

REGULAR meeting of the Hornell Common Council was held on Monday, October 14, 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, Brown, Harkenrider, Sciotti, Bassage, Buckley and Carbone, City Clerk Barbara Perrott.

ALSO PRESENT: City Chamberlain Michele Smith, David Kowalski, 7 high school students, Jeff Cole from the Evening Tribune.

ABSENT: Alderman Foreman, Bacon, Lehman

INVOCATION: Pastor Cooper, First Baptist Church

PLEDGE TO THE FLAG: Mayor Shawn Hogan

By: Murray/Brown

RESOLVED, that the minutes of the Common Council meetings of September 23, 2013 be approved as read.

Carried – 7

Absent – 3(Foreman, Bacon, Lehman)

By: Buckley/Carbone

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

REPORTS FILED: City Clerk-9/2013; Gen. Fund Exp.-9/2013; Water Fund Exp.-9/2013; Gen. Fund Rev.-9/2013; Water Fund Rev.-9/2013; BPW Minutes-9/12/13; Ambulance-9/2013; Codes-9/2013; Fire-9/2013; Police-9/2013; Summary of Activities (EDL)-9/2013

Carried – 7

Absent – 3 (Foreman, Bacon, Lehman)

By: Sciotti/Harkenrider

HN-13-56

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby sets trick-or-treating hours for 6-8 p.m. on the night of Thursday, Oct. 31, 2013.

Carried – 7

Absent – 3(Foreman, Bacon, Lehman)

BY: Carbone/Buckley

HR-13-57

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Hornell, Steuben County, New York, as follows:

Section 1. Emergency work on a sewer line, in and for the City of Hornell, Steuben County, New York, is hereby authorized at a maximum estimated cost of \$350,000.

Section 2. It is hereby determined that the aforesaid purpose constitutes a Type II action as defined under regulations of the State of New York, promulgated under the State Environmental Quality Review Act, which, by definition therein, will not have a significant adverse impact upon the environment.

Section 3. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$350,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said City of Hornell, Steuben County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes is hereby delegated to the City Chamberlain, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be

prescribed by said City Chamberlain, consistent with the provisions of the Local Finance Law.

Section 7. All other mailers except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Chamberlain, the chief fiscal officer of such City. Such bonds shall contain substantially the *recital* of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Chamberlain shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. The City Chamberlain is hereby further authorized, at his/her sole discretion, to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent finding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried – 7

Absent – 3 (Foreman, Bacon, Lehman)

Mayor Hogan updated the Council on the work on the sewer line. 200' feet of replacement have been completed and the two new manholes are set. The next step will be for Pipeye to clean the line from Jane to John Streets then Insite will put the insert into the pipe.

Alderman Bassage asked what was being dumped on Hartshorn St. from this project and Mayor Hogan stated that it is only clean fill and the DEC has already been there to ensure this.

Alderman Carbone asked if the preventative work was included in the \$350,000 and Hogan said no, it is not.

BY: Sciotti/Brown

HR-13-58

WHEREAS, that in accordance with the National Environmental Policy Review Act (NEPA) and 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 provision of an economic development assistance to Mark and Dawn Erskine to acquire the building and property at 126 Seneca Street for the continued operation of the ice cream shop known as The Scoop, and

WHEREAS, 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, and

WHEREAS, the Common Council hereby accepts the environmental assessment of the project, prepared by the Community Development Office, and

WHEREAS, the Common Council further declares that, based on the environmental assessment which has been prepared, it finds that the project is a Type II under SEQR and categorically excluded under NEPA.

THEREFORE, BE IT RESOLVED THAT, the Common Council has determined that an Environmental Impact Statement will not be required and the environmental review process is hereby concluded.

Carried – 7

Absent – 3 (Foreman, Bacon, Lehman)

NEW & UNFINISHED BUSINESS: -

- The proposed Smoking Ordinance was passed out to Council members. The Law & Ordinance Committee will meet on October 22 and if they pass the Ordinance, it will be presented to the full Council on October 28.
- Mark Carroll, the Managing Director of Alstom, will be at the October 28 meeting to update the Council on work at Alstom. Also at that meeting will be County Administrator Mark Alger to discuss the proposed County Charter that will be on the November ballot.
- Work on the Seneca St. bridge and the bridge on Rt. 36 is ahead of schedule and both will be opening soon.

By: Sciotti/Murray

RESOLVED, that the Common Council adjourn at 7:35 p.m.

Carried – 7

Absent – 3 (Foreman, Bacon, Lehman)

SHAWN D. HOGAN
MAYOR

BARBARA M. PERROTT
CITY CLERK