

REGULAR meeting of the Hornell Common Council was held on Monday, Aug. 23, 2004, at 7 p.m. in Council Chambers, 82 Main St., Hornell, N.Y.

PRESENT: Honorable Shawn D. Hogan, Mayor; Aldermen Flaitz, Koehler, Sciotti, Foreman, Testani, Shepard, Smith, Lewis and W. Hogan; City Attorney Joseph Pelych; Stenographer Karen Schu; and City Clerk Robert J. Roberts.

ALSO PRESENT: The Rev. Phillip Kuhn, rector of the Episcopal Tri-Parish Ministry; Bill Dubensky of radio station WLEA; and Kyle Torok of The Evening Tribune.

ABSENT: Alderman Norton, who was out of town.

INVOCATION: The Rev. Phillip Kuhn, rector of the Episcopal Tri-Parish Ministry.

PLEDGE TO THE FLAG: Alderman W. Hogan.

By Koehler/Flaitz:

RESOLVED, that the minutes of the last meeting be approved as read.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

By W. Hogan/Shepard:

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

Carried – Ayes all (9)

Absent – (1) Alderman Norton

COMMITTEE REPORTS

Aug. 19, 2004

TO: The Honorable Shawn D. Hogan, Mayor
And Members of the Common Council

Ladies and Gentlemen:

The Audit Committee met Wednesday, Aug. 18, 2004, at 7 p.m. Bills audited and approved:

CC	\$305,579.01
CD	\$ 33,455.07
PAYROLL	<u>\$ 74,789.61</u>
TOTAL	\$413,823.89

Respectfully submitted,

Christopher Koehler, Chairman
Audit Committee

August 23, 2004

The Law and Ordinance Committee met at 6:45 pm those in attendance were Jean Shepard, Angelo Sciotti, Joe Foreman, Les Lewis. Chairman Bill Norton was on vacation.

Also in attendance: Bill Dubensky of WLEA and Kyle Torok of the Evening Tribune.

Items discussed and or acted upon:

- The Board of Public Safety at the request of Chief Paul Crowe forwarded a proposed parking restriction on Spencer Ave. Paul Crowe recommended that parking from the corner on north side of the street be restricted 55ft rather than the currently ordinance 35 ft. This was recommended to relief traffic congestion.

See attached recommendation from Chief Crowe. Motion was made by Shepard, Seconded by Lewis. Ayes all.

There being no further business, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Shawn D. Hogan, Mayor
for William Norton, Chairman

By Smith/Shepard:

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

Carried – Ayes all (9)

Absent – (1) Alderman Norton

RESOLUTIONS:

#1 – CANCELING TAXES ON THREE PROPERTIES – HN-04-51

By W. Hogan/Shepard:

WHEREAS, the City of Hornell is purchasing the following properties from the County of Steuben:

29 Crosby St.

33-35 Crosby St.

97 Fourth St.

NOW, THEREFORE, BE IT RESOLVED, that the 2004 city taxes owed on the above properties be hereby canceled.

29 Crosby St.	#166.06-02-085	\$1,738.47
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33-35 Crosby St.	#166.06-02-087	66.24
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97 Fourth St.	#166.33-03-009	1,665.66
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Carried – Ayes all (9)

Absent – (1) Alderman Norton

#2 – AUTHORIZE MAYOR FOR TREE GRANT – HN-04-52

BY: Koehler/Flaitz

RESOLVED, that Mayor Shawn D. Hogan is hereby authorized and directed to file an application for 50-percent matching funds in an amount not to exceed \$6,000, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of Hornell for the Maple City Street Tree Program.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

#3 – APPOINT RANDY WEAVER AS ZBA ALTERNATE – HN-04-53

BY: Shepard/Sciotti

RESOLVED, that Randy Weaver, of 88 Genesee St., be appointed as an alternate to the City of Hornell Zoning Board of Appeals, effective Aug. 1, 2004.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

ON THE QUESTION: Alderman Smith asked the length of Randy Weaver's term on the Zoning Board of Appeals, and Mayor Hogan said it probably would be a full, four-year term.

#4 – SEQR ON MARINO'S ON LODER AND MAPLE CITY REPAIR – HN-04-54

BY: Sciotti/Lewis

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 following activities to be undertaken within the City:

- Provision of an economic development loan to assist an entrepreneur to establish a restaurant at 110 Loder Street, to be known as Marino's on Loder Inc.
- Provision of an economic development loan to assist an entrepreneur to establish a car repair and inspection shop at 179 Seneca Street, to be known as Maple City Repair.

In its capacity as lead agency, the Common Council has caused to be prepared an environmental assessment of the significance of and potential environmental impact of this project. The Common Council hereby accepts the environmental assessment of this project, prepared by Stuart I. Brown Associates, Inc. The Common Council further declares that, based on the environmental assessment which has been prepared, it finds that the project will result in no significant damage to the environment. Therefore, the Common Council has determined that an Environmental Impact Statement will not be required and hereby issues a Negative Declaration under SEQR for each project.

Carried – Ayes all (8)

Abstain – Alderman W. Hogan

Absent – (1) Alderman Norton

ON THE QUESTION: By a show of hands, the Common Council approved the abstention of Alderman W. Hogan from the vote because he works part-time for Francis Marino, owner of one of the businesses to receive an economic development loan. In addition, Alderman Sciotti asked if Maple City Repair would fix up the old Citgo Station on Seneca Street, which Mayor Hogan confirmed. Alderman Shepard asked if the work at Maple City Repair will be confined to engine repair, and Mayor Hogan confirmed that it would not include automotive bodywork.

#5 – CONTRACT FOR CATHERINE ST. BRIDGE PROJECT – HN-04-55

BY: Shepard/Smith

WHEREAS, the City of Hornell has been awarded New York State Department of Transportation grant money for the Catherine Street Bridge as an innovative project; and

WHEREAS, the City of Hornell would like assistance in the design and construction of the Catherine Street Bridge;

NOW, THEREFORE, the Common Council, duly convened, does hereby

RESOLVE, that the Common Council authorizes Shawn D. Hogan, Mayor, to enter into a professional contract with McFarland-Johnson for the purpose of assisting the City of Hornell in the design and construction of the Catherine Street Bridge.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

#6 – AUTHORIZE MAYOR TO SEEK AIRPORT GRANT –HN-04-56

BY: Flaitz/Koehler

WHEREAS, the Common Council of the City of Hornell supports the revised Airport Layout Plan for the Hornell Municipal Airport; and

WHEREAS, the City of Hornell wishes to obtain additional Grant monies from the Federal Aviation Administration, under the Airport Improvement Program, to Rehabilitate Obstruction Lighting Beacons and Rehabilitate and Expand Terminal Apron (FAA AIP No. 3-36-0041-15-04); and

WHEREAS, the current budget estimate of professional construction inspection services to Rehabilitate Obstruction Lighting Beacons and Rehabilitate and Expand Terminal Apron is \$63,301, to be shared as follows:

Federal Aviation Administration	\$60,135.95	(95%)
NYS Dept. of Transportation	\$ 1,582.53	(2.5%)
City of Hornell	\$ 1,582.52	(2.5%)
	\$63,301.00	

WHEREAS, the current estimate of probable **TOTAL** cost for design, administration, construction and construction inspection for the Beacon and Apron Rehabilitation is \$409,598.00 +/-, to be shared as follows:

Federal Aviation Administration	\$389,118.10	(95%)
NYS Dept. of Transportation	\$ 10,239.95	(2.5%)
City of Hornell	\$ 10,239.95	(2.5%)
	\$409,598.00	

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of Hornell is hereby empowered to sign contract documents for professional construction inspection services for the project to Rehabilitate Obstruction Lighting Beacons and to Rehabilitate and Expand Terminal Apron at the Hornell Municipal Airport; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Hornell is hereby empowered to execute a Federal Aviation Administration Grant Application and Grant Agreement for the purpose of obtaining Federal and State Aid to Rehabilitate Obstruction Lighting Beacons and to Rehabilitate and Expand Terminal Apron for the Hornell Municipal Airport, with the local share not to exceed \$11,000.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

#7 – WAIVE AGENDA – HN-04-57

BY: W. Hogan/Shepard

RESOLVED, that the Common Council waive the agenda in order to discuss a resolution concerning parking on Spencer Avenue.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

#8 – CHANGE PARKING ON SPENCER AVENUE – HN-04-58

BY: W. Hogan/Shepard

WHEREBY the narrow width of Spencer Avenue and the proximity of parked vehicles frequently create traffic problems on the street for vehicles turning onto the street from Canisteo Street,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell approves increasing the current parking restriction on Spencer Avenue from the present 35 feet to 55 feet along the northerly curb line, from the westerly curb line of Canisteo Street, west to a distance of 55 feet.

This amendment takes effect immediately upon publication.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

PETITIONS: None

CLAIMS:

BY: Koehler/Flaitz

NOW, THEREFORE, BE IT RESOLVED that claims in the amount of \$413,823.89 as audited by the Audit Committee of the Common Council of the City of Hornell be approved and authorized paid as audited.

Common Council	\$ <u>305,579.01</u>
Community Development	\$ <u>33,455.07</u>
Payrolls	\$ <u>74,789.61</u>
 TOTAL	 \$ <u>413,823.89</u>

Carried – Ayes all (9)

Absent – (1) Alderman Norton

NEW & UNFINISHED BUSINESS:

- Mayor Hogan updated the Council on the recently adopted state budget for 2004-05. The budget offers some pension-cost relief to local governments with a January-December fiscal year, according to the mayor, while those with fiscal years that begin July 1 or later will see a “spin-up” in an extra state aid payment in June 2005. However, there is no extra aid for the six cities, including Hornell, that have calendar years that begin between January and June, he said. Mayor

Hogan added that he brought this to the attention of state legislative leaders before the budget was passed, and continues to lobby for help.

- Mayor Hogan discussed the situation involving the City of Hornell's ambulance and the Advisory Council of the Southern Tier Regional Emergency Medical System. The mayor said Fire Chief Vince Kelly first received notice on June 8 from STREMS that the city had to comply with new protocols requiring the city to buy an expensive, more advanced EKG system and/or transport patients directly to angioplasty hospitals in Rochester or Elmira, or lose its Advanced Life Support certification within a matter of weeks. Mayor Hogan said the STREMSAC directive leaves the city little time to retrofit its ambulances, and he said the head of the Emergency Room at St. James Mercy Hospital disagreed with the new STREMSAC protocols. The mayor said he has worked constantly on the issue since it was brought to his attention, and that the city's request will be reviewed in Albany in September.
- Mayor Hogan said the city has decided to lease-purchase a new street sweeper. The present street sweeper, in the eighth year of a 10-year life expectancy, recently had a breakdown in its rear motor, which is estimated to cost \$15,000 to \$20,000 to repair. The new sweeper is expected to arrive in the City of Hornell in the first week of September. Alderman Koehler asked if tickets will still be given out for cars parked illegally, and Mayor Hogan confirmed that the parking ban remains in effect even if the sweeper is not functioning.
- The City of Hornell will receive a \$250,000 grant to refashion Shawmut Park next spring, the mayor reported. Among the items to be addressed are new ball fields, lighting, walking trails, a clean pond, paving of the Shawmut Trail, and possibly extending sidewalks to the park. In response to a question from Alderman Koehler, Mayor Hogan said the site would be staffed.
- In reply to a question from Alderman W. Hogan about the cat population in the city, the mayor said he will ask the Common Council's Finance Committee to consider a \$5,000 account that would help spay stray cats and cats belonging to families that otherwise could not afford the surgery.
- Alderman Koehler asked if there was any progress in getting trees allowed for the new Gateway median project. Mayor Hogan said the state Department of Transportation would allow shrubbery and flowers, but no trees or flagpoles.

By W. Hogan/Testani:

RESOLVED, that the Common Council go into executive session at 7:55 p.m. to discuss an item of litigation.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

By Testani/Shepard:

RESOLVED, that the Common Council come out of executive session at 8:03 p.m.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

By Flaitz/Shepard:

RESOLVED, that the Common Council adjourn at 8:03 p.m.

Carried – Ayes all (9)

Absent – (1) Alderman Norton

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk