

A regular meeting of the Hornell Common Council was held on Tuesday, January 22, 2019, 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, Shinebarger and Carbone; City Attorney Joe Pelych and City Clerk Barbara Perrott.

ALSO PRESENT: City Chamberlain Michele Smith, Fire Chief Frank Brzozowski, Public Defender Shawn Sauro, District Attorney Brooks Baker, City Judge Dave Coddington, County Administrator Jack Wheeler, Police Chief Ted Murray, Bill Dugan from WLEA and 8 high school students

ABSENT: Councilmembers Lehman and Bassage

INVOCATION: Pastor Craig Brittingham

PLEDGE TO THE FLAG: Mayor Buckley

By: Brown/Warriner

RESOLVED, that the minutes of the Common Council meeting of December 17, 2018 be approved as read.

Carried – 8

Absent – 2 (Lehman/Bassage)

By: Ponticello/Cleveland

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

REPORTS FILED:

BPW Minutes – 11/15/18; Water Fund Rev. – 12/2018; DPW – 11/2018; BPS Minutes – 12/13/18; WPCP – 11/2018; Fire/Amb. – 12/2018; WTP – 11/2018; Police – 12/2018; Petro Tanks – 11/2018; Police Year End – 2018; Sewer Checks – 11/2018; Code Enforcement – 12/2018; City Clerk – 12/2018; Codes Log – 12/2018; Gen. Fund Rev. – 12/2018; BPW Minutes – 12/2018; Water Fund Rev. – 12/2018; DPW – 12/2018; Humane Society – 12/2018; WTP – 12/2018; Gen. Fund Rev. – 12/2018; WPCP – 12/2018; Petro Tanks – 12/2018; Sewer Checks – 12/2018

Carried – 8

Absent – 2 (Lehman/Bassage)

By: Argentieri/Cleveland

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

COMMITTEE REPORTS:

AUDIT COMMITTEE

January 18, 2019

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, Rich Argentieri and Audit Committee Chairman John Carbone.

Bills audited and approved:

Common Council	\$1,295,604.51
CD	\$ 275,165.26
Payrolls	<u>\$ 82,425.15</u>
TOTAL	\$1,653,194.92

Respectfully submitted,

John Carbone, Chairman
Audit Committee

LAW & ORDINANCE COMMITTEE

January 7, 2019

Members of the Council
Ladies & Gentlemen:

The Law & Ordinance Committee met on Thursday December 27, 2018 at 5:00 pm at City Hall. Members present were Council Members Ponticello, McKay, Lehman and Brown. Also in attendance were City Attorney Joe Pelych, Deputy Mayor Jessica Cleveland, Police Chief Ted Murray and city employees Billy Weakland, Chris Cartella, Aaron Clark, Michael Hoyt, Stuart McHenry and Brandon McGregor.

Discussions were held about the City's Residency Law. Discussions were put on hold for Attorney Pelych to speak with the County Attorney and gather information from other communities.

Also discussed was a letter from Police Chief Murray about parking on East Main St. between River St. and Leach Ave. It was the position of the Chief, for the purpose of public safety, to restrict parking on the west side of East Main St. from River St. to Terry St. Motion to approve the parking restriction was made by McKay and seconded by Ponticello. Ayes All.

There being no further business, a motion to adjourn was made by Ponticello and seconded by McKay. Ayes All. Meeting adjourned at 6:05 pm.

Respectfully submitted,

Jeff Brown, Chairman

Carried – 8

Absent – 2 (Lehman/Bassage)

RESOLUTIONS:

By: Brown/Carbone

HN-19-01 – SEQR – Sewer Rehabilitation Project

WHEREAS, the City of Hornell is planning the rehabilitation of the sanitary sewer trunk line on Adsit Street (from Seneca to Hornell), Hornell Street (from Adsit to Steuben), Steuben Street (from Hornell to Madison) and along Madison Avenue in Hornell, to be undertaken with funding provided through the Community Development Block Grant (CDBG) Program award (CDBG Project No. 552PR62-17); 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 – 8

Absent – 2 (Lehman/Bassage)

By: Warriner/Ponticello

HN-19-2 – SEQR – NEPA – Sewer Rehabilitation Project

WHEREAS, the City has completed the re-lining of portions of the sanitary sewer trunk lines on Maple Street and Ontario Street with funding under a 2017 CDBG grant; and

WHEREAS, that project has been completed under budget and the City proposes to utilize the remaining funds to re-line an additional section of the sanitary sewer.

RESOLVED, that in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFR Part 58, the Common Council

of the City of Hornell announces its intent to conduct an environmental review of a project to re-line a portion of the sanitary sewer trunk line on Adsit Street (from Seneca to Hornell), Hornell Street (from Adsit to Steuben), Steuben Street (from Hornell to Madison) and along Madison Avenue.

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. 552PR62-17.

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 – 8

Absent – 2 (Lehman/Bassage)

By: Cleveland/Brown

HN-19-03 – Traffic Ordinance #722 – East Main St.

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

- From the centerline of River St. heading south to Terry St. on the west side. Parking shall be restricted to No Parking at any time.

BE IT FURTHER RESOLVED this resolution shall take effect upon placement of signs.

Carried - 8

Absent – 2 (Lehman/Bassage)

By: Brown/Argentieri

HN-19-04 – Re-appoint Ceil Kelley to Library Board of Directors

RESOLVED, that the Common Council of the City of Hornell hereby approves the re-appointment of Ceil Kelley of 61 John St., Hornell to the Hornell Public Library Board of Directors, for a three-year term to begin Feb. 1, 2019, and expire Jan. 31, 2022.

Carried - 8

Absent – 2 (Lehman/Bassage)

By: Argentieri/Ponticello

HN-19-05 – Re-Appoint Joe Liberto to Library Board of Directors

RESOLVED, that the Common Council of the City of Hornell hereby approves the re-appointment of Joe Liberto of 62 Genesee St., Hornell to the Hornell Public Library

Board of Directors, for a three-year term to begin Feb. 1, 2019, and expire Jan. 31, 2022.

Carried - 8

Absent – 2 (Lehman/Bassage)

By: Carbone/Argentieri

HN-19-06 – Re-appoint Mary McDaniels to Library Board of Directors

RESOLVED, that the Common Council of the City of Hornell hereby approves the re-appointment of Mary McDaniels of Sawyer Street Site, Hornell to the Hornell Public Library Board of Directors, for a three-year term to begin Feb. 1, 2019, and expire Jan. 31, 2022.

Carried - 8

Absent – 2 (Lehman/Bassage)

By: Cleveland/Brown

HN-19-07 – Authorize Mayor to negotiation retirement with non-union employees

WHEREAS, various department heads and non-union employees within the City of Hornell are in the process of retiring or getting ready to retire, and

WHEREAS, there is no hard-set policy established in the City of Hornell regarding the terms and conditions regarding said retirements, and

WHEREAS, the Common Council for the City of Hornell believes that the Mayor for the City of Hornell should be vested with authority in order to negotiate terms and conditions of retirement.

NOW, THEREFORE, it is hereby resolved that The Common Council for the City of Hornell hereby authorizes the Mayor for the City of Hornell to negotiate terms and conditions regarding the retirement of various department heads and non-union employees for the City of Hornell,

Carried - 8

Absent – 2 (Lehman/Bassage)

By: Argentieri/Warriner

HN-19-08 – Authorize Mayor to negotiate with Steuben County regarding CAP

WHEREAS, the General Municipal Law §119-0 authorizes municipalities to enter into agreements covering a governmental function performed by both entities; and

WHEREAS, both the City of Hornell Police Department and the Steuben County Sheriff are authorized to transport individuals detained in the custody of Law Enforcement; and

WHEREAS, a Centralized Arraignment Part [hereinafter "CAP"] is anticipated to be designated in the Town of Bath pursuant to Judiciary Law §212; and

WHEREAS, the respective governing bodies have determined it to be in the best interest of their respective municipality and the public at large, to enter into this inter-municipal agreement.

NOW, THEREFORE, it is hereby resolved that the Common Council for the City of Hornell hereby authorizes the Mayor of the City of Hornell to negotiate terms and conditions with Steuben County regarding CAP.

Carried - 8

Absent – 2 (Lehman/Bassage)

Attorney Pelych felt that the last paragraph of the above resolution should be changed to read:

"NOW, THEREFORE, it is hereby resolved that the Common Council for the City of Hornell hereby authorizes the Mayor of the City of Hornell to negotiate terms and conditions of said inter-municipal agreement with Steuben County regarding CAP."

Motion to accept this change was made by Ponticello and seconded by Brown.

Carried - 8

Absent – 2 (Lehman/Bassage)

Claims:

By: Argentieri/Brown

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$1,653,194.92, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$1,295,604.51
CD	\$ 275,165.26
Payrolls	<u>\$ 82,425.15</u>
TOTAL	\$1,653,194.92

Carried - 8

Absent – 2 (Lehman/Bassage)

By: Cleveland/Warriner

RESOLVED, that there being no further business the Common Council adjourned at 7:40 pm

Carried - 8

Absent – 2 (Lehman/Bassage)

Respectfully submitted,

Barbara M. Perrott
City Clerk