

**Auburn City Council  
Regular Meeting  
Thursday, January 7, 2016 6:00 P.M.  
City Council Chambers  
Memorial City Hall  
24 South St.  
Auburn, NY 13021**

**Minutes**

The meeting of the Auburn City Council was called to order at 6:00PM in the City Council Chambers 24 South St. Auburn NY by Mayor Quill.

**1. Roll Call** – The City Clerk called the roll. Councilors McCormick, Giannettino, Cuddy, and Carabajal, and Mayor Quill were all present.

**The following City Staff was present:**

- City Manager, Doug Selby
- Corporation Counsel, John Rossi
- City Clerk, Charles Mason
- Director of Capital Projects and Grants, Christina Selvek
- Director of Municipal Utilities, Vicky Murphy

**2. Pledge of Allegiance to the Flag** – Mayor Quill led the Pledge of Allegiance.

**3. Moment of Silent Prayer or Reflection** – Mayor Quill asked for a moment of silent prayer.

**4. Public Announcements –**

The City Clerk read the following announcements:

A. The next meeting of the City of Auburn Civil Service Commission will be held on Monday, January 11, 2016 at 6:30 p.m. The meeting will be held in the Council Chambers, first floor of Memorial City Hall, 24 South Street in Auburn.

B. The next meeting of the City of Auburn Historic Resources Review Board meeting that was scheduled for Tuesday, January 12, 2016 at 7:00 PM has been cancelled.

C. Public Announcement from the Office of Mayor Michael D. Quill and the City Clerk's Office of the City of Auburn: there will be a public meeting with Robert J. Freeman, Executive Director of the New York State Committee on Open Government held on Monday, March 14, 2016 at 7p.m. The purpose of the meeting is for Mr. Freeman to provide an overview of the New York State Open Meetings Law and Freedom of Information Law. He will also be available for questions from participants. The meeting will be held in Council Chambers, first floor of Memorial City Hall, 24 South Street, Auburn. This meeting will be held during National Sunshine Week and the event is open to all. We will be working over the coming weeks to invite

all public boards and commissions of the City, as well as, Cayuga County, the local School District, etc.

## **5. Ceremonial Presentations and Proclamations – None**

**6. Public to be Heard** – Mayor Quill opened the Public to be Heard portion of the Council meeting and the Clerk read the Public to be Heard rules.

Norm Davis, 98 N. Division Street

Mr. Davis spoke to wish everyone a happy new year. He stated he was very grateful to hear in the Mayor's inaugural remarks that he was looking to prioritize addressing the illegal drug activity that is in our City.

## **7. Approval of Meeting Minutes:**

### **A. December 22, 2015, City Council meeting minutes.**

Motion to approve by Councilor Cuddy, seconded by Councilor McCormick.

The motion to approve the minutes of December 22, 2015 carried 3-0. Councilors McCormick, Cuddy and Mayor Quill all voting aye. Councilors Giannettino and Carabajal abstained.

## **8. Reports of City Officials**

### **A. City Manager's Report**

- Year to date sales tax reports indicate that sales tax revenues to the City are \$177,000.00 behind where they were at this point last year.
- The City has learned of a new program being offered by a company named Home Service as a result of a settlement agreement with NY State. Low income homeowners may be eligible to have their water service laterals replaced at no charge. There is no city involvement other than making people aware of the program. Information may be found on the City website.
- The City received three responses to the request for proposals for the development of 1 State Street. The proposals will be sent to the Council by email and the topic will be scheduled for discussion at a future Council agenda.
- Residents may have noticed an orange pylon that has appeared in the middle of the intersection at Genesee Street and Loop Road. This is due to a utility-hole cover being damaged by a snow plow. The utility-hole cover will be replaced in the near future.

### **B. Reports from members of Council**

- Councilor Cuddy reported that earlier in the day he attended the first Lead Task Force meeting being coordinated by the County Health Department.
- Councilor Giannettino thanked the City staff that was responsible for coordinating the January 1, 2016 Council Inauguration. He reported that he attended the Monday, January 4, 2016 County Legislature Inaugural meeting and congratulated the new and returning County Legislators; he attended a meeting in Liverpool, NY on January 6, 2016 with the Mayor and Councilor Carabajal where Governor Andrew Cuomo outlined economic development initiatives and infrastructure programs from the State of New York that will be forthcoming in 2016; and, he attended a ribbon cutting ceremony at the Community College for the new P-Tech lab. He also thanked City staff that took the time to meet with him over the past 6 weeks during his transition to becoming a City Councilor.

- Mayor Quill reported that he also attended the meeting in Liverpool on January 6, 2016 to meet with the Governor. He stated the Governor had a lot of programs to discuss that may be of interest to the City in the upcoming year.

## **9. Matters to Come Before Council**

### **A. State Environmental Quality Review Act Resolutions (SEQR) - None**

### **B. Ordinances - None**

### **C. Local Laws – None**

### **D. Resolutions**

#### **D1. Appointment Resolution #1 of 2016. Appointing a Councilor to the Historic and Cultural Sites Commission.**

By Councilor McCormick, seconded by Councilor Carabajal.

**WHEREAS**, the Historic and Cultural Sites Commission was originally established by Ordinance #1 of 2000, said Ordinance set forth the legislative intent, purpose, powers and membership of the Commission; and

**WHEREAS**, the members of the Historic and Cultural Sites Commission are appointed by the Mayor of the City of Auburn with the approval of the majority of the City Council; and

**WHEREAS**, the City Council representative to the Commission needs to be filled as of January 1, 2016; and

**WHEREAS**, the Mayor and City Council are desirous of appointing James Giannettino, Jr. as the representative of the City Council to the Historic and Cultural Sites Commission.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Auburn that James Giannettino, Jr. be appointed as a member of the Historic and Cultural Sites Commission, and is appointed for a term of four (4) years, effective immediately and expiring December 31, 2019.

The motion to approve Resolution #1 of 2016 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

#### **D2. Agreement Resolution #2 of 2016 Authorization to Fund Right-of-Way and Construction Phases for the Owasco River Greenway Trail Construction Project- PIN 395051**

Motion by Councilor Cuddy, seconded by Councilor Giannettino

**WHEREAS**, a Project to design and construct the Owasco River Greenway Trail in the City of Auburn, P.I.N. 395051 (the "Project") is currently funded under the US Federal Highway Administration (FHWA) TIGER II grant program and has been awarded funding under the US FHWA Transportation Enhancement Program (TEP), that calls for the apportionment of the costs of such program(s) to be borne at the ratio of 80% Federal Funds and 20% local funds; and,

**WHEREAS**, Resolution No. 54 adopted on April 14, 2011, approved the Project and authorized execution of a master agreement with the New York State Department of Transportation regarding administration and funding of Design (Phases I-VI), and

**WHEREAS**, the City of Auburn desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of ROW Incidentals & Acquisition, Construction and/or Construction Supervision and Inspection.

**NOW, THEREFORE**, the City Council of the City of Auburn does hereby approve the Project, and it is hereby

**RESOLVED** to authorize the City of Auburn to pay in the first instance 100% of the non-Federal share of the costs of ROW Incidentals & Acquisition work for the Project or portions thereof, and it is further **RESOLVED** that the sum of \$2,500 is hereby made available within the Owasco River Greenway Trail capital account (#HA8020.440.GM) to cover the cost of participation in the ROW Incidentals & Acquisition phase of the Project, and it is further

**RESOLVED** to authorize the City of Auburn to pay in the first instance 100% of the non-Federal share of the costs of Construction and/ or Construction Supervision and Inspection work for the Project or portions thereof, and it is further

**RESOLVED** that the sum of \$330,400 is hereby made available within the Community Development capital account (#CD 8672 2230 20xx) to cover the cost of participation in the Construction and/ or Construction Supervision and Inspection 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 Auburn City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation, and it is further

**RESOLVED** that the Mayor of the City of Auburn be and is hereby authorized to execute all necessary agreements, certifications, and reimbursement requests for Federal Aid/ and/ or New York State Marchiselli Aid 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** that this Resolution shall take effect immediately.

The motion to approve Resolution #2 of 2016 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

**• Council Resolution #3 for 2016 Approving a Settlement of Arbitration Claims by the Town of Aurelius**

**WHEREAS**, the City of Auburn and the Town of Aurelius previously entered into an agreement on or about February 9, 1995 entitled a Municipal Cooperation Agreement for water supply and services and for sewage, waste-water and sewer services for a minimum term ending February 28, 2020; and

**WHEREAS**, on or about November 17, 2005 the city and town executed a document entitled Settlement Agreement which purported to settle litigation commenced by the town against the city relating to rates charged by the city for the sewer and water services; and

**WHEREAS**, on or about March 1, 2012, a further dispute arose between the town and the city regarding the determination of rates charged by the city for the sewer and water services, together with a dispute regarding the sewer costs and transportation fees with respect to property located in the city and commonly known as “Bluefield Manor” which was being transported by town sewer lines; and

**WHEREAS**, the Town commenced an arbitration proceeding in December, 2014 in order to seek a resolution of further disputes regarding the water and sewer rates and rather than engage in the arbitration proceedings, the city and town entered into discussions with the desire to settle the matter and the negotiations have continued since the date, up and to the present and on or about December 18, 2015, the parties prepared and exchanged releases and settlement agreements to resolve all issues for sewer and water services, together with issues related to Bluefield Manor;

**WHEREAS**, the settlement agreements relate to the underpayment of sewer services by the town to the city in the amount of \$94,013.02, which the town agrees to pay to the city, and further that the water services have been resolved, and all payments are current through December 1, 2015, and further the dispute regarding the Bluefield Manor sewage transportation costs will allow the town to take credit in the sum of \$40,000.00 in relation to the past sewer arrears and the parties agree that there shall be a new meter installation to monitor Bluefield Manor usage at the approximate cost of \$15,000.00, to be paid by the City from the settlement proceeds; and

**WHEREAS**, it is necessary that the Auburn City Council is required to approve the signing of the Settlement Agreement between the town of Aurelius and the city.

**NOW, THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby approve a settlement of all arbitration claims filed by the town against the city and does agree that the city will accept the sum of \$94,013.02 which the town agrees to pay to the city for the underpayment of sewer services through December 1, 2015; and it is further agreed that all issues regarding water services have been resolved and that all of the payments made by the town to the city are current through December 1, 2015, and there are no unpaid amounts due as of that date, and further that the city will allow the town to take a credit of \$40,000.00 for sewer services for past sewer arrears pertaining to Bluefield Manor, and the city agrees that there will be a purchase and installation of a master water meter to monitor the Bluefield Manor usage at the approximate cost of \$15,000.00, paid from the monies being advanced by the town to the city for the underpayment of the sewer services; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to sign all agreements finalizing the disputes which have been submitted for arbitration between the town and the city, and that all claims have been finalized and agreed upon, and that upon the passage of this resolution and signing of the agreement, all disputes between the town and the city are resolved immediately.

Council Resolution #3 of 2016 was pulled from the agenda by the City Manager. It will be placed on the January 21, 2016 Council agenda.

**• Council Resolution #4 of 2015 Adopting a Budget Calendar for the Preparation of the Fiscal Year 2016-2017 City Budget**

Motion to approve by Councilor Cuddy, seconded by Councilor Carabajal

**WHEREAS**, the City Budget is the financial document that funds the many services provided by local City government; and,

**WHEREAS**, the City’s fiscal year begins on July 1st of each year and the City Council must adopt a final City Budget by the end of June each year for the next budget year; and,

**WHEREAS**, adequate preparation, review, and eventual adoption of the annual City Budget is an open process that lasts several months; and,

**WHEREAS**, for the preparation of the Fiscal Year 2016-2017 budget the City Manager recommends the following budget calendar be adopted:

<b>Fiscal Year 2016-17 Budget Preparation Calendar</b>		
Department Heads receive budget packets	January	15
Department Heads return budget packets	February	19
Comptroller compiles Department Head budgets and revenue estimates	March	11
Comptroller and Manager meet with Department Heads to review budgets	March	14-31
Preliminary balanced budget presented to Council	April	14
Department Head presentations to Council	April	14, 21
Individual City Councilor presentations to Council	April	28
Final balanced budget based on Council input and revised revenue estimates	May	12
Public hearing on budget	May	26
Budget adoption	June	2

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council sets the above listed dates as the official budget calendar for the preparation of the City of Auburn Fiscal Year 2016-2017 Budget and that all business pertaining to the City Council called for in said calendar will be scheduled as part of regular City Council meeting agendas in accordance with the Council Rules and Procedures; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to notify the public of the dates as set forth herein and that throughout this budget preparation process the City Clerk shall immediately make available to the public all budget related documents as they become available to the Council.

Councilor McCormick made a motion to amend the resolution to read as follows, Councilor Carabajal seconded the motion to amend. The motion to approve Councilor McCormick’s amendment carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

**WHEREAS**, the City Budget is the financial document that funds the many services provided by local City government; and,

**WHEREAS**, the City’s fiscal year begins on July 1st of each year and the City Council must adopt a final City Budget by the end of June each year for the next budget year; and,

**WHEREAS**, adequate preparation, review, and eventual adoption of the annual City Budget is an open process that lasts several months; and,  
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Department Head presentations to Council	April	14, 21
City Council discussion/feedback to Manager on Fiscal Year 2016-2017 budget	April	28
Final balanced budget based on Council input and revised revenue estimates	May	12
Public hearing on budget	May	26
Budget adoption	June	2

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council sets the above listed dates as the official budget calendar for the preparation of the City of Auburn Fiscal Year 2016-2017 Budget and that all business pertaining to the City Council called for in said calendar will be scheduled as part of regular City Council meeting agendas in accordance with the Council Rules and Procedures; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to notify the public of the dates as set forth herein and that throughout this budget preparation process the City Clerk shall immediately make available to the public all budget related documents as they become available to the Council.

The motion to approve Council Resolution #4 as amended carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

**• Council Resolution #5 of 2016 Authorizing an Additional Temporary Senior Payroll Clerk Position**

Motion to approve by Councilor Cuddy, seconded by Councilor McCormick

**WHEREAS**, the current senior payroll clerk is retiring on January 27, 2016; and

**WHEREAS**, due to the importance of the position and the level of training required, a second position must be authorized for the period of January 11, 2016 through January 26, 2016 to ensure a transition as smooth as possible; and,

**WHEREAS**, there will be no cost impact due to the salary differential.

**NOW THEREFORE BE IT RESOLVED** that the Auburn City Council does authorize on additional senior payroll clerk position within the finance department for the period of January 11, 2016 through January 26, 2016.

The motion to approve Council Resolution #5 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

• **Council Resolution #6 of 2016 Soliciting Proposals for a Water and Sewer Rate Study**

Motion to approve by Councilor Cuddy, seconded by Councilor Giannettino

**WHEREAS**, the City of Auburn provides services to other municipalities for a potable water supply and processing of waste water; and

**WHEREAS**, the City maintains water and sewer funds which operate as Special Revenue Funds which require that revenues be driven by users of the systems receiving the water and sewer services; and

**WHEREAS**, the sewer fund revenues for the 2014/2015 fiscal year did not meet the expenses of the fund, and a transfer of the fund balance of approximately \$300,000 was necessary. As a result of this shortfall, the City increased sewer rates to the towns in December of 2015 effective July 1, 2016. The increase in rates were based upon the only study available, the 2011 cost of service study, which was conducted for a proposed regional authority which was never implemented; and

**WHEREAS**, a need for a comprehensive water and sewer rate study has been identified after years of evolving water and sewer rate changes, unstable usages and revenues, public concerns about equity and economics sustainabilities associated with water and sewer rates; and

**WHEREAS**, it is necessary that the Auburn City Council approve the issuance of a request for proposal to entities to provide for a water and sewer rate study to review and update rate structure and rates, insure rate structures promotes sustainable water and sewer practices, sharing of water and sewer costs, insure capability to pay for needed improvements and operations and control rate increases in the future.

**NOW THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby approve the issuance of a request for proposal for entities to provide a water and sewer rate study to insure equitable sharing of water and sewer costs, to insure capabilities to pay for needed improvements and operations, and control rate increases in the future.

The motion to approve Council Resolution #6 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

**E. Tabled Legislation – None**

**F. Staff/Vendor Presentations**

**Review of City Council Rules and Procedures** - Chuck Mason, City Clerk introduced the topic and stated that the rules and procedure are to be reviewed by each newly seated Council and the Council may revise the rules or leave the rules unchanged. The topic was scheduled at this meeting to get the discussion started, it will return to the January 14<sup>th</sup> Council work session for further discussion and it is suggested that a revised set of rules and procedure could be on the January 21<sup>st</sup> Council meeting for Council consideration.



Councilor McCormick handed out a document to the Council that contained the following list of proposals:

It is my hope that with the review of the Council Rules and Procedures we can increase transparency and accountability. Therefore the following proposals are recommended:

1. Meeting agendas to the Council should all be distributed now electronically. The Council has its iPads to use. Any information that needs to be sent to the council as paper copy should be delivered to Council via mailbox located at the mayor and Council office.
2. The claims list shall be delivered to the Council by e-mail. Claims lists should also be posted to the City website once they are delivered to the Council.
3. All Councilor requests for information from City staff (that cannot be obtained via the City's website) should be made through the City Manager's office or through the City Clerk. Requests made outside of the weekly Council meeting should be made in writing via email. The City Manager and City Clerk should generally track the amount of staff time it takes to respond to requests. Information compiled in response to a Councilor request should be provided electronically when possible. Responses to individual members of Council should be copied to all other members of Council and the City Clerk.
4. All communications from the City Manager or any City staff to a Councilor or the entire Council should be copied to the City Clerk's office and the Clerk should keep on record. Years ago before email when we sent paper memos in the organization the Clerk was always copied, in the age of electronic media we have gotten away from that practice.
5. Meetings will be held the first four Thursdays of each month. There are usually 2 or 3 months that will have a fifth Thursday and the Council can decide by resolution what to do with those meetings.
6. Council meeting summer hours. It is a service to the City staff if meetings in the summer months can begin at an earlier start time of 4pm or 5pm.
7. Agenda preparation. Much of the process for agenda preparation should remain the same, however, I would like to see the City Clerk have more of a role in Council agenda preparation. I believe the Clerk should be the final review and have final approval of all Council agendas prior to them being published. To summarize, the process would be that the staff and manager prepare and the Clerk approve prior to publication.
8. Job description of the City Clerk. We have discussed this numerous times over the years. However, I believe we should take a look at having the City Clerk's job description defined as part of this bi-annual process. The charter states that the Clerk works for the Council and that the Council may define the Clerk's responsibilities.

9. Other Boards and Commissions. The Mayor discussed this on January 1<sup>st</sup>, as a step towards greater transparency for the entire organization it would be nice to see more boards and commissions use the NOVUS system and use the Council Chambers for their meetings in order that the meetings can be video recorded and even live-streamed. The software that was purchased for NOVUS and the equipment that was installed in this chamber to record the meetings is an investment in transparency of government. It should be used to its fullest extent.

Mayor Quill stated that he would like the summer hours to begin the week following the adoption of the annual budget and last through the summer months, returning to 6 p.m. following Labor Day.

Councilor Carabajal stated that she would like to propose adding language that would have members of Council copy all members of Council and the City Clerk when making requests for information from staff to the City Manager.

The entire Council discussed having a standardized procedure for City Boards and Commissions to publicly post their agendas, record their meetings and publicly post their board meeting minutes. It was discussed that the NOVUS agenda system could be used by all City boards and commissions, as well as, the Council Chambers and video recording equipment that has been installed in the Council Chambers could be used by more City Boards and Commissions.

The topic will return to the January 14, 2016 Council agenda for further consideration by the Council.

## **10. Other Business**

Councilor Cuddy discussed challenging the City staff to think about ways that the City organization could obtain cost savings. He asked if the Council could revisit discussion pertaining to future revenue producing possibilities for the Osborne Street Radio Tower.

Executive Session. Councilor McCormick made a motion to enter Executive Session, seconded by Councilor Cuddy. Council voted to enter an executive session regarding the following matters:

1. Discussion on one matter pertaining to the employment history of a particular individual.

The motion to enter executive session carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal, and Mayor Quill all voting aye. The Council entered Executive Session at 6:59 p.m. Executive session adjourned at 8:45 p.m.

**Adjournment:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:45 p.m.

Minutes submitted to the City Council on January 8, 2016 by:

Charles Mason  
City Clerk

Auburn City Council Minutes January 7, 2016

On January 14, 2016 a motion to approve the minutes of the January 7, 2016 Auburn, NY City Council meeting was made by Councilor Giannettino, seconded by Councilor McCormick.

	Ayes	Noes
Councilor McCormick	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Carabajal	X	
Mayor Quill	X	
Carried and Adopted	X	

*I do hereby certify that the foregoing is a correct copy of the minutes of the proceedings of the City Council of the City of Auburn, N.Y., at a regular meeting thereof, held in the Council Chambers, Memorial City Hall, in said city, on the 7<sup>th</sup> day of January, 2016 and that the City Council approved such by the vote listed above.*



*Charles Mason, City Clerk      Date: January 15, 2016*