

A regular meeting of the Hornell Common Council was held on Tuesday, January 19, 2021, at 7:07 p.m. at Hornell City Hall and via ZOOM video conference in Hornell, N.Y.

**PRESENT:** John J. Buckley Mayor; Council members, Ponticello, Brown, Allison, Warriner, Cleveland, Valentine, Bassage, Shinebarger, Carbone; City Attorney Joseph Pelych, Stenographer Ellen Kerr, and City Clerk Melissa Logan.

**ALSO PRESENT:** Chris Potter from the Spectator, City Chamberlain Michele Smith Tina Lee, Cindy Burdell, Mitch Cornish and Frank Brzozowski.

**ABSENT:** Council member Argentieri.

**By: Bassage/Warriner**

**RESOLVED**, that the minutes of the Common Council meeting of December 21, 2020 be approved as read.

Carried – 9

Absent – 1(Argentieri)

**By: Cleveland/Valentine**

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

**REPORTS FILED:**

City Clerk-11/2020; Humane Society-11/2020; BPS Minutes – 11/2020; Codes/Codes Log-11/2020; HPD-11/2020; Fire/Amb-11/2020; Gen Fund Exp.-11/2020; Water Fund Exp.-11/2020; Gen Fund Rev.-11/2020; Water Fund Rev.-11/2020.

Carried – 9

Absent – 1(Argentieri)

**By: Ponticello/Warriner**

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

Carried – 9

Absent – 1(Argentieri)

**COMMITTEE REPORTS:**

**Audit Committee**

To the Honorable John J. Buckley, Mayor  
And

## Members of the Common Council

Ladies and Gentlemen:

Bills were audited and approved (via email) by Audit Committee Members Jeff Brown, Jim Bassage, Richard Argentieri, Kevin Valentine and Audit Committee Chairman John Carbone.

Bills audited and approved:

CC	\$1,380,073.91
CD	\$ 22,151.51
Payrolls	<u>\$ 116,878.45</u>
TOTAL	\$1,519,103.87

Respectfully submitted,

John Carbone, Chairman  
Audit Committee

Carried – 9  
Absent – 1(Argentieri)

## RESOLUTIONS:

### **HN 21-01 – Modify Certain Real Tax Exemption Requirement**

**By: Allison/Bassage**

**WHEREAS**, on March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York, and

**WHEREAS**, on December 18, 2020 said declaration was extended to include: Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, which permits the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further

dispensing with the requirement for assessors to mail renewal applications to such persons, and

**WHEREAS**, on December 28, 2020. The New York State Legislature held a special session to pass the Covid-19 Eviction and Foreclosure Prevention Act of 2020 [A11181/S9114](#) which passed both chambers and was signed into law by Governor Andrew M. Cuomo. Included in the legislation (Subpart D) is a provision that which requires the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons. Provided however, that the local assessor shall make available renewal applications through postal mail or electronic means in order for eligible recipients to file renewal applications in the event that such eligible recipient determines his or her income has changed in a manner that would grant him or her a greater exemption than what was present on the 2020 assessment roll. The governing body of an assessing unit must adopt a resolution directing the assessor to require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died.

**BE IF FURTHER RESOLVED**, that the City Council hereby authorizes the Assessor to require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or is deceased

**RESOLVED**, that the City Council is authorized to pass such resolution, and that the assessor is instructed to take any such necessary actions in the above-described directives.

**RESOLVED**, that the City Council is authorized to pass such resolution immediately and which shall expire May 1, 2021.

Carried – 9

Absent – 1(Argentieri)

### **HN 21-02 – Authorize an Undertaking with NYS DOT**

**BY: Warriner/Valentine**

**WHEREAS**, the City of Hornell, as part of their streets department, sometimes works in the right-of-way of roads owned and/or controlled by the New York State Department of Transportation, and;

**WHEREAS**, the New York State Department of Transportation is requiring that the City of Hornell sign and Undertaking which has been prepared by the New York State Department of Transportation agreeing to certain terms and conditions regarding said work on or near state highways;

**NOW, THEREFORE** it is hereby resolved that the Mayor for the City of Hornell is hereby authorized to execute the undertaking for the benefit of the New York State Department of Transportation that is attached hereto and made a part hereof as if fully set forth.

Carried – 9

Absent – 1(Argentieri)

**HN 21-03 – Reappoint Wiggers to Library BOD**

**BY: Brown/Ponticello**

**RESOLVED**, that the Common Council of the City of Hornell hereby approves the re-appointment of Rex Wiggers of 13 Riverside Place, Hornell to the Hornell Public Library Board of Directors, for a three-year term to begin Feb. 1, 2021, and expire Jan. 31, 2024.

Carried – 9

Absent – 1(Argentieri)

**HN 21-04 – Reappoint Wirth to Library BOD**

**BY: Cleveland/Valentine**

**RESOLVED**, that the Common Council of the City of Hornell hereby approves the re-appointment of Sharon Wirth of 53 East Main Street, Hornell to the Hornell Public Library Board of Directors, for a three-year term to begin Feb. 1, 2021, and expire Jan. 31, 2024.

Carried – 9

Absent – 1(Argentieri)

**HN 21-05 – Appoint Spitulnik to Library BOD**

**BY: Allison/Valentine**

**RESOLVED**, that the Common Council of the City of Hornell hereby approves the appointment of Vanessa Spitulnik of 425 Cleveland Avenue, Hornell to the

Hornell Public Library Board of Directors for a 3-year term commencing February 1, 2021 and ending January 31, 2024.

Carried – 9

Absent – 1(Argentieri)

### **HN 21-06 – Sanitary Sewer Improvement Project-Certifying Officer Resolution**

**BY: Allison/Warriner**

**RESOLVED**, that in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFP Part 58, the Common Council of the City of Hornell announces its intent to conduct an environmental review of a project to re-line the sanitary sewer trunk line along portions of East Avenue, Rockwell Street, Conklin Street, Elm Street, Pearl Street, Main Street, Pardee Street, Oak Street, River Street, Loder Street, and Canisteo Street.

**FURTHER RESOLVED**, that the Common Council designates John Buckley, Mayor as the Certifying Officer, responsible for all activities associated with the environmental review process to be completed in conjunction with the CDBG Project No. 552PR169-19.

**BE IT FURTHER RESOLVED**, that the Common Council hereby accepts the environmental review of the project prepared by LaBella Associates, DPC and determines that the project is Categorically Excluded under 24 CFR 58.25(a) as it involves the rehabilitation of existing sewer lines in-kind.

Carried – 9

Absent – 1(Argentieri)

### **HN21-07 – SEQR – Sanitary Sewer Rehab Project**

**BY: Valentine/Warriner**

**WHEREAS**, the City of Hornell is planning the rehabilitation of the sanitary sewer trunk lines along portions of East Avenue, Rockwell Street, Conklin Street, Elm Street, Pearl Street, Main Street, Pardee Street, Oak Street, River Street, Loder Street, and Canisteo Street in Hornell, to be undertaken with funding provided through the Community Development Block Grant (CDBG) Program award (CDBG Project No. 552PR169-19); therefore, be it

**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Common Council has determined that the proposed action is a Type II action, as defined by OCR. The project qualifies as a Type II action as it involves rehabilitation of existing public facilities in-kind.

**FURTHER RESOLVED**, the Common Council will take no further action with regard to SEQR for this project as Type II actions are not subject to review under SEQR.

Carried – 9

Absent – 1(Argentieri)

**Claims:****By: Ponticello/Cleveland**

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$ 1,519,103.87 as audited by the Audit Committee of the Common Council of the City of Hornell, are approved and authorized paid as audited.

Common Council	\$1,380,073.91
Community Development	\$ 22,151.51
Payrolls	<u>\$ 116,878.45</u>
TOTAL	\$1,519,103.87

Carried – 9

Absent – 1(Argentieri)

**New & Unfinished Business:**

None

**By: Allison/Valentine**

**RESOLVED**, that there being no further business the Common Council adjourned at 7:50 pm

Carried – 9

Absent – 1 (Argentieri)

Respectfully submitted,

---

Melissa Logan  
City Clerk