

REGULAR meeting of the Hornell Common Council was held on
**Tuesday, Feb. 27, 2007, at 7 p.m. in Council Chambers at 82 Main
St., Hornell, N.Y.**

PRESENT: Honorable Shawn D.

**Hogan, Mayor; Aldermen Flaitz, Norton, Sciotti, Foreman, Testani,
Shepard, Hann, and Lewis; 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: Gary and Valerie Mettler; Johnny Buckley; Joe
Duffy; Nick Tsibulsky; and Hornell High School students Sam Austin and
Ben Wall.**

ABSENT: Aldermen Koehler and Carbone.

INVOCATION: The Rev. Dan Fuller of the Hornell Bible Church.

PLEDGE TO THE FLAG: Alderman Norton.

By Lewis/Hann:

**RESOLVED, that the minutes of the Feb. 12, 2007, regular meeting be
approved as read.**

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

By Flaitz/Norton:

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

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

**REPORTS FILED: BPW Minutes 1/21/2007; Bid Opening 2/20/2007; DPW
1/2007; Sewer 1/2007; WTP 1/2007; WPCP 1/2007.**

REPORTS OF COMMITTEES:

Feb. 22, 2007

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

Ladies and Gentlemen:

The Audit Committee met and audited bills at 7:30 p.m. on Wednesday, Feb. 21, 2007. Bills were audited and approved by members Jean Shepard and Christopher Koehler, chairman.

Bills audited and approved:

CC	\$712,577.09
CD	8,461.16
PAYROLL	84,412.08
TOTAL	\$805,450.33

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

By Hann/Testani:

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

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

ON THE QUESTION: Mayor Hogan noted the Finance Committee would meet at 5 p.m. March 6 for a first look at the draft 2007-08 City general fund budget. The Mayor noted the final tax rate determination would have to wait until the full valuation assessment is set in late March. The Planning & Development Committee will meet at 5:30 p.m. March 6 to consider a resolution on the City's stance on the demolition permit issued on the property known as the Adsit House.

RESOLUTIONS:

#1 – APPOINTMENT OF FAIR HOUSING OFFICER – HN-07-08

By Norton/Foreman:

RESOLVED, that the Common Council does hereby appoint Karen Gemmell as the Fair Housing Officer for the City of Hornell for the 2007-08 year.

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

#2 – CANCEL TAXES ON TWO PROPERTIES – HN-07-09

By Flaitz/Lewis:

WHEREAS, the 2006 City Tax was spread on the following City-owned properties:

78-80 Catherine St.

437 S. Division St.;

NOW, THEREFORE, BE IT RESOLVED, that the 2006 City Taxes be canceled as follows:

Tax map #166.26-02-033-000 – \$1,217.81

Tax map #166.10-02-071.000 – \$ 398.52

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

ON THE QUESTION: Mayor Hogan said these were properties that former owner Blue Moon Capital did not want. The City subsequently acquired them and demolished them, so the properties should have been removed from the tax roll.

#3 – EXECUTIVE SESSION – HN-07-10

By Norton/Sciotti:

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby enters into Executive Session at 7:16 p.m. to discuss litigation regarding the property known as the Adsit House.

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

ON THE QUESTION: The Common Council came out of Executive Session at 7:41 p.m.

#4 -- WAIVE AGENDA – HN-07-11

By Lewis/Sciotti:

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby waives the agenda to consider Resolution HN-07-12, to not authorize the expenditure of funds in the lawsuit brought by Historic Hornell Inc.

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

#5 – NO EXPENDITURE OF FUNDS FOR HISTORIC HORNELL INC. LAWSUIT – HN-07-12

By Foreman/Norton:

NOW, THEREFORE, LET IT BE RESOLVED, that the Common Council of the City of Hornell does not authorize the expenditures of taxpayers' funds to defend the matter of Historic Hornell, Inc., Mildred A. McAnany, Patricia L. Piper, and W. Stephen Piper, vs. the City of Hornell Planning Board, Dennis O'Brien in his capacity as City of Hornell Code Enforcement Officer, and NYDH, LLC.

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

ON THE QUESTION:

Before the vote, City Attorney Pelych reminded aldermen that a vote for the resolution was a vote to not have the City of Hornell expend money to fight the lawsuit, and that NYDH, LLC would fight the suit on its own. "Taxpayer money will not be spent to defend tearing down the house," Attorney Pelych explained. Mayor Hogan added, "You are letting the NYDH, LLC lawyers fight the battle in court for the permit. We are not going to participate." City Attorney Pelych said he previously indicated to the attorneys for both HHI and NYDH that the City probably would not be an active participant in any lawsuit brought by either side.

PETITIONS: None.

CLAIMS:

By Flaitz/Sciotti:

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$805,900.33, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

	Common Council	\$ 712,450.09
CD	\$ 8,461.16	
	Payrolls	\$ 84,412.08
	TOTAL	\$ 805,450.33

Carried – Ayes all (8)

Absent – Koehler, Carbone (2)

NEW & UNFINISHED BUSINESS:

- Mayor Hogan noted he and Alderman Norton had returned that day from NYCOM’s annual Winter Legislative Conference in Albany. He reviewed some of the reforms that new Gov. Spitzer is pursuing, and how they could help the City. “I think our Governor is the real deal,” said Mayor Hogan.
- Alderwoman Jean Shepard asked for an update on the River Street Bridge. Mayor Hogan said he approved, last week, the final set of plans and specifications for the bridge, which means the project should be ready to be let out for bid within a week. It was held up because of the need to acquire more property. The East Avenue reconstruction project probably will take place simultaneously with the bridge work, something Mayor Hogan said the City wanted to avoid because of detour issues.
- Mayor Hogan introduced Gary Mettler, whom he said would be appointed at a future meeting to fill a newly opened position on the City Planning Board.

By

Flaitz/Shepard:

RESOLVED, that the Common Council adjourn at 7:56 p.m.

Carried – Ayes all (8)

Absent – Koehler, Carbone

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk