

A regular meeting of the Hornell Common Council was held on Monday, March 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, David Weyand, John Guthrie, Cindy & Dan Burdell, Jason Jordan from the Evening Tribune, Bill Dugan from WLEA, 24 high school students.

ABSENT: Council member Bassage

INVOCATION: Pastor Joel Bolduc, New Life Assembly of God Church

PLEDGE TO THE FLAG: Councilwoman Melissa Ponticello

By: Cleveland/Brown

RESOLVED, that the minutes of the Common Council meeting of February 19, 2018 be approved as read.

Carried – 9

Absent – 1 (Bassage)

By: Cleveland/Lehman

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

REPORTS FILED:

City Clerk – 2/2018; Project Summ. Rpt. – 3/12/18; Humane Society – 2/2018; WTP – 2/2018; Gen. Fund Exp. – 2/2018; Petro Tank Inspection – 3/5/18; Water Fund Exp. – 2/2018; BPW Minutes – 2/7/18; Summary of Activities – 2/2018; Codes – 2/2018; Gen. Fund Rev. – 2/2018; Codes Log – 2/2018; Water Fund Rev. – 2/2018; Police – 2/2018; BPW Minutes – 2/15/18; Fire – 2/2018; DPW – 2/2018; Ambulance – 2/2018; WPCP – 2/2018

Carried – 9

Absent – 1 (Bassage)

By: Brown/Warriner

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

COMMITTEE REPORTS:

AUDIT COMMITTEE

March 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	\$280,527.57
CD	\$ 8,440.64
Payrolls	<u>\$ 75,248.99</u>
TOTAL	\$364,217.20

Respectfully submitted,

John Carbone, Chairman
Audit Committee

FINANCE COMMITTEE

February 27, 2018

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

Ladies and Gentleman:

The finance committee met on Tuesday, February 27, 2018 in the 2nd floor conference room at City Hall. Present were committee members John Carbone, Steven Shinebarger, Dan Warriner, Rich Argentieri, and chair Melissa Ponticello. Also in attendance were Mayor Buckley, City Chamberlain Michelle Smith, City Attorney Joe Pelych and Alderwoman Jessica Cleveland. The meeting was called to order at 6:01pm

Items discussed and or acted upon:

1. A motion by John Carbone, second by Steve Shinebarger was made to go into executive session to discuss some personnel issues. No action was taken.
2. Change in salary/benefits for the City Attorney. Joe will no longer be utilizing the City health insurance therefore there will be a savings to the City.

3. Mayor Buckley told us he would be meeting with the DPW to discuss their contract which he will bring back to the committee once he has more details from meeting with their representative.
4. Review and discussion on the numbers for the 2018-2019 City budget. A follow up meeting on March 12th was scheduled to finalize and vote on the budget. Then it will be brought to the Common Council for a vote to approve.

At 8pm a motion by John Carbone, second by Steve Shinebarger was made to adjourn.

Respectfully submitted,
Melissa Ponticello
Chairman

March 12, 2018
To the Honorable John J. Buckley, Mayor
And
Members of the Common Council

Ladies and Gentleman:

The finance committee met in the 2nd floor conference room at City Hall ON March 12, 2018. Committee members present were John Carbone, Joseph McKay, and chair Melissa Ponticello. Also in attendance were Mayor Buckley, City Chamberlain Michele Smith, and Alderwoman Jessica Cleveland. The meeting was called to order at 6:01pm

Items discussed and or acted upon:

1. A discussion around areas for future revenue generation for the City.
2. A motion by John, second by Joe was made to accept the 2018-19 City budget and recommend a resolution be brought before the common council at the 1.99%. All ayes.
3. A discussion around increased recycling in the city to help save us additional funds on our landfill tipping fees.

At 7:10pm a motion by John Carbone, second by Joe McKay was made to adjourn.

Respectfully submitted,
Melissa Ponticello
Chairman

LAW & ORDINANCE COMMITTEE

To the Honorable John J. Buckley, Mayor
And

Members of the Common Council

Ladies and Gentleman:

A meeting of the Law and Ordinance Committee was held on Wednesday, March 7, 2018 at 5:30 pm in the Mayors Conference Room. Committee members present were Jeff Brown, Chairman, Melissa Ponticello, Rich Argentieri and Fred Lehman. Also in attendance were Mayor John Buckley, Bill Dugan from WLEA, Alderman Steve Shinebarger and Alderwoman Jessica Cleveland

Items discussed and or acted upon are as follows:

1. Proposed resolution to change the residency requirements -
The committee voted to change the following sections of the law:
 - a. Part-time employees are now excluded
 - b. Remove the section which requires that anyone who is grandfathered and receives a promotion must move into the City
 - c. Change the committee that approves waiver applications from the Board of Public Safety to the Law & Ordinance Committee.

Motion to approve these changes was made by Ponticello and seconded by Argentieri. Ayes All.

2. Amend City Charter to change the term of the Chamberlain –
The committee voted to approve a change in the City Charter that would change the term of the City Chamberlain from 2 years to 4 years. Motion to approve the change by Ponticello and seconded by Argentieri. Ayes All.

At 6:40 the committee adjourned to Executive Session and returned to regular session at 6:54.

There being no further business the meeting was adjourned at 6:55 PM

Respectively submitted by

Jeff Brown, Chairman

Carried – 9

Absent – 1 (Bassage)

RESOLUTIONS:

By: Ponticello/Warriner

HN 18-27 – Local Law #1 of 2018 – Change the term of the City Chamberlain

WHEREAS, Section C-13 of the charter for the City of Hornell provides that the City Chamberlain for the City of Hornell shall serve a two-year term, and

WHEREAS, the Common Council for the City of Hornell believes that it would be in the best interest of the taxpayers of the City of Hornell to change the term of office for the City Chamberlain from two years to four years, and

WHEREAS, the Common Council for the City of Hornell believes that it would be most appropriate if said four-year term was staggered against the four-year term for the mayor of the City of Hornell so that in the future the respective terms would never expire in the same year, and

WHEREAS, the Common Council for the City of Hornell believes that this local law is subject to a mandatory referendum.

NOW, THEREFORE, it is hereby enacted that Section C-13 of the Charter of the City of Hornell is hereby amended to provide that the City Chamberlain for the City of Hornell shall serve a four-year term.

It is further agreed and enacted that this local law shall be subject to a mandatory referendum of the citizens of the City of Hornell.

This local law shall be effective if approved by the majority of voters of the City of Hornell in the next general election and shall be effective for the term of office for the City Chamberlain of the City of Hornell commencing January 1, 2020.

Carried – 9

Absent – 1 (Bassage)

By: Argentieri/Lehman
HN-18-28 – Residency Law

WHEREAS, certain questions have arisen regarding the City of Hornell's residency requirement law, and

WHEREAS, the Common Council of the City of Hornell is of the opinion that it would be in the best interest of the citizens of the City of Hornell if said residency requirement law was amended.

NOW, THEREFORE, it is hereby

RESOLVED that Section 74-3 of the Codes and Ordinances of the City of Hornell is hereby amended to read as follows: Every person initially employed on a full-time basis by the City of Hornell on or after the effective date of this chapter shall, as a qualification of employment, become a resident of the City of Hornell within six months of the date of initial service for the City. During the time of service of such employee, no individual shall cease to be a resident of the City of Hornell except for seasonal or

part-time workers, and it is further

RESOLVED that Section 74-4 of the Codes and Ordinances of the City of Hornell is hereby rescinded in its entirety, and it is further

RESOLVED that Section 74-5 is renumbered Section 75-4, and it is further

RESOLVED that Section 74-6 of the Codes and Ordinances of the City of Hornell is hereby renumbered Section 74-5 and is amended to read as follows:

A. Should it be alleged that an employee is not in compliance with Section 74-3 of this chapter as the case may be, the Law and Ordinance Committee for the Common Council for the City of Hornell may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the employee seven calendar days in which to respond. If there is a failure to respond or if in the judgment of the Law and Ordinance Committee for the Common Council for the City of Hornell, the response is not sufficient to satisfy the requirements of this chapter, the Law and Ordinance Committee for the Common Council for the City of Hornell shall set a date to hear the charge of non-residence. The employee shall be sent a notice of the hearing date at least 15 calendar days prior to the hearing. A record of the hearing shall be made. Should an employee establish residence to the satisfaction of the Law and Ordinance Committee for the Common Council for the City of Hornell prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.

B. To conduct the hearing, the Law and Ordinance Committee for the Common Council for the City of Hornell may, in writing, designate an individual who, for the purpose of the hearing, shall be vested with all the powers of the Law and Ordinance Committee and who shall refer the hearing record and his or her recommendations to the Law and Ordinance Committee for review and decision. Should the Law and Ordinance Committee determine that an employee is a non-resident, in violation of this chapter, the employee shall be notified, in writing, that he or she has been deemed to have voluntarily resigned from employment as of the date of the determination. Upon reestablishing residence, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant, and it is further

RESOLVED that Section 74-7 of the Codes and Ordinances of the City of Hornell in Paragraph A shall be renumbered as Section 74-6 and is hereby amended to read as follows: In the event that the Common Council for the City of Hornell determines that it is in the best interest of the City of Hornell to do so, the provisions of Section 74-3 may be waived with respect to an incumbent or incumbents of a particular title to titles according to the following standards:

(1) Lack of applicants. The requirement of residency may be waived in those instances

where the City has difficulty hiring or promoting the most qualified person because of its residency requirement.

(2) Necessity for non-residents. The requirement of residents may be waived in those instances where it is determined that residency is not in the best interest of the municipality.

Such waiver shall not in any way affect the application of Section 74-3 of this chapter with respect to any other title or titles.

Carried – 9

Absent – 1 (Bassage)

By: Brown/Ponticello

HN-18-29 – Budget Adjustment

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

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:

Zombie Grant – recognize Aid received to offset current year expenditures

Increase Appropriation:

A3620.1 Code Enforcement - Personal Services by \$20,350.00

A3620.2 Code Enforcement – Equipment by \$17,510.00

Increase Revenue:

A3995 – State Aid - Code Enforcement by \$37,860.00

FEMA Grants - decrease Aid to save balance of grants which is due to FEMA or to be used for other qualified expenditures next fiscal year

Decrease Appropriation:

A3410.2 Fire Department – Equipment by \$45,442.11

Decrease Revenue:

A4389 – Federal Aid – Public Safety by \$45,442.11

This amount will be recoded on the balance sheet in A690.1 Deferred Revenue – Public Safety Grants

Deferred Grants (A690.1) – recognize Aid received in prior years to offset current year grant expenditures

Increase Appropriation:

A3410.46 Fire Department – Contracted Services by \$15,944.31

Increase Revenue:

A3389 State Aid – Public Safety by \$15,944.31

Carried – 9

Absent – 1 (Bassage)

By: Carbone/Cleveland
HN-18-30 – Fitts Resignation

RESOLVED, that the Common Council does hereby accept the resignation of Sole Assessor Larry Fitts effective March 30, 2018.

Carried – 9

Absent – 1 (Bassage)

By: Cleveland/Brown
HN-18-31 – Appoint Burdell Assessor

RESOLVED, that the Common Council does hereby appoint Cindy Burdell as the Sole Assessor to fill the unexpired term of Larry Fitts for the period of April 1, 2018 through September 30, 2019.

Carried – 9

Absent – 1 (Bassage)

By: Brown/Ponticello
HN-18-32 – Authorization to Draw Checks

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, City Chamberlain and City Clerk be authorized to draw checks.

Carried – 9

Absent – 1 (Bassage)

By: Carbone/Warriner
HN-18-33 – Designate Official Newspaper

NOW, THEREFORE, BE IT RESOLVED, that the Common Council does hereby designate The Evening Tribune as the Official Newspaper for 2018-19.

Carried – 9

Absent – 1 (Bassage)

By: Argentieri/Brown
HN-18-34 – Designate Official Depositories

NOW, THEREFORE, BE IT RESOLVED, that Steuben Trust Co., Depository Trust Company of New York, Chase Manhattan Bank, MBIA Municipal Investors Service

Corp., Five Star Bank, Community Bank and Citizens & Northern Bank be and are hereby designated official depositories for monies of the City of Hornell, N.Y., for fiscal year 2018-19.

Carried – 8
 Absent – 1 (Bassage)
 Abstained – 1 (Ponticello)

Claims:

By: Ponticello/Lehman

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$364,217.20, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$280,527.57
CD	\$ 8,440.64
Payrolls	<u>\$ 75,248.99</u>
TOTAL	\$364,217.20

Carried – 9
 Absent – 1 (Bassage)

New & Unfinished Business:

Alderman Brown asked when the Main St. repaving project will take place. Mayor Buckley responded that work will begin in April and be finished in July, before Gus Macker.

Mayor Buckley said there has been some interest from a developer in the county courthouse.

On the question about the vacant building registry, Mayor Buckley stated that some of the property owners have been registering the properties and paying the associated fees.

By: Brown/Lehman

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

Carried – 9
 Absent – 1 (Bassage)

By: Cleveland/Carbone

RESOLVED, that the council return to regular session at 7:39 pm. The discussion held was solely to discuss a personnel issue and no action was taken.

Carried – 9

Absent – 1 (Bassage)

By: Ponticello/Argentieri

RESOLVED, that there being no further business the meeting adjourned at 7:40 pm.

Carried – 9

Absent – 1 (Bassage)

Respectfully submitted,

Barbara M. Perrott
City Clerk