

REGULAR meeting of the Hornell Common Council was held on Monday, August 27, 2012, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Mayor Shawn D. Hogan; Aldermen Murray, Brown, Harkenrider, Bacon, Lehman, Bassage, Buckley and Carbone; City Attorney Joe Pelych, Stenographer Karen Schu and City Clerk Barbara Perrott.

AND FROM THE MEDIA: Christine Loman, Evening Tribune and Brian O'Neil, WLEA.

ALSO PRESENT: City Chamberlain Michele Smith, Todd Smith, Eileen Lehman, Peggy Lynch, Holly Snyder, Wayne Drescher, Matt Montalbo, Tina Lee, Yvonne Saxton

ABSENT: Aldermen Sciotti and Foreman

INVOCATION: Father Peter Angalare, Our Lady of the Valley Parish

PLEDGE TO THE FLAG: Mayor Shawn Hogan

Prior to the start of business, Wayne Drescher of Drescher & Malecki LLP reviewed the annual audit for fiscal year ending March 31, 2012.

By: Lehman/Carbone

RESOLVED, that the minutes of the Common Council meetings of July 23, 2012 and August 13, 2012 be approved as read.

Carried – 8

Absent – 2 (Sciotti, Foreman)

By: Murray/Bacon

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

REPORTS FILED: General Fund Exp. – 7/2012; Water Fund Exp. – 7/2012; Hat Commission – 8/1/12; General Fund Rev. – 7/2012; Water Fund Rev. – 7/2012; City Clerk – 7/2012; BPS Minutes – 7/12/12; HPD – 7/2012; Codes – 7/2012; HFD – 7/2012; BPW Minutes – 7/19/12; DPW – 7/2012; Petro Tank – 8/1/12; WTP – 7/2012; WPCP – 7/2012; Sewer – 7/2012; Project Summary – 8/16/12

Carried – 8

Absent – 2 (Sciotti, Foreman)

By: Buckley/Bacon

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

Audit Committee

August 23, 2012

To the Honorable Shawn D. Hogan, Mayor

And

Members of the Common Council

Ladies and Gentlemen:

Bills were audited and approved by Audit Committee members Jim Bassage and Larry Bacon on Wednesday, August 22nd, 2012 and by Audit Committee member Jeffrey Brown and Audit Committee Chairman John Carbone on Thursday, August 23, 2012.

Bills audited and approved:

CC	\$581,249.73
CD	\$ 24,590.50
PAYROLL	<u>\$ 86,124.68</u>
TOTAL	\$691,964.91

Respectfully submitted,

John Carbone, Chairman

Audit Committee

Law & Ordinance Committee

August 22, 2012

Hon Mayor Shawn D Hogan

Members of the Council

Ladies & Gentlemen:

The Law & Ordinance Committee met on Wednesday August 22, 2012 6:00pm at City Hall. Members present were Aldermen Lehman, Bacon, Buckley and Murray. Other attendees included Mayor Hogan, members from the Hornell Area Humane Society, Five local residents, Bill Dugan from WLEA and Christine Lowman from the Evening Tribune.

Items discussed:

1. Approved the placing of two more STOP signs at the corner of Church and Bennett Streets making it a four way stop.
2. Chief Murray will review the need for a 'STOP' sign at the corner of Rose and Orchard Streets. Also a 'STOP' sign at the corner of Greeley and Hart Streets.
3. A review of all street signs is nearing completion. This information will be compiled and a report will be presented at the next L&O Committee meeting.
4. A resident of Crosby Street requested that the current Recreational Fire law in the City of Hornell be changed to limit what and when burning can occur. The Mayor will check with NYCOM to see what other municipalities have done with local laws regarding control of Recreational fires.
5. A resident of Ransom Street complained of vehicles obstructing the entrance of his driveway making it difficult to enter or exit. Mayor Hogan stated that there is a law on the books regarding how close to the edge of a driveway a vehicle can park.
6. A copy of the Proposed Cat Control Law, drawn up by the City Attorney was presented. There was much discussion about cat control in the City and how the new TNR program will help with this problem. It was agreed that additional input is needed before the law is finalized.
7. A proposal to create an Animal Control Officer for the City of Hornell was not approved. The Humane Society will continue to perform that duty.
8. Mayor Hogan proposed a 'Designated Public Forum' law be created for the City of Hornell. This law will be discussed at the next L&O Committee meeting.
9. Alderman Buckley proposed reinstating a curfew for the City. That will be discussed later.

There being no further business the meeting adjourned at 7:20pm. Next meeting TBA.

Respectfully submitted,

Bob Murray, Chairman

Carried – 8

Absent – 2 (Sciotti, Foreman)

By: Bacon/Lehman

HN-12-51 APPROVE GASBY 54 FUND BALANCE POLICY AND MANUAL JOURNAL VOUCHER POLICY

NOW, THEREFORE, BE IT RESOLVED, that the Common Council does hereby approve the City of Hornell GASB 54 Fund Balance Policy and Policy for Manual Journal Vouchers.

Carried – 8

Absent – 2 (Sciotti, Foreman)

By: Murray/Carbone

HN-12-52 BUDGET TRANSFER - BAN

WHEREAS, a transfer of funds is necessary to reflect a budget adjustment as the City renewed our BAN for the Grand St. Bridge Project,

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Hornell, NY that the 2012-2013 City of Hornell budget now reflects the following adjustments:

- Transfer \$275,000.00 from account H9901.9 [transfers to other fund]
- To account A5031 [General Fund Interfund transfers]

Carried – 8

Absent – 2 (Sciotti, Foreman)

By: Bacon/Buckley

HN-12-53 Budget Amendment - BAN

WHEREAS, a budget amendment is necessary to reflect a fund transfer,

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Hornell, NY that the 2012-2013 City of Hornell budget now reflects the following adjustments:

- Increase [A5031] General Fund Interfund Transfers by \$275,000.00, monies from transfers from other funds
- Increase [A9730.6] Bond Anticipation Notes – Principal by \$275,000.00.

Carried – 8

Absent – 2 (Sciotti, Foreman)

By: Carbone/Murray

HN-12-54 Budget Amendment – Police Equipment

WHEREAS, a budget amendment is necessary to reflect an increase in the Police Equipment Account [A3120.2],

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Hornell, NY that the 2012-2013 City of Hornell budget now reflects the following adjustments:

- Increase revenues [A4389] by \$3,825.98, monies from Federal Aid Public Safety Grant
- Increase appropriations [A3120.2] Police Equipment by \$3,825.98.

Carried – 8

Absent – 2 (Sciotti, Foreman)

Alderman Murray asked whether the monies were being used for additional camera purchases. Mayor Hogan stated that it was used for a vehicle purchase.

By: Brown/Murray

HN-12-55 SEQR – 14 Seneca St.

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 activity to be undertaken within the City:

- Provision of CDBG loan assistance to enable an entrepreneur to acquire the building and property at 14 Seneca Street.

In its capacity as lead agency, the Common Council has caused to be prepared as environmental assessment of the significance of and potential environmental impact of this project. The Common Council hereby accepts the environmental assessment of the project, prepared by the Community Development Office. 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 the project.

Carried – 8

Absent – 2 (Sciotti, Foreman)

Mayor Hogan stated that a professor from Alfred University is buying the property and wants to convert the upstairs into living/studio space. Alderman Bassage inquired if the Hornell Arts Center is now off the market. Hogan said it is. It has recently been used for various events and City employees will be doing more work on the interior this winter.

By: Buckley/Carbone

HN-12-55 Waive the Agenda

RESOLVED, that the Common Council of the City of Hornell hereby approves waiving the agenda to consider a resolution to remove solid waste charges owed by D & D Developers LTD.

Carried – 8

Absent – 2 (Sciotti, Foreman)

City Attorney Pelych explained the need for Resolution HN-12-56. Alderman Bassage asked how much of the money can we expect to receive. Pelych explained the bankruptcy procedure and said that eventually we will receive all monies due.

By: Brown/Bacon

HN-12-56 Remove 2012-13 Solid Waste Charges on D&D Developers properties

WHEREAS, D & D Developers, LTD is a real estate development corporation with offices at 8875 Hartman Road, Nunda, New York, and

WHEREAS, D & D Developers, LTD owns numerous real properties located in the City of Hornell, County of Steuben and State of New York, and

WHEREAS, D & D Developers, LTD filed a Chapter 11 bankruptcy petition with the United States Bankruptcy Court for the Western District of New York, Rochester Division, on March 22, 2012, bearing Case No. 12- 20486, and

WHEREAS, said filing of a bankruptcy petition stayed the City of Hornell's ability to re-levy solid waste bills that were pending at the time of the filing the 2012-2013 city taxes, and

WHEREAS, the City of Hornell mistakenly re-levied certain solid waste bills on the 2012-2013 Hornell City taxes.

NOW, THEREFORE, it is hereby

RESOLVED, that the City Chamberlain for the City of Hornell is hereby authorized to remove from the 2012-2013 city tax bills the re-levied solid waste charges that were re-levied against the following properties:

211 East Avenue, City of Hornell -\$276.00
 6 O'Connor Avenue, City of Hornell - \$184.00
 15 Wells Street, City of Hornell - \$92.00
 11 O'Connor Avenue, City of Hornell - \$92.00
 107 Hill Street, City of Hornell - \$92.00
 19 Cottage Avenue, City of Hornell - \$92.00
 25 Taylor Street, City of Hornell \$184.00
 23 Cottage Avenue, City of Hornell - \$184.00
 57 Cedar Street, City of Hornell - \$92.00
 76 Catherine Street, City of Hornell - \$92.00
 17 Bostwick Place, City of Hornell - \$92.00

and it is further

RESOLVED, that Joseph G. Pelych, the attorney for the City of Hornell is authorized to file proofs of claim with the United State Bankruptcy Court for the unpaid solid waste charges.

Carried – 8

Absent – 2 (Sciotti, Foreman)

By: Carbone/Bacon

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$691,964.91 as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$581,249.73
Community Development	\$ 24,590.50
Payrolls	<u>\$ 86,124.68</u>
 TOTAL	 <u>\$691,964.91</u>

Carried – 8

Absent – 2 (Sciotti, Foreman)

NEW & UNFINISHED BUSINESS: -

- ☐ Alderman Buckley asked about the work on the sidewalk on the So. Division St. bridge. Mayor Hogan said Mitch Cornish is looking for a qualified welder to make the repairs and these should be done in the next few weeks.
- ☐ Buckley also discussed a parking problem on W. VanScoter St. With the closure of the Grand St. Bridge there is more traffic on W. VanScoter St. and residents have been parking on both sides of the street. This will be discussed at the next Law and Ordinance Committee meeting.
- ☐ Mayor Hogan said that the parking review has been completed and is being typed.
- ☐ Alderman Brown asked about the crosswalk light at the corner by the High School. Mitch Cornish is checking to see if it can be repaired.
- ☐ Alderman Murray thanked Mayor Hogan for a letter he sent to a landlord regarding a problem tenant in the First Ward.

By: Carbone/Murray

RESOLVED, that the Common Council adjourn at 7:55 p.m.

Carried – 8

Absent – 2 (Sciotti, Foreman)

SHAWN D. HOGAN
MAYOR

BARBARA M. PERROTT
CITY CLERK