

REGULAR meeting of the Hornell Common Council was held on Monday, November 18, 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, Harkenrider, Foreman, Lehman, Bassage, Buckley and Carbone, City Clerk Barbara Perrott.

ALSO PRESENT: City Chamberlain Michele Smith, Eileen Lehman, Mike Palmesano, Jim Griffin, Mitch Cornish, 10 high school students, Jeff Cole from the Evening Tribune and Brian O'Neil and Bill Murphy from WLEA.

ABSENT: Alderman Brown, Sciotti and Bacon

INVOCATION: Pastor Cedric Cooper, First Baptist Church

PLEDGE TO THE FLAG: Mayor Shawn Hogan

Mayor Hogan recognized members of the Hornell Girls Soccer team in attendance and congratulated them on a great season and making it to State Finals.

Roll call was taken and Mayor Hogan introduced Mark Darrow, Hornell Site Managing Director for Alstom. Mr. Darrow gave a presentation on the background of Alstom and gave an update on the status and future of the Hornell facility.

By: Buckley/Lehman

RESOLVED, that the minutes of the Common Council meetings of October 28, 2013 be approved as read.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

By: Murray/Buckley

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

REPORTS FILED: Gen. Fund Exp-10/2013; Water Fund Exp.-10/2013; City Clerk-10/2013; Shelter Insp. Rpt.-10/30/13; Library Bd. Of Trustees-9/6/13; Gen. Fund Rev.-10/2013; Water fund Rev.-10/2013; BPS Minutes-10/10/13; Codes-10/2013; Ambulance-10/2013; Police-10/2013; Fire-10/2013.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

By: Harkenrider/Lehman

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

LAW & ORDINANCE:

October 28, 2013

Hon Mayor Shawn D Hogan

Members of the Council

Ladies & Gentlemen:

The Law & Ordinance Committee met on Monday October 28, 2013 at 6:15pm at City Hall. Members present were Aldermen Lehman, Sciotti, Carbone, Buckley, Brown, Harkenrider, and Murray. City attorney Joe Pelych, Mayor Hogan and Jeff Cole from the Hornell Evening Tribune also attended the meeting.

Items discussed:

1. City Attorney Joe Pelych drew up a rough draft of Alderman Buckley's proposal for smoke free school bus stops. The committee agreed that this ordinance would only be enforceable while students are present and for a distance of 30 feet from the bust stop area. The new Smoking Ordinance was approved by the committee pending the above noted changes. (Motion approved by Brown and seconded by Lehman. Vote: all ayes)
2. Alderman Buckley made a request that a three way STOP be placed at the intersection of West Pine Street and Grand Street. After careful analysis of traffic patterns on this street, Chief Murray recommends that a 3 way stop at this intersection would help reduce speeding in this area. The request for a three way stop at this intersection was approved by the committee.
(Motion approved by Brown and seconded by Lehman. Vote: all ayes)

There being no further business, the meeting adjourned at 6:40pm. Next meeting TBA.

Respectfully submitted,

Bob Murray, Chairman

AUDIT COMMITTEE:

November 14, 2013

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

Ladies and Gentlemen:

Bills were audited and approved by Audit Committee Members Jeff Brown, Larry Bacon and Randy Harkenrider and Audit Committee Chairman John Carbone.

Bills audited and approved:

CC	\$385,654.87
CD	\$ 39,515.15
PAYROLL	<u>\$142,378.98</u>
TOTAL	<u>\$567,549.60</u>

Respectfully submitted,
John Carbone, Chairman
Audit Committee

Carried – 7
Absent – 3 (Brown, Sciotti, Bacon)

By: Carbone/Buckley
HN-13-60

WHEREAS the Code Enforcement Office for the City of Hornell has contacted the Common Council and asked to have §178-36 (A) (1) amended as provided below and

WHEREAS the Common Council for the City of Hornell finds that it is in the best interest of the citizens of the City of Hornell to amend the same.

NOW THEREFORE LET IT BE RESOLVED that §178-26 (A) (1) of the City Code of the City of Hornell is hereby amended as follows:

Residential buildings intended for occupancy from **September 15th to May 31st** of the following year shall be provided with equipment designed to maintain a temperature of not less than seventy degrees Fahrenheit (70 F.) at a distance of three (3) feet and more

from exterior walls and at a level of five (5) feet above the floor in habitable spaces, kitchenettes, bathrooms and toilet rooms, The capability of the heating equipment to maintain such indoor temperature shall be based on the average of the recorded annual minimum outside temperatures for the locality.

This act shall take effect immediately.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

Mayor Hogan pointed out that the change is “September” instead of October, as required by State codes.

By: Buckley/Harkenrider

HN-13-61

RESOLVED, that the Common Council of the City of Hornell hereby approves the following Traffic Ordinance Amendment pertaining to Grand Street.

- That stops sign be installed on the northbound and southbound sides of Grand Street at the intersection of West Pine Street.

BE IT FURTHER RESOLVED that these changes are effective immediately and are to be published in the newspaper of record.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

Due to the time involved in purchasing and installing the signs, this ordinance will not be enforced for 30-60 days.

By: Buckley/Murray

HN-13-62

WHEREAS, the Common Council for the City of Hornell has determined that individual smoking at or near school bus stops in the City of Hornell poses a potential threat to the health and safety of the users of said bus stops due to possible exposure to second hand smoke, and

WHEREAS, the Common Council for the City of Hornell wishes to ban the use of tobacco products near school bus stops in the City of Hornell, and

WHEREAS, the Common Council for the City of Hornell believes it will be in the best interests of the citizens of the City of Hornell to ban said use of tobacco at these locations.

NOW, THEREFORE, it is hereby resolved that:

- 1) Section 210-10 of the City Codes of the City of Hornell is hereby created and enacted as follows:
 - a) Smoking and all other tobacco use is prohibited within 30 feet of any and all school bus stops within the City of Hornell while students are present waiting to enter a school bus or discharging from a school bus.
 - b) For the purposes of this section, a school bus stop shall be defined as any location within the City of Hornell where a school bus stops to either pick up or discharge students going to or coming from school and/or school activities.
 - c) A violation of this ordinance shall carry a fine of not less than \$50.00 and no more than \$250.00 for each offense.

Be it further resolved that this ordinance shall go into effect thirty (30) days from the date of approval by the Common Council.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

Alderman Bassage asked how this will be enforced. Mayor Hogan said they will rely on citizen complaints. Alderman Buckley said the Superintendent and Board of Education gave their full support and the district will be sending notices home to parents.

By: Buckley/Carbone

HN-13-63

RESOLVED, that the Common Council does hereby accept the resignation of Sole Assessor Gerald Pieklo effective December 1, 2013.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

By: Murray/Lehman
HN-13-64

RESOLVED, that the Common Council does hereby appoint Larry Fitts as the Sole Assessor to fill the unexpired term of Gerald Pieklo for the period of December 1, 2013 through September 30, 2019.

Carried – 7
 Absent – 3 (Brown, Sciotti, Bacon)

By: Buckley/Murray
HN-13-65

Resolved, that in accordance with the New York State Environmental Quality Review Act (SEQR), the Common Council of the City of Hornell hereby designates itself to serve as lead agency to coordinate the environmental review of the Phosphorus Removal System Construction.

In its capacity of lead agency, the Common Council has caused to be prepared an environmental assessment and potential environmental impact of the above project. The Common Council hereby accepts the environmental assessment of the project prepared by the Mayor's Planning Office.

The Common Council further declares that, based on the environmental assessment, which has been prepared, it finds that this activity is an Unlisted Action under SEQR. The Council further finds that the project will result in no adverse impacts and therefore, will not cause significant damages to the environment.

Therefore, the Common Council has determined that an Environmental Impact Statement will not be required.

Carried – 7
 Absent – 3 (Brown, Sciotti, Bacon)

By: Murray/Buckley
HN-13-66

RESOLVED, that the Common Council of the City of Hornell hereby waives the agenda in order to vote on two SEQRs for the Hornell Municipal Airport.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

By: Murray/Harkenrider

HN-13-67

Resolved, that in accordance with the New York State Environmental Quality Review Act (SEQR), the Common Council of the City of Hornell hereby designated itself to serve as lead agency to coordinate the environmental review of the site evaluation for Lattimer Hill Obstruction Beacon.

In its capacity of lead agency, the Common Council has caused to be prepared an environmental assessment and potential environmental impact of the above project. The Common Council hereby accepts the environmental assessment of the project, prepared by the Mayor's Planning Office.

The Common Council further declares that, based on the environmental assessment, which has been prepared, it finds that this activity is an Unlisted Action under SEQR. The Council further finds that the project will result in no adverse impacts and therefore, will not cause significant damages to the environment.

Therefore, the Common Council has determined that an Environmental Impact Statement will not be required.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

By: Buckley/Lehman

HN-13-68

Resolved, that in accordance with the New York State Environmental Quality Review Act (SEQR), the Common Council of the City of Hornell hereby designated itself to serve as lead agency to coordinate the environmental review of the obstruction study for Runway 18 approach.

In its capacity of lead agency, the Common Council has caused to be prepared an environmental assessment and potential environmental impact of the above project. The Common Council hereby accepts the environmental assessment of the project, prepared by the Mayor's Planning Office.

The Common Council further declares that, based on the environmental assessment, which has been prepared, it finds that this activity is an Unlisted Action under SEQR. The Council further finds that the project will result in no adverse impacts and therefore, will not cause significant damages to the environment.

Therefore, the Common Council has determined that an Environmental Impact Statement will not be required.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

By: Carbone/Murray

Claims

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$567,549.60, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

CC	\$385,654.87
CD	\$ 39,515.15
PAYROLL	<u>\$142,378.98</u>
TOTAL	<u>\$567,549.60</u>

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

New & Unfinished Business:

Mayor Hogan asked the Finance Committee to call a meeting to discuss the budget.

By: Lehman/Foreman

RESOLVED, that the Common Council adjourn at 8:25 p.m.

Carried – 7

Absent – 3 (Brown, Sciotti, Bacon)

SHAWN D. HOGAN
MAYOR

BARBARA M. PERROTT
CITY CLERK