

**Auburn City Council  
Regular Meeting  
Thursday, March 3, 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:**

- Acting City Manager, Jennifer Haines
- Corporation Counsel, John Rossi
- City Clerk, Charles Mason
- Comptroller, Laura Wills
- Director of Capital Projects and Grants, Christina Selvek
- Superintendent of Engineering, William Lupien
- 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 annual March to Lake Day symposium on the status of Owasco Lake will be held on Saturday, March 5, 2016 from 9:00 a.m. through 12:30 p.m. This meeting will be held at the Auburn Public Theater, 8 Exchange Street, Auburn. This event are co-sponsored by Owasco Watershed Lake Association (OWLA), the Institute for the Application of Geospatial Technology (IAGT), Cornell Cooperative Extension of Cayuga County, Cayuga County Water Quality Management Agency (WQMA) and Finger Lakes Institute at Hobart and William Smith Colleges.

B. 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.

C. Mark your calendar for this exciting upcoming workshop for the Auburn SPARKS initiative, Tuesday, March 15th from 6pm-8pm at the Hilton Garden Inn on State Street.

Auburn SPARKS is a community-driven effort to revitalize the City's downtown core and Owasco River corridor. This revitalization effort is being funded through the New York State Brownfield Opportunity Area (BOA) Program, which helps communities identify end uses and solutions for the vacant and underutilized sites in their neighborhoods.

The purpose of this study is to develop a comprehensive framework for the Downtown/Owasco River Corridor study area that considers the community's strong industrial history centered on Route 20 and the Owasco River. This area-wide revitalization plan will provide a framework for redevelopment initiatives that improve the economy and quality of life for residents and businesses. Visit [www.AuburnSPARKS.com](http://www.AuburnSPARKS.com) for more information.

**5. Ceremonial Presentations and Proclamations – The City Clerk read a proclamation from the Office of Mayor Michael D. Quill naming March 2016 as Women's History Month in the City of Auburn.**

**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.

Arlene Ryan, Orchard St

Ms. Ryan spoke regarding the Schines Theater. She stated she would like to see the theater restored beginning with fixing any code violations that may exist and she urged the City to look into the matter.

Vince Dewitt, Frances St.

Mr. Dewitt spoke to urge the Council to support Council Resolution #40 of 2016 Memorializing the City of Auburn's Support of the Auburn Enlarged City School District's Effort Encouraging the State of New York to Repeal the Gap Elimination Adjustment (GEA).

Patrick Mahunik, Frederick St.

Mr. Mahunik is the County Legislator for District 12 in the City. He spoke to urge the Council to support Council Resolution #40 of 2016 Memorializing the City of Auburn's Support of the Auburn Enlarged City School District's Effort Encouraging the State of New York to Repeal the Gap Elimination Adjustment (GEA).

Alicia Procino, Wilbur Avenue

Ms. Procino spoke to state that she noticed street markings on E. Genesee Street near the intersection of Seminary Avenue are faded and without the lines on the street it is a dangerous situation for drivers on the curve of the street.

**7. Approval of Meeting Minutes:**

**A. February 25, 2016, City Council meeting minutes.**

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

The motion to approve the minutes of February 25, 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,**

- Acting City Manager Haines reported that the City had been notified that it had received funding from the Federal government for the Retired Senior Volunteer Program (RSVP) for the upcoming year.

**B. Reports from members of Council**

- Councilor McCormick reported on a meeting she attended on February 29, 2016 regarding the Owasco lake Watershed Plan. She also reported on a meeting she attended in Albany on Wednesday, March 2, 2016 with Auburn Police Captain Paul Casper about police and community relations. The meeting was sponsored by the New York Conference of Mayors (NYCOM); and the New York State Association of Chiefs of Police (NYSCOPA). She asked if Captain Casper would be able to attend a future Council meeting to report regarding the seminar.
- Councilor Giannettino reported that he attended a meeting this week this week with members of the local Heroin Awareness & Education League (HEAL) with Senator Gillibrand's office.

**9. Matters to Come Before Council**

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

**B. Ordinances - None**

**C. Local Laws – None**

**D. Resolutions**

**COUNCIL RESOLUTION #33 OF 2016**

**AMENDING AN AGREEMENT WITH THE AUBURN HOCKEY BOOSTERS CLUB**

By Councilor Giannettino

March 3, 2016

**WHEREAS**, the City of Auburn, hereinafter referred to as the “City” and the Auburn Hockey Boosters Club, hereinafter referred to as “Boosters”, entered into an agreement dated September 9, 2015, whereby the Boosters leased the Casey Park Ice Rink from the City from October 1, 2015, to March 1, 2016, and for an additional year thereafter commencing and ending on the same dates the next succeeding year; and

**WHEREAS**, the agreement requires that the Boosters would pay for all manpower services and support for equipment setup, ice installation, operation, programming, maintenance, end-of-season shutdown and ice removal at the Casey Park Ice Rink; and

**WHEREAS**, other terms and conditions in reference to the operation were set forth in said agreement and the Boosters have now contacted the City requesting that the lease be extended for two (2) weeks commencing March 1, 2016, through March 15, 2016; and

**WHEREAS**, the Boosters will contribute the sum of \$1,500 for the additional two week period and at the end of that period of time, the lease for the first year will be terminated; and

**WHEREAS**, it is necessary that the Auburn City Council approve the amendment of the said lease for the additional two (2) week period of time.

**NOW THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby approve an amendment to the agreement between the City of Auburn and the Auburn Hockey Boosters Club dated September 9, 2015, whereby the lease period would run from October 1, 2015, to March 1, 2016, and said agreement shall be amended in order to extend the final date two (2) weeks until March 15, 2016, and the Auburn Hockey Boosters Club shall pay an additional amount of \$1,500 to the City of Auburn for the contract extension and said amendment shall be effective immediately.

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 vote for Council Resolution #33 of 2016 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 3rd day of March, 2016 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk Date: March 4, 2016*

**COUNCIL RESOLUTION #34 OF 2016**

**ACCEPTING THE CITY MANAGER’S RESIGNATION AND  
MODIFYING HIS AGREEMENT**

By Councilor Carabajal

March 3, 2016

**WHEREAS**, the City of Auburn (“City”) and Douglas Selby (“Selby”) have entered into an agreement dated July 18, 2014, whereby Selby’s employment as City Manager of the City of Auburn was extended from August 29, 2014, to December 31, 2017; and

**WHEREAS**, Selby has decided that he wishes to terminate his employment as Auburn City Manager and desires to terminate the agreement pursuant to Section 9 entitled “Termination by Selby”; and

**WHEREAS**, said Section 9 states:

“At any time during Mr. Selby’s employment term, Selby may terminate his employment as City Manager of the City, provided, however, that Selby gives the City written notice of his termination at least 90 days in advance of the termination date...”

; and

**WHEREAS**, the requirements of Section 9 state further that:

“Selby shall not be paid for unused but accrued vacation days...”

; and

**WHEREAS**, Selby has tendered his resignation which will be effective April 15, 2016, in compliance with the 90 day notice written requirement of the agreement; and

**WHEREAS**, the Auburn City Council is desirous of modifying Section 9 entitled “Termination by Selby” paragraph B. to provide that Selby shall be paid for any remaining accrued vacation leave upon his departure; and

**WHEREAS**, it is necessary that the Auburn City Council accept Selby’s resignation and modify paragraph B. of Section 9 of the agreement to provide that Selby shall be compensated for any remaining accrued vacation leave upon his departure.

**NOW THEREFORE BE IT RESOLVED** that the Auburn City Council does regretfully accept the resignation of Douglas Selby as City Manager effective April 15, 2016; and

**BE IT FURTHER RESOLVED** that the Auburn City Council does agree to a modification of the termination requirements of Mr. Selby’s contract to provide for the payment of any remaining accrued vacation leave upon his departure; and

**BE IT FURTHER RESOLVED** that said Resolution shall become effective immediately.

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 vote for Council Resolution #34 of 2016 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 3rd day of March, 2016 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk Date: March 4, 2016*

**COUNCIL RESOLUTION #35 OF 2016**

**AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS FOR CONSULTANT STUDY FOR THE REDEVELOPMENT OF 1 STATE STREET**

By Councilor Cuddy

March 3, 2016

**WHEREAS**, the City of Auburn is the owner of land at 1 State Street in Downtown Auburn; and

**WHEREAS**, Council Resolution #114 of 2015 authorized the preparation and release of Requests for Proposals for the future development of 1 State Street; and

**WHEREAS**, a Request for Proposals was released on November 17, 2015 with a due date of December 31, 2015; and

**WHEREAS**, three proposals were received in response to the Request for Proposals; and

**WHEREAS**, Council Resolution #29 of 2016 rejected all proposals received for the purchase and redevelopment of 1 State Street; and

**WHEREAS**, the City Council is desirous of fully exploring a fuller range of ideas to develop a strategy to most successfully redevelop this property, including but not limited to planning and design, and economic and market analysis; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, NEW YORK AS FOLLOWS:**

1. That the Auburn City Council does hereby authorize the City Manager to release a Request for Proposals for a consultant study for the redevelopment of 1 State Street.
2. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Giannettino

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

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*Charles Mason, City Clerk Date: March 4, 2016*

**FINANCIAL RESOLUTION #36 OF 2016**

**AUTHORIZING A BUDGET AMENDMENT TO THE FISCAL YEAR 2015/2016  
BUDGET TO PAY FOR A SEWER AND WATER RATES STUDY**

By Councilor McCormick

March 3, 2016

**WHEREAS**, Council Resolution #6 of 2016 authorized City staff to request proposals for a Sewer and Water Rates Study and due to the sewer fund revenues for the 2014/2015 fiscal year not meeting the expenses of the fund, a transfer was necessary from Fund Balance of approximately \$300,000; and

**WHEREAS**, as a result of the shortfall, the City increased sewer rates effective July 1, 2016; and

**WHEREAS**, on February 23, 2016, the City, Cayuga County Sewer and Water Authority and the Towns (the Team) met to discuss the proposals that were received. After ratings were tallied, Raftelis Financial Consulting, Inc. was selected by the Team to conduct the Sewer and Water Rates Study for the Auburn Department of Municipal Utilities; and

**WHEREAS**, the proposal for the scope of services is in the amount of \$63,605 to be paid to Raftelis Financial Consulting, Inc. and in order to fund this contract transfers of \$31,802.50 from the Water Fund Balance Account #F909 and Sewer Fund Balance Account #G909 must be

made to the Water Filtration Services Account #F8330.440 and Wastewater Treatment Services Account #G8130.440, respectively, to cover the costs of the Sewer and Water Rates Study Proposal.

**NOW THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby approve the transfers of \$31,802.50 from the Water Fund Balance Account #F909 and Sewer Fund Balance Account #G909 to the Water Filtration Services Account #F8330.440 and Wastewater Treatment Services Account #G8130.440, respectively, to cover the costs of the Sewer and Water Rates Study Proposal.

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	

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*Charles Mason, City Clerk Date: March 4, 2016*

**AWARD RESOLUTION #37 OF 2016**

**AWARDING THE CONTRACT FOR A WATER AND SEWER RATES STUDY**

By Councilor Giannettino

March 3, 2016

**WHEREAS**, Council Resolution #6 of 2016 authorized City staff to request proposals for a Sewer and Water Rates Study due to the sewer fund revenues for the 2014/2015 fiscal year not meeting the expenses of the fund and it was necessary that a fund balance transfer of approximately \$300,000 was necessary; and

**WHEREAS**, as a result of the shortfall, the City increased sewer rates effective July 1, 2016; and

**WHEREAS**, the City requested proposals from nine firms and received two proposals to assist the City in preparing a comprehensive sewer and water rates study as follows:



Auburn City Council Minutes March 3, 2016

Amawalk Consulting Group, LLC	\$66,020.00
Raftelis Financial Consultants, Inc.	\$63,605.00

; and

**WHEREAS**, on February 23, 2016, the City, Cayuga County Sewer and Water Authority and the Towns (the Team) met to discuss the proposals that were received and after ratings were tallied, Raftelis Financial Consultants, Inc. (RFC) was selected by the Team to conduct the Sewer and Water Rates Study for the City of Auburn Department of Municipal Utilities; and

**WHEREAS**, it is necessary that the Auburn City Council approve the awarding of the contract to Raftelis Financial Consultants, Inc. in the amount of \$63,605; and

**NOW THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby award the contract for the Sewer and Water Rates Study to Raftelis Financial Consulting, Inc. in the amount of \$63,605 with \$31,802.50 to be charged to the Water Filtration Services Account #F8330.440 and \$31,802.50 to be charged to the Wastewater Treatment Services Account #G8130.440.

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	

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*Charles Mason, City Clerk Date: March 4, 2016*

**AGREEMENT RESOLUTION #38 OF 2016**

**AUTHORIZING SUPPLEMENTAL AGREEMENT NO.1 WITH C&S ENGINEERS, INC. FOR THE SOUTH STREET RECONSTRUCTION PIN# 375378 AND CORRIDOR ENHANCEMENT PROJECTS PIN# 395054**

By Councilor Carabajal

March 3, 2016

**WHEREAS**, the City of Auburn has been awarded a grant in the amount of \$899,000 from New York State Department of Transportation (NYS DOT) to implement Right-Of-Way (ROW) enhancements along South Street (NYS Route 34) from the intersection of Metcalf Drive southward to the City Line; and

**WHEREAS**, the City of Auburn has received notice from NYS DOT authorizing the City to resume work on the South Street Reconstruction Project which is also along South Street (NYS Route 34) from the intersection of Metcalf Drive southward to the City Line; and

**WHEREAS**, the Auburn City Council did, by Agreement Resolution #38 of 2015, authorize the Mayor to enter into an agreement with NYS DOT to proceed with the South Street Corridor Enhancement Project and authorize Award Resolution #124 of 2012 awarding design services for the South Street Reconstruction Project to C&S Engineers, Inc. of Syracuse, NY in an amount not to exceed \$265,000; and

**WHEREAS**, it is necessary, in furtherance of this project, that the City execute a supplemental agreement with C&S Engineers, Inc. of Syracuse, New York, to continue design and ROW services for an additional amount not to exceed \$120,000 for a total cost of \$385,000; and

**WHEREAS**, the aforementioned projects will be funded with Federal funds, NYS Marchiselli funds and Transportation Alternative Program grant funds for an estimated 20% non-federal share of \$21,800 which has been made available in the South Street Reconstruction capital account (#HA 5110.440.FM) for the project.

**NOW THEREFORE BE IT RESOLVED**, that the Auburn City Council hereby approves the award of supplemental agreement No.1 for design and ROW services for the South Street Corridor Enhancement Project (PIN#395054) and the South Street Reconstruction Project (PIN#375378) to C&S Engineers, Inc. of Syracuse, NY, contingent upon New York State Department of Transportation approval, at a cost not to exceed \$385,000 to be charged to the South Street Reconstruction capital account (#HA5110.440.FM); and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to enter into an agreement for these services to be provided by C&S Engineers, Inc.

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	

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*Charles Mason, City Clerk Date: March 4, 2016*

**AGREEMENT RESOLUTION #39 OF 2016**

**AUTHORIZATION TO FUND RIGHT-OF-WAY PHASES AND ACCEPTANCE OF RIGHTS OF WAY FOR THE NORTH HUNTER BROOK CULVERT PRESERVATION PROJECT- PIN 375598**

By Councilor McCormick

March 3, 2016

**WHEREAS**, the North Hunter Brook Culvert Preservation Project, P.I.N. #375598 (the “Project”) is currently funded under the US Federal Highway Administration (FHWA) Locally Administered Federal Aid Program (LAFAP) 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. 129 adopted on July 17, 2014, approved the Project and authorized execution of a master agreement with the New York State Department of Transportation (NYS DOT) regarding administration and funding of Design Phases I-VI; and

**WHEREAS**, the NYS DOT has requested that the City of Auburn enter into a Master Agreement for Right-of-Way Incidentals which is necessary to advance the North Hunter Brook Culvert Preservation Project; and

**WHEREAS**, as part of the property agreement, the NYS DOT will acquire the necessary property ROW for this project and is requesting that the City of Auburn agrees to accept by Official Order the real property acquired for this project; and

**WHEREAS**, the City of Auburn has received the master agreement and Schedule A from NYS DOT with a proposed non-Federal share cost of \$16,640 and a total cost of \$83,200; 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.

**NOW, THEREFORE BE IT RESOLVED**, that the Auburn City Council does hereby approve the Project; and

**BE IT FURTHER RESOLVED** that City of Auburn is authorized to pay in the first instance 100% of the non-Federal share in the sum of \$16,640 of ROW Incidentals work for the Project or portions thereof; and

**BE IT FURTHER RESOLVED** that the ROW Incidentals work be charged to the North Hunter Brook Culvert capital account (#HA5110.440.HO); and

**BE IT FURTHER RESOLVED** that the City of Auburn will accept from NYS DOT the real property acquired for this project; and

**BE IT FURTHER RESOLVED** that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the 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

**BE IT FURTHER RESOLVED** that the Mayor of the City of Auburn 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

**BE IT 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

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

Seconded by Councilor Giannettino

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

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*Charles Mason, City Clerk Date: March 3, 2016*

**COUNCIL RESOLUTION #40 OF 2016**

**MEMORIALIZING THE CITY OF AUBURN'S SUPPORT OF THE AUBURN ENLARGED CITY SCHOOL DISTRICT'S EFFORT ENCOURAGING THE STATE OF NEW YORK TO REPEAL THE GAP ELIMINATION ADJUSTMENT (GEA) TO RESTORE FUNDING FOR EDUCATIONAL PURPOSES**

By Councilor Cuddy

March 3, 2016

**WHEREAS**, in 2010, the State of New York instituted a Gap Elimination Adjustment (GEA) as a result of the financial crisis on Wall Street and this action caused a reduction of aid to school districts in order to close a State budget deficit; and

**WHEREAS**, this reduction was meant to be a temporary measure but is still in effect and reducing aid to school districts; and

**WHEREAS**, adequate and equitable Foundation Aid is also needed to help public schools fulfill their obligation to the children of New York State; and

**WHEREAS**, the Auburn City School District has sustained more than \$23,000,000 reduction in aid causing cuts to staff, programing, increased class size and the closure of a Middle School; and

**WHEREAS**, the lack of adequate Foundation Aid and the presence of the GEA not only affect our students and their parents but also our community since strong schools are important to community economic development while attracting young professionals who seek educational opportunities for their children; and

**WHEREAS**, a local school district has few options when faced with deficits and can only access its savings for a limited period of time and does not desire to continually increase property taxes, which would be a measure detrimental to the economy of our community; and

**WHEREAS**, the Auburn City Council is desirous of supporting the restoration of the loss of aid that the Auburn School District has sustained and the District is requesting that this body contact the Governor and State Legislature to repeal the Gap Elimination Adjustment (GEA) and significantly increase Foundation Aid statewide this year.

**NOW THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby request that the Governor and State Legislature repeals the Gap Elimination Adjustment and restore aid to our school districts throughout the State of New York and particularly to the Auburn Enlarged City School District; and

**BE IT FURTHER RESOLVED** that the City Clerk forward certified copies of this Resolution to the Governor, State Senate, State Assembly and to each individual legislative member representing the City of Auburn.

Seconded by Councilor Carabajal

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

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*Charles Mason, City Clerk Date: March 4, 2016*

**COUNCIL RESOLUTION #41 OF 2016**

**IMPOSING A SIX (6) MONTH MORATORIUM UPON THE ACCEPTANCE AND REVIEW OF APPLICATIONS SEEKING APPROVAL FOR NEW TELECOMMUNICATION FACILITIES AND TOWERS**

By Councilor Cuddy

March 3, 2016

**WHEREAS**, on September 14, 2015, the Planning Board of the City of Auburn accepted an application seeking site approval for the construction of a 150' telecommunications tower on

the real property located on Allen Street, which has caused great concern among City residents and Staff since the City Code provides very little guidance regarding such approval; and

**WHEREAS**, the City of Auburn anticipates an increase in applications seeking approval for new telecommunications towers as the demand for cellular and wireless services grows; and

**WHEREAS**, the 1996 Federal Telecommunications Act, set forth in 47 United States Code, Section 332, preserves local authority to determine the placement, construction, and modification of personal wireless service facilities; and

**WHEREAS**, the City of Auburn would like to maintain the character and landscape of the City, while simultaneously allowing telecommunications companies the ability to provide cellular and wireless services to its residents; and

**WHEREAS**, the City is presently reviewing the City Code, Section 305, entitled Zoning, in preparation of comprehensive zoning code revisions, and Bergmann Associates, the City's Brownfield Opportunity Area (BOA) consultant, is completing the review and revisions as a component of the Auburn SPARKS planning process; and

**WHEREAS**, the City anticipates completing the comprehensive zoning code revisions later this year and believes that including new and amended code requirements regulating telecommunications towers is necessary;

**NOW THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby impose a six (6) month moratorium upon the acceptance and review of new applications seeking approval for new telecommunication facilities and towers in order to provide the City an opportunity to review and amend the City Code so that it adequately regulates the placement, construction, and modification of telecommunications towers.

Seconded by Carabajal

	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 vote for Council Resolution #41 of 2016 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 3rd day of February, 2016 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk Date: March 4, 2016*

**E. Tabled Legislation – None**

**F. Staff/Vendor Presentations**

**10. Other Business**

Councilor Carabajal stated she has been approached by members of the community that are interested in upgrading the downtown Christmas decorations. This is a matter the Auburn Business Improvement District is also looking into.

Executive Session. Councilor McCormick made a motion to enter Executive Session, seconded by Councilor Giannettino. 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. (NYS “The Open Meeting Law”, Article 7, Section 105-f)
2. Discussion on one matter pertaining to the appointment of a particular individual. (NYS “The Open Meeting Law”, Article 7, Section 105-f)
3. 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 7:26 p.m. Executive session adjourned at 8:48 p.m.

**Adjournment:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:49 p.m.

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

Charles Mason  
City Clerk

On March 10, 2016 a motion to approve the minutes of the March 3, 2016 Auburn, NY City Council meeting was made by Councilor Giannettino, seconded by Councilor Carabajal.



Auburn City Council Minutes March 3, 2016

	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 3rd day of March, 2016 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date: March 11, 2016*