

A regular meeting of the Hornell Common Council was held on Monday, October 15, 2018, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: John J. Buckley Mayor; Council members Ponticello, Brown, McKay, Argentieri, Warriner, Cleveland, Lehman, Shinebarger and Carbone; City Attorney Joe Pelych, Stenographer Karen Schu and City Clerk Barbara Perrott.

ALSO PRESENT: Eileen Lehman, City Chamberlain Michele Smith, Joe Duffy, Bill Colomaio, Police Chief Ted Murray, Missy and Dave Logan, Jason Jordan from the Evening Tribune, Bill Dugan from WLEA and 18 high school students

ABSENT: Councilmember Bassage

INVOCATION: Pastor Luke Bowman, Hornell Bible Church

PLEDGE TO THE FLAG: Mayor Buckley

By: Brown/Lehman

RESOLVED, that the minutes of the Common Council meeting of September 17, 2018 be approved as read.

Carried – 9

Absent – 1 (Bassage)

By: Cleveland/Ponticello

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

REPORTS FILED: BPW Minutes – 8/16/18; Water Fund Exp. – 9/2018; BPW Minutes – 9/6/18; BPS Minutes – 9/13/18; DPW – 8/2018; Code Enforcement – 9/2018; Petro Tank – 9/4/18; Codes Log – 9/2018; WTP – 8/2018; HPD – 9/2018; WPCP – 8/2018; Fire/Amb. – 9/2018; Project Summ. – 9/19/18; Gen. Fund Rev. – 9/2018; City Clerk – 9/2018; Water Fund Rev. – 9/2018; Gen. Fund Exp. – 9/2018; Humane Society – 9/2018; SRO – 9/2018

Carried – 9

Absent – 1 (Bassage)

By: Warriner/Argentieri

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

COMMITTEE REPORTS:

AUDIT COMMITTEE

October 12, 2018

To the Honorable John J. Buckley, 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, Rich Argentieri and Audit Committee Chairman John Carbone.

Bills audited and approved:

Common Council	\$177,828.07
CD	\$ 4,468.03
Payrolls	<u>\$ 80,567.48</u>
TOTAL	\$262,863.58

Respectfully submitted,

John Carbone, Chairman
 Audit Committee

Law & Ordinance Committee

October 15, 2018

Members of the Council
 Ladies & Gentlemen:

The Law & Ordinance Committee met on Thursday October 15, 2018 at 6:15 pm at City Hall. Members present were Council Members Ponticello, Argentieri and Brown. Also in attendance was Mayor John Buckley.

Items discussed and acted upon:

1. A business at 23 Main St. has requested that 2 parking spaces in front of her establishment be changed to 2-Hour parking.
2. A business at 320 Canisteo St. has requested that one parking space in front of her business be changed to 15 minute parking.

Both requests were approve and will be forwarded to the Common Council for approval.

There being no further business, the meeting adjourned at 6:30pm.

Respectfully submitted,

Jeff Brown, Chairman
 Carried – 9
 Absent – 1 (Bassage)

RESOLUTIONS:

By: Carbone/Cleveland
HN 18-77 – Oppose CAP

WHEREAS, the State of New York has put forth a centralized arraignment plan whereby defendants will be arraigned at the Steuben County Jail when they are not given an appearance ticket, and

WHEREAS, the Steuben County counsel at arraignment part (CAP) will require the City of Hornell Police Department to transport defendants awaiting arraignment to the Steuben County Jail at the City of Hornell's expense, and

WHEREAS, the process of transporting prisoners awaiting arraignment to the Steuben County jail from the City of Hornell holding area will require a City of Hornell police officer to transport said individual and in many cases will require two police officers to transport a defendant awaiting arraignment, and

WHEREAS, the City of Hornell Police Department does not have adequate personnel to spare in order to effectuate these transports, especially in light of the times and when there are multiple defendants that need to be transported at the same time, and

WHEREAS, this unfunded mandate being imposed by the State of New York upon the City of Hornell will have a severe negative impact upon the budget for the City of Hornell, and

WHEREAS, the City of Hornell has a certified holding facility at the Hornell Police Department where prisoners can be held until such time as arraignment can be conducted in Hornell City Court, which is the current system, and

WHEREAS, when the City of Hornell police officers are pulled away from duty to transport defendants it will result in the City of Hornell having inadequate police coverage creating a danger to the citizens of Hornell.

NOW, THEREFORE, it is hereby resolved that:

The City of Hornell objects to the proposed CAP plan based upon its budget-breaking cost, and the City of Hornell proposes that a plan be implemented and approved that would allow for arraignments in the City of Hornell so as not to impose undue transportation and manpower costs upon the City of Hornell.

Carried – 9
Absent – 1 (Bassage)

By: Brown/Argentieri
HN-18-78 – LL #3 of 2018 – Airport Zoning Regulations

LOCAL LAW NO.3 OF 2018

WHEREAS, the City of Hornell owns a municipal airport, and

WHEREAS, it has been recommended to the City of Hornell by the FAA to have zoning regulations adopted regarding the airport property, and

WHEREAS, the City of Hornell has caused said zoning regulations to be created, and

WHEREAS, said regulations have been approved by the Planning Board for the City of Hornell, and

WHEREAS, the Common Council for the City of Hornell finds that the zoning regulations conform to the airport master plan.

NOW, THEREFORE, it is hereby agreed and resolved that:
The airport zoning regulations attached hereto and made a part hereof as if fully set forth are hereby adopted.

This local law shall take effect immediately.

Carried – 9
Absent – 1 (Bassage)

By: Brown/Ponticello
HN-18-79 – Adopt Sexual Harassment Policy

Whereas New York State employers are required to adopt written sexual harassment prevention policies, and

Whereas the City of Hornell is committed to maintaining a workplace free from sexual harassment.

The Common Council of the City of Hornell hereby adopts the State's model sexual harassment prevention policy and complaint form as attached.

Carried – 9

Absent – 1 (Bassage)

By: Warriner/Ponticello

HN-18-80 – Amend Sect 296-1 of Codes – Outside storage of vehicles

WHEREAS, the Common Council for the City of Hornell has reviewed Section 296-1 of the City's Codes and Ordinances regarding the outside storage of vehicles, and

WHEREAS, the Common Council for the City of Hornell notes that said section has not been amended since November of 2010, and

WHEREAS, the Common Council for the City of Hornell believes it is in the best interest of the citizens of the City of Hornell to update certain provisions of said section.

NOW, THEREFORE, it is hereby resolved that:

Section 296-1 of the Codes and Ordinances of the City of Hornell is hereby amended to read as follows:

In all resident, commercial, business or industrial districts, there shall be no outside storage of any unregistered and/or unlicensed motor vehicles for a period longer than 10 days in any calendar year. Such unregistered or unlicensed motor vehicles shall be at all times while being so stored kept in such condition and maintained that it will meet the minimum requirements to pass New York State motor vehicle inspection standards as provided for by the Vehicle and Traffic Law of New York and all rules and regulations promulgated by the Commissioner of Motor Vehicles for the specific inspection of motor vehicles in New York State, as the same may be amended from time to time. The outside storage of any other motor vehicle is prohibited except for such unregistered or unlicensed motor vehicles belonging to a member of the armed forces of the United States who is serving in active military duty. Any storage for junk yards, garages or car repair shops is permitted for a period of no longer than 15 days. After such time, said vehicles must be and shall be removed from the City of Hornell. There shall be no outside storage in any resident or district of motor vehicles bodies or motor vehicle parts at any time.

Section 296-3 of the Codes and Ordinances of the City of Hornell is hereby amended to read as follows:

Any vehicle so removed may be reclaimed and shall be subject to a mandatory charge of \$100.00, plus a storage charge of \$15.00 per day. In addition thereto, the owner of said reclaimed vehicle will be responsible to pay any and all towing fees that are due and owing as a result of the towing of said vehicle. If a vehicle is not claimed within thirty days from impounding, the City shall dispose of said vehicle in an approved and sanitary manner so as not to create a nuisance to the general public.

Carried – 9
Absent – 1 (Bassage)

By: Argentieri/Cleveland
HN-18-81 – Auto Zone Tax Settlement

WHEREAS, Auto Zone has a tax certiorari proceeding pending against the City of Hornell claiming that their property located in the Wal-Mart plaza is over-assessed, and

WHEREAS, the City of Hornell has reached a settlement with Auto Zone regarding the assessment in question, and

WHEREAS, the actions brought by Auto Zone against the City of Hornell bear Index Nos. 2015-0532, 2016-0475, 2017-0456, and 2018-0487.

NOW, THEREFORE, it is hereby resolved that:

Joseph G. Pelych, the attorney for the City of Hornell, is hereby authorized to execute the Stipulation of Settlement and Judicial Order that is attached hereto and made a part hereof in order to finalize the settlement of said causes of action.

Carried – 9
Absent – 1 (Bassage)

By: Argentieri/Brown
HN-18-82 – Traffic Ord. #720 – 2 hr parking spaces on Main St.

RESOLVED, that the Common Council of the City of Hornell hereby approves the placement of two “2-Hour Parking” signs on the south side of Main St., in front of 23 Main St.

BE IT FURTHER RESOLVED, that this change is effective immediately upon placement of signs and is to be published in the newspaper of record.

Carried – 9
Absent – 1 (Bassage)

By: Argentieri/Brown
HN-18-83– Set Trick or Treat Hours

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby sets trick-or-treating hours for 6-8 p.m. on the night of Wednesday, October 31, 2018.

Carried – 9
Absent – 1 (Bassage)

By: Carbone/Cleveland
HN-18-84– Waive the Agenda

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby waives the agenda to discuss a Traffic Ordinance.

Carried – 9
Absent – 1 (Bassage)

By: Carbone/Cleveland
HN-18-85–Traffic Ord. 721 – 15 Minute Parking – Canisteo St.

RESOLVED, that the Common Council of the City of Hornell hereby approves the placement of one “15 Minute Parking” sign on the east side of Canisteo St., in front of 320 Canisteo St.

BE IT FURTHER RESOLVED, that this change is effective immediately upon placement of signs and is to be published in the newspaper of record.

Carried – 9
Absent – 1 (Bassage)

Claims:

By: Brown/Ponticello

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$262,863.58, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

Common Council	\$177,828.07
CD	\$ 4,468.03
Payrolls	<u>\$ 80,567.48</u>
TOTAL	<u>\$262,863.58</u>

Carried – 9
Absent – 1 (Bassage)

By: Brown/McKay

RESOLVED, that there being no further business the Common Council adjourned at 7:46 pm

Carried – 9
Absent – 1 (Bassage)

Respectfully submitted,

Barbara M. Perrott
City Clerk