REGULAR meeting of the Hornell Common Council was held on Monday, Jan. 28, 2008, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Honorable Shawn D. Hogan, Mayor; Aldermen Flaitz [at 7:03 p.m., due to auto accident], Koehler, Norton, Sciotti, Foreman, Testani, Shepard, Hann, Lewis [at 7:03 p.m., due to helping Alderman Flaitz after auto accident], and Carbone; City Attorney Joseph Pelych; Stenographer Karen Schu; and City Clerk Robert J. Roberts.

AND FROM THE MEDIA: Bob Clarke from The Evening Tribune;

ALSO PRESENT: The Rev. Michael Childs;
Johnny Buckley, St. Ann's School, with Principal Richard Barone, teacher Colleen McDaniels, and parents and students; and, Hornell High School students Stuart McHenry, Christopher Keller, Damian Ahern, Steve Covel, and James Hess.

ABSENT: None.

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

PLEDGE TO THE FLAG: Mayor Hogan.

SPECIAL PRESENTATION:

Mayor Hogan read a proclamation praising St. Ann's School for nearly 150 years of service in Hornell, and declaring Jan. 25-Feb. 1, 2008, to be Catholic Schools Week in the City of Hornell.

By Carbone/Sciotti:
RESOLVED, that the minutes of the Jan. 14, 2008, regular meeting be approved as read.
Carried – Ayes all (10)
Absent – None

By Koehler/Flaitz:

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

REPORTS FILED: BPW Minutes 12/20/2007; DPW Report 12/2007; Sewer Report 12/2007 and Year-End; WPCP Report 12/2007; WTP Report 12/2007; Labella's 12/2007; River Street Bridge Meeting Minutes 1/10/2008; and Bid Opening Minutes 1/24/2008.

REPORTS OF COMMITTEES:

Jan. 24, 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, Jan. 23, 2008. Bills were audited and approved by members Jean Shepard, Glenn Hann, and Christopher Koehler, Chairman. Bills audited and approved:

CC	$724,498.80
CD	6,956.43
PAYROLL	97,976.94
TOTAL	$829,432.17

Respectfully submitted,
Christopher Koehler, Chairman
Audit Committee

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

RESOLUTIONS:

#1 – AUTHORIZE MAYOR TO SIGN MASS TRANSPORTATION AGREEMENT WITH DOT – HN-08-07

By Norton/Sciotti:
WHEREAS, the City of Hornell is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to §5311, Title 49, United States Code, for a project to provide public mass transportation service for operating assistance to provide transportation service in Eastern Allegany County and Western Steuben County by Hornell Area Transit for the 2007-08 and 2008-09 fiscal years; and,
WHEREAS, the City of Hornell and the State of New York have entered into a continuing agreement, which authorizes the undertaking of the Project and payment of the Federal Share, identified as State Contract No. C002457 [2007-08, $47,900; 2008-09, $50,200; total $98,100];
NOW, THEREFORE, BE IT RESOLVED, that Mayor Shawn D. Hogan is authorized to act on behalf of the City of Hornell to sign the application and progress and complete the above-named project.
Carried – Ayes all (10)

Absent – None

ON THE QUESTION: Mayor Hogan said this is the JARC/reverse-commute funding that is now awarded on a competitive basis.

#2 – AUTHORIZE TRANSFER OF FUNDS – HN-08-08

By Flaitz/Koehler:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Hornell, N.Y., that $20,000.00 be taken out of Account No. A9500.9 (Council Contingency), with $10,000.00 transferred to Account No. A1010.46 and $10,000.00 transferred to Account No. A1010.49 (both Legislative Board accounts).
Carried – Ayes all (10)
Absent – None

#3 – DECLARE LEAD AGENCY STATUS FOR CORNING EMPIRE ZONE SEQRA – HN-8-09

By Norton/Foreman:

RESOLVED, that in accordance with the New York State Environmental Quality Review regulations (SEQR), the Common Council of the City of Hornell hereby designates itself to serve as the lead agency to coordinate the environmental review of the proposed changes to the boundary of the Empire Zone, including
The addition of 1.849 acres within the Town of Erwin to support the Corning Inc. expansion in Sullivan Park.
FURTHER RESOLVED, that the Common Council has determined that the proposed action is an "Unlisted Action" as defined under SEQR.
FURTHER RESOLVED, that the Common Council, in its capacity as lead agency, has caused to be prepared an environmental assessment of the significance of and potential environmental impact of these changes to the boundary of the Empire Zone. The Common Council hereby accepts the environmental assessment of this project, prepared by the Hornell Community Development Office. The Common Council further declares that, based on the environmental assessment that has been prepared, it finds that the proposed changes to the boundary of the Empire Zone will result in no significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.
Carried – Ayes all (10)
Absent – None

ON THE QUESTION: This project will merely add to an existing building at Corning Inc.'s Sullivan Park research facility in Erwin, Mayor Hogan said. No significant impact is expected.

#4 – AUTHORIZE MAYOR TO SIGN ANNEXATION AGREEMENT – HN-08-10

By Shepard/Koehler:
(Resolution of the Common Council of the City of Hornell, New York, authorizing the City of Hornell, New York, to execute an agreement pursuant to §707 of the General Municipal Law regarding the development of a parcel or parcels of property located in the Town of Hornellsville/Village of North Hornell, and subject to a pending annexation proceeding under Article 17 of the New York State General Municipal Law.)

WHEREAS, on Oct. 30, 2007, the City of Hornell ("City") received a petition from Dr. Alan M. Robbins ("Applicant") for the proposed annexation from the Town of Hornellsville ("Town") and Village of North Hornell ("Village") into the City of approximately 34.66 acres of land (S.B.L. #136.18-01-002.110), located at 2 Bethesda Drive (the "Premises") and owned by Dr. Alan M. Robbins (the "Project"); and,

WHEREAS, the City conducted a joint public hearing on Dec. 13, 2007, heard testimony and received comments concerning the Project; and,

WHEREAS, the City, Town and the Village are municipal corporations duly established and validly existing under the laws of the State of New York; and,

WHEREAS, the City of Hornell Industrial Development Agency ("IDA") is a public benefit corporation duly established and validly existing under the laws of the State of New York; and,

WHEREAS, the Hornell Area Industrial Development Corporation ("IDC") is a not-for-profit corporation duly formed and validly existing under §1411 of the New York State Not-for-Profit Corporation Law; formed for the purpose of, among other things, alleviating the burdens of government; and,

WHEREAS, the City desires to make the Premises available to third parties for improvement and development for commercial purposes by utilizing the IDA's power and authority as provided in Article 18-A of the General Municipal Law of the State of New York (the "Act") and the IDC's power and authority as provided in the New York State Not-for-Profit Corporation Law; and,

WHEREAS, the City, Town and Village desire to consent to the annexation of the above-referenced premises pursuant to the terms and conditions set forth in the form agreement attached hereto and incorporated herewith by reference ("Development Agreement"); and,

WHEREAS, the City deems it in the best interests of its residents to enter into the attached Development Agreement, pursuant to §707 of the General Municipal Law, to set forth the agreement among the parties for the future development of the Premises, and to reduce their agreement to writing; and,

NOW, THEREFORE, BE IT RESOLVED, that:

Section 1. The City hereby finds and determines that:

The annexation of the Premises will mutually benefit the Town, the Village, the City and the inhabitants thereof; and,

The City desires to consent to the annexation of the Premises pursuant to the terms and conditions set forth in the Development Agreement attached hereto; and,

The City deems it in the best interests of its residents to enter into the attached Development Agreement, pursuant to §707 of the General Municipal Law, to set forth the agreement among the parties for the future development of the Premises, and to reduce their agreement to writing; and,

The City hereby authorizes the execution and delivery of the Development Agreement and documents necessary and incidental hereto by its Mayor.
Section 7. This Resolution shall take effect immediately upon adoption.
Carried – Ayes all (10)
Absent – None

ON THE QUESTION: Mayor Hogan noted that at the December public hearing, Town officials raised the issue of what would happen if the City annexed the property and then Lowe's backed out of development. The Town wanted to have some say in what went in on the property. "We thought that was a reasonable request," Mayor Hogan said. "This resolution answers those questions and authorizes me to sign the agreement [which was attached].

PETITIONS: None.

CLAIMS:

By Shepard/Flaitz:
NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of $829,432.17, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

	Common Council		$ 724,498.80
CD		$ 6,956.43	
	Payrolls		$ 97,976.94
	TOTAL		$ 829,432.17

Carried – Ayes all (10)
Absent – None

NEW & UNFINISHED BUSINESS:

Mayor Hogan noted Gov. Spitzer has given his State of the State, State of the Upstate and his 2008-08 state budget presentations. Last year, the City received a 9-percent across-the-board increase in Aid & Incentives to Municipalities. This year, aid is forecast to go up some $130,000, but that is not enough to cover the increase in the City's healthcare premium [slated for a 12-percent rise, negotiated down from 13.5 percent]. The City also is awaiting the result of binding arbitration with the City Police union. Contracts also come up this year with the DPW and City Building Employees unions, he said. The City may see some savings because of new Workers' Compensation legislation, as well as retirement of some debt. "There are a lot of unknowns at this point," he said. Mayor Hogan asked to meet with the Finance Committee at 5 p.m. Feb. 11, and said he hoped to have a final budget ready for the committee by the end of February.

Mayor Hogan noted the recent problems with US Energy Savings Group resulted in 44

City residents filing complaints about the company's business practices. The City's proactive approach to dealing with the company has drawn the attention of New York State's Attorney General's Office, the Public Service Commission, and the Consumer Protection Board. "In some cases," Mayor Hogan said, "we saved people literally thousands of dollars."

By Shepard/Flaitz:
RESOLVED, that the Common Council adjourn at 7:47 p.m.
Carried – Ayes all (10)
Absent – None

Shawn D. Hogan	Robert J. Roberts
Mayor	City Clerk