

A special meeting of the Hornell Common Council was held on Tuesday, September 1, 2015, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Mayor Shawn D. Hogan; Council members Ponticello, Brown, McCumiskey, Lehman, Bassage, Buckley and Carbone; and City Clerk Barbara Perrott.

ALSO PRESENT: Eileen Lehman and Jason Jordan from the Evening Tribune.

ABSENT: Council members McKay, Foreman and McManus

By: Buckley/McCumiskey

HN 15-43 SEQR – Water Treatment Plant Repairs

RESOLVED, that in accordance with 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 following project elements:

1. Repair / upgrade the #1 clarifier at the water treatment plant
2. Repair / replace the existing 2.5 million-gallon water storage tank
3. Install a blowoff to provide improved usage of reservoir #2
4. Repair concrete spalling on the reservoir #1 spillway
5. Install automation equipment for the water treatment plant filter system
6. Install a new and automated influent flow control valve
7. Repair grades at seven locations on the reservoir transmission line to provide pipe protection.

In its capacity of lead agency, the Common Council has caused to be prepared an environmental assessment and potential environmental impact of the above project. The Common Council hereby accepts the environmental assessment of the project prepared by the Mayor's Planning Office.

The Common Council further declares that, based on the environmental assessment, which has been prepared, it finds that this activity is a Type II under SEQR. The Council further finds that the project will result in no adverse impacts and therefore, will not cause significant damages to the environment.

Therefore, the Common Council has determined that an Environmental Impact Statement will not be required.

Carried – 6

Absent – 4 (Brown, McKay, Foreman, McManus)

By: Carbone/Lehman

HN 15-44 Authorize Mayor to Execute Grant

RESOLVED, that Shawn D. Hogan, the Mayor of the City of Hornell, Steuben County, New York, is hereby authorized as the official representative of the City of Hornell to execute a Grant Application, Financing Application, and any and all other contracts, documents and instruments necessary for Clean Water State Revolving Fund Assistance for the following projects:

1. Repair/upgrade the #1 clarifier at the water treatment plant
2. Repair/replace the existing 2.5 million-gallon water storage tank
3. Install a blow off to provide improved usage of reservoir #2
4. Repair concrete spalling on the reservoir #1 spillway
5. Install automation equipment for the water treatment plant filter system
6. Install a new and automated influent flow control valve
7. Repair grades at seven locations on the reservoir transmission line to provide pipe protection.

Carried – 6

Absent – 4 (Brown, McKay, Foreman, McManus)

By: Ponticello/Lehman

HN 15-45 Bond Resolution

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. The reconstruction and update of the Water Filtration Plant, delivery system, and reservoirs for the City of Hornell, Steuben County, New York including:

1. Repair / upgrade the #1 clarifier at the water treatment plant
2. Repair / replace the existing 2.5 million-gallon water storage tank
3. Install a blowoff to provide improved usage of reservoir #2
4. Repair concrete spalling on the reservoir #1 spillway
5. Install automation equipment for the water treatment plant filter system

6. Install a new and automated influent flow control valve
7. Repair grades at seven locations on the reservoir transmission line to provide pipe protection

And incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$4,870,000.

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 \$4,870,000 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 fifty 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 matters 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. The City Chamberlain is hereby further authorized, in substitution for the serial bonds herein authorized, to enter into a lease purchase transaction for the financing of said specific object or purpose, after compliance with 2 NYCRR Section 39.2, pursuant to the provisions of Section 109-b of the General Municipal 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 (McKay, Foreman, McManus)

By: Buckley/McCumiskey

RESOLVED, that there being no further business the Common Council adjourn at 7:15 p.m.

Carried – 7

Absent – 3 (McKay, Foreman, McManus)

SHAWN D. HOGAN
MAYOR

BARBARA M. PERROTT
CITY CLERK