

A regular meeting of the Hornell Common Council was held on Monday, June 19, 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, McCumiskey, Foreman, Cleveland, Lehman, Bassage, Buckley and Carbone; and City Clerk Barbara Perrott.

ALSO PRESENT: City Chamberlain Michele Smith, Bill Dugan from WLEA, Eileen Lehman, and 4 members of the public.

ABSENT: City Attorney Joe Pelych.

INVOCATION: Pastor Doug Jones of New Hope Wesleyan Church

PLEDGE TO THE FLAG: Mayor Shawn D. Hogan

By: Cleveland/Ponticello

RESOLVED, that the minutes of the Common Council of May 22, 2017 be approved as read.

Carried – 10

Absent – none

By: Buckley/McCumiskey

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

REPORTS FILED:

BPW Minutes – 4/20/17; Humane Society – 5/2017; DPW – 4/2017; General Fund Revenue – 5/2017; Petro Tank Report; Water Fund Revenue – 5/2017; WPCP – 4/2017; BPS Minutes – 5/11/17; WTP – 4/2017; Codes – 5/2017; Project Summary Report – 5/8/17; Codes Log – 5/2017; Gen. Fund Exp. Resolved – FY 2016-17; Police – 5/2017; Water Fund Exp. Resolved – FY 2016-17; Fire & Ambulance – 5/2017; General Fund Exp. – 5/2017; BPW Minutes – 5/18/17; Water Fund Exp. – 5/2017; DPW – 5/2017; City Clerk – 5/2017; Petro Tank Report – 6/1/17; Housing Rehab Summary – 5/2017; WPCP – 5/2017; EDLP Summary – 5/2017; WTP – 5/2017; OCR Program Income Summary – 5/2017; Project Summary Report - 6/7/17.

Carried – 10

Absent – none

By: Lehman/McCumiskey

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

Carried – 10

Absent – none

COMMITTEE REPORTS:**AUDIT COMMITTEE**

June 18, 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, Fred Lehman, Joe McKay and Audit Committee Chairman John Carbone.

Bills audited and approved:

Common Council	\$355,737.99
CD	\$ 48,223.70
Payrolls	<u>\$ 77,285.01</u>
TOTAL	\$481,246.71

Respectfully submitted,

John Carbone, Chairman
Audit Committee

YOUTH & RECREATION

June 6, 2017

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

Ladies and Gentlemen:

The Youth & Recreation Committee met on June 6, 2017 at 5:00 pm. Members Present:
Norm McCumiskey, Jess Cleveland, Jeff Brown, Jim Bassage

Guests; Brian Striker Director of Summer Parks & Pool Program.

Items Discussed

- 1- Committee reviewed the 2017 pool & parks applicant list. Brian was authorized and has made offers to summer staff, he will make offers to hire 12 lifeguards, 12 park attendants, 2 pool maintenance and 2 Supervisors.
- 2- Identified the city parks available for the summer programs; Veterans Park, Columbian, Madison Ave, Stephens Street, High School and Bryant.
- 3- Committee reviewed the pool fee structure and agreed to increase the fees; In-City resident fee to \$.50 per swimmer and the Out of City resident fee to \$1.00 per swimmer. Brian did not feel the increase would reduce attendance. Committee will review pool fees again in 2018.
- 4- Committee discussed the salary structure for summer staff, salaries will remain the same for 2017; Playground attendants \$7.25, Lifeguard \$8.00 and Supervisor \$8.75. Committee continued discussion regarding raising the salaries for 2018. Committee will convene in July to continue the discussion.

- 5- Committee will inspect parks and bring back any issues or concerns.

Next meeting : July-TBA

Respectfully submitted,

Jim Bassage
Chairman

LAW & ORDINANCE

June 13, 2017

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

Ladies and Gentlemen:

A meeting of the Law and Ordinance Committee was held on Tuesday, June 13, 2017 at 5pm in the Mayors Conference Room. Committee members present Jeff Brown, Chairman, Norm McCumiskey, and Melissa Ponticello. Also in attendance were Mayor Shawn Hogan, City Attorney Joe Pelych, and 9th Ward Alderman John Buckley.

The meeting was called to order at 5pm.

Items discussed and or acted upon are as follows.

Mayor discussed a vacant and abandoned property law that would impose a graduated scale of a fee on buildings that are owned and vacant causing blight and unsafe conditions in our community. Most often these buildings are left vacant by choice. The Mayor presented a local law from Port Jervis, New York. The Mayor will work with NYCOM to insure whatever law is passed battling this problem is within our Home Rule powers.

Also discussed amending the Charter to change the Chamberlain's term of office from two to four years, and also establish minimum qualifications for the position. Also discussed the possibility of staggered terms for the Common Council. No action taken. Joe Pelych will to research and write appropriate Local Law for review and/or action. These proposals would not take effect until next Election Cycle 2020.

The Committee approved making Red Raider Road a two way Street, and forwarded the matter to the Board of Public Safety.

There being no further business the meeting was adjourned at 5:45 PM

Respectively submitted by

Jeff Brown, Chairman

Minutes prepared by Mayor Shawn D. Hogan

Carried – 10

Absent – none

RESOLUTIONS:

By: Carbone/McCumiskey

HN-17-44 – Authorize mayor to submit CFA

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 Consolidated Funding Application for Community Development Block Grant and/or other funding to the administrative agency for the Fiscal Year 2017 program, all understandings and assurances contained therein, 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 – 10

Absent – none

By: Buckley/Carbone

HN-17-45 – St. Ann's Academy Tax Exemption

WHEREAS, St. Ann's Academy, a private, not-for-profit school located within the City of Hornell, has applied for a retroactive tax exemption, and

WHEREAS, the New York State Assembly passed Assembly Bill No. AI 0218, and the New York State Senate passed Senate Bill No. S07926, and

WHEREAS, Governor, Andrew Cuomo, signed the legislation into law on July 21, 2016 at Chapter 229 of the Laws of 2016, said legislation authorizing the City of Hornell to retroactively grant the tax exemption, and

WHEREAS, the Common Council for the City of Hornell believes that it is appropriate to grant the retroactive tax exemption.

NOW, THEREFORE, it is hereby resolved that the real property owned by St. Ann's Academy at 41 Genesee Street in the City of Hornell, County of Steuben and State of New York identified as Tax Map No. 151.72-01-008.000 is hereby declared retroactively tax exempt for the tax year 2013-2014.

The taxes assessed upon the aforesaid property for the tax year 2013-2014 are hereby retroactively declared null and void.

Carried – 10
Absent – none

By: Buckley/Carbone

HN-17-46 – Bond Resolution - WTP

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. Improvements to the water supply and treatment system in and for the City of Hornell, Steuben County, New York, including the water treatment plant, a water storage tank, reservoirs, transmission line and incidental costs, are hereby authorized at a maximum estimated cost of \$6,870,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$6,870,000 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 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 City Chamberlain is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. 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 9. 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 10. 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 – 10
Absent – none

Claims:

By: Carbone/Brown

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$481,246.71 as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$355,737.99
CD	\$ 48,223.70
Payrolls	<u>\$ 77,285.01</u>
TOTAL	\$481,246.71

Carried – 10
Absent – none

By: Cleveland/Foreman

Resolved, that there being no further business the Common Council adjourn at 7:39 p.m.

Carried – 10
Absent – none

Shawn D. Hogan
Mayor

Barbara M. Perrott
City Clerk