

A regular meeting of the Hornell Common Council was held on Monday, February 19, 2018, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: John J. Buckley Mayor; Council members Ponticello, Brown, McKay, Argentieri, Warriner, Cleveland, Lehman, Shinebarger and Carbone; City Attorney Joe Pelych, Stenographer Karen Schu and City Clerk Barbara Perrott.

ALSO PRESENT: Michele Smith, Eileen Lehman, Mike Palmesano, Randy Weaver, Bill Colomaio, Jason Jordan from the Evening Tribune, Bill Dugan from WLEA, 15 high school students.

ABSENT: Council member Bassage

INVOCATION: Pastor Alan Bliss, Free Methodist Church

PLEDGE TO THE FLAG: Councilman Jeff Brown

Prior to the start of business, Mayor Buckley delivered his State of the City address.

By: Argentieri/Ponticello

RESOLVED, that the minutes of the Common Council meeting of January 15, 2018 be approved as read.

Carried – 9
Absent – 1 (Bassage)

By: Ponticello/Brown

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

REPORTS FILED:

BPW Minutes – 12/21/17, 1/18/2018; EDLP Summary 12/2017-1/2018; DPW – 12/2017, 1/2018; OCR Program Income 12/2017-1/2018; Petro Tank Report – 1/2/18, 2/1/18; Gen. Fund. Rev – 1/31/18; WTP – 12/2017, 1/2018; Water Fund Rev – 1/31/2018; WPCP – 12/2017, 1/2018; BPW Minutes – 1/11/2018; Project Summary Report – 1/16/18, 2/14/2018; Humane Society – 1/2018; Gen. Fund Exp. – 1/31/18; Police/Resource Officer – 1/2018; Water Fund Exp. 1/31/18; Fire/Ambulance – 1/2018; City Clerk – 1/2018; Codes/Codes Log – 1/2018; Housing Rehab. Summary – 12/2017, 2018

Carried – 9
Absent – 1 (Bassage)

By: Brown/Warriner

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

COMMITTEE REPORTS:

AUDIT COMMITTEE

February 16, 2018

To the Honorable John J. Buckley, Mayor
 And
 Members of the Common Council

Ladies and Gentlemen:

Bills were audited and approved by Audit Committee Members Jeff Brown, Fred Lehman, Richard Argentieri and Audit Committee Chairman John Carbone.

Bills audited and approved:

Common Council	\$1,279,526.80
CD	\$ 20,762.56
Payrolls	\$ 74,990.80
TOTAL	\$1,375,280.16

Respectfully submitted,

John Carbone, Chairman
 Audit Committee

Carried – 9
 Absent – 1 (Bassage)

RESOLUTIONS:

By: Carbone/Lehman
HN 18-19 – WPCP Study – Local Share

Whereas, the City of Hornell has applied for and subsequently received notice of award of an engineering planning grant, and,

Whereas, implementation of the planning grant will address questions about the cost, scope and impacts of potential wastewater treatment and/or collection system improvements being considered in the City, and,

Whereas, the City of Hornell must provide a minimum local match of \$4,000 to enjoy benefit of the maximum grant award of \$20,000 from the NYS Environmental Facilities Corporation;

NOW, THEREFORE, BE IT:

RESOLVED that the City of Hornell authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the City of Hornell Water Pollution Control Plant Study. Under the Engineering Planning Grant Program, this local match must be at least 20% of the grant award of \$20,000. The maximum local share appropriated subject to any changes agreed to by the Mayor of the City of Hornell shall not exceed \$4,000. The total maximum project cost is \$24,000. The Mayor of the City of Hornell may increase this local match through the use of in kind services without further approval from the City of Hornell.

Carried – 9
Absent – 1 (Bassage)

By: Cleveland/Lehman
HN-18-20 – WPCP Study – Authorize Mayor to sign documents

Whereas, the City of Hornell has applied for and subsequently received notice of award of an engineering planning grant; and,

Whereas, implementation of the planning grant will address questions about the cost, scope and impacts of potential wastewater treatment and/or collection system improvements being considered in the City;

NOW, THEREFORE, BE IT:

RESOLVED that the City Mayor is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Hornell's obligations under the Engineering Planning Grant Agreement.

Carried – 9
Absent – 1 (Bassage)

By: Ponticello/Carbone
HN-18-21 – SEQR – WPCP Study

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

Whereas, the City of Hornell has been awarded Wastewater Engineering Planning Grant #73544 to support an engineering planning project that would identify actions that will correct deficiencies in the City's wastewater collection or treatment facilities;

NOW, THEREFORE, BE IT:

RESOLVED that the City Council of the City of Hornell hereby determines that the proposed engineering report for the Water Pollution Control Plant Study is a Type II action in accordance with 6 NYCRR Part 617 Section 617.5(c)(21) which constitutes the collection of basic data and research, and conduct of concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning necessary to the formulation of a proposal for action and is therefore not subject to review under 6 NYCRR Part 617.

Carried – 9
Absent – 1 (Bassage)

By: Argentieri/Brown
HN-18-22 – Appoint Mayor Buckley to Steuben County Landbank

WHEREAS, the County of Steuben, by resolution dated January 22, 2018, appointed John Buckley, Hornell city Mayor, to the Steuben County Land Bank Corporation as a municipal representative, and

WHEREAS, the by-laws of the Steuben County Land Bank Corporation require that the Common Council for the City of Hornell approve said appointment, and

WHEREAS, the Common Council for the City of Hornell finds that it is in the best interest of the citizens of the City of Hornell to have Mayor Buckley appointed to the Steuben County Land Bank Corporation.

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

The Common Council for the City of Hornell approves the appointment of Mayor John Buckley, to the Steuben County Land Bank Corporation for a term of two years commencing on January 1, 2018 and expiring on December 31, 2019.

Carried – 9
Absent – 1 (Bassage)

By: Cleveland/Warriner
HN-18-23 – Budget Transfer

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:

- Increase [A9550.9] Capital Projects by \$14,300.00
- Decrease [A5610.49] Airport Miscellaneous by \$14,300.00
- Increase [5110.47] Street Repairs to Equipment by \$8,000.00
- Decrease [A2680] Insurance Recoveries by \$8,000.00

Carried – 9
Absent – 1 (Bassage)

By: Carbone/Lehman
HN-18-24 – Consolidated Funding Application - TTA

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 execute and submit a Pre-Submission Form through the Consolidated Funding Application (CFA) system for Community Development Block Grant funding for economic development assistance to enable TTA Systems LLC to expand and create new jobs.

The Mayor is authorized to execute all understandings and assurances required for the Pre-Submission Form, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

Carried – 9
Absent – 1 (Bassage)

By: Warriner/Brown
HN-18-25 – Appoint Scott Richardson to Board of Public Safety

NOW, THEREFORE, BE IT RESOLVED, that Scott Richardson of 111 Myrtle Ave, Hornell, New York, is hereby appointed as Commissioner of Public Safety for a two-year term, commencing February 20, 2018 and expiring Jan. 31, 2020.

Carried – 9
Absent – 1 (Bassage)

By: Carbone/Cleveland
HN-18-26 – BAN – Bridge Reconstruction/Replacement

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. Design costs in connection with the reconstruction/replacement of bridges in and for the City of Hornell, Steuben County, New York, is hereby authorized at a maximum estimated cost of \$418,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$418,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the

amount of bonds to be issued shall be reduced to the extent of grants received for such purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. 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 5. 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 6. 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.

Section 7. 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 8. 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 funding of the object or purpose described herein.

Section 9. 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 – 9
Absent – 1 (Bassage)

Claims:

By: Ponticello/Argentieri

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$1,375,280.16, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$1,279,526.80
CD	\$ 20,762.56
Payrolls	<u>\$ 74,990.80</u>
TOTAL	\$1,375,280.16

Carried – 9
Absent – 1 (Bassage)

New & Unfinished Business:

County Legislator Randy Weaver gave a brief update from the county. The budget has passed and there has been much discussion on the opioid epidemic. There will be a public forum on this at the Hornell High School on February 28

Mayor Buckley and Deputy Mayor Cleveland recently attended the NYCOM Legislative conference in Albany.

By: Argentieri/Cleveland

RESOLVED, that the council adjourn into Executive Session at 7:30 pm to discuss a personnel matter.

Carried – 9
Absent – 1 (Bassage)

By: Brown/Ponticello

RESOLVED, that the council return to regular session at 7:55 pm. The discussion held was solely to discuss a personnel issue and no action was taken.

Carried – 8

Absent – 2 (Bassage, Lehman)

By: Argentieri/Carbone

RESOLVED, that there being no further business the meeting adjourned at 7:56 pm.

Carried – 8

Absent – 2 (Bassage, Lehman)

Respectfully submitted,

Barbara M. Perrott
City Clerk