

A regular meeting of the Hornell Common Council was held on Monday, January 16, 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, Buckley and Carbone; City Attorney Joe Pelych; Stenographer Karen Schu; and City Clerk Barbara Perrott.

ALSO PRESENT: City Chamberlain Michele Smith, Eileen Lehman, Jason Jordan from the Evening Tribune, Bill Dugan from WLEA and 5 High School students.

ABSENT: Council Member Bassage

INVOCATION: Pastor Griffith, United Presbyterian Church

PLEDGE TO THE FLAG: Mayor Hogan

By: Buckley/Brown

RESOLVED, that the minutes of the Common Council of December 19, 2016 be approved as read.

Carried – 9

Absent – 1 (Bassage)

By: Cleveland/McCumiskey

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

Carried – 9

Absent – 1 (Bassage)

REPORTS FILED: General Fund Exp. 12/2016; Water Fund Exp. 12/2016; City Clerk 12/2016; Humane Society 12/2016; General Fund Rev. 12/2016; Water Fund Rev. 12/2016; BPS Minutes 12/8/16; Codes 12/2016; Codes Log 12/2016; Fire 12/2016; Fire Calls 2016 Annual report; Ambulance 12/2016; Police 12/2016; Police 2016 Annual Report

By: Ponticello/Lehman

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

COMMITTEE REPORTS:

AUDIT COMMITTEE

January 13, 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	\$172,963.30
CD	\$ 26,842.30
Payrolls	<u>\$ 82,461.02</u>
TOTAL	\$282,266.62

Respectfully submitted,

John Carbone, Chairman
Audit Committee

FINANCE COMMITTEE

January 16, 2017

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

The Finance Committee met on January 16, 2017 at 6:30 pm in the second floor conference room of City Hall. Member present were: Alderpersons Buckley, Carbone, Ponticello and Foreman, Chairman.

Others present: Mayor Hogan, City Chamberlain Michele Smith and alderwoman Cleveland

Items discussed and/or acted upon are as follows:

1. Mayor Hogan informed the committee of preliminary issues with the 2017-2018 city budget. No action was taken.

There being no further business, the meeting adjourned at 6:45 pm.

Respectfully submitted,

Joe Foreman, Chairman

PLANNING & DEVELOPMENT COMMITTEE

January 16, 2017

Hon. Mayor Shawn D Hogan
Members of the common Council

Ladies & Gentlemen:

The Hornell City Planning and Development Committee met on January 16, 2017 at 6:00 pm in the second floor meeting room of City Hall.

Members present were Alderpersons Buckley, Carbone, Cleveland and Chairman Foreman.

Others present were Mayor Shawn Hogan and Alderwoman Ponticello

Items discussed and or acted upon:

1. Mayor Hogan informed the committee of the Reidman project at Shawmut Park. A motion was made by Buckley and seconded by Carbone to approve the site plan as outlined by Mayor Hogan. All Ayes.

There being no further business a motion was made by Buckley and seconded by Cleveland to adjourn at 6:20 pm.

Respectfully submitted by,

Joe Foreman, Chairman

Carried – 9

Absent - 1 (Bassage)

RESOLUTIONS:

By: Buckley/McCumiskey

HN-17-01 – Canvass Votes

WHEREAS, Subpart A §17 of the City Charter of the City of Hornell provides that the Common Council shall act as a Board of Canvassers of Election for City Elections, and

WHEREAS, the City Clerk has certified the following list, as submitted to her, pursuant to §17 of the City Charter, as the Official Statement of the Election Inspectors and results of the Election held on Nov. 8, 2016, as it now appears by records on file in the Office of the City Clerk, and

WHEREAS, the following person has received a plurality of votes cast in such election for the respective offices set opposite their name:

David E. Coddington

Hornell City Judge

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell does hereby declare the person named to be duly elected to the respective office set opposite their name for the terms of office, as specified by the City Charter of the City of Hornell.

Carried - 9

Absent –1 (Bassage)

By: Buckley/Foreman

HN-17-02 – Re-appoint Christina Loper to ZBA

RESOLVED, that the Common Council of the City of Hornell hereby approves the re-appointment of Christina Loper of 78 Genesee St, Hornell to the Zoning Board of Appeals for a five-year term to run from January 1, 2017 to December 31, 2021

Carried –9

Absent – 1 (Bassage)

By: Ponticello/Cleveland

HN-17-03 – Re-appoint Josephine Ciancaglini to Library BOD

RESOLVED, that Josephine Ciancaglini, of 10 Rural Ave., be re-appointed to a three-year term on the City of Hornell Library Board of Directors, to run from February 1, 2017 to January 31, 2020.

Carried – 9

Absent – 1 (Bassage)

By: Carbone/Brown

HN-17-04 – Budget Transfer

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 2016-2017 City of Hornell budget now reflects the following adjustments:

Transfer \$75,000 from account F00200 (Water Cash)
To F8340.2 (Water Equipment)

Increase Police Personal services (A3120.1) and Police Fees (A1520) by \$90,000 each due to School Resource Officer reimbursement and DWI patrol reimbursement.

Carried – 9
Absent – 1 (Bassage)

By: Carbone/McCumiskey

HN-17-05 – TAP – Shawmut Park Trail Development

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 \$498,982 is hereby appropriated from General Fund 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 (Bassage)

By: Buckley/Cleveland

HN-17-06 – Appoint Jordan to Hornell Housing Authority Board

WHEREAS, John Murawski has resigned his position as Commissioner of Hornell Housing Authority,

THEREFORE, BE IT RESOLVED, that Jason Jordan of 173 Lincoln Street, Hornell, New York, be appointed to fill Mr. Murawski's unexpired term effective January 16, 2017 and expiring December 31, 2017.

Carried – 9

Absent – 1 (Bassage)

By: Carbone/Ponticello

HN-17-07 – Authorize Lease of Sewer Truck

WHEREAS, City of Hornell, New York, (the "Lessee") is a political subdivision duly organized and existing pursuant to the Constitution and laws of the State of New York; and

WHEREAS, Lessee is duly authorized by applicable law to acquire such items of personal property as are needed to carry out its governmental functions and to acquire such personal property by entering into lease-purchase agreements: and

WHEREAS, Lessee hereby finds and determines that the execution of a Lease for the purpose of leasing with the option to purchase the property designated and set forth in Attachment 2 to the Lease is appropriate and necessary to the function and operations of the Lessee; and

WHEREAS, ROC Leasing LLC dba Real Lease, (the "Lessor") shall act as Lessor under said Lease; and

WHEREAS, the Lease shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and laws of the State;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF City of Hornell, New York:

Section I. The Lease, in substantially the form as presently before the governing body of

the Lessee, is hereby approved, and the Mayor of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver the Lease and related documents in substantially the form as presently before the governing body of the Lessee, with such changes therein as shall be approved by such officer and which lease will be available for public inspection at the offices of Lessee.

Section 2. The Lessee shall, and the officers, agents and employees of the Lessee are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Lessee with respect to the Lease.

Section 3. The Lessee's obligations under the Lease shall be expressly subject to annual appropriation by Lessee; and assets obligations under the Lease shall not constitute a general obligation of Lessee or indebtedness of Lessee within the meaning of the Constitution and laws of the State of New York.

Section 4. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized, ratified and approved.

Section 5. Lessee reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the current calendar year and hereby designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986 as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

Carried – 9

Absent – 1 (Bassage)

Claims:

By: Carbone/Brown

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$282,266.62 as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$172,963.30
CD	\$ 26,842.30
Payrolls	<u>\$ 82,461.02</u>
TOTAL	\$282,266.62

Carried – 9

Absent – 1 (Bassage)

By: Carbone/Lehman

Resolved, that there being no further business the Common Council adjourn at 7:41 p.m.

Carried – 9

Absent – 1 (Bassage)

Shawn D. Hogan
Mayor

Barbara M. Perrott
City Clerk