REGULAR meeting of the Hornell Common Council was held on Monday, Nov. 12, 2007, 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, Shepard, Hann, Lewis, and Carbone; City Attorney Joseph Pelych; Stenographer Karen Schu; and City Clerk Robert J. Roberts.

AND FROM THE MEDIA:
Jen Carpenter of The Evening Tribune and Brian O'Neal of radio station WLEA-AM.

ALSO PRESENT: Johnny Buckley, the Rev. Mike Childs, and Hornell High School students Joe McAneney and Brett Maiello.

ABSENT: Aldermen Foreman and Testani.

INVOCATION: The Rev. Mike Childs, pastor of the First Baptist Church.

PLEDGE TO THE FLAG: City Attorney Pelych.

By Carbone/Hann:

RESOLVED, that the minutes of the Oct. 22, 2007, regular meeting be approved as read.
Carried – Ayes all (8)
Absent – Foreman, Testani (2)

By Flaitz/Koehler:

RESOLVED, that the Reports of Officers be accepted and placed on file.
Carried – Ayes all (8)
Absent – Foreman, Testani (2)

REPORTS FILED: Bid Opening Minutes 10/26/2007; City Clerk 10/2007; General Fund Expenditures 10/2007; Water Fund Expenditures 10/2007; General Fund Revenues 10/2007; Water Fund Revenues 10/2007; BPS Minutes 10/11/2007; HPD Report 10/2007; HPD Report 10/2007; Codes Report 10/2007; and Hornell Area Humane Society 9/2007.

REPORTS OF COMMITTEES: None.

RESOLUTIONS:

#1 – LOCAL LAW NO. 3 OF 2007 – HN-07-59

By Shepard/Norton:

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hornell hereby approves the following amendment of the City of Hornell Codes, pertaining to exceptions to the site plan review requirement:
§315-37C[c], to read: "Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 25% and having a cost value of less than $20,000."
This local law shall take effect immediately upon filing with the New York State Department of State.
Carried – Ayes all (
8)
Absent – Foreman, Testani (2)

#2 – APPROVE MEMORANDUM OF UNDERSTANDING WITH NYSDOT – HN-07-60

By Lewis/Carbone:
(This Memorandum of Understanding is by and between the New York State Department of Transportation Residency 6-4, hereinafter referred to as DOT, and the City of Hornell, hereinafter referred to as City.)

Witnesseth

WHEREAS, the DOT is committed to a safe, efficient, balanced, and environmentally sound transportation systems in New York State; and,

WHEREAS, the Hornell Municipal Airport, hereinafter referred to as the Airport, is a part of the state transportation system; and,

WHEREAS, the City owns and maintains the Airport; and,

WHEREAS, the State of New York Department of Transportation owns rights-of-way south and west of the airport; and,

WHEREAS, the Federal Government promulgates laws regulating the airspace of airports and other aviation facilities; and,

WHEREAS, the City desires to maintain the safety of the airport and improve its utility for business and corporate aircraft as related to the aforementioned regulations;

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

ARTICLE I: Term

This Memorandum of Understanding shall commence Nov. 1, 2007, and shall remain in effect until Oct. 31, 2008.

ARTICLE II: Scope of Work

The DOT agrees to allow the City, and its representatives, limited access to lands owned by the State in the vicinity of the Airport for the purpose of vegetation management.

The City agrees to file for and obtain a Highway Work Permit from the DOT and to notify the DOT seven days prior to commencing operations within the DOT right-of-way.

The DOT and City will collaboratively determine the extent of the vegetation management prior to any work within the right-of-way.

Expenses, manpower, and equipment necessary for the accomplishment of the vegetation management will be the responsibility of the City.

ARTICLE III: Termination

This Memorandum of Understanding may be terminated by either party giving the other 30 days advanced written notice of such intent and the reasons thereof. Neither party shall enter into or otherwise create new obligations relative to this Memorandum of Understanding following receipt of such notice, without the written consent of the other party. Both parties agree to enter into good faith negotiations to resolve any differences and provide for an orderly closure of this Memorandum of Understanding if agreement cannot be reached.

ARTICLE IV: Amendments

This Memorandum of Understanding cannot be amended unless agreed to expressly by both parties, subject to all applicable policy and guidance of the respective agencies.

ARTICLE V: Executory Clause

In accordance with §41 of the State Finance Law, DOT shall have no liability under this Memorandum of Understanding to the City or to anyone else for work performed by or on behalf of the City on DOT right-of-way.

In WITNESS WHEREOF, the individuals listed below are authorized to sign and execute this Memorandum of Understanding between the respective agencies, on the date appearing below their respective signatures.

New York State Department of Transportation Residency 6-4

City of Hornell, New York

_____ _____

Joseph Miletti, Resident Engineer Shawn Hogan, Mayor

Date:

Date:_____

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

ON THE QUESTION:

- Mayor Hogan said the DOT has identified obstacles in the flight path – primarily trees – at the City airport. Many trees must be trimmed down, the Mayor said, with permission of the DOT. A benefit to vegetation management is that it effectively lowers the ceiling for approaching aircraft to 250 to 300 feet [as opposed to 1,200 feet if there is cloud clover], and allowing for instrument approach rather than simply visual

approach.
PETITIONS: None

CLAIMS: None

NEW & UNFINISHED BUSINESS:

Mayor Hogan noted there is just one meeting in December, on the 17th. Because that is the third Monday, the Audit Committee will have to meet earlier.

- At the Council's Nov. 26 meeting, Wayne Dresher will be present to review findings of the annual City audit. The meeting will begin a half-hour earlier than normal, at 6:30 p.m. The Mayor also said there will be a resolution to accept Mr. Dresher's findings.

- Mayor Hogan advised aldermen to look at the work being undertaken at Shawmut Park.

- Alderwoman Shepard asked about printed reports about changes in the Hornell Police Department. Mayor Hogan explained that the 11 p.m.-7 a.m. "graveyard" shift at the PD would have an officer taken off the desk and put on patrol. Steuben County 911 would handle calls during that time, although a Hornell officer will be in the station if there is a suspect locked up. Alderman Norton said a similar approach has been taken by the Bath Village Police Department, by the New York State Police, and by the Steuben County Sheriff's Department, and that it has "worked out well." Alderwoman Shepard asked if the 11 p.m.-7 a.m. shift was the busiest for the police department, and was told by Mayor Hogan that the 3-11 p.m. shift is "by far the busiest in the Police Department." City Attorney Pelych said the 3-11 p.m. shift "handles more stuff than the others combined." If the City adopts this, Mayor Hogan said, an on-call phone box would be placed at the side of the Police Department for people who need to summon police during the late hours.

By
Shepard/Flaitz:
RESOLVED, that the Common Council adjourn at 7:16 p.m.
Carried – Ayes all (8)
Absent – Foreman, Testani (2)

Shawn D. Hogan	Robert J. Roberts
Mayor	City Clerk