

REGULAR meeting of the Hornell Common Council was held on Monday, Aug. 27, 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, 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: The Rev. Thomas Gramley.

ABSENT: Alderwoman Shepard.

INVOCATION: The Rev. Thomas Gramley of Tri-Parish Episcopal Ministry and Christ Church.

PLEDGE TO THE FLAG: Alderman Koehler.

By Testani/Hann:

RESOLVED, that the minutes of the July 23, 2007, regular meeting be approved as read.

Carried – Ayes all (9)

Absent – Shepard (1)

By Carbone/Lewis:

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

Carried – Ayes all (9)

Absent – Shepard (1)

REPORTS FILED: Public Hearing Minutes 7/23/2007; City Clerk 7/2007; General Fund Expenditures 7/2007; Water Fund Expenditures 7/2007; General Fund Revenues 7/2007; Water Fund Revenues 7/2007; BPS Minutes 7/12/2007 and 7/26/2007; HPD 7/2007; HFD 7/2007; Codes 7/2007; BPW Minutes 7/19/2007; DPW 7/2007; Sewer 7/2007; WTP 7/2007; WPCP 7/2007; and Humane Society 7/2007.

REPORTS OF COMMITTEES:

Aug. 20, 2007

To: the Honorable Shawn D. Hogan
And members of the Common Council

Ladies and Gentlemen:

The Finance Committee met on Monday, Aug. 20, at 5 p.m. in the conference room of

City Hall. Members present were: Aldermen Carbone, Norton, Flaitz, Koehler, and Foreman. Others present were Alderman Testani and Jen Carpenter of The Evening Tribune.

Items discussed and acted upon are as follows:

A resolution was distributed by Mayor Hogan authorizing the City to participate in Marchiselli funding for the River Street Bridge Project. A motion by Carbone, second by Norton, to approve said resolution. All ayes.

A resolution was distributed by Mayor Hogan to allow him to act on the City's behalf in signing all documents with the Village of North Hornell, and the City IDA, and the Hornell Area Industrial Development Corporation. A motion by Norton, second by Carbone, to approve said resolution. All ayes.

Mayor Hogan informed the committee of the pending contract with the Hornell firefighters. A motion was made by Koehler, second by Flaitz, to approve said contract. All ayes.

There being no further business, the meeting adjourned at 5:20 p.m.

Respectfully submitted,
Joe Foreman, Chairman
Finance Committee

Aug. 20, 2007

To: the Honorable Shawn D. Hogan
And members of the Common Council

Ladies and Gentlemen:

The Planning & Development Committee met on Monday, Aug. 20, at 5:20 p.m. in the conference room of City Hall. Members present were: Aldermen Carbone, Norton, Testani, Koehler, and Foreman. Others present were Alderman Flaitz and Jen Carpenter of The Evening Tribune.

Items discussed and acted upon are as follows:

Site plans were permitted for a new building at the Bradley Supply location. A motion by Carbone, second by Koehler, to accept the site plans. All ayes.

Mayor Hogan distributed a Memorandum of Understanding with the Village of North Hornell regarding the Lowe's project. See Resolution HN-07-46. A motion was made by Testani, second by Koehler, to accept the Memorandum of Understanding. All ayes.

There being no further business, the meeting adjourned at 5:30 p.m.

Respectfully submitted,
Joe Foreman, Chairman
Finance Committee

Aug. 23, 2007

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

Ladies and Gentlemen:

The Audit Committee met and audited bills at 7 p.m. Wednesday, Aug. 22, 2007. Bills were audited and approved by members Jean Shepard, Glenn Hann, and Christopher Koehler, Chairman.

Bills audited and approved:

CC	\$207,226.51	
CD	22,101.75	
PAYROLL		90,223.84
TOTAL	\$319,552.10	

Respectfully submitted,
Christopher Koehler, Chairman
Audit Committee

By Hann/Flaitz:

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

Carried – Ayes all (9)

Absent – Shepard

(1)

RESOLUTIONS:

#1 – ADOPT WORKPLACE VIOLENCE POLICY & PROCEDURES – HN-07-43

By Lewis/Sciotti:

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Hornell hereby adopts the Workplace Violence Policy & Procedures as attached, to be implemented immediately.

Carried – Ayes all (9)

Absent – Shepard (1)

ON THE QUESTION: See Appendix C. Mayor Hogan told the Common Council that municipal insurance companies often request policies like this one, as well as those covering sexual harassment and substance abuse by employees. The Mayor noted he has directed this policy to be distributed to employees, with department heads asked to review it with them and post it.

#2 – AMEND DEC RESOLUTION – HN-07-44

By Koehler/Sciotti:

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Hornell hereby amends Resolution No. 07-28, adopted April 23, 2007, to include the following authorization: “The Fire Chief is authorized to sign the amendment effective May 15, 2007.”

Carried – Ayes all (9)

Absent – Shepard (1)

#3 – AUTHORIZE MAYOR TO SIGN MEMORANDUM OF AGREEMENT WITH VILLAGE OF NORTH HORNELL, IDA & IDC – HN-07-45

By Lewis/Testani:

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Hornell hereby authorizes Mayor Shawn D. Hogan to act on the City’s behalf in signing of documents with the Village of North Hornell and the City of Hornell Industrial Development Agency and the Hornell Area Industrial Development Corporation.

Carried – Ayes all (9)

Absent – Shepard (1)

ON THE QUESTION: See Appendix A. Mayor Hogan noted this agreement is patterned after the deal that allowed for the construction of the Hornell Plaza a decade earlier.

#4 – AUTHORIZE MAYOR TO SIGN MEMORANDUM OF UNDERSTANDING WITH VILLAGE OF NORTH HORNELL – HN-07-46

By Koehler/Norton:

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Hornell hereby authorizes Mayor Shawn D. Hogan to sign the Lowe’s Project Memorandum of Understanding with the Village of North Hornell.

Carried – Ayes all (9)

Absent – Shepard (1)

ON THE QUESTION: See Appendix B. Mayor Hogan said negotiations on this Memorandum of Understanding were supplemental to the PILOT agreement in the above resolution. Some aldermen had been contacted before this meeting by residents questioning the agreement, the Mayor said, yet no one showed up in person, “which is disconcerting to say the least.” Mayor Hogan reviewed stipulations of the agreement, including North Hornell to be serviced by the City street sweeper, extension of the sewer agreement until 2031, free access to the City Compost Facility, no charge for pavilions at

Veterans Memorial Park at James Street, and inclusion in the City's contract for garbage collection. "We don't give up anything financially," the Mayor said. City Attorney Pelych asked who would bill for garbage, and the Mayor said the City would. Alderman Koehler commended the Mayor for negotiating the agreement, and added that the Lowe's store will make Hornell even more of a shopping hub while creating jobs. Alderman Norton said the City often has been criticized by outlying communities for involvement in projects like Lowe's, but that the City brings businesses and desired residential services that neighboring communities enjoy. Alderman Sciotti contrasted this Memorandum of Understanding with the current water controversy in the Village of Arkport and said Arkport declined to join the City's water system. "It goes to show you, it's a lot easier to share and work together," Alderman Sciotti said.

**#5 – AUTHORIZE MAYOR TO SIGN MARCHISELLI AID AGREEMENT
FOR RIVER STREET BRIDGE – HN-07-47**

By Carbone/Testani:

(Authorizing the implementation, and funding in the first instance 100 percent of the federal-aid and state "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.)

WHEREAS, a Project for the City of Hornell, River Street Bridge Replacement (BIN 22218220) over the Canisteo River, P.I.N. 6753.78 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ration of 80 percent Federal funds and 20 percent non-federal funds; and

WHEREAS, the City of Hornell desires to advance the Project by making a commitment of 100 percent of the non-federal share of the costs of City of Hornell, River Street Bridge Replacement (BIN 22218220) over the Canisteo River, City of Hornell, Steuben County, P.I.N. 6753.78;

NOW, THEREFORE, the Common Council duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Hornell to pay in the first instance 100 percent of the federal and non-federal share of the cost of Preliminary Engineering, Design, and Right of Way Incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$3,450,000.00 is hereby appropriated from River Street Bridge Account No. H5120.21 and made available to cover the cost of participation in the above phase of the project; and it is further

RESOLVED, that the Mayor of the City of Hornell be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Hornell with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid

and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Carried – Ayes all (9)

Absent – Shepard (1)

#6 – APPROVE CONTRACT WITH HORNELL FIREFIGHTERS ASSOCIATION – HN-07-48

By Carbone/Lewis:

NOW, THEREFORE, BE IT RESOLVED, that the Contract between the City of Hornell and the Hornell Firefighters Association beginning April 1, 2006, and expiring March 31, 2010, be and is hereby approved and accepted.

Carried – Ayes all (9)

Absent – Shepard (1)

ON THE QUESTION: Mayor Hogan reviewed provisions of the contract. He said these have been “elongated negotiations, and not one without ruffled feathers and hurt feelings.” The contract will negate the process of arbitration toward which this dispute was headed, he added.

PETITIONS: None

CLAIMS:

By Koehler/Flaitz:

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$319,552.10, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

	Common Council	\$	207,226.51
CD		\$	22,101.75
	Payrolls	\$	90,223.84
	TOTAL	\$	319,552.10

Carried – Ayes all (9)

Absent – Shepard (1)

NEW & UNFINISHED BUSINESS:

Mayor Hogan noted the new Paddy's Bar is opening this week.

By Flaitz/Hann:

RESOLVED, that the Common Council adjourn at 7:32 p.m.

Carried – Ayes all (9)

Absent – Shepard (1)

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk