

**Auburn City Council
Regular Meeting
Thursday, March 31, 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 Councilor Cuddy.

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

The following City Staff was present:

- City Manager, Doug Selby
- Corporation Counsel, John Rossi
- City Clerk, Charles Mason
- Director of Planning and Economic Development, Jennifer Haines
- Director of Capital Improvement Program and Grants, Christina Selvek
- 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 Planning Board scheduled for Tuesday, April 5, 2016 beginning at 6:30 p.m has been cancelled.

B. Parks Master Planning Meeting: Public Meeting Notice:

A City of Auburn Parks Master Plan meeting will be held Wednesday April 6, from 6pm to 8 pm, at the Hilton Garden Inn, 74 State Street in Downtown Auburn.

The meeting will feature a progress presentation of work to date, including review and discussion of design studies for some of the City's parks. Please invite your friends and family to attend. Community participation is very important in developing the master plan. School age children are welcome and there will be activities for them.

3. NOTICE OF SEMI-ANNUAL INTERVIEW AND EXAM FOR ELECTRICAL LICENSE

Applications for electrical licenses must be filed in person at the April 13, 2016 meeting, 5:00 pm in the City Hall Conference Room at 24 South St. 1st Floor, Auburn, NY.

The exam will be held May 11, 2016 at 5:00 pm at this same location.

Applications can be obtained at the Code Enforcement Office in City Hall or on the city website at www.auburnny.gov under the Code Enforcement Department page.

5. Ceremonial Presentations and Proclamations

The Clerk read a Proclamation from the Office of Mayor Michael D. Quill naming March 30, 2016 as Welcome Home Vietnam Veterans day in the City of Auburn.

WHEREAS America is a symbol of freedom and has achieved its stature in the world because of the selfless service of our brave veterans; and,

WHEREAS from those who initially fought in the Revolutionary War to those that serve today, the fearless members of our country's armed forces have given up the comforts of home, the company of loved ones and, for some, have paid the ultimate sacrifice so that we could live free in our land of liberty; and,

WHEREAS from the 1950's through the 1970's millions of Americans served in support of the U.S military operations in Vietnam with more than 58,000 giving their lives and more than 300,000 wounded during their service; and

WHEREAS our Vietnam veterans fought for our freedoms, kept America safe and dedicated their lives to this nation; and,

WHEREAS we are forever thankful for their unwavering strength and courage while fighting in the Vietnam War; and,

WHEREAS on March 30th of each year we join together to express our gratitude, remember their service and say "welcome home" to these brave men and women, we honor the immeasurable sacrifices and contributions our Vietnam War veterans have made to protect the life, liberty and happiness of every American; and,

WHEREAS the people of the United States shall always remember the heroism and courage of those who have served and those who continue to serve, thanks to the enduring valor our Vietnam veterans have demonstrated since their day of return.

NOW THEREFORE, I, Michael D. Quill, Mayor of the City of Auburn, on behalf of members of the City Council and the people of Auburn, do hereby proclaim March 30, 2016 as "Welcome Home Vietnam Veterans Day," in the City of Auburn, New York and ask all to join me in taking this day to give our thanks and appreciation to our Vietnam veterans.

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. The following members of the public spoke:

Josephine Carnicelli Vitale, 17 Orchard Street

Ms. Vitale spoke about Auburn's historic significance and also regarding the Auburn Schine Theater and she encouraged the City to take a look at conditions of the building.

Andrea Burbillis, 6976 Owasco Road, Town of Owasco

Ms. Burbillis spoke regarding the Auburn Schine Theater and she encouraged the City to take a look at conditions of the building.

Gordon Nello, representing NUCOR Steel

Mr. Nello spoke regarding support for the replacement of the North Street water main. He stated

the importance that the line has on NUCOR Steel's business as well as, other business in that end of the City.

Tim Lattimore, 63 South St.

Mr. Lattimore is the County Legislator for District 13 in the City and he spoke on several different topics.

7. Approval of Meeting Minutes:

A. March 19, 2016, City Council meeting minutes.

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

The motion to approve the minutes of March 19, 2016 carried 4-0. Councilors McCormick, Giannettino, Carabajal and Mayor Quill all voting aye.

8. Reports of City Officials

A. City Manager's Report

- He discussed issues with the church located on the corner of Wall Street and Washington Street. The structural condition of the church has been investigated and the City has deemed that the condition is a public safety concern. The City will be blocking off access on the public sidewalks as a safety precaution. The matter will also be investigated further.

B. Reports from members of Council

- Councilor Giannettino reported that he attended the opening of the Logan Street Water and Sewer Department Garage that the City owns and recently rehabilitated on Logan Street, he recognized those responsible for the rehabilitation work which was done with City staff. He also reported visiting the Auburn Head Start program.

9. Matters to Come Before Council

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

B. Ordinances – First Reading of Bond Ordinance #3 of 2016 Authorizing the Issuance of \$1,045,000 in Serial Bonds for the Reconstruction of the City Water Distribution System
The City Clerk read Bond Ordinance #3 of 2016 which will be back on the April 7, 2016 City Council meeting agenda for Council consideration.

BOND ORDINANCE OF THE CITY OF AUBURN, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,045,000 SERIAL BONDS TO FINANCE THE COST OF THE RECONSTRUCTION OF THE CITY WATER DISTRIBUTION SYSTEM

BE IT ORDAINED by Council of the City of Auburn, New York as follows:

Section 1. The City of Auburn, New York (the "City") is hereby authorized to undertake the reconstruction of the City's water distribution system, including the reconstruction and improvement of the existing water distribution main on NYS Route 34, and the acquisition of replacement furnishings, equipment, machinery or apparatus required for the purposes for which such water distribution system are to be used at an estimated maximum cost of \$1,045,000 and to issue an aggregate \$1,045,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,045,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$1,045,000 in serial bonds (the "Bonds") of the City authorized to be issued pursuant to this Ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years pursuant to paragraph 1 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(3)(a) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this Ordinance.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount, subject to certain statutory limitations imposed by Chapter 97 of the Laws of 2011 of the State of New York. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this Ordinance and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this Ordinance shall be from the City's Water Fund. It is intended that the City shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this Ordinance and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This Ordinance is intended to constitute the

declaration of the City's "official intent" to reimburse the expenditures authorized by this Ordinance with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Regulation Section 1.150-2. Other than as specified in this Ordinance, no moneys are reasonably expected to be, received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this Ordinance are hereby authorized to be consolidated, at the option of the City's Comptroller, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other Bond Ordinances previously or hereafter adopted by the City Council for purposes of sale in to one or more bond or note issues aggregating an amount not to exceed the amount authorized in such ordinances. All matters regarding the sale of the bonds, including the date of the bonds, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 10. The City Comptroller, as Chief Fiscal Officer of the City, is further authorized to sell all or a portion of the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, to the New York State Environmental Facilities Corporation (the "EFC") in the form prescribed in one or more loan and/or grant agreements (the "Agreements") between the City and the EFC; to execute and deliver on behalf of the City one or more Agreements, project financing agreements, and letters of intent with the EFC and to accept the definitive terms of one or more Agreements from EFC by executing and delivering one or more terms certificates; and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain a loan or loans from the EFC for all or a portion of the costs of the expenditures authorized by this Ordinance, and perform the City's obligations under its Bonds or bond anticipation notes delivered to the EFC, the project financing agreements and the Agreements.

Section 11. The validity of the Bonds authorized by this Ordinance and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of this Ordinance or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 12. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by United States Securities and

Exchange Commission Rule 15c2-12.

Section 13. This Ordinance, or a summary of this Ordinance, shall be published in the official newspapers of the City for such purpose, together with a notice of the Clerk of the City in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 14. This Ordinance is not subject to a mandatory or permissive referendum.

Section 15. The Council hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this Ordinance.

Section 16. This Ordinance shall take effect immediately upon its adoption.

C. Local Laws – None

D. Resolutions

D1. COUNCIL RESOLUTION #45 OF 2016. APPOINTING AN INTERIM CITY MANAGER

By Councilor McCormick

March 31, 2016

WHEREAS, the current City Manager, Douglas A. Selby, is resigning his position effective April 15, 2016; and

WHEREAS, recruitment efforts are being made to secure the services of a successor City Manager; and

WHEREAS, the recruitment process is being finalized and the hiring of a new City Manager will extend beyond the April 15, 2016 resignation date; and

WHEREAS, it is necessary that an individual be appointed to fill the position of Auburn City Manager on an interim basis in order that the day-to-day operations of the City be continued and that the Interim City Manager begin orientation with Mr. Selby to assume the duties of City Manager on April 15, 2016 until such time as a permanent Manager is hired.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby appoint Fire Chief Jeff Dygert as Interim City Manager to serve in that position effective April 15, 2016 and to continue in that position until such time as a new City Manager is appointed.

Seconded by Councilor Carabajal

	Ayes	Noes	Absent
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 #45 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 31st day of March, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 1, 2016

E. Tabled Legislation – None

F. Staff/Vendor Presentations

F1. Discussion on Proposed Loading Zone on Genesee Street and Parking Meters on Seminary Street by Greg Gilfus, Traffic Enforcement Coordinator. Officer Gilfus discussed that there is a loading zone being proposed for the area on Genesee Street in front of the old Auburn Floors building. This is being proposed to accommodate businesses in this congested area especially with the redevelopment of 10-14 Genesee Street. He also presented on the implementation of parking meters on Seminary Avenue and various issues to consider about the parking on this street.

F2. Presentation on the Office of Corporation Counsel – Corporation John Rossi provided the Council an overview of the many different areas of legal work that his office performs for the City.

F3. North Street Water Main Replacement Project by Christina Selvek, Capital Improvement Projects and Grants. Ms. Selvek outlined the need for this water main replacement. This project would be funded by Bond Ordinance #3 of 2016. She discussed that the City of Auburn needs to replace approximately 2,500 linear feet for 6" water distribution main on North Street (Route 34) and a portion of water main on York Street from Willey Street to North Street. This project is estimated to cost \$1,045,000. It is to the City's benefit to make an application for grant assistance and funding assistance to New York State Environmental Facilities Corporation to reduce the cost burden on the City's Water Fund and she will be bringing that information to the Council at a future meeting.

F4. February 2016 Monthly Budget Reports. Acting Assistant City Manager Jenny Haines provided an overview. Councilor Giannettino asked about the budget to finance elections. The Clerk explained that the budget line for elections will likely be underfunded due to the poll workers being paid more due to the increase in the minimum wage, as well as, the fact that there will be an extra election this year on June 28, 2016 for the 24th Congressional district.

10. Other Business

Councilor Giannettino asked about the U.S. Department of Justice audit of the Asset Forfeiture Funds accounts. The City Manager stated that the City Comptroller has been in touch with the

Department of Justice officials as recently as the past week providing them with additional information they were looking for. He also stated there have been discussions about releasing some of the funds for specific law enforcement purposes.

Executive Session. Councilor Carabajal 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 appointment of a particular individual. (NYS “The Open Meeting Law”, Article 7, Section 105-f)
2. Discussion on two matters pertaining to the proposed acquisition, sale or lease of City owned property. (NYS “The Open Meeting Law”, Article 7, Section 105-h)
3. Discussion on two matters that are made 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 4-0. Councilors McCormick, Giannettino, Carabajal, and Mayor Quill all voting aye. The Council entered Executive Session at 7:34 p.m. Executive session adjourned at 9:00 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 9:01 p.m.

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

Charles Mason
City Clerk

On April 7, 2016 a motion to approve the minutes of the March 31, 2016 Auburn, NY City Council meeting was made by Councilor Giannettino, seconded by Councilor Carabajal.

	Ayes	Noes
Councilor McCormick	X	
Councilor Giannettino	X	
Councilor Cuddy	Abstain	
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 31st day of March, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016