

**Auburn City Council
Regular Meeting
Thursday, April 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 5:00PM in the City Council Chambers 24 South St. Auburn NY by Mayor Quill.

1. Roll Call – The City Clerk called the roll. Councilors Giannettino, Cuddy, and Carabajal, and Mayor Quill were all present. Councilor McCormick arrived at 5:10 p.m..

Executive Session. Councilor Giannettino 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 appointment of a particular individual being considered for the position of City Manager. (NYS “The Open Meeting Law”, Article 7, Section 105-f)

The motion to enter executive session carried 4-0. Councilors Giannettino, Cuddy, Carabajal, and Mayor Quill all voting aye. The Council entered Executive Session at 5:01 p.m. Executive session adjourned at 5:59 p.m. Councilor McCormick entered executive session at 5:10 p.m. and Mayor Quill was excused from executive session from 5:15 p.m. until 5:30 p.m.

The following City Staff was present for the regular meeting:

- City Manager, Doug Selby
- Corporation Counsel, John Rossi
- City Clerk, Charles Mason
- Comptroller, Laura Wills
- Acting Assistant City Manager, Jennifer Haines
- Director of Capital Projects and Grants, Christina Selvek
- Superintendent of Engineering, William Lupien
- Superintendent of Public Works, Mike Talbot

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. Auburn City Council- Special Meeting Notice.

Notice is hereby given that the Auburn City Council has scheduled a special meeting to be held on Saturday, April 9, 2016 at 10:00AM for the purpose of an executive session to discuss matters pertaining to the employment history and qualifications of individuals being considered for appointment to the position of City Manager. This meeting will be held at Memorial City Hall, Council Chambers, 24 South St. Auburn, NY 13021.

B. The next Regular Meeting of the Auburn Civil service Commission will be held on Monday, April 11, 2016 at 6:30pm the meeting will be held at Council Chambers Conference Room, first floor of Memorial City Hall.

C. Historic Resources Review Board will be meeting on Tuesday April 12th at 7pm at Council Chambers of Memorial City Hall at this meeting they will be holding a public hearing for the designation of a local historic landmark at 67 South Street.

D. The City of Auburn Landfill announces, Spring Clean-up Saturdays.

The City Landfill will be open on the following days for City residents to dispose of items for free on Saturday, April 23, 2016 and Saturday, April 30, 2016 from 7 a.m. – Noon. City residents can bring items to the City landfill, 311 N. Division Street, for free! Proof of residency will be required.

5. Ceremonial Presentations and Proclamations –

The City Clerk read a proclamation from the Office of Mayor Michael D. Quill naming April 5, 2016, as National Service Recognition Day in the City of Auburn.

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges as a community; and

WHEREAS, the nation's cities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and the Retired Senior Volunteer Corps (RSVP/Senior Corps) participants assist to address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and RSVP/Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 5, 2016.

NOW THEREFORE, BE IT RESOLVED that I, Michael D. Quill, Mayor of the City of Auburn on behalf of the members of the City Council, do hereby proclaim April 5, 2016, as National Service Recognition Day in the City of Auburn, and encourage residents to recognize the positive impact of national service in our City and to thank those who serve.

The Mayor presented the proclamation to the following members of the Retired Senior Volunteer Services (RSVP) Board of Directors: Barb Avino, Chairperson; Barb Baier, Vice Chairperson; Carol Bryant, Secretary.

The City Clerk read a proclamation from the Office of Mayor Michael D. Quill naming proclaiming the month of April 2016 to be Environmental Awareness Month.

WHEREAS, Earth Day is Friday, April 22, 2016 and Arbor Day is Friday, April 29, 2016; and
WHEREAS, Earth Day and Arbor Day are important celebrations that bring special attention to the environment during the month of April; and

WHEREAS, The City of Auburn has been designated a Tree City USA for more than 20 years; and

WHEREAS, The City of Auburn promotes a sustainable community through its Comprehensive Plan; and

WHEREAS, The City of Auburn has made substantial investments to improve its water delivery system to eliminate water waste from leaks and unaccounted for water use; and

WHEREAS, The City of Auburn has made substantial investments to improve its wastewater collection and treatment systems to provide for the protection of water quality and the environment; and

WHEREAS, The City of Auburn operates a landfill gas to energy facility and a hydro power facility which are producing clean renewable energy and reducing the City's carbon footprint; and

WHEREAS, The City of Auburn provides curb side recycling and yard waste collection to reclaim these wastes for reuse; and

WHEREAS, The City of Auburn has an active forestry program to plant and maintain trees for their environmental and aesthetic benefits; and

WHEREAS, It is important for all citizens to help create a sustainable community through sound environmental practices; and

WHEREAS, The City wishes to dedicate the month of April to call attention to the importance of protecting the environment and to encouraging events and activities that help educate and motivate sustainable practices.

NOW THEREFORE BE IT RESOLVED that I, Mayor Michael D. Quill do hereby proclaim the month of April 2016 to be

ENVIRONMENTAL AWARENESS MONTH

And encourage all citizens and businesses in Auburn to support sustainable practices and

protection of our natural resources, and to participate in environmental events this month.

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.

Chris Major, representing Police Union

(Mr. Major submitted his remarks to be included in the minutes.) I'm here tonight to reaffirm our desire to have the Auburn Police Department Emergency Response Team reinstated. Since May of 2015 when Chief Neagle disbanded our ERT, we've steadily maintained our position that the money in our drug asset forfeiture accounts COULD in fact be used to replace some of our safety equipment that had reached it's expiration date. We thoroughly researched whether or not the purchase of this equipment would be permissible under federal guidelines. We interviewed agencies from surrounding areas, studied DOJ guideline manuals, and spoke to DOJ representatives. As a result of our research, we learned that not only would the purchase of this equipment be permissible, it was the exact type of purchase that asset forfeiture accounts were created for. Despite these findings and the presentation of these FACTS to everyone involved, all of our requests to use a small portion of these funds for this safety equipment were denied. Over the course of almost a year we unsuccessfully argued our point regarding the usage of these funds. In February of 2016, a DOJ representative actually came to Auburn from Washington DC and explained that the asset forfeiture money COULD be used to replace the expired ERT equipment. Although we do have an appreciation for the investigative process, we feel that our Department members and city residents have gone an unnecessarily long period of time without a local ERT. With recent news of an agreement from the DOJ to release a portion of the now frozen asset forfeiture accounts to make the ERT equipment purchase, we are excited that the team may be re-established soon. We were always confident in the fact that the seizure money could be used for these purchases, we just wish that somebody would have taken us more seriously sooner. We'd like to thank our members of Local 195 for having faith in us and allowing us to pursue what we knew was right all along. With the undeniable clarity that The Department of Justice has provided, we are hopefully optimistic that our Emergency Response Team can be re-assembled and put back into service as soon as possible. We have always felt strongly that we owe it to the citizens of our city to have an ERT ready to respond in the case of unforeseen emergencies. Thank you.

Mary Farrell, 6048 Oakridge Road, Town of Owasco

Ms. Farrell spoke regarding matters pertaining to the Schine Theater on South Street.

Shawn Butler, City of Auburn Police Department

Mr. Butler spoke as a board member of the Heroin Epidemic Action League to support the Council adopting Resolution 47 of 2016 that would ask the Office of National Drug Control Policy hold a community forum on the opioid and heroin epidemic in central New York.

Kevin Jones, 4 Tuxill Square

Mr. Jones spoke as a board member of the Heroin Epidemic Action League to support the Council adopting Resolution 47 of 2016 that would ask the Office of National Drug Control Policy hold a community forum on the opioid and heroin epidemic in central New York.

John Socci, 111 Eastwood Ave, Town of Owasco

Mr. Socci spoke as a board member of the Heroin Epidemic Action League to support the Council adopting Resolution 47 of 2016 that would ask the Office of National Drug Control Policy hold a community forum on the opioid and heroin epidemic in central New York.

Dr. Adam Duckett, Cayuga County Coroner

Dr. Duckett spoke to support the Council adopting Resolution 47 of 2016 that would ask the Office of National Drug Control Policy hold a community forum on the opioid and heroin epidemic in central New York.

Lon Fricano, Director, TLC Ambulance Service

Mr. Fricano spoke to support the Council adopting Resolution 47 of 2016 that would ask the Office of National Drug Control Policy hold a community forum on the opioid and heroin epidemic in central New York.

7. Approval of Meeting Minutes:

A. March 17, 2016, City Council meeting minutes.

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

The motion to approve the minutes of March 17, 2016 carried 3-0. Councilors Giannettino, Cuddy and Carabajal all voting aye. Councilor McCormick and Mayor Quill each abstained.

B. March 31, 2016, City Council meeting minutes.

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

The motion to approve the minutes of March 31, 2016 carried 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye.

C. April 4, 2016, City Council meeting minutes.

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

The motion to approve the minutes of April 4, 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,

- The Manager provided an update on the audit of Asset Forfeiture Funds being conducted by the U. S. Department of Justice.

B. Reports from members of Council

- Councilor Giannettino reported on a meeting he attended on April 4th with members of the Heroin Awareness Action League (HEAL) in Syracuse with Senator Gillabrand and Congressman Katko; a meeting he attended on April 6th regarding the City's Parks Master Plan; and, a meeting he attended on April 7th at the local YMCA which is the organization's effort to become more involved in the community.
- Councilor Cuddy reported that he attended an April 4th meeting of the County Lead Task Force with Acting Assistant City Manager Jenny Haines.

9. Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR)

SEQRA RESOLUTION #46 of 2016

DETERMINING THAT PROPOSED ACTION IS TYPE II ACTION FOR PURPOSES OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

By Councilor Giannettino

April 7, 2016

WHEREAS, the City Council of the City of Auburn, New York (the "City") is considering undertaking 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, (the "Project");

WHEREAS, the Project activities consist of the reconstruction of the City's water distribution system, in kind, on the same site; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the City desires to comply with the SEQR Act and the Regulations with respect to the Project;

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

1. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c) (2) and no further action under the SEQR Act and the Regulations is required.
2. This Resolution shall take effect immediately.

The foregoing Resolution was thereupon declared duly adopted.

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	

B. Ordinances

By Councilor McCormick

April 7, 2016

BOND ORDINANCE #3 OF 2016

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.

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	

C. Local Laws – None

D. Resolutions

**D1. COUNCIL RESOLUTION #47 of 2016
ENCOURAGING THE FEDERAL OFFICE OF NATIONAL DRUG CONTROL
POLICY TO HOLD A COMMUNITY FORUM**

By Councilor Giannettino

WHEREAS the federal government has ongoing efforts to treat and prevent opioid and heroin use in the United States and these efforts are administered by the Office of National Drug Control Policy; and,

WHEREAS the opioid and heroin epidemic is one of Central New York’s most serious health problems and has impacted the lives of thousands of families throughout the entire region; and,

WHEREAS our federal representatives in the United States House of Representatives and Senate have urged the Office of National Drug Control Policy to hold a community forum on the opioid and heroin epidemic in central New York; and,

WHEREAS locally the epidemic has impacted hundreds of individuals in Auburn and Cayuga County through personal addiction to the drugs and has tragically ended the lives of dozens of individuals; and,

WHEREAS in Auburn and Cayuga County families and friends of those inflicted have organized the Heroin Epidemic Action League which has as its mission to create a community wide effort to prevent substance abuse and to initiate and implement needed resources to assist those affected by the disease of addiction; and,

WHEREAS it is imperative that all levels of our government and local community resources continue to work together to advance legislation, create awareness, enhance treatment options and provide adequate funding to curb this opioid and heroin abuse epidemic.

NOW THEREFORE BE IT RESOLVED that in light of the tragic circumstances associated with the opioid and heroin epidemic, the City Council of the City of Auburn, New York urges the Office of National Drug Control Policy to host a community forum in central New York to address the growing need for treatment and prevention opportunities for this epidemic; and,

BE IT FURTHER RESOLVED that the City Clerk is directed to send certified copies of this resolution to the President of the United States, the Director of the Office of National Drug Control Policy and all of the City of Auburn’s federal representatives.

Seconded by Councilor

	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 #47 of 2016 of the City Council of the City of Auburn, New York., at a regular meeting thereof, held in the Council Chambers, Memorial City Hall, in said city, on the 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016

**D2. LAND SALE RESOLUTION #48 OF 2016
AUTHORIZING THE SALE OF PROPERTY AT LAFAYETTE PLACE**

By Councilor Carabajal

WHEREAS, the City of Auburn owns a certain parcel of land situated on Lafayette Place and is designated as tax map parcel 115.65-1-50.1; and

WHEREAS, said parcel is adjacent to a resident's home owned by Tammy Tortorello, 58 Lafayette Place, Auburn, NY and she has maintained a portion of the City's parcel and is desirous of obtaining title in order to construct a garage and have her parcel of land become more regular than its current configuration; and

WHEREAS, the parcel of land which she is desirous of obtaining is approximately 60 feet in width and 216 feet in depth and she has had a surveyor delineate the property lines and the parcel that the City would convey to her is designated as parcel A on a map prepared by Anderson Surveys; and

WHEREAS, the City has no use for the parcel and a great deal of it is covered by vegetation and an abutment from an old railroad track and is surplus property not needed by the City of Auburn; and

WHEREAS, it is necessary that the Auburn City Council approve a sale of this parcel to the adjoining land owner for the sum of \$200.00 plus the cost of the recording of a deed from the City to Tammy Tortorello.

NOW THEREFORE BE IT RESOLVED that the City of Auburn does hereby authorize the sale of and conveyance of title to a parcel of land being a part of City owned property tax map #115.65-1-49.5 to Tammy Tortorello at 58 Lafayette Place, Auburn, New York in the sum of \$200.00 and the costs of recording the same and that said parcel is surplus property no longer needed by the City of Auburn.

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 #48 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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016

D3. AWARD RESOLUTION #49 OF 2016

AWARDING A CONTRACT FOR LANDFILL AND GENERAL CONSTRUCTION

By Councilor Giannettino

WHEREAS, the City's landfill infrastructure continues to age and it is crucial that modification improvements be performed on a regular basis. This project includes modifications to existing leachate conveyance system, general site maintenance improvement and expansion of the existing gas collection system in an effort to capture additional landfill gas from Landfill No.2 ; and

WHEREAS, this project was advertised and bids were open on March 18, 2016 and the following bids were received

Marcy Excavation Services, LLC, \$564,500
2256 Broad Street
Frankfort, New York 13340

Wolcott Contracting and Consulting, Inc., \$599,035
700 Five Points Road
Rush, NY 14543

; and

WHEREAS, it is necessary that the Auburn City Council award the bid for the project to Marcy Excavation Services, LLC, the low bidder in the amount of \$564,500 and the costs should be charged to Landfill Closure in the amount of \$307,900, account AL8167.551 and the balance of \$256,600 shall be charged to the Solid Waste Fund Balance.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby award the bid submitted by Marcy Excavation Services, LLC. in the amount of \$564,500 for modifications and improvements to the City Landfill and the costs of said projects shall be charged to the Landfill Closure account AL8167.551 in the amount of \$307,900 and the balance of \$256,600 is to be charged to the Solid Waste Fund Balance.

AND IT BE FURTHER RESOLVED that the Mayor is authorized to signed any and all documents in reference to the award of this bid.

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 #49 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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016

**D4. COUNCIL RESOLUTION #50 OF 2016
RESOLUTION FOR SALE OF THE OSBORNE RADIO TOWER**

By Councilor Cuddy

WHEREAS, the City of Auburn is the owner of a 250 foot, lattice frame radio tower located at 85 Osborne Street which hosts a number of telecommunication company antennas as well as antennas and support facilities for the County’s 911 system and the City’s FlexNet water meter reading system; and

WHEREAS, the City obtained the tower through a tax foreclosure on January 27, 1984 and has since that time maintained the tower and leased space on the tower to telecommunications companies, and

WHEREAS, parties have approached the City on numerous occasions expressing interest in buying or leasing the tower; and

WHEREAS, the sale of the tower would bring needed revenue to the City that could be spent on one time capital projects thereby reducing the need to issue new debt; and

WHEREAS, the sale of the tower would relieve the City from liability, maintenance and regulatory obligations associated with owning a radio tower; and

WHEREAS, the market for sale of radio towers is robust at the present time and a national on-line auction could generate bids in excess of the current appraised value;

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby authorize the City Manager to engage Cell At Auction to receive bids for the Osborne Tower subject to the following:

- City to retain 50% of gross revenues from any additional tenants on the tower; and

- 911 radio and City FlexNet system equipment to be excluded from the sale and continue to maintain their current locations on the tower at no cost.

BE IT FURTHER RESOLVED that the Mayor is authorized to accept the highest bid and to approve and sign all documents necessary to complete the sale of the tower and that proceeds from the sale of the tower will be credited to the General Capital Account - Radio Tower Proceeds (#HA3310.440.HP) and revenue from tenant leases will be credited to the General Fund Account - Rental of Real Property (#A99.24101).

Seconded by 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 #50 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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016

D5. AGREEMENT RESOLUTION #51 OF 2016

AUTHORIZATION TO FUND RIGHT-OF-WAY PHASES AND ACCEPTANCE OF RIGHTS OF WAY FOR THE NORTH DIVISION STREET BRIDGE PROJECT- PIN 375548

By Councilor Giannettino

WHEREAS, the North Division Street Bridge Replacement Project, P.I.N. #375548 (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. 120 adopted on October 17, 2013, 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 Division Street Bridge Replacement 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 for the ROW Incidental Phase with a proposed non-Federal share cost of \$1,640 and a total cost of \$8,200; and

WHEREAS, NYS DOT is requesting an advance of the ROW Acquisition Phase costs with a proposed non-Federal share of \$7,020 and a total Phase cost of \$35,100; 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 and Acquisition.

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 in the sum of \$1,640 of ROW Incidentals work and an advance of \$7,020 for ROW Acquisition work for a total cost of \$8,660 for the Project or portions thereof, and it is further

RESOLVED that the ROW Incidentals work be charged to the North Division Street Bridge Replacement Project capital account (#HA5110.440.HM), and it is further

RESOLVED that the City of Auburn will accept from NYS DOT the real property acquired for this 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.

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	

I do hereby certify that the foregoing is a correct copy of the vote for Council Resolution #51 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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016

**D6. COUNCIL RESOLUTION #52 OF 2016
AUTHORIZING TO ADVERTISE FOR BIDS FOR THE 2016 ROAD IMPROVEMENT PROGRAM**

By Councilor Carabajal

WHEREAS, on February 18, 2016, the Auburn City Council authorized Bond Ordinance #2 of 2016 to fund the 2016 Road Improvement Program; and

WHEREAS, the 2016 Road Program involves streets to be improved by asphalt resurfacing, including partial reconstruction, patching, crack sealing, milling the road surfaces and installing asphalt trueing and leveling and top courses; and

WHEREAS, the City Manager requests permission advertise for bids for the 2016 Road Program in order that the program may begin as soon as bids are received and awarded.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does authorize the City Manager to advertise for bids for the 2016 Road Improvement Program.

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 #52 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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016

D7. COUNCIL RESOLUTION #53 of 2016

APPOINTING A COMMUNITY FOCUS GROUP TO PROVIDE FEEDBACK TO COUNCIL ON THE RECRUITMENT OF THE NEXT CITY MANAGER

By Councilor McCormick

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 as part of the process to recruit the next City Manager the City Council is desirous of creating a community focus group to provide insight and feedback to the Council from the community; and

WHEREAS the community focus group will have as its responsibility the following: 1. to identify matters that are of concern to the community in preparation of meeting with final City Manager candidates that have been identified by the Council; and, 2. to meet with final City Manager candidates that have been identified by the Council and provide feedback to the Council following such meetings; and

WHEREAS the council is desirous of appointing the following 10 individuals to the community focus group with all appointees being residents of the City of Auburn:

Katie MacIntyre,

Judith Bryant,

Jessica Cantu,

Erica Turner,
 William Andre,
 Stacy DeForrest,
 Shawn Butler,
 Monika Salvage,
 Joseph Calarco, and
 Anne Napper.

NOW THEREFORE BE IT RESOLVED that the above listed individuals all being residents of the City of Auburn are hereby appointed by the Auburn City Council to serve as members of a community focus group to provide insight and feedback to the City Council on the selection of the next City Manager; and,

BE IT FURTHER RESOLVED that appointments of members of said community focus group become effective immediately and they will serve temporarily until the Council deems their service has been fulfilled and the City Clerk is directed to administer all necessary processes to organize and execute the meetings of the community focus group.

Seconded by Councilor Giannettino

	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 #53 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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016

D8. COUNCIL RESOLUTION #54 OF 2016

AUTHORIZING THE CITY OF AUBURN TO APPLY FOR NYS WATER INFRASTRUCTURE ACT GRANT FUNDING

By Councilor Cuddy

WHEREAS, the New York State Environmental Facilities Corporation (NYS EFC) provides grants to assist municipalities in funding water quality infrastructure projects that protect or improve water quality and/ or protect public health; and

WHEREAS, the City of Auburn Departments of Municipal Utilities and Public Works are responsible for both the filtration and distribution of drinking water in the City and have identified a need for a water distribution replacement project on NYS Route 34 and York Street; and

WHEREAS, the City of Auburn is submitting an application to the NYS EFC Water Grants Program in an effort to secure FY 2016 funding assistance in the amount up to \$630,000 as outlined in the City's application form and financing package; and

WHEREAS, the City of Auburn does not currently have the funding to pay for 100% of the replacement costs of the North Street and York Street water distribution mains and it is necessary to obtain state funding for this important water infrastructure project.

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

1. That the Mayor, or approved representative, is authorized to submit a City of Auburn Water Grant application to the NYS Environmental Facilities Corporation in the amount up to \$630,000 by the submittal date of April 15, 2016; and
2. Upon award notification, that the Mayor, or approved representative, is authorized to execute the grant assistance contract, submit project documentation, and otherwise act on all matters related to the project and state assistance; and
3. That the City Comptroller is authorized to create a capital expense account and recognize grant revenue, if awarded, and to appropriate the funds into the correct capital project budget.
4. 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	

I do hereby certify that the foregoing is a correct copy of the vote for Council Resolution #54 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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8, 2016

E. Tabled Legislation

FINANCIAL RESOLUTION #42 OF 2016

AMENDING THE CITY OF AUBURN FEE SCHEDULE

By Councilor Giannettino

WHEREAS, the City of Auburn annually adopts a Fee Schedule at the same time that the main budget for the upcoming fiscal year is adopted; and

WHEREAS, the City has been approving an increasing number of special events that are being held on City streets and rights-of-way which require the closure of these public spaces to normal traffic and parking, and, in addition, the City Manager has instituted a permitting system in order to provide a consistent and uniform process for reviewing and approving the permit applications; and

WHEREAS, the permitting process involves staff time in the City Manager’s Office, Department of Public Works, Auburn Fire Department and Auburn Police Department reviewing the applications and working with the applicants on the logistics of the events and specifying special conditions that assure that events are conducted in a safe and orderly manner and are in compliance with State Liquor Laws, City Codes and other various other State laws; and

WHEREAS, these events have a positive impact in helping revitalize downtown and are enjoyed by both residents and visitors but consume staff resources, affect parking revenues and restrict access to public rights-of-way; and

WHEREAS, these event applications and other fees need to be revised and updated in order to attempt to offset the cost of staff time to process and approve permits and cover staff costs associated with street closure and cleanup activities; and

WHEREAS, attached hereto and made a part hereof are a list of revised fees to amend and add to the City of Auburn Fee Schedule and it is necessary that the Auburn City Council approve the same; and

WHEREAS, added to the attached list of fees shall be a refundable Cleaning Deposit of \$300.00 for large events, said fee to be charged and refunded to applicants of large events at the discretion of the City Manager.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby approve the amendment and approval of increased fees attached hereto, as well as the Refundable Cleaning Deposit for large events and all fees are to be added to the City of Auburn Fee Schedule.

Seconded by Councilor Cuddy

	Ayes	Noes	Absent
Councilor McCormick	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Carabajal	X		
Mayor Quill	X		
Tabled	X		

I do hereby certify that the foregoing is a correct copy of the vote for Council Resolution #42 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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 8th 2016

F. Staff/Vendor Presentations

10. Other Business

Councilor Car

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.)

Auburn City Council Minutes April 7, 2016

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 April 8, 2016 by:

Charles Mason
City Clerk

On April 14, 2016 a motion to approve the minutes of the April 7, 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	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 7th day of April, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 15, 2016