

REGULAR meeting of the Hornell Common Council was held on Monday, Oct. 27, 2008, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

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

AND FROM THE MEDIA: Bob Clark of The Evening Tribune.

ALSO PRESENT: The Rev. David Kilgore; County Legislator Randy Weaver; Enford Pettibone; and Hornell High School students Breanna Johnson, Tony Sciotti, Brad Lawson, Kyle Conine, Richie Dunning, and Rachel Reffitt.

ABSENT: Alderman Sciotti, due to work conflict; Stenographer Schu, due to illness.

INVOCATION: The Rev. David Kilgore, Presbyterian Church.

PLEDGE TO THE FLAG: Alderman Norton.

By Hann/Flaitz:

RESOLVED, that the minutes of the Common Council meeting of Oct. 14, 2008, be approved as read.

Carried – Ayes all (9)

Absent – Sciotti (1)

By Koehler/Testani:

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

Carried – Ayes all (9)

Absent – Sciotti (1)

REPORTS FILED: BPW Minutes 9/18/2008; DPW 9/2008; WTP 9/2008; Sewer 9/2008; WPCP 9/2008; LaBella 10/16/2008; Library Minutes 9/22/2008.

ON THE QUESTION: Alderwoman Shepard questioned a phrase in the Board of Public Works minutes concerning “water taxes.” Mayor Hogan explained that it meant Arkport Central School District taxes paid on the City-owned watershed.

REPORTS OF COMMITTEES:

Oct. 23, 2008

**To: the Honorable Shawn D. Hogan
and members of the Common Council
Ladies and Gentlemen:**

The Audit Committee met and audited bills at 7 p.m. Thursday, Oct. 23, 2008. Bills were audited and approved by members Glenn Hann, Jean Shepard, and Chris Koehler, Chairman. Bills audited and approved:

CC	\$ 377,158.51
CD	30,317.48
PAYROLL	87,494.86
TOTAL	\$ 494,970.85

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

**By
Koehler/Flaitz:**

**RESOLVED, that the Reports of Committees be accepted and placed on file.
Carried – Ayes all (9)
Absent – Sciotti (1)**

RESOLUTIONS:

#1 – CANCEL TAXES ON 96-98 CEDAR ST. – HN-08-62

ON THE QUESTION: This resolution was pulled on the advice of City Attorney Pelych due to a question if the taxes should have been prorated.

#2 – TRAFFIC ORDINANCE AMENDMENT: HILL STREET – HN-08-63

**By
Flaitz/Hann:**

TRAFFIC ORDINANCE AMENDMENT

NOW, THEREFORE, BE IT RESOLVED, ORDAINED AND ENACTED by the Common Council of the City of Hornell, New York, and the same hereby is resolved, ordained and enacted, that the Traffic Ordinance of the City of Hornell relating to the Traffic Ordinances is hereby amended by the addition of the following:

Designating the section of Hill Street between Cass and West streets as one-way for westbound traffic; and,

Placing a stop sign on Hill Street at Cass Street, with “One Way Do Not Enter” signs on the opposite side of this same intersection.

BE IT FURTHER RESOLVED, that these changes are effective immediately and are to be published in the newspaper of record.

**Carried – Ayes all (9)
Absent – Sciotti (1)**

ON THE QUESTION: Mayor Hogan said there was a late-summer accident at the upper end of Hill Street between Cass and West streets, and that there had been at least a dozen

such crashes with parked cars – many of them hit-and-run – in the same location over the years. The City looked at a traffic ordinance at the request of residents, who wanted relief, the Mayor added. Police Chief Murray reviewed the situation and recommended the one-way section on Hill Street from West to Cass streets, which may mean an inconvenience for some motorists as they now will have to come up Buffalo Street rather than Cass Street, said Mayor Hogan. Alderman Hann expressed concern with motorists who travel from West Street to north Hill Street in winter, when it can be difficult to make the turn. He also said he asked DPW Superintendent Oakes to correct a culvert there that gets icy. Resident Enford Pettibone said two-wheel-drive vehicles “just can’t make it” when there is a few inches of wet snow. Mayor Hogan said the winter problem is minimal, occurring only a few times each season, if that. Otherwise, Alderman Hann said, the residents appear to support this traffic change. Mayor Hogan noted this amendment can always be rescinded if it doesn’t work out.

#3 – TRAFFIC ORDINANCE AMENDMENT: EAST AVENUE – HN-08-64

By

- **Lewis/Shepard:**
TRAFFIC ORDINANCE AMENDMENT
NOW, THEREFORE, BE IT RESOLVED, ORDAINED
AND ENACTED by the Common Council of the City of
Hornell, New York, and the same hereby is resolved,
ordained and enacted, that the Traffic Ordinance of the
City of Hornell relating to the Traffic Ordinances is hereby
amended by the addition of the following:
Add a stop intersection (§300-54) on East Avenue (north) at
the intersection of Terry Street/East Main Street; and,
Add a stop intersection (§ 300-54) on East Avenue (north)
at the intersection of East Main Street; and,
Add a stop intersection (§ 300-54) on East Avenue (west) at
the intersection of East Avenue; and,
Remove a yield intersection (§ 300-55) on East Avenue
(north) at the intersection of Terry Street/East Main Street;
and,
Remove a yield sign currently in §300-55 on East Avenue at
the intersections of Blaine Street (north) and Conklin Street
(south), as this is incorrectly identified; and,
Add parking prohibited at all times (§300-58) on East
Avenue (east side) from northerly curbline of Henry Street
to southerly curbline of Hart Street; and,
Revise parking prohibited at all times (§300-58) to East
Avenue (west side) from southerly curbline of Hart Street to
southerly curbline of Terry Street; and,
Remove time limit parking (§300-64) to East Avenue (east
side) 15 minutes/all in front of No 207.

BE IT FURTHER RESOLVED, that these changes are effective immediately and are to be published in the newspaper of record.

Carried – Ayes all (9)

Absent – Sciotti (1)

ON THE QUESTION: Mayor Hogan noted the City has decided to eliminate an additional stop sign that was scheduled to be removed at East Main Street, to which Alderwoman Shepard said, “That was my main concern.” Alderman Testani noted that although this did not pertain to the resolution, two no-parking signs that used to be visible upon turning right onto East Main from River Street were no longer there; Mayor Hogan said if the signs are properly ordinances, they will be replaced. Alderwoman Shepard said some residents of the street were concerned about the no-parking zone if they have company over, but Mayor Hogan replied that most residences from the Utter Place shop to past Riverbend Apartments have off-street parking. Also in response to a query from Alderwoman Shepard, Mayor Hogan said the new signs will meet federal DOT standards.

#4 – WAIVE AGENDA – HN-08-65

By Testani/Shepard:

RESOLVED, that Common Council of the City of Hornell, New York, hereby waives the agenda to consider Resolution HN-08-66, authorizing the Mayor to sign a Master Grant Agreement with the New York State Department of Transportation.

Carried – Ayes all (9)

Absent – Sciotti (1)

ON THE QUESTION: Mayor Hogan said today’s mail brought this agreement from the State DOT.

#5 – AUTHORIZE MAYOR TO SIGN AIRPORT AGREEMENT – HN-08-66

By Hann/Testamo:

NOW, THEREFORE, BE IT RESOLVED, that Common Council of the City of Hornell, New York, hereby authorizes Mayor Shawn D. Hogan to sign the Master Grant Agreement (Project No. 6902.17) with the New York State Department of Transportation, as attached.

Carried – Ayes all (9)

Absent – Sciotti (1)

ON THE QUESTION: Mayor Hogan noted this agreement will cover the federal (\$108,649), state (\$2,716) and local (\$2,716) shares of the updated Airport Master Plan.

PETITIONS: None

CLAIMS:

By Koehler/Flaitz:

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$494,970.85, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

	Common Council	\$	377,158.51
CD		\$	30,317.48
	Payrolls	\$	87,494.86
	TOTAL	\$	494,970.85

Carried – Ayes all (9)

Absent – Sciotti (1)

NEW & UNFINISHED BUSINESS:

Alderman Hann said his ward had “a lot of Cornerstone (-owned) housing,” some of which has been abandoned. Mayor Hogan noted the problem with that owner of land-lease property is not limited to the Eighth Ward, but in fact is throughout Hornell and Steuben and Allegany counties. He said he complained about Cornerstone’s business practices to the State Attorney General, which resulted in the company being fined. “They shouldn’t take it personally,” said Mayor Hogan, “but I deplore what they do.”

- Alderwoman Shepard asked if East Avenue would be opened before lighting was in place. “You can’t,” said Mayor Hogan. The street was to officially open on Oct. 31, 2008, but the Mayor indicated that might not happen. He said the City will not take official possession of the street until a punch-list of items is finished, although the street may be open to two-way traffic before then.

Alderman Koehler asked about the City’s efforts to update the Master Plan. Mayor Hogan said there have been problems trying to get focus-group members together during the day, although some focus groups have been more active than others. The City Planning Office had looked at completing the update by March, which the Mayor said might have been

too optimistic.

By /:

RESOLVED, that the Common Council adjourn at 7:29 p.m.

Carried – Ayes all (9)

Absent – Sciotti (1)

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk