

REGULAR meeting of the Hornell Common Council was held on Monday, April 23, 2007, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

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

AND FROM THE MEDIA:
Jen Carpenter of The Evening Tribune.

ALSO PRESENT:
Doug Gilbert, Ed Flaitz, Johnny Buckley, Randy Weaver, Larry Egger, Sharon Prentice, Thelma Pelych, Jenny Martin, John Lyng, Daniel Lyng, Joseph Duffy, Leon Babcock, June Shearer, and Jim Griffin; and Hornell High School students Jenna Leaman, Susan Slaght, Heather Williams, Kirsten Kelley, Lyndsay Murphy, Brian Canty, Jolynn Prunoske, Sryana Jonchhe, Tom Walsh, Joey Pelych, Jr., Mike Conine, Matt Dunn, and Angela Sutfin.

ABSENT: None.

INVOCATION: The Honorable Shawn D. Hogan, Mayor.

PLEDGE TO THE FLAG: City Attorney Pelych.

By Carbone/Hann:

RESOLVED, that the minutes of the March 26, 2007, regular meeting, and the public hearings of March 24, 2007, and March 26, 2007, be approved as read.

Carried – Ayes all (10)

Absent – None

By Shepard/Flaitz:

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

Carried – Ayes all (10)

Absent – None

REPORTS FILED: City Clerk 3/2007; General Fund Expenditures 3/2007; Water Fund Expenditures 3/2007; General Fund Revenues 3/2007; Water Fund Revenues 3/2007; BPS Minutes 3/9/2007; BPS Special Minutes 3/26/2007; HPD 3/2007; HFD 3/2007; Codes 3/2007; Codes 2006 Annual; BPW Minutes 3/15/2007; DPW 3/2007; Sewer 3/2007; WTP 3/2007; WPCP 3/2007.

REPORTS OF COMMITTEES:

April 18, 2007

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

Ladies and Gentlemen:

The Audit Committee met and audited bills at 7:15 p.m. on Wednesday, April 18, 2007, by members Jean Shepard, Glenn Hann, and Christopher Koehler, Chairman.

Bills audited and approved:

CC	\$1,134,578.43
CD	0
PAYROLL	133,948.74
TOTAL	\$1,268,527.17

**Respectfully submitted,
Christopher Koehler, Chairman
Audit Committee**

By

Hann/Norton:

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

Carried – Ayes all (10)

Absent – None

RESOLUTIONS:

#1 – AMENDMENT OF CONTRACT WITH NEW YORK STATE DEC – HN-07-28

By Shepard/ Sciotti:

AMENDMENT TO CONTRACT

Between

City of Hornell Fire Department

And

STATE OF NEW YORK

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Contract No. C005071

Amendment No. 1

(This Amendment, entered into by and between the State of New York Department

of Environmental Conservation [hereinafter referred to as the DEPARTMENT], having offices at 625 Broadway, Albany, NY, 12233, and City of Hornell Fire Department [herein referred to as the CONTRACTOR], with offices at 110 Broadway, Hornell, NY, 14843, is hereby attached to and becomes incorporated into the above-referenced contract.)

WITNESSETH:

WHEREAS, the parties entered into a prior Contract which was duly assigned Contract No. C005071, which was approved by OSC on Sept. 16, 2004, which said Contract the parties now desire to amend and extend; and

WHEREAS, Article 2 of said contract calls for a contract rate adjustment based upon a rate equal to the adjustment in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers, U.S. City average for all items for the previous calendar year; and

WHEREAS, Article 3 of said contract grants the option to extend the contract by two (2) one-year terms; and

WHEREAS, the Department continues to have a need for certain essential services; and

WHEREAS, the Department lacks sufficient staff and resources to provide the services and to accomplish the tasks described in the Agreement through its own personnel; and

WHEREAS, the Contractor has the expertise and resources necessary to provide these services and accomplish these tasks; and

WHEREAS, the Contractor has satisfactorily performed these services under the Contract;

Article 2(a) is hereby deleted. New Article 2(a) is hereby added to read as follows: The Department shall pay to the Contractor and the Contractor shall accept from the Department as full compensation for the performance of services defined herein an amount not to exceed \$19,116. This amount is described in the Bid and Compliance Form, Schedule 2, which is attached to the original contract plus a revised monthly compensation amount of \$408 for the period of June 1, 2007, to May 31, 2008. The Contractor will submit requests for payment to the Department on standard state vouchers, and in a form acceptable to the Department and the State Comptroller. Payment will be made in accordance with Article XI-A of the State Finance Law.

Appendix A, dated May 2003, is hereby deleted, and Appendix A, dated June 2006, is attached hereto.

and

Article 3 is revised by extending the completion date from May 31, 2007, to May 31, 2008.

All other terms and conditions of Contract No. C005071, as amended, will remain in full force and effect.

Carried – Ayes all (10)

Absent – None

#2 – RESTORATION OF BRIDGE AID – HN-07-29

By Koehler/Norton :

WHEREAS, the City of Hornell and the City of Corning previously received \$60,000 and \$40,000, respectively, in Municipal Bridge Aid from Steuben County; and,

WHEREAS, Steuben County has ceased Bridge Aid to the City of Hornell and the City of Corning, while still providing Bridge Aid to thirty-two (32) towns in the County;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby urges the restoration of Municipal Bridge Aid to the two cities, and further authorizes Mayor Shawn D. Hogan to take action necessary to restore such funding.

Carried – Ayes all (10)

Absent – None

ON THE QUESTION: Alderman Sciotti asked about the history of this issue. Mayor Hogan said that several years ago, he and the Corning Administrator approached Steuben County for municipal bridge aid similar to the aid that the County provides to town bridges. The cities received the money for a few years but then it was discontinued while the town bridges still were repaired under County auspices. The City of Corning has passed a similar resolution. Alderman Koehler asked what will happen if the County does not heed this call. “There’s nothing really we can do. We place ourselves at the mercy of the county Legislature,” Mayor Hogan said. Alderman Sciotti noted the County money could have helped pay the local share for the City’s upcoming River Street Bridge Project.

#3 – APPOINT JOHN BUCKLEY TO ZBA – HN-07-30

By

Koehler/Shepard:

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Hornell, N.Y., that John J. Buckley, of 9 W. Van Scoter St., Hornell, be appointed to fill out the remaining term of Dennis O’Brien on the City Zoning Board of Appeals, to a term beginning on April 23, 2007, and expiring on Dec. 31, 2009.

Carried – Ayes (Flaitz, Koehler, Norton, Sciotti, Foreman, Testani, Shepard, Hann, Carbone)

Nay – Lewis

Absent – None

ON THE QUESTION: Mayor Hogan thanked Mr. Buckley for agreeing to serve on the Zoning Board of Appeals.

PETITIONS:

John Lyng presented numerous letters opposed to the Hornell Partners for Growth BID and spoke about the problems with the organization. A number of other people also spoke. City Attorney Pelych accepted the letters for review and later filing with the City Clerk. Mayor Hogan said dissolution of HPG could not happen for at least a year because the tax bills already have been apportioned. Mr. Lyng said merchants already are forming a new organization to promote downtown businesses.

CLAIMS:

By

Koehler/Flaitz:

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$1,268,527.17, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

	Common Council	\$ 1,134,578.43
CD	\$	0
	Payrolls	\$ 133,948.74
	TOTAL	\$ 1,268,527.17

Carried – Ayes all (10)

Absent – None

NEW & UNFINISHED BUSINESS:

- Mayor Hogan, addressing the Hornell Partners for Growth issue, noted that there has been “a hodgepodge of organizations” trying to promote local businesses. The loss of Union Park to the four-lane highway hurt mercantile activity, he said, which is why he is trying to promote use of the green space in front of the Steuben Trust Co. building. Mayor Hogan said he is sure there have been communication problems between HPG and some of the businesses. “That can be fixed,” he said. “... We can do better and we will.”

By Shepard/Flaitz:

RESOLVED, that the Common Council adjourn at

7:36 p.m.

Carried – Ayes all (10)

Absent – None

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk