

A regular meeting of the Hornell Common Council was held on Monday, November 20, 2017, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Shawn D. Hogan Mayor; Council members Ponticello, McKay, Foreman, Cleveland, Lehman, Bassage, Buckley and Carbone; City Attorney Joe Pelych, Stenographer Karen Schu and City Clerk Barbara Perrott.

ALSO PRESENT: Mary Devlin, Pauline Holbrook, John Lewis, Dan Warriner, Elizabeth Benedict, Laura Vetter, Michele Smith, Ed Flaitz, Shelly Stevens and 27 high school students.

ABSENT: Council members Brown and McCumiskey

INVOCATION: Pastor Cooper from the First Baptist Church

PLEDGE TO THE FLAG: Mayor Shawn D. Hogan

Prior to the start of business, Matt Montalbo of Drescher & Malecki presented the audit for the year ended March 31, 2017.

By: Cleveland/Lehman

RESOLVED, that the minutes of the Common Council of October 9, 2017 be approved as read.

Carried – 8

Absent – 2 (Brown, McCumiskey)

By: Ponticello/Buckley

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

REPORTS FILED:

BPS Minutes – 9/14/17 + 10/12/17; Municipal Shelter Inspection – 9/29/17; Codes – 9/2017 + 10/2017; Dog Control Officer Inspection – 9/29/17; Codes Log – 9/2017 + 10/2017; General Fund Exp. – 10/2017; Police – 9/2017 + 10/2017; Water Fund Exp. – 10/2017; Fire & Ambulance – 9/2017 + 10/17; City Clerk – 10/2017; BPW Minutes – 9/21/17 + 10/16/17; Humane Society – 10/2017; DPW – 9/2017+ 10/2017; General Fund Rev. – 10/2017; Sewer –

9/2017 + 10/2017; Water Fund Rev. – 10/2017; WPCP – 9/2017 + 10/2017; Summary of Activities – 10/2017; WTP – 9/2017+ 10/2017; Housing Rehab Program – 10/2017; Project Summary – 10/2017 + 11/2017; Econ. Develop. Loan Program Summary – 10/2017

Carried – 8

Absent – 2 (Brown, McCumiskey)

By: Ponticello/Buckley

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

Carried – 8

Absent – 2 (Brown/McCumiskey)

COMMITTEE REPORTS:

AUDIT COMMITTEE

November 17, 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, Jim Bassage, Fred Lehman, Joseph McKay and Audit Committee Chairman John Carbone.

Bills audited and approved:

Common Council	\$276,869.63
CD	\$ 63,010.68
Payrolls	<u>\$ 78,538.68</u>
TOTAL	\$418,418.99

Respectfully submitted,

John Carbone, Chairman
Audit Committee

LAW & ORDINANCE COMMITTEE

A meeting of the Law and Ordinance Committee was held on Wednesday, November 8, 2017 at 5pm in the Mayors Conference Room. Committee members present Jeff Brown, Chairman, Joe McKay, Melissa Ponticello, and Fred Lehman. Also in attendance were Mayor Shawn Hogan and City Attorney Joe Pelych.

Items discussed and or acted upon are as follows.

1. Parking restriction on Catherine Street recommended by Alderwoman Jessica Cleveland and reviewed by Police Chief Ted Murray, restricting parking on the west side of Catherine Street was approved. Ayes All
2. Chief Murray recommends restricting parking from the corner of Collier Street back 90 ft. on the south side of Maple Street, to remove a visual obstruction. Ayes all
3. Vacant Property Registration – the committee reviewed a number of Local Ordinances from multiple cities (Albany, Port Jervis, Rochester, Newburgh). Joe Pelych will author an ordinance that would encompass registration, fees and penalties for failure to comply. Ordinance to be distributed by December meeting.

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

RESOLUTIONS:

By: Carbone/Lehman

HN-17-68 – Accept the Audit

WHEREAS the City of Hornell has entered into a contract with Drescher & Malecki LLP for accounting services, and

WHEREAS said firm performed an audit of the financial condition of the City of Hornell, and

WHEREAS the City of Hornell received said audit dated August 8, 2017 and

WHEREAS said audit was presented to the Common Council on November 20, 2017.

NOW THEREFORE BE IT RESOLVED that said audit be accepted and received as filed by the Common Council for the City of Hornell.

Carried – 8

Absent – 2 (BrownForeman)

By: Buckley/Cleveland

HN-17-69 – Local Law #5 of 2017 – Cold War Veterans' Exemption

WHEREAS, the Common Council for the City of Hornell wishes to recognize the efforts put forth by the veterans of the Cold War; and,

WHEREAS, the state law allows the City of Hornell to grant a partial exemption to said veterans;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Local Law No. 5 of 2017 is hereby adopted and enacted as follows:

SECTION 1 – LEGISLATIVE INTENT

It is the legislative intent of the within Local Law to adopt a Local Law to provide a qualified owner an exemption for qualifying residential real property from taxation to the extent of 15 percent of the assessed value of such property, which exemption shall not exceed \$9,000.00 and, in addition, to provide a disability exemption to the multiple of 50 percent of the disability

rating, not to exceed \$30,000.00, all as set forth in the Real Property Tax Law, Section 458-b.

SECTION 2 – COLD WAR VETERANS EXEMPTION

- (a) As is authorized by Real Property Tax Law, Section 458-b, the City of Hornell does hereby provide that qualifying residential real property shall be exempt from taxation to the extent of 15 percent of the assessed value of such property; provided, however, that such exemption shall not exceed \$9,000.00 or the product of \$9,000.00 multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- (b) In addition, as is authorized by Real Property Tax Law 458-b, to the exemption provided by Paragraph (a) of this Subdivision, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50 percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$30,000.00, or the product of \$30,000.00 multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 3 – EFFECTIVE DATE

The within Local Law shall be effective immediately upon passage, subject to Real Property Tax Law Section 458-b.

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Carbone/Ponticello

HN-17-70 – BOCES House – 18 Hartshorn St.

WHEREAS, the City of Hornell acquired real property located in the city of Hornell located at 18 Hartshorn Street, and

WHEREAS, the city of Hornell, through its “BOCES House” program, constructed a new house in order to revitalize and stabilize the neighborhood, and

WHEREAS, the city of Hornell placed an ad in the local paper seeking bids for the purchase of the house, and

WHEREAS, only one person has expressed interest in purchasing the house.

NOW, THEREFORE it is hereby resolved that:

1. The Common Council for the City of Hornell hereby authorizes the mayor for the City of Hornell to sell said property to Barbara and Nigel Perrott under terms and conditions to be negotiated by the mayor.
2. The Common Council also authorizes the mayor to execute any and all documents necessary in order to effectuate said transaction.

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Cleveland/Brown

HN-17-71 – Traffic Ordinance No. 717 – Maple St.

RESOLVED, that the Common Council of the City of Hornell hereby approves the following Traffic Ordinance Amendment pertaining to Maple Street.

Parking on the south side of Maple Street from Collier Street west, past the first driveway, a distance of 90 feet shall be restricted.

BE IT FURTHER RESOLVED that these changes are effective immediately and are to be published in the newspaper of record.

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Buckley/Lehman

HN-17-72 – Traffic Ordinance No. 718 – Catherine St.

RESOLVED, that the Common Council of the City of Hornell hereby approves the following Traffic Ordinance Amendment pertaining to Catherine Street.

No parking will be allowed on the west side of Catherine Street from the now existing “no parking between signs” area all the way south to Emmett Street.

BE IT FURTHER RESOLVED that these changes are effective immediately and are to be published in the newspaper of record.

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Ponticello/Buckley

HN-17-73 – Re-appoint John Murawski to Planning Board

RESOLVED, that the Common Council of the City of Hornell hereby approves the reappointment of John Murawski, of 10 The Circle, to a seven-year term on the City Planning Board, beginning Dec. 3, 2017, and expiring Dec. 2, 2024.

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Buckley/Carbone

HN-17-74 – Bond Resolution – Airport Storage Building

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize additional bonds for the financing thereof,

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Common Council of the City of Hornell, Steuben County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the construction of an airport storage building, including demolition of existing hangar, in and for the City of Hornell, Steuben County, New York, there are hereby authorized to be issued an additional \$150,420 bonds pursuant to the provisions of the Local Finance Law. Said specific object or purpose is hereby authorized at the new maximum estimated cost of \$655,000.

Section 2. The plan for the financing of such \$655,000 maximum estimated cost is as follows:

- a) By the issuance of the \$504,580 bonds of said City heretofore authorized to be issued therefor pursuant to a bond resolution dated July 12, 2017; and
- b) By the issuance of the additional \$150,420 bonds of said City herein authorized; provided, however, the amount of bonds to be ultimately issued shall be reduced to the extent of grants received for such purpose.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 90 (subdivisions 14 and 12-a) of paragraph a of Section 11.00 of the Local Finance Law, computed from the date of the first bond anticipation note issued therefor.

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 obligations 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 obligations 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 obligations 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 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 such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Chamberlain, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Chamberlain. 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 52.00 of the Local Finance Law, as the City Chamberlain shall determine.

Section 7. 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 8. 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 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried – 8

Absent – 2(Brown/McCumiskey)

By: Ponticello/Buckley

HN-17-75 – Authorize Mayor to dispose of in-rem properties

WHEREAS, the Common Council for the City of Hornell previously authorized the Mayor for the City of Hornell to dispose of properties acquired by the City of Hornell through the in-rem process, and

WHEREAS, the Attorney General for the State of New York has made a determination that said properties are not considered “city owned properties” within the meaning of the law, and

WHEREAS, the Mayor for the City of Hornell wishes to reaffirm the authority to dispose of said properties.

NOW, THEREFORE, it is hereby resolved that:

The Mayor for the City of Hornell is hereby authorized to dispose of any properties that the City of Hornell acquires through the in-rem process without the need for further resolution of this Council.

It is further understood that the properties the city acquires from the County of Steuben which the County of Steuben acquired through their in-rem process are included within this resolution.

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Ponticello/Buckley

HN-17-76 – Environmental Review – Spotlight Theater

WHEREAS, that in accordance with the National Environmental Policy Review Act (NEPA) and 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 provision of an economic development assistance to Scott and Tami Treutlein to repair the roof on the Spotlight Theater at 191 Main Street and to retain jobs for the business.

WHEREAS, in its capacity as lead agency, the Common Council has caused to be prepared as environmental assessment of the significance of and potential environmental impact of this project, and

WHEREAS, the Common Council hereby accepts the environmental assessment of the project, prepared by the Community Development Office, and

WHEREAS, the Common Council further declares that, based on the environmental assessment which has been prepared, it finds that the project is a Type II under SEQR, and

WHEREAS, the Common Council further finds that the project is Categorically Excluded per 24 CRF 58.35(a) and converts to Exempt per 24CFR58.35(a)(12) under NEPA.

THEREFORE, BE IT RESOLVED THAT, the Common Council hereby designates Shawn D. Hogan, in his capacity as Mayor, to serve as the Certifying Officer responsible for all activities associated with the environmental review process, and

BE IT FURTHER RESOLVED THAT the Common Council hereby determined that an Environmental Impact Statement will not be required and the environmental review process is hereby concluded.

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Ponticello/Buckley

HN-17-77 – Environmental Review – 78 Platt St.

WHEREAS, that in accordance with the National Environmental Policy Review Act (NEPA) and 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 provision of an economic development assistance to Scott and Tami Treutlein to repair the roof on the Spotlight Theater at 191 Main Street and to retain jobs for the business.

WHEREAS, in its capacity as lead agency, the Common Council has caused to be prepared as environmental assessment of the significance of and potential environmental impact of this project, and

WHEREAS, the Common Council hereby accepts the environmental assessment of the project, prepared by the Community Development Office, and

WHEREAS, the Common Council further declares that, based on the environmental assessment which has been prepared, it finds that the project is a Type II under SEQR, and

WHEREAS, the Common Council further finds that the project is Categorically Excluded per 24 CRF 58.35(a) and converts to Exempt per 24CFR58.35(a)(12) under NEPA.

THEREFORE, BE IT RESOLVED THAT, the Common Council hereby designates Shawn D. Hogan, in his capacity as Mayor, to serve as the Certifying Officer responsible for all activities associated with the environmental review process, and

BE IT FURTHER RESOLVED THAT the Common Council hereby determined that an Environmental Impact Statement will not be required and the environmental review process is hereby concluded.

Carried – 8

Absent – 2 (Brown/McCumiskey)

Claims:

By: Cleveland/Ponticello

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$418,418.99, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$276,869.63
CD	\$ 63,010.68
Payrolls	<u>\$ 78,538.68</u>
TOTAL	\$418,418.99

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Buckley/Carbone

Resolved, that the council adjourn at 8:04 pm to Executive Session to discuss a legal contract.

Carried – 8

Absent – 2 (Brown/McCumiskey)

By: Cleveland/Ponticello

Resolved, that there being no further business, the meeting adjourned at 8:49

Shawn D. Hogan
Mayor

Barbara M. Perrott
City Clerk