

A regular meeting of the Hornell Common Council was held on Monday, December 18, 2017, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Shawn D. Hogan Mayor; Council members Ponticello, Brown, McKay, Foreman, Cleveland, Lehman, Bassage, Buckley and Carbone; City Attorney Joe Pelych, Stenographer Karen Schu and City Clerk Barbara Perrott.

ALSO PRESENT: Neil Simon and Jason Jordan from the Evening Tribune, Bill Dugan from WLEA, 19 high school students and many friends and family members of Mayor Hogan.

ABSENT: Council member McCumiskey

INVOCATION: Reverend Matt Sassano

PLEDGE TO THE FLAG: Mayor Shawn D. Hogan

By: Cleveland/Buckley

RESOLVED, that the minutes of the Common Council meetings of November 20, 2017 and December 11, 2017 be approved as read.

Carried – 9

Absent – 1 (McCumiskey)

By: Foreman/Brown

RESOLVED, that the Reports of Officers be and hereby are approved and placed on file.

REPORTS FILED:

City Clerk – 11/2017; Econ. Development Loan Program – 11/2017; General Fund Exp. – 11/2017; BPS Minutes – 11/9/17 + 11/15/17; Water Fund Exp. – 11/2017; Codes – 11/2017; Humane Society – 11/2017; Codes Log – 11/2017; General Fund Rev. – 11/2017; Police – 11/2017; Water Fund Rev. – 11/2017; Fire – 11/2017; Housing Rehab. Summary – 11/2017; Ambulance – 11/2017; OCR Program Income – 11/2017.

Carried – 9

Absent – 1 (McCumiskey)

By: Lehman/Ponticello

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

Carried – 8

Absent – 1 (McCumiskey)

COMMITTEE REPORTS:

AUDIT COMMITTEE

December 15, 2017

To the Honorable Shawn D. Hogan, Mayor
And
Members of the Common Council

Ladies and Gentlemen:

Bills were audited and approved by Audit Committee Members Jeff Brown, Jim Bassage, Joseph McKay and Audit Committee Chairman John Carbone.

Bills audited and approved:

Common Council	\$230,148.49
CD	\$ 76,673.36
Payrolls	<u>\$ 81,465.84</u>
TOTAL	\$388,287.69

Respectfully submitted,

John Carbone, Chairman
Audit Committee

PLANNING & DEVELOPMENT

November 30, 2017

Hon. Mayor Shawn D Hogan
Members of the common Council

Ladies & Gentlemen:

The Hornell City Planning and Development Committee met on November 21, 2017 at 7:37 pm in the second floor meeting room of City Hall.

Members present: Alderman and Mayor-Elect John Buckley, Jessica Cleveland, John Carbone

Others present were Heather Reynolds from the Mayors' Planning Office and Andy Bodewes from Park Realty.

Items discussed and or acted upon:

1. Committee listened to a review of the Marion Rohr building project from Andy Bodewes. Andy explained the importance of the successful grant monies from

Restore NY. Andy explained that if the project is successfully funded that he would anticipate an April ground breaking with hopes of completion within 10-12 months.

The Committee approved and accepted the proposal. Motion to approve by Buckley and seconded by Cleveland. Ayes All.

With no further business a motion was made to adjourn at 8:14pm. Motion to adjourn by Buckley and seconded by Cleveland

Respectfully submitted by

John Carbone
For
Joe Foreman, Chairman

QUALITY OF LIFE

To the Honorable Shawn D Hogan,
Common Council Members,
Ladies and Gentlemen,

The Quality of Life Committee met on November 28th at 6:30pm in the second floor conference room of city hall.

Members in attendance were Jessica Cleveland, Fred Lehman, and John Buckley. Also in attendance were Codes officer Bud Burdett, Fire Chief Dan Smith, Police Chief Ted Murray, Kim Courtney from HAT, Jason Jordan from the Evening Tribune and special guests Kobie Brooks and Bryce Rowles from Life Net.

Representatives from Life Net gave a PowerPoint presentation to the committee on the life saving services they provide to Hornell and the region.

Chief Murray gave an update on the drug issue.

Chief Smith reported transports from St James are down.

Bud Burdett updated the committee on zombie properties and reported an uptick in developing run down properties.

There being no further business, the meeting was adjourned at 7:45pm. Motion by Cleveland, 2nd by Lehman.

Respectfully submitted,

John Buckley
Chairman

Carried – 9
Absent – 1 (McCumiskey)

RESOLUTIONS:

By: Buckley/Ponticello

HN-17-79 Vacant and At-Risk Property Registrations & Remediation Ordinance

WHEREAS, the Law and Ordinance Committee for the Common Council of the City of Hornell has recommended that the Common Council pass a vacant and at-risk property registration law, and

WHEREAS, the Common Council finds that it is in compliance with the City of Hornell's master plan.

NOW, THEREFORE, it is hereby **RESOLVED**:

This resolution adopts and enacts section 168.14 of the Code and Ordinances of the City of Hornell, which is entitled "Vacant and At-Risk Property Registration and Remediation". Said ordinance is attached hereto and made a part hereof as if fully set forth.

The present code Section 168.14 is hereby re-numbered to Section 168.15.

Carried – 9
Absent – 1 (McCumiskey)

By: Carbone/McKay

HN-17-80 – Sale of County Courthouse

WHEREAS, the City of Hornell obtained the abandoned County Courthouse located at 12 Allen Street in the City of Hornell from the County of Steuben, and

WHEREAS, a developer has contacted the City of Hornell with the desire of developing said property into a distillery, and

WHEREAS, the Common Council for the City of Hornell finds that the development of said property into a distillery conforms to the City of Hornell's master plan.

NOW, THEREFORE, it is hereby resolved that:

1.) The Common Council for the City of Hornell hereby authorizes the sale of what was formerly known as the Steuben County Courthouse, located at 12 Allen Street in the City

of Hornell, to Robert W. Bates under the terms and conditions of the purchase agreement attached hereto, provided the attached contract contains the following provision:

The city shall retain a reversionary interest which shall run with the land. The interest shall provide that the grantee will provide the city with an approvable re-development plan within 18 months of the transfer of the deed. It will further provide that the grantee will obtain a certificate of occupancy for said property within 5 years of the transfer of the deed. A violation of the reversionary clause will result in the property reverting back to the city. In the event the grantee wishes to sell said property, the city will not unreasonably withhold its consent and the city agrees to negotiate in good faith with the new buyer in order to redevelop said parcel.

2.) The Mayor for the City of Hornell is hereby authorized to execute any and all necessary documents in order to effectuate said transaction.

Carried – 9

Absent – 1 (McCumiskey)

By: Buckley/Cleveland

HN-17-81 – 5.2 Acre Transfer to TDC

WHEREAS, the City of Hornell is committed to future commercial growth at the Hornell Plaza, on undeveloped land recently acquired by TDC Hornell Land IT, LLC and

WHEREAS, the City of Hornell holds title to 5.2 acres of landlocked acreage within the property recently acquired by TDC Hornell Land IT, LLC and

WHEREAS, TDC Hornell Land IT, LLC wishes to begin planning for development of this property recently acquired, and wishes to include the 5.2 landlocked acres owned by the City in their development plans and

WHEREAS, The City of Hornell is a strong supporter of commercial development, the City agrees to transfer title of said 5.2 landlocked acres to TDC Hornell Land IT, LLC. For the following consideration:

City will transfer title to TDC Hornell Land IT, LLC. If the property transferred is not developed within 5 years' time, the title to said 5.2 acres will revert back to the City of Hornell. If property is developed in that 5 year time frame the City of Hornell will receive \$5,000/acre for the 5.2 land locked acres for a total of \$25,000 dollars.

WHEREAS, the City is very supportive of this effort to develop the remaining acreage to productive commercial use, the Common Council of the City of Hornell authorizes the City Attorney to prepare such legal documents required to finalize this transaction, and further authorizes Shawn D. Hogan, Mayor, or his successor, to sign such legal documents to make the transfer of title, under the terms and conditions outlined in this resolution.

NOW, THEREFORE, the Common Council authorizes this transfer to be made as soon as practical.

Carried – 9

Absent – 1 (McCumiskey)

By: Buckley/Ponticello

HN-17-82 – Authorize Mayor to sign Agreement with Arkport Central School

RESOLVED, that the Mayor of the City of Hornell, Steuben County, New York, is hereby authorized as the official representative of the City of Hornell to sign an agreement with the Arkport Central School District.

Carried – 9

Absent – 1 (McCumiskey)

By: Carbone/Lehman

HN-17-83 – Authorize Mayor to sign Agreement with HPG

WHEREAS, the City of Hornell previously adopted and approved a business improvement district to help promote businesses located within the City of Hornell, and

WHEREAS, it is necessary that the City of Hornell enter into a formal agreement with Hornell Partners for Growth, the entity that administers the business improvement district program.

NOW, THEREFORE, it is hereby resolved that:

The Mayor for the City of Hornell is hereby authorized to enter into an agreement with Hornell Partners for Growth. A copy of the agreement is attached hereto and made a part hereof.

Carried – 9

Absent – 1 (McCumiskey)

By: Brown/Cleveland

HN-17-84 – Canvas Vote

WHEREAS, Subpart A §17 of the City Charter of the City of Hornell provides that the Common Council shall act as a Board of Canvassers of Election for City Elections, and

WHEREAS, the City Clerk has certified the following list, as submitted to her, pursuant to §17 of the City Charter, as the Official Statement of the Election Inspectors and results of the Election held on Nov. 7, 2017, as it now appears by records on file in the Office of the City Clerk, and

WHEREAS, the following persons have received a plurality of votes cast in such election for the respective offices set opposite their name:

John J. Buckley	Hornell City Mayor
Michele L. Smith	Hornell City Chamberlain
Melissa M. Ponticello	Hornell City Alderman Ward 1
Jeffrey L. Brown	Hornell City Alderman Ward 2
Joseph McKay	Hornell City Alderman Ward 3
Richard R. Argentieri	Hornell City Alderman Ward 4
Daniel M. Warriner	Hornell City Alderman Ward 5
Jessica Cleveland	Hornell City Alderman Ward 6
Frederick J. Lehman	Hornell City Alderman Ward 7
James M. Bassage	Hornell City Alderman Ward 8
Steven R. Shinebarger	Hornell City Alderman Ward 9
John A. Carbone Jr.	Hornell City Alderman Ward 10

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell does hereby declare the persons named to be duly elected to the respective offices set opposite their names for the terms of office, as specified by the City Charter of the City of Hornell.

Carried – 9

Absent – 1 (McCumiskey)

By: Buckley/Lehman

HN-17-85 – Budget Adjustment – Fire Miscellaneous

WHEREAS, a transfer of funds is necessary to reflect a budget adjustment,

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Hornell, NY that the 2017-2018 City of Hornell budget now reflects the following adjustments:

Decrease Ambulance Special Reserve (A4540.5) by \$22,815.33 and increase Fire Miscellaneous (3410.49) by \$22,815.33 to cover legal fees incurred for personnel issues.

Carried – 9

Absent – 1 (McCumiskey)

By: Buckley/Ponticello

HN-17-86 – Traffic Ordinance Amendment No. 710

RESOLVED, that the Common Council of the City of Hornell hereby approves the following Traffic Ordinance Amendment pertaining to Mill Street.

- Rescind Traffic Ordinance 454, restricting parking for a distance of 150' on the south side of Mill St.

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

Carried – 9

Absent – 1 (McCumiskey)

By: Carbone/Cleveland

HN-17-87 – Accept Resignation of Richard Argentieri from ZBA

RESOLVED, that the Common Council of the City of Hornell hereby accepts the resignation of Richard Argentieri from the Zoning Board of Appeals effective December 18, 2017.

Carried – 9

Absent – 1 (McCumiskey)

Claims:

By: Carbone/Buckley

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$388,287.69, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$230,148.49
CD	\$ 76,673.36
Payrolls	<u>\$ 81,465.84</u>
TOTAL	\$388,287.69

Carried – 9

Absent – 1 (McCumiskey)

By: Foreman/Brown

RESOLVED, that there being no further business, the meeting adjourned at 7:44

Shawn D. Hogan
Mayor

Barbara M. Perrott
City Clerk