

A regular meeting of the Hornell Common Council was held on Monday, April 24, 2017, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Shawn D. Hogan, Mayor; Council members Ponticello, McKay, McCumiskey, Cleveland, Bassage, Buckley and Carbone; and City Clerk Barbara Perrott.

ALSO PRESENT: City Chamberlain Michele Smith, Jason Jordan from the Evening Tribune, Bill Dugan from WLEA and 4 High School students.

ABSENT: Council Members Brown, Foreman, Lehman and City Attorney Joe Pelych.

INVOCATION: Pastor Brittingham, Hillside Baptist Church

PLEDGE TO THE FLAG: Mayor Hogan

By: Buckley/Ponticello

RESOLVED, that the minutes of the Common Council of March 20, 2017 and March 27, 2017 be approved as read.

Carried – 7

Absent – 3 (Brown, Foreman, Lehman)

By: McCumiskey/Cleveland

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

REPORTS FILED:

Carried – 7

Absent – 3 (Brown, Foreman, Lehman)

By: Brown/Cleveland

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

COMMITTEE REPORTS:

AUDIT COMMITTEE

March 20, 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 and Audit Committee Chairman John Carbone.

Bills audited and approved:

Common Council	\$2,077,692.79
CD	\$ 172,264.55
Payrolls	<u>\$ 75,638.45</u>
TOTAL	\$2,325,595.79

Respectfully submitted,

John Carbone, Chairman
Audit Committee

FINANCE COMMITTEE

March 14, 2017

Hon. Mayor Shawn D. Hogan
Members of the Common Council
Ladies & Gentlemen:

The Finance Committee met on March 13, 2017 at 5:00 pm in the second floor conference room of City Hall. Member present were: Alderpersons Buckley, Carbone, Ponticello and McKay.

Others present: Mayor Hogan, City Chamberlain Michele Smith.

Items discussed and/or acted upon are as follows:

1. Approved forwarding the 2017-2018 General Fund Budget, with a 1.58% tax increase, to the full Council. Motion by Carbone and seconded by Buckley. Ayes All.
2. Approved forwarding the 2017-2018 Water Fund Budget to the full Council. Motion by Ponticello and seconded by Buckley. Ayes All.
3. Discussed overriding the Tax Cap. We will have to do this due to Lowes going from PILOT to fully taxable. Approved overriding the 2% Tax Cap for the 2017-2018 budget. Motion by Buckley and seconded by Carbone.

There being no further business, the meeting adjourned at 6:35 pm.

Respectfully submitted,

Shawn D. Hogan, Mayor
 For
 Joe Foreman, Chairman

Carried – 9
 Absent – 1 (Foreman)

RESOLUTIONS:

By: Carbone/McCumiskey

HN-17-13 – SEQR – Airport Property Re-zoning

WHEREAS, the City of Hornell recently acquired a parcel of land by annexation from the Town of Hornellsville, and

WHEREAS, said parcel of land was previously zoned as Agricultural, and

WHEREAS, the City of Hornell wishes to re-zone said parcel of land to R-3 Residential Multi-Family so that it can be developed into housing, and

WHEREAS, the subject property is currently owned by the City of Hornell Industrial Development Agency, and

WHEREAS, the City of Hornell Industrial Development Agency has requested that the City change said zoning from Agricultural to R-3 Residential Multi-Family, and

WHEREAS, the City of Hornell Industrial Development Agency believes they have a potential developer for said parcel of land, and

WHEREAS, the Common Council for the City of Hornell finds that the proposed development of said parcel of land will comply with the master plan for the City of Hornell.

NOW, THEREFORE, it is hereby

RESOLVED, that the zoning status for the parcel of land identified as Tax Map No. 136.13-01-003.000 is hereby changed from Agricultural to R-3 Residential Multi-Family.

This act shall take effect immediately.

Carried – 9
 Absent – 1 (Foreman)

By: Lehman/Buckley

HN-17-14 – Local Law #1 of 2017 – Re-zone Airport Property

WHEREAS, the City of Hornell recently acquired a parcel of land by annexation from the Town of Hornellsville, and

WHEREAS, said parcel of land was previously zoned as Agricultural, and

WHEREAS, the City of Hornell wishes to re-zone said parcel of land to R-3 Residential Multi-Family so that it can be developed into housing, and

WHEREAS, the subject property is currently owned by the City of Hornell Industrial Development Agency, and

WHEREAS, the City of Hornell Industrial Development Agency has requested that the City change said zoning from Agricultural to R-3 Residential Multi-Family, and

WHEREAS, the City of Hornell Industrial Development Agency believes they have a potential developer for said parcel of land, and

WHEREAS, the Common Council for the City of Hornell finds that the proposed development of said parcel of land will comply with the master plan for the City of Hornell.

NOW, THEREFORE, it is hereby

RESOLVED, that the zoning status for the parcel of land identified as Tax Map No. 136.13-01-003.000 is hereby changed from Agricultural to R-3 Residential Multi-Family.

This act shall take effect immediately.

Carried – 9

Absent – 1 (Foreman)

By: Carbone/Foreman

HN-17-15 – SEQR – Fairlawn Ave. Property Re-zoning

RESOLVED, that in accordance with the New York State Environmental Quality Review Act (SEQR), the Common Council of the City of Hornell hereby designates itself to serve as lead agency to coordinate the environmental review of the zoning change to property ID numbers 166.05-01-002 and 166.05-01-006 located on Fairlawn Avenue from R-1 to R-3.

In its capacity of lead agency, the Common Council has caused to be prepared an environmental assessment and potential environmental impact of

the above project. The Common Council hereby accepts the environmental assessment of the project prepared by the Mayor's Planning Office.

The Common Council further declares that, based on the environmental assessment, which has been prepared, it finds that this activity is a Type II under SEQR. The Council further finds that the project will result in no adverse impacts and therefore, will not cause significant damages to the environment.

THEREFORE, the Common Council has determined that an Environmental Impact Statement will not be required.

Carried – 9

Absent – 1 (Foreman)

By: Carbone/Ponticello

HN-17-16 – Local Law #2 of 2017 – Re-zone Fairlawn Ave. Property

WHEREAS, the City of Hornell Industrial Development Agency owns these parcels of land, and

WHEREAS, said parcels of land were previously zoned as R-1 Residential, and

WHEREAS, the City of Hornell wishes to re-zone said parcels of land to R-3 Residential Multi-Family so that they can be developed into housing, and

WHEREAS, the subject properties are currently owned by the City of Hornell Industrial Development Agency, and

WHEREAS, the City of Hornell Industrial Development Agency has requested that the City change said zoning from R-1 Residential to R-3 Residential Multi-Family, and

WHEREAS, the City of Hornell Industrial Development Agency believes they have a potential developer for said parcels of land, and

WHEREAS, the Common Council for the City of Hornell finds that the proposed development of said parcels of land will comply with the master plan for the City of Hornell.

NOW, THEREFORE, it is hereby

RESOLVED, that the zoning status for the parcels of land identified as Tax Map No. 166.05-01-000 and Tax Map No. 166.05-01-002 are hereby changed from R-1 Residential to R-3 Residential Multi-Family.

This act shall take effect immediately.

Carried – 9

Absent – 1 (Foreman)

By: McCumiskey/Carbone

HN-17-17– NYSDOT Grant

WHEREAS: The City of Hornell is submitting a request for a grant of funds to the NYSDOT, pursuant to Section 5311, Title 49, United States Code for a project to provide public mass transportation services for Central & Western Steuben County and Eastern Allegany County for the fiscal years 2017-18, 2018-19 and to purchase 4 buses, miscellaneous garage equipment, (and study the possibility of a shared transit & DPW facility).

WHEREAS; The City of Hornell and the State of New York have entered into a continuing agreement which authorizes the undertaking of the project(s) and reimbursement of the Federal and applicable State Shares.

Be it resolved that the Mayor is authorized to act on behalf of the City of Hornell to sign the application and progress and complete the above named project(s).

Carried – 9

Absent – 1 (Foreman)

By: Cleveland/Ponticello

HN-17-18 – Chauncey Run Bridge Aid

WHEREAS, Sponsor will design, let and construct the “project”.

WHEREAS, a Project for the Bridge NY: Bridge Replacement (BIN 2218170) East Main St. over Chauncey Run, City of Hornell, Steuben County, P.I.N. 6755.07 (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the City of Hornell desires to advance the Project by making a commitment of 100% of the non-federal share of the costs for the Bridge NY: Bridge Replacement (BIN 2218170) East Main St. over Chauncey Run, City of Hornell, Steuben County

NOW, THEREFORE, the Hornell Common Council, duly convened does hereby

RESOLVE, that the Hornell Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Hornell Common Council hereby authorizes the City of Hornell to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Right of Way Incidentals phase work for the Project or portions thereof; and it is further

RESOLVED, that the Hornell Common Council hereby agrees that the City of Hornell shall be responsible for all cost of the project which exceed the amount of the NY Bridge Funding awarded to the City of Hornell.

RESOLVED, that the sum of \$258,000 is hereby appropriated from General Funds and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City of Hornell shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the City of Hornell hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within three years of commencing construction; and it is further

RESOLVED, that the Mayor of the City of Hornell be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State-Aid on behalf of the City of Hornell with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Carried – 9

Absent – 1 (Foreman)

By: McCumiskey/Carbone

HN-17-19– Seneca St. Bridge Aid

WHEREAS, Sponsor will design, let and construct the “project”.

WHEREAS, a Project for the Bridge NY: Bridge Rehabilitation (BIN 2016350) Seneca Street over Canacadea Creek, City of Hornell, Steuben County, P.I.N. 6755.04 (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 95% Federal funds and 5% non-federal funds; and

WHEREAS, the City of Hornell desires to advance the Project by making a commitment of 100% of the non-federal share of the costs Bridge NY: Bridge Rehabilitation (BIN 2016350) Seneca Street over Canacadea Creek, City of Hornell, Steuben County,

NOW, THEREFORE, the Hornell Common Council, duly convened does hereby

RESOLVE, that the Hornell Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Hornell Common Council hereby authorizes the City of Hornell to pay in the first instance 100% of the federal and non-federal share of the cost of Design phase work for the Project or portions thereof; and it is further

RESOLVED, that the Hornell Common Council hereby agrees that the City of Hornell shall be responsible for all cost of the project which exceed the amount of the NY Bridge Funding awarded to the City of Hornell.

RESOLVED, that the sum of \$160,000 is hereby appropriated from General Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City of Hornell shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the City of Hornell hereby agrees that construction of the Project shall begin no later than eighteen (18) months after award and that the project shall be completed within three years of commencing construction; and it is further

RESOLVED, that the Mayor of the City of Hornell be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State-Aid on behalf of the City of Hornell with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Carried – 9

Absent – 1 (Foreman)

By: Brown/Carbone

HN-17-20– TAP – Shawmut Park Trail

WHEREAS, a TAP Project for the Shawmut Park Trail Development in the City of Hornell, Town of Hornellsville, County of Steuben, P.I.N. 6754.85 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Hornell desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of TAP: Shawmut Park Trail Development in the City of Hornell, Town of Hornellsville, County of Steuben

NOW, THEREFORE, the Hornell Common Council, duly convened does hereby

RESOLVE, that the Hornell Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Hornell Common Council hereby authorizes the City of Hornell to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/Inspection phase work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$498,991 is hereby appropriated from General Funds and made available to cover the cost of participation in the above phase(s) of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City of Hornell shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Hornell be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Hornell with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

Carried – 9

Absent – 1 (Foreman)

By: Carbone/Lehman

HN-17-21– NEPA – WPCP Improvements

WHEREAS, the City has been awarded a \$562,800 Community Development Block Grant (CDBG) award to implement improvements to the Water Pollution Control Plant, including replacement of the influent screen and the installation of a surface skimmer assembly on the sand filters; and

WHEREAS, as part of the CDBG requirements, LaBella Associates, DPC has prepared the Environmental Review Record which is required to satisfy the National Environmental Policy Act (NEPA),

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby appoints Shawn D. Hogan, Mayor, to act as the Certifying Officer for the completion of the environmental review; and

BE IT FURTHER RESOLVED, that the Common Council hereby adopts the Environmental Review Record and issues a determination that the proposed improvements at the Water Pollution Control Plant are Categorically Excluded under 24 CRF 58.35(a), and be it further

RESOLVED, that copies of this resolution be given to the CD Office and LaBella Associates.

Carried – 9

Absent – 1 (Foreman)

By: McCumiskey/McKay

HN-17-22– SEQR – WPCP Improvements

WHEREAS, the City of Hornell is considering the implementation of improvements to the Water Pollution Control Plant in Hornell, to be undertaken as part of the 2016 Community Development Block Grant (CDBG) Program that has been approved by the NYS Office of Community Renewal (OCR); 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 (Foreman)

By: Carbone/Buckley

HN-17-23– Budget Amendment-Public Safety

WHEREAS, a budget amendment is necessary to reflect an increase in [A3389],

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Hornell, NY that the 2016 - 2017 City of Hornell budget now reflects the following adjustments:

- Increase revenues [A3389], Public Safety Aid , by \$5,000.00 and
- Increase expenditure [A3410.41], Fire Department-Materials and Supplies by \$5,000.00

Carried – 9
Absent – 1 (Foreman)

By: McCumiskey/Brown

HN-17-24– Appoint Countryman to ZBA

RESOLVED, that the Common Council of the City of Hornell hereby approves the appointment of Nancy Countryman of 10 McDougall Avenue, Hornell to the Zoning Board of Appeals for a three year term.

Carried – 9
Absent – 1 (Foreman)

By: Brown/Ponticello

HN-17-25– Accept Shearer Resignation

RESOLVED, that the Common Council of the City of Hornell hereby accepts the resignation of Richard Shearer as City of Hornell Marshall effective January 31, 2017.

Carried – 9
Absent – 1 (Foreman)

By: Cleveland/McCumiskey

HN-17-26– Appoint Murphy City Marshall

RESOLVED, that the Common Council of the City of Hornell hereby approves the appointment of William Murphy of 49 Crosby Street, Hornell to the unpaid position of City of Hornell Marshall effective March 20, 2017.

Carried – 9
Absent – 1 (Foreman)

Claims:

By: Ponticello/Brown

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$2,325,595.79 as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$2,077,692.79
CD	\$ 172,264.55
Payrolls	<u>\$ 75,638.45</u>
TOTAL	\$2,325,595.79

Carried – 9
Absent – 1 (Foreman)

By: Cleveland/Lehman

Resolved, that there being no further business the Common Council adjourn at 7:21 p.m.

Carried – 9
Absent – 1 (Foreman)

Shawn D. Hogan
Mayor

Barbara M. Perrott
City Clerk