

REGULAR meeting of the Hornell Common Council was held on Monday, Jan. 24, 2005, at 7 p.m. in Council Chambers, 82 Main St., Hornell, N.Y.

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

ALSO PRESENT: Kyle Torok of The Evening Tribune; Jim Gentile of radio station WLEA; Charlie and Peg Brewer; and Hornellsville town Supervisor Ken Isaman.

ABSENT: Alderman Testani, due to water-line breaks in his house.

INVOCATION: Peggy Brewer, social ministry of Our Lady of the Valley Catholic Church.

PLEDGE TO THE FLAG: Alderman Flaitz.

By Shepard/Koehler:

RESOLVED, that the minutes of the last meeting held Jan. 10, 2005, be approved as read.

Carried – Ayes all (9)

Absent – Alderman Testani (1)

By W. Hogan/Norton:

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

Carried – Ayes all (9)

Absent – Alderman Testani (1)

REPORTS OF COMMITTEES:

Jan. 12, 2005

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

Ladies and Gentlemen:

The Planning & Development Committee met on Wednesday, Jan. 12, 2005, at 5:00 p.m. in the mayor's conference room at City Hall. Members present were Aldermen Foreman, Testani, Koehler, and Hogan. Others present were Mayor Hogan, Pat McAllister, building owners Ken Isaman and Tom Panter, City Attorney Joe Pelych, and Carl Hurd and Doug Mason of the Eagles Club.

Items discussed and/or acted upon:

- 1) Mayor Hogan presented a plan for 30 Erie Ave. to buy the lot. Michael Brownison and Janet Reed have proposed buying the lot for \$2,500. They

would like to build a stick-built home; a site plan will follow. A motion was made by Testani, seconded by Koehler. Passed, all ayes.

- 2) Ken Isaman presented plans for the Eagle Club at 10 Horton St. His proposal is to have a one-way access to the back of the building for 13 out back and four in the front. After much discussion, on the advice of the city attorney, no action was taken until we meet with the fire chief and police chief for their advice. No action taken.

A motion was made by Testani, seconded by Foreman, to adjourn at 5:30 p.m.

Respectfully submitted,
William Hogan
Chairman
Planning & Development Committee

Jan. 21, 2005

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

Ladies and Gentlemen:

The Audit Committee met Thursday, Jan. 20, 2005, at 7 p.m. Members present were Jean Shepard and Christopher Koehler, Chairman.

Bills audited and approved:

CC	\$235,958.24
CD	19,143.44
PAYROLL	<u>79,705.91</u>

TOTAL

\$334,807.59

Respectfully submitted,
Christopher Koehler, Chairman
Audit Committee

By Smith/Flaitz:

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

Carried – Ayes all (9)

Absent – Alderman Testani (1)

RESOLUTIONS:

**#1 – APPOINT YVONNE SAXTON AS SUB-REGISTRAR OF VITAL
STATISTICS – HN-05-06**

By Sciotti/Shepard:

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby appoints Yvonne Saxton, of 166 East Ave., as Sub-Registrar of Vital Statistics.

Carried – Ayes all (9)

Absent – Alderman Testani (1)

#2 – APPOINT TOM SHEEDY TO CITY PLANNING BOARD – HN-05-07

By Shepard/Koehler:

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby appoints Thomas Sheedy, of 16 Adsit Place, to a term on the City Planning Board, starting Jan. 1, 2005, and expiring on Dec. 31, 2011.

Carried – Ayes all (9)

Absent – Alderman Testani (1)

ON THE QUESTION: Alderman Hogan asked if Mr. Sheedy was out of town. Mayor Hogan replied that while Mr. Sheedy vacations in Virginia, he does return for Planning Board meetings, and that if Mr. Sheedy relocates permanently, a replacement will be made.

#3 – EXCEPTION FOR CONFLICT OF INTEREST – HN-05-08

BY W. Hogan/Sciotti:

WHEREAS, the City of Hornell has established a revolving loan fund with the program income generated from various HUD-sponsored CDBG Small Cities Programs; and,

WHEREAS, although the HUD-sponsored Small Cities Programs have been closed out, the use and management of the program income remains subject to the CDBG Program regulations; and,

WHEREAS, issues related to the use of the program income may be addressed directly by the City of Hornell, consistent with the applicable regulations, and are not subject to HUD review; and,

WHEREAS, the City of Hornell has received an application from James Giglio Hall for assistance under the revolving loan fund to expand his business, Maple City Manufacturing; and,

WHEREAS, James Giglio is related by marriage to the City Attorney, Joseph Pelych, and Alderman Jean Shepard, and is therefore subject to CDBG regulations concerning conflict of interest issues; and,

WHEREAS, the City has retained outside counsel, Brian Schu, who has reviewed the case and issued an opinion that an exception to the conflict of interest regulations would not violate State or Local Law; and,

WHEREAS, the Community Development Office staff has provided a summary of the factors related to the case that may provide the basis for an exception;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council accepts the opinion of Brian Schu, outside counsel, and the findings of the Community Development Office and authorizes approval of an exception to the conflict of interest regulations for James Giglio.

Carried – Ayes all (8)

Abstain – Alderwoman Shepard (1)

Absent – Alderman Testani (1)

ON THE QUESTION: Mayor Hogan noted Mr. Giglio is starting up a new computerized machinery business, and that he has been approved for a \$50,000 loan to purchase equipment. Mr. Giglio is related to both City Attorney Pelych and Alderwoman Shepard; both left the Council Chambers during discussion and the vote.

#4 – 2004 SMALL CITIES SEQR – HN-05-09

BY Shepard/W. Hogan:

WHEREAS,

1. In accordance with the New York State Environmental Quality Review regulations (SEQR), the Common Council of the City of Hornell is conducting an environmental review of a project to assist eligible owner-occupants within the City to make essential improvements to their houses, to be undertaken as part of the 2004 Small Cities Program.
2. The Common Council has determined that the proposed action is an unlisted action, as defined under SEQR.
3. In accordance with the requirements of the funding agency, the Common Council notified the Involved Agencies of its intention to act as Lead Agency for this project on December 21, 2004, and circulated the full Environmental Assessment Form. One of the Involved Agencies, the State Historic Preservation Office, has provided guidelines for the historic preservation reviews that may be required for houses proposed for assistance.
4. The Common Council has considered the Environmental Record prepared for this action, including any comments received from the Involved Agencies, and the proposed Negative Declaration.

NOW THEREFORE BE IT RESOLVED, The Common Council declares that it will serve as lead agency for the 2004 Housing Rehabilitation Program; and,

The Common Council declares that, based on the Environmental Record which has been prepared, the project will result in no major impacts and, therefore, will not cause significant damage to the environment. A Negative Declaration under SEQR is therefore issued for this project.

Carried – Ayes all (9)

Absent – Alderman Testani (1)

ON THE QUESTION: Mayor Hogan said the City of Hornell is planning another housing rehabilitation program in response to the huge interest in the last program (168

applicants, but only 15 will receive \$22,000 apiece). The City will try for a two- or three-year program for housing rehabilitation citywide.

#5 – MAPLE CITY MANUFACTURING SEQR – HN-05-10

BY: Norton/Koehler

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 expand a machine parts manufacturing operation at 27 Transit Drive, known as Maple City Manufacturing.

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 Shepard (1)

Absent – Alderman Testani (1)

ON THE QUESTION: Due to her family relation with Mr. Giglio of Maple City Manufacturing, Alderman Shepard abstained.

#6 – MAPLE CITY MANUFACTURING NEPA –HN-05-11

BY Sciotti/Norton:

WHEREAS, in accordance with the National Environmental Policy Review Act (NEPA), the Common Council of the City of Hornell is conducting an environmental review for the provision of an economic development loan to assist Maple City Manufacturing to expand its operations at 27 Transit Drive. The loan assistance will be provided through the program income generated from the City's community development programs; and,

The Common Council has caused to be prepared an environmental assessment of the significance of and potential environmental impact of the above project. The Common Council hereby accepts the Environmental Review Record of the proposed project, prepared by the Community Development Office;

NOW THEREFORE BE IT RESOLVED, the Common Council hereby declares that the proposed project is Categorically Excluded under Section 24 CFR 58.35 (b)(4), subject to compliance with the related laws and authorities at 24 CFR 58.5 and 58.6.

Carried – Ayes all (8)

Abstain – Alderman Shepard (1)

Absent – Alderman Testani (1)

ON THE QUESTION: Due to her family relation with Mr. Giglio of Maple City Manufacturing, Alderman Shepard abstained.

PETITIONS: None

CLAIMS:

By Koehler/Shepard:

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$334,807.59, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$ 235,958.24
CD	19,143.44
Payrolls	<u>\$ 79,705.91</u>
TOTAL	\$334,807.59

Carried – Ayes all (9)

Absent – Alderman Testani (1)

NEW & UNFINISHED BUSINESS:

- Mayor Hogan noted that the rebidding of the Southwest Quadrant Water Project took place on Jan. 21, 2005, and resulted in a low bid of \$1,706,666 by Blue Heron Construction of Jordan. The rebidding saved more than \$90,000 from the first bid, Mayor Hogan said.
- Mayor Hogan discussed Gov. Pataki's proposed state budget. The governor has proposed a scale of state aid based on the total assessed value of the community, which would increase state aid by \$362,000 over the next two years – an amount the mayor thought would help pay the large pension increase faced now by the City. There is a caveat to the aid, however; the City could not increase spending over 3.5 percent, which is impossible due to soaring pension and healthcare costs. "We have no control over it," noted Alderman Foreman, chairman of the Finance Committee. Mayor Hogan said he would

assemble the Finance Committee when he receives more solid figures on healthcare and general liability insurance costs.

- Alderman Hogan noted the City's recent correspondence with Time Warner Cable, regarding extending the latter's franchise agreement with the City of Hornell. Mayor Hogan said the City has never charged a cable franchise fee because it would be passed on to Time Warner customers, while relieving the company of property taxes. Alderman Koehler asked the city to research getting TV service from Direct TV or satellite TV.

By Shepard/Flaitz:

RESOLVED, that the Common Council adjourn at 7:41 p.m.

Carried – Ayes all (9)

Absent – Alderman Testani (1)

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk