairman

Carried – 7

Absent – 3(Foreman, Bacon, Bassage)

By: Sciotti/Brown

**HN-13-47**

**RESOLVED**, that the Common Council does hereby re-appoint Gerald Pieklo as the Sole Assessor for the term October 1, 2013 through September 30, 2019.

Carried – 7

Absent – 3(Foreman, Bacon, Bassage)

Mayor Hogan explained that this appointment is required by RPTL (Real Property Tax Law) and that although it is a 6-year appointment, Jerry will not be staying that long. Alderman Brown asked if anyone is being trained to fill the position and the Mayor state that Cindy Burdell has been going to training and has expressed an interest in it.

BY: Buckley/Sciotti

**HR-13-48**

**RESOLVED**, that the City of Hornell Common Council hereby approves a three-year contract between the City of Hornell and the Hornell Police Association, retro to April 1, 2013 and ending March 31, 2016.

Carried – 7

Absent – 3(Foreman, Bacon, Bassage)

BY: Murray/Brown

**HR-13-49**

(A RESOLUTION AUTHORIZING THE RECONSTRUCTION OF THE WASTEWATER TREATMENT PLANT IN AND FOR THE CITY OF HORNELL, STEUBEN COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$2,150,000 AND AUTHORIZING THE ISSUANCE OF \$2,150,000 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF.)

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Hornell, Steuben County, New York, as follows:

Section 1. The reconstruction of the Wastewater Treatment Plant in and for the City of Hornell, Steuben County, New York, being replacement of the aeration basins, including original furnishings, equipment, machinery, apparatus and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$2,150,000.

Section 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under regulations of the State of New York, promulgated under the State Environmental Quality Review Act, which, by definition therein, will not have a significant adverse impact upon the environment.

Section 3. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$2,150,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. 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 bonds 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 bonds becoming due and payable in such year. 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 bonds as the same become due and payable.

Section 6. 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 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Chamberlain, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Chamberlain shall determine consistent with the provisions of the Local Finance Law. The City Chamberlain is hereby further authorized, in substitution for the serial bonds herein authorized, to enter into a lease purchase transaction for the financing of said specific object or purpose, after compliance with 2 NYCRR Section 39.2, pursuant to the provisions of Section 109-b of the General Municipal Law.

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. The City Chamberlain is hereby further authorized, at his/her sole discretion, to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. 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 finding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City for such purpose, 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(Foreman, Bacon, Bassage)

**NEW & UNFINISHED BUSINESS: -**

- Mayor Hogan noted that copies of the proposed Steuben County Charter had been send to all aldermen. County Administrator Mark Alger and Dep. County Administrator Jack Wheeler have offered to come to a council meeting to explain the charter.
- Wayne Drescher will be at the September 23 meeting to present the audit.

- Work is ongoing with the sewer problem on Elm St. It has been determined that the line from Erie Ave to Jane St. collapsed.
  
- DPW crews are working on changing the corner curbs along River St. to meet ADA guidelines.

By: Carbone/Buckley

**RESOLVED**, that the Common Council adjourn at 7:30 p.m.

Carried – 7

Absent – 3(Foreman, Bacon, Bassage)

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SHAWN D. HOGAN  
MAYOR

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BARBARA M. PERROTT  
CITY CLERK