

A regular meeting of the Hornell Common Council was held on Monday, May 22, 2017, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: John Buckley, Deputy Mayor; Council members Ponticello, McKay, McCumiskey, Foreman, Cleveland, Lehman, Bassage and Carbone; and City Clerk Barbara Perrott.

ALSO PRESENT: City Chamberlain Michele Smith, Jason Jordan from the Evening Tribune, and 6 High School students.

ABSENT: Mayor Shawn Hogan, Council Member Brown and City Attorney Joe Pelych.

INVOCATION: Deputy Mayor Buckley

PLEDGE TO THE FLAG: Deputy Mayor Buckley

By: McCumiskey/Ponticello

RESOLVED, that the minutes of the Common Council of April 24, 2017 be approved as read.

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley- acting as Mayor)

By: Cleveland/Ponticello

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

REPORTS FILED:

City Clerk – 4/2017; BPS Minutes - 4/13/17; Community Development Summaries – 4/2017; Codes – 4/2017; Humane Society – 4/2017; Codes Log – 4/2017; General Fund Exp. – 3/2017; Police – 4/2017; Water Fund Exp. – 3/2017; Fire – 4/2017; General Fund Rev. – 3/2017; Ambulance – 4/2017; Water Fund Rev. – 3/2017

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley- acting as Mayor)

By: Lehman/McCumiskey

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

COMMITTEE REPORTS:

AUDIT COMMITTEE

May 12, 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	\$497,178.34
CD	\$328,621.62
Payrolls	<u>\$ 76,028.01</u>
TOTAL	\$901,827.97

Respectfully submitted,

John Carbone, Chairman
Audit Committee

Carried – 8
Absent – 1 (Brown)
Abstained – 1 (Buckley- acting as Mayor)

RESOLUTIONS:

By: Foreman/Carbone

HN-17-37 – Budget Transfer – End of year

WHEREAS, the following transfers must be made to close out the appropriation accounts for the **Fiscal Year 2016-2017**,

NOW, THEREFORE, BE IT RESOLVED, that the following transfers are hereby approved:

FROM		TO		AMT
HOSP/MED INSURANCE	A9060.8	LEG. BOARD PERSONAL	A1010.1	\$ 65.00
"	"	LEBISLATIVE BD.-CONT.SERV.	A1010.46	\$ 5,438.38
"	"	LEGISLATIVE BD.-MISC.	A1010.49	\$104,601.80
"	"	AUDITOR-CONTRACTUAL	A1320.4	\$ 2,550.00
"	"	FIRE-PERSONAL SERV.	A3410.1	\$ 13,005.44
"	"	CODE ENFORC.-PER SERV.	A3620.1	\$ 12,985.16
"	"	SNOW & ICE MATERIALS	A5142.41	\$ 11,980.02
"	"	STLTG-UTILITIES	A5182.44	\$ 1,607.00
"	"	AIRPORT-UTILITIES	A5610.44	\$ 2,881.56

“	“	PARKS-UTILITIES	A7110.44	\$ 341.25
“	“	SANITARY SEWERS UTILITIES	A8120.44	\$ 93.90
“	“	WPCP-PERSONAL SERV.	A8130.1	\$ 4,718.01
“	“	WPCP-UTILITIES	A8130.44	\$ 17,506.00
“	“	REFUSE/ GAR.-CONT.SERV.	A8160.46	\$ 23,099.49
“	“	STREET CLEANING-PER. SEV.	A8170.1	\$ 789.48
“	“	SOCIAL SECURITY	A9030.8	\$ 50,079.53
“	“	DISABILITY INSURANCE	A9055.8	\$ 4,318.33
“	“	SERIAL BONDS-INTEREST	A9710.7	\$ 1,348.64
“	“	BOND ANTICIPATION NOTES-PR	A9730.6	\$ 100.00
AMBULANCE RESERVE #1	A4540.50	BOND ANTICIPATION NOTES-IN	A9730.7	\$ 5,180.82
“	“	CAPITAL LEASE-PRINCIPAL	A9789.6	\$ 20,418.53
“	“	CAPITAL LEASE-INTEREST	A9789.7	\$ 930.97
STATE RETIREMENT	F9080.8	PURIFICATION-PERS. SERV.	F8330.1	\$ 31,674.64
“	“	SOCIAL SECURITY	F9030.8	\$ 7,445.70
“	“	SOURCE OF SUPP.-RP TAX	F8320.491	\$ 1,157.71

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley-acting as Mayor)

By: Cleveland/Foreman

HN-17-38 – Main St. Re-paving

WHEREAS, a Project for the Main Street Repaving and ADA Curb Ramp Repairs in the City of Hornell, County of Steuben, P.I.N. 6754.93 (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 Design phase work for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement; and

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

RESOLVE, that the Hornell Common Council hereby approves the Project; and it is hereby further

RESOLVED, that the Hornell Common Council hereby authorizes the City of Hornell to pay in the first instance the full non-federal share of the cost of Construction/Construction Inspection phase work (\$139,239) for the Project to the NYS Department of Transportation as a non-federal share deposit payment to be combined with the previously authorized and paid full non-federal share of the Design phase in the amount of \$20,000; and it is further

RESOLVED, that the non-federal deposit sum of \$139,239 is hereby appropriated from the 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 non-federal share of the costs of the project exceed 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 NYSDOT 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 the non-federal share 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 – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley - acting as Mayor)

By: McCumiskey/Cleveland

HN-17-39 – Adopt Claims Auditing Process Policy

WHEREAS, the State of New York Comptroller's Office has been in the process of conducting an audit of the City of Hornell's finances, and

WHEREAS, the State of New York Comptroller's office has recommended that the City of Hornell adopt a claims auditing process policy, and

WHEREAS, the State of New York Comptroller's office has provided the City with a proposed auditing policy that fits and meets their requirements, and

WHEREAS, the City of Hornell believes it is in the best interest of the City to adopt said policy.

NOW, THEREFORE, it is hereby

RESOLVED, that the claims auditing process policy, which is attached hereto, is hereby adopted in its entirety as is fully set forth herein.

This resolution shall take effect immediately.

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley - acting as Mayor)

By: Ponticello/Lehman

HN-17-40 – Accept Lead Agency – Fairview Court

WHEREAS, the City of Hornell has received an application from Riedman Development for Site Plan Approval for the Fairview Court Project as shown on a drawing by Fagan Engineers, Project #2016-080 dated May 11, 2017; and

WHEREAS, the property is located on Fairlawn Avenue and consists of two parcels for a total of approximately 21.98 acres, which is currently vacant; and

WHEREAS, the Applicant is proposing the construction of a 60-unit multiple family residential development and related infrastructure on 8.30 acres out of the 21.98 acre total project area,

WHEREAS, the Common Council hereby concludes that the project does not exceed any Type I thresholds under the provisions of 6NYCRR, Part 617;

WHEREAS, the Common Council has considered the Short Environmental Assessment Form and other materials submitted by the Applicant in support of the proposed action, has considered the comments of its Staff pertaining to the review and evaluation of the proposed action; and now, therefore be it

RESOLVED, that the Common Council of the City of Hornell hereby concludes that the proposed Fairview Court Project is an Unlisted Action subject to review requirements specified in 6NYCRR, Part 617, and that the proposed Unlisted Action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and, be it

FURTHER RESOLVED, that this Board accepts the documents submitted in this application as a complete Site Plan application in accordance with Section 315-37 of the City of Hornell Zoning Ordinance; and be it

FURTHER RESOLVED, that for environmental review this Board is the Lead Agency completing an Uncoordinated Review of this action pursuant to 6NYCRR, Part 617.6(b)(4).

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley - acting as Mayor)

By: Cleveland/Carbone

HN-17-41 – Approve Site Plan – Fairview Court

WHEREAS, the City of Hornell has received an application from Riedman Development for Site Plan Approval for the Fairview Court Project as shown on a drawing by Fagan Engineers, Project #2016-080 dated May 11, 2017; and

WHEREAS, the Common Council has considered the Short Environmental Assessment Form and other materials submitted by the Applicant in support of the proposed action, has considered the comments of its Staff pertaining to the review and evaluation of the proposed action;

WHEREAS, the proposed action is an Unlisted Action pursuant to SEQR 6 NYCRR Part 617 and, the Hornell Common Council as an Uncoordinated Review declared itself as Lead Agency; and has declared a Negative Declaration of Environmental Impact; and now, therefore be it

RESOLVED, the City of Hornell Common Council hereby grants final approval with the following conditions:

- Applicant obtains all appropriate permits.

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley - acting as Mayor)

By: Carbone/McCumiskey

HN-17-42 – Accept Lead Agency – Residences at Hornell

WHEREAS, the City of Hornell has received an application from Bassett Group for Site Plan Approval for the Residences at Hornell Project as shown on a drawing by D.D.S. Companies of W. Henrietta, NY, Project #17-1029 dated March 24, 2017; and

WHEREAS, the property is located on Airport Road, Hornell, NY and consists of one parcel for a total of approximately 11.6 acres, which is currently vacant; and

WHEREAS, the Applicant is proposing the construction of 3 buildings which will be 63 apartment units and 6 garages, 3 that will hold 5 cars and 3 that will hold 6 cars and also providing 126 parking stalls and related infrastructure on 11.6 acres.

WHEREAS, the Common Council hereby concludes that the project does not exceed any Type I thresholds under the provisions of 6NYCRR, Part 617;

WHEREAS, the Common Council has considered the Short Environmental Assessment Form and other materials submitted by the Applicant in support of the proposed action, has considered the comments of its Staff pertaining to the review and evaluation of the proposed action; and now, therefore be it

RESOLVED, that the Common Council of the City of Hornell hereby concludes that the proposed Residences at Hornell NY Project is an Unlisted Action subject to review requirements specified in 6NYCRR, Part 617, and that the proposed Unlisted Action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and, be it

FURTHER RESOLVED, that this Board accepts the documents submitted in this application as a complete Site Plan application in accordance with Section 315-37 of the City of Hornell Zoning Ordinance; and be it

FURTHER RESOLVED, that for environmental review this Board is the Lead Agency completing an Uncoordinated Review of this action pursuant to 6NYCRR, Part 617.6(b)(4).

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley - acting as Mayor)

By: Ponticello/Lehman

HN-17-43 – Approve Site Plan – Residences at Hornell

WHEREAS, the City of Hornell has received an application from Bassett Group for Site Plan Approval for the Residences at Hornell NY Project as shown on a drawing by D.D.S. Companies of West Henrietta, NY, Project #17-1029 dated March 24, 2017; and

WHEREAS, the Common Council has considered the Short Environmental Assessment Form and other materials submitted by the Applicant in support of the proposed action, has considered the comments of its staff pertaining to the review and evaluation of the proposed action;

WHEREAS, the proposed action is an Unlisted Action pursuant to SEQR 6 NYCRR Part 617 and, the Hornell Common Council as an Uncoordinated Review declared itself as Lead Agency; and has declared a Negative Declaration of Environmental Impact; and now, therefore be it

RESOLVED, the City of Hornell Common Council hereby grants final approval with the following conditions:

- Applicant obtains all appropriate permits.

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley - acting as Mayor)

Claims:

By: Carbone/Lehman

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$901,827.97 as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$497,178.34
CD	\$328,621.62
Payrolls	<u>\$ 76,028.01</u>
TOTAL	\$901,827.97

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley - acting as Mayor)

By: Foreman/Carbone

Resolved, that there being no further business the Common Council adjourn at 7:35 p.m.

Carried – 8

Absent – 1 (Brown)

Abstained – 1 (Buckley - acting as Mayor)

John Buckley
Deputy Mayor

Barbara M. Perrott
City Clerk