

**Auburn City Council
Regular Meeting
Thursday, February 4, 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
- Comptroller, Laura Wills
- Director of Planning and Economic Development, Jennifer Haines
- Director of Municipal Utilities, Vicky Murphy
- Superintendent of Engineering, William Lupien

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’s Civil Service Commission will be held on Monday, February 8, 2016 at 6:30pm. at Council Chambers of Memorial City Hall.

B. The next meeting of the City of Auburn’s Historic Resources Review Board will be held on Tuesday February 9th at 7pm at Council Chambers of Memorial City Hall. At the meeting there will be public to be heard for suggestions related to the 25th anniversary celebration in recognition of the South Street National Register Historic District.

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.

Wayne Mason, 25 Fairway Drive, Business Owner in Auburn

Mr. Mason spoke of an idea he has for a mountain bike park in the area of the old Auburn Woolen Factory south of the Mill Street Dam. The Mayor stated that the City Manager would have a member of City staff discuss the concept with Mr. Mason by contacting him in the future.

Justin Huffman, 127 Genesee Street

Mr. Huffman spoke on behalf of Mr. Joseph Camardo regarding the agenda topic of Council Resolution #20 of 2016 to Authorizing a Consultant Study for the Redevelopment of 1 State Street. Mr. Huffman read a letter from Mr. Camardo and handed to the members of Council a document that will be submitted for the meeting record.

7. Approval of Meeting Minutes:

A. January 28, 2016, City Council meeting minutes.

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

The motion to approve the minutes of January 28, 2016 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

8. Reports of City Officials

A. City Manager's Report

- Two City employees Jeff Brown and Brian Rhodes have received certification to apply herbicides and pesticides. This will save the City significant money in the future.

B. Reports from members of Council

- Councilor Giannettino reported that he attended the meeting of the local Heroin Awareness Task Force with Joe Lem from U. S. Senator Charles Schumer to discuss Federal legislation and programs on the topics associated with heroin and other drug addictions in our communities. The meeting was productive and he stated that the Senator will be an advocate on the issue in Washington.
- Councilor Cuddy reported on the second meeting of the Lead Task Force that he and Jenny Haines, Director of Planning and Economic Development attended.
- Mayor Quill reported that he traveled to Rochester today to speak before the NYS Assembly Committee on Cities. The Committee is holding a State Budget Hearings throughout the State to specifically learn more about infrastructure needs of cities as things relate to the upcoming State budget. A copy of the statement as delivered will be posted to the City website and will be attached to these minutes.

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. Agreement Resolution # 19 of 2016 Amending an Agreement for Wastewater Sewage

Treatment with the Town of Owasco. Motion by Councilor McCormick, seconded by Councilor Giannettino.

WHEREAS, the City of Auburn and the Town of Owasco have entered into Municipal Cooperation Agreements whereby the City, as the owner and operator of a municipal sewer system, provides treatment of sewage and wastewater and other sewer services to the Town pursuant to an agreement dated January 8, 2013 and amended by agreement dated June 18, 2015 ; and

WHEREAS, the amendment dated June 18, 2015 did authorize an amended agreement with the Town of Owasco to provide the sewer services to the Town for a term of 30 years, said provision was necessary in order that the Town might qualify for financing and bonding to increase its sewer services to Town residents through financing with the Environmental Facilities Corporation; and

WHEREAS, at the request of the New York State Environmental Facilities Corporation, the Town is in need of an amendment to the agreement referencing the newly created Town of Owasco Sewer District No. 3; and

WHEREAS, the City of Auburn is capable of providing these services and the Auburn City Council is required to approve an amendment to the agreement dated June 18, 2015 referencing the Sewer District No. 3 for the Town of Owasco.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby agree to amend its agreement with the Town of Owasco, dated June 18, 2015, including in the agreement to provide the sewer services for a term of 30 years to include the Town of Owasco Sewer District No. 3 in order to allow the Town to qualify for the financing of the additional sewer services to Town residents at the request of the New York State Environmental Facilities Corporation.

The motion to approve Resolution #19 of 2016 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

D2. Council Resolution #20 of 2016 to Authorizing a Consultant Study for the Redevelopment of 1 State Street. Motion to approve by Councilor Carabajal, seconded by Councilor McCormick.

WHEREAS on October 15, 2015, the City Council approved Council Resolution #114 of 2015 authorizing the release of a Request for Proposals (RFP) for the purchase and redevelopment of 1 State Street; and

WHEREAS the RFP was released on November 17, 2015, with a due date of December 31, 2015; and

WHEREAS three (3) proposals were received in response to the RFP; and

WHEREAS the City Council desires to accept the proposal submitted by the Fred L. Emerson Foundation to retain a consultant with experience working in urban centers to fully explore various uses for the 1 State Street property that will optimize the property's capacity to:

- Enhance Downtown as a walkable, vibrant urban place

- Encourage more people to live and work in Downtown
- Contribute toward the development of Downtown Auburn as a center for arts and entertainment.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Auburn, New York, that it does hereby authorize and direct the City Manager and staff to work with the Fred L. Emerson Foundation to secure a consultant to perform the above-mentioned study for the redevelopment of 1 State Street, the cost of which will be paid through the Fred L. Emerson Foundation.

The motion to approve Resolution #20 of 2016 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

D3. Council Resolution #21 of 2016 Establishing an Assistant Comptroller Position. Motion to approve by Councilor McCormick, seconded by Councilor Cuddy.

WHEREAS, the City of Auburn Office of the Comptroller is responsible for the capital financing, annual financial reporting and operating budgets for all City Departments and the City Capital Program; and

WHEREAS, the Office of the Comptroller is requesting authorization to establish and fill an Assistant Comptroller position that would work collaboratively with City Departments and the Director of Capital Projects & Grants to provide efficiencies and allow for additional capacity in seeking federal and state funding assistance for the City; and

WHEREAS, the proposed Assistant Comptroller position would also serve as the Purchasing Agent for the City of Auburn; and

WHEREAS, the current part-time Purchasing Assistance position is vacant; and

WHEREAS, this position will not require an increase in the 2015-16 budget due to recent staffing changes in the Finance Department.

NOW THEREFORE BE IT RESOLVED, that the Auburn City Council hereby establishes the position of Assistant Comptroller in the Finance Department effective immediately.

Following the reading of the resolution by the City Clerk, the staff introduced a proposed amendment to the resolution. Councilor Cuddy made a motion to amend Resolution #21 of 2016, seconded by Councilor Giannettino with the following language:

WHEREAS, the position is not compatible to be included with other City employees who are represented by Collective Bargaining Agreements and due to the nature of the position, the Senior Management Personnel Policy adopted by Council Resolution #8 of 2016 is further amended to include the position of Assistant Comptroller due to the nature of the duties performed by that designated position and further that an amended salary schedule reflecting the compensation for the Assistant Comptroller position shall be added to the Senior Management Personnel Policy.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council hereby establishes the position of Assistant Comptroller in the Finance Department effective immediately; and

BE IT FURTHER RESOLVED that the Assistant Comptroller position be added to the Senior Management Personnel Policy and that an amended salary schedule shall also be added to that Policy.

Following discussion Councilor Cuddy withdrew his motion to amend the resolution. Councilor Giannettino made a motion to table, seconded by Councilor Carabajal. The motion to table Resolution #21 of 2016 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

D4. Council Resolution #22 of 2016 Adopting a City of Auburn Five Year Financial Plan Motion to approve by Councilor Carabajal, seconded by Councilor McCormick.

WHEREAS, the New York State Comptroller's Office recommends multi-year financial planning, the City Council has set as a Council priority the adoption of a five year financial plan; and the City Manager is recommending the adoption of a five year financial plan; and,

WHEREAS, the model used to build the five year financial plan for the fiscal years ending 2017-2021 estimates general fund financial deficits ranging between \$44,000 to \$1,400,000; and WHEREAS, as part of the plan the City Manager recommends some specific options to be considered by the Council during the preparation of the 2016-17 budget year, said options to be considered with the intention of completely or partially addressing the plan's projected financial deficits.

WHEREAS, the Council is not limited to the options for deficit reduction listed in the plan, rather the options provide City staff with direction to prepare scenarios for Council consideration; and,

WHEREAS, the plan includes establishing a Fund Balance policy which requires the City to maintain a Fund Balance between 10.0% and 16.7% of audited expenditures exclusive of one time capital financing and a Contingency Fund policy which establishes a minimum of \$75,000 and a maximum of 1% of the City's general fund budget less capital expenditures; and

WHEREAS, it is necessary that the City of Auburn formally adopt the five year plan.

NOW THEREFORE BE IT RESOLVED that the City of Auburn 2016-2021 Financial Plan including the fund balance and contingency fund policies is hereby adopted.

Councilor Carabajal made a motion to table, seconded by Councilor McCormick. The motion to table Resolution #22 of 2016 carried 3-2. Councilors McCormick, Carabajal and Mayor Quill all voting aye. Councilors Giannettino and Cuddy voting no.

D5. Council Resolution #23 of 2016 Memorializing the City of Auburn Concerns Regarding the New York State Department of Environmental Conservation Permits for Concentrated Animal Feeding Operations. Motion to approve by Councilor McCormick, seconded by Councilor Giannettino.

WHEREAS, the New York State Department of Environmental Conservation, (hereinafter referred to as "DEC") has released draft permits for allowable manure handling

activities at Concentrated Animal Feeding Operations (CAFO) which will have implications for the water quality of Cayuga County's water resources far beyond the expiration date of the five year permit period; and,

WHEREAS, the Cayuga County Water Quality Management Agency has advised that their review of the draft CAFO permits reveal deficiencies in the permits that will result in continued degradation of our water resources; and

WHEREAS, Owasco Lake provides the drinking water for the City of Auburn and surrounding Towns and the permitting process can greatly affect the water quality for Owasco Lake; and

WHEREAS, the DEC is accepting comments for the permits until February 7, 2016; and

WHEREAS, the Auburn City Council wishes to notify the DEC that the permits, as currently drafted, will not be acceptable for the protection of Owasco Lake and that the City of Auburn does request that the permits be revised in order to protect the water quality for Owasco Lake; and

WHEREAS, the Auburn City Council wishes to direct that the City Clerk notify the DEC of its concerns and request that changes be made in the revised permits regarding the comments that are being received by various groups and governmental agencies.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby direct the Clerk of the City of Auburn to notify the New York State Department of Environmental Conservation that the City of Auburn requests that further amendments be made to the CAFO permits in order to prevent deficiencies that will result in the continued degradation of Owasco Lake water resources.

The motion to approve Resolution #23 of 2016 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

E. Tabled Legislation – None

F. Staff/Vendor Presentations

Council Discussion regarding City Manager Search Process

Councilor McCormick introduced the following outline of a process the Council could use to conduct a City Manager search.

City Manager Search Process Proposal

- February 1 – Mid March 2016, advertise position and collect resumes. Process to be facilitated by the City Clerk.
- Council reviews resumes, creates a potential list of applicants to be interviewed, conducts initial round of interviews. Confidential process to be conducted by City Council.
- Council conducts survey and meetings to gather staff and community input.
- Council conducts confidential additional interviews as necessary. Council presents a final slate of candidates and a public reception is held. At this point in the process final candidates would be public information.

- Following public reception and input City Council makes final appointment decision. Following Council discussion there was a consensus of Council to proceed with the proposed outline as presented by Councilor McCormick. Councilor McCormick was also asked to take the lead on setting up the process in the coming weeks. Details will be discussed at future Council meetings.

10. Other Business

Councilor Carabajal discussed that a group had appeared before Council last year in regards to the feral cat issue. She suggested the topic be revisited during the budget process.

Councilor Giannettino discussed a meeting he attended with City Manager Selby and other City staff with Mr. Brian Boykin, Program Manager for the Asset Forfeiture and Money Laundering Section of the U.S. Department of Justice, on Tuesday, February 2, 2016 regarding the Equitable Sharing Program. He stated the meeting was very informative. He recommended that the Council take up the topic at a future Council meeting and work on developing a process for how the funds should be handled in the future.

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

1. Discussion on three matters pertaining to the employment history of a particular individual. (NYS “The Open Meeting Law”, Article 7, Section 105-f)
2. Discussion on one matter that is confidential by Federal or State law. (Section 4503 of the Civil Practice Law and Rules which establishes that a confidential communication between attorney and client shall be privileged. Pursuant to this section, Council will be receiving legal advice from its attorney which fulfills the requirement provided in Section 108(3) of the Public Officers Law allowing this exemption.)

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 7:29 p.m. Executive session adjourned at 8:29 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:30 p.m.

Minutes submitted to the City Council on February 5, 2016 by:

Charles Mason
City Clerk

Auburn City Council Minutes February 4, 2016

On February 11, 2016 a motion to approve the minutes of the February 4, 2016 Auburn, NY City Council meeting was made by Councilor McCormick, seconded by Councilor Cuddy.

	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 4th day of February, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: February 12, 2016

NYS Assembly Committee on Cities

Public Hearing on City Infrastructure Concerns

February 4, 2016 at 10:30 a.m.

Monroe County Office Building, Rochester, NY

Delivered by Michael D. Quill, Mayor

Good Morning and thank you for the opportunity to present today regarding the City of Auburn's Infrastructure Concerns.

As you well know, New York State's physical infrastructure is critical to our economy and affects the daily life of our residents- from facilitating the movement of travelers and goods and services to providing reliable, safe drinking water. However, as recently illustrated by the "2015 Report Card for New York's Infrastructure" by the American Society of Civil Engineers NYS Council, the State as a whole received an unacceptable grade of "C-". Furthermore the State's Bridges, Roads and Wastewater infrastructure facilities received a grade of "D" or "D-". Much of this has to do with infrastructure facilities operating beyond their useful life expectancy and the lack of capital infrastructure investment funds. How can the City of Auburn and the State of New York compete for business and industrial development when New York State very clearly sends the message that it does NOT prioritize investment in infrastructure? Your attention to this matter today is greatly appreciated. In the upcoming state budget the legislature has the opportunity to set the state on a path toward significant improvement of our infrastructure needs.

Introduction & Background

The City of Auburn is located within the CNY Regional Economic Development Council and is the seat of local government for Cayuga County. Similar to all cities across New York State, the City of Auburn faces a host of serious infrastructure challenges. The economic well-being of the City of Auburn is dependent on its physical infrastructure and how it affects the daily lives of our 27,000+ residents. In total, the City of Auburn has:

- 329 streets with 104 centerline miles;
- 21 bridges and culverts;
- 1 high-hazard and 2 moderate-hazard dams;
- a community water filtration facility & wastewater treatment facility;
- 109 miles of water distribution mains;
- 101 miles of sanitary sewer collection lines; and,

- In addition, the City provides professional police and fire protection and judicial services to City and County residents and these services are currently housed in aged buildings that need immediate replacement.

Funding for the City of Auburn's infrastructure comes from a variety of federal, state, local and private sources. As time goes on the gap continues to widen as the costs to maintain and improve infrastructure increase at exponential rates while the City's ability to spend money on capital improvements diminishes with each budget year.

The City of Auburn's upcoming critical infrastructure needs include:

Roads and Bridges: Through the City's annual Road Improvement Program, we currently have a \$13 million funding need to bring City streets in a state of "good" condition. Due to increasing fiscal constraints, unfunded mandates and the Tax Cap, the City is only able to contribute less than \$1.5 million annually to fixing these roads.

Water and Sewer: The City of Auburn's water and wastewater utilities are under increasing pressure to make significant investments to upgrade our aging and deteriorating treatment facilities, pump stations, distribution and collection systems.

The City of Auburn's water and wastewater utilities service over 45,000 users and are under increasing pressure to make significant investments to upgrade our aging and deteriorating treatment facilities, pump stations, distribution and collection systems. A 2013 Water and Sewer Capital Needs Assessment outlined over \$28 million in capital improvement costs to the City's water and wastewater infrastructure. The largest category of need is the installation and maintenance of water transmission and distribution systems and sewer collection systems- accounting for \$15.9 million or about 56% of the capital needs projected through 2023. NYS's mechanism for funding assistance related to water and wastewater infrastructure is the NYS Environmental Facilities Corporation (EFC). While the City has been successful with receiving principal forgiveness and funding assistance from EFC since 2009, it is widely understood that infrastructure projects that consist primarily of water distribution or sewer collection improvements receive low priority for funding assistance through EFC. The City is also too large to receive benefits through the USDA Rural Development Water & Environmental Grant program (population threshold of 10,000). Therefore it is largely left to the system owners and operators, such as the City of Auburn, to fund these infrastructure projects on our own. The City would need to commit \$2 million/ annually on water and sewer line infrastructure to address the aging system. With 16.3% of the City's population on fixed income and 19.1% of the City population living at the poverty level, the City is forced to defer maintenance because of insufficient funds.

Public Safety Facilities: The City of Auburn provides professional police and fire protection services that currently operate out of an 85-year old building. We are currently beginning the process of working with our Cayuga County related programs and City court system to establish a regional public safety facility. The facilities for our police and fire are in need of immediate attention. While the headquarter building has served the City well, it is antiquated in meeting the needs of modern 21st century police and fire services. The facility is not fully accessible to the public, does not accommodate space for a modern Emergency Operations Center and is located in the Owasco River inundation zone. Of most concern is the cracking of the concrete floor in the fire department apparatus bay.

After a 14 month long investigation that consisted of a needs assessments and exploration of modernization of government services, the City of Auburn in cooperation with several Cayuga County Departments has spearheaded the first municipal public-private partnership project for a regional public safety facility in New York State. This collaborative, multi-jurisdictional public-safety infrastructure project will not be feasible without New York

State leading the charge and providing funding assistance to municipalities to aid in modernizing infrastructure in our Cities and downtowns.

Recommendations:

It has never been more critical for New York State to construct and rebuild infrastructure to be resilient and sustainable. I offer the following recommendations to the committee for you to implement in the 2016 State Budget:

1. The City of Auburn takes seriously the concept of the State Property Tax Cap and recommends that a true 2% cap be used. The cap that is tied to the rate of inflation, which this year is .12%, is unreasonable and will only allow the City of Auburn to raise an additional \$15,000.00 through property taxes. Our City's long term financial plan forecasts 2.5% annual growth in expenditures. We urge the state legislature to make the property tax cap a true 2% cap, not one that can fall with inflation. If the true 2% cap is not to be established then we support the proposal of the New York Conference of Mayors (NYCOM) to establish the creation of an additional program that would allocate new unrestricted aid to local governments known as Tax Cap Equalization Aid.
2. Increase unrestricted aid (formerly State Revenue Sharing). In 2011 the City of Auburn's Aid & Incentive to Municipalities (AIM) funding was cut and has been held flat ever since. This is the most direct way the state can assist localities with addressing local infrastructure needs. AIM funding should be restored to pre-2011 levels.
3. This year local governments received an additional \$50 million for "Extreme Winter Recovery" to help municipalities pay for the damage to local roads brought on by snow, ice and cold temperatures last winter. While our current winter has been mild we are still recovering from the extreme winters of 2014 & 2015. We encourage the restoration of Extreme Winter Recovery funds or take the \$50 million and increase the Consolidated Local Street and Highway Improvement Program (CHIPS).
4. We support the Executive's Budget proposal for a \$21 billion DOT five-year capital plan to upgrade critical roads, bridges and other vital transportation infrastructure throughout the State, especially upstate. We urge support of The BRIDGE NY (\$1 billion), PAVE NY (\$1 billion) and the Extreme Weather Infrastructure Hardening Program (\$500 million). We further encourage that these funds be distributed proportionately throughout the State so that each locality will receive their necessary share.
5. We support the Executive's Budget proposal for a \$100 million Downtown Revitalization Program, however, REDC districts should be able to allocate the funds to multiple City downtown projects not just those in 1 City's downtown;

6. We support the Executive's Budget proposal for the Expand Tourism Investment Proposal. The City of Auburn is the future home of the Harriet Tubman National Historical Park, the agreement with the National Park Service is expected to become official by spring of 2016 and

the establishment of the Tubman park will be one more highlight of New York's many tourism offerings.

7. We support the Executive's Budget proposal for the Protect Critical Infrastructure program. This is critical to enhancing public safety for localities.

8. The final recommendation we offer today is that New York needs to reform and streamline the approval process for infrastructure projects and consider adopting Public-Private Partnership (aka 'P3') legislation so that 'P3' is the standard for all Cities in NY State. The State has opened the door with the Tappan Zee Bridge Replacement Project and the Goethals Bridge Replacement project that utilized 'P3' to design, build, finance and maintain the infrastructure project. NYS is behind 33 other States of the Union that have already adopted 'P3' legislation. As Cities become more likely to bump up against their constitutional debt limit, it makes a great deal of sense to transfer the risk and financial responsibilities to the private sector. We urge you to consider this public-private partnership model for addressing aging infrastructure in our NY Cities.

Thank you again for the opportunity to make this statement today regarding concerns on City Infrastructure. Mr. Chairperson, this concludes my prepared statement. I would be pleased to respond to any questions that you or other members of the committee might have.