

**Auburn City Council
Regular Meeting
Thursday, December 1, 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, Carabajal, and Mayor Quill were all present.

The following City Staff was present for the regular meeting:

- City Manager, Jeff Dygert
- Corporation Counsel, John Rossi
- City Clerk, Charles Mason
- City Comptroller, Laura Wills
- Superintendent of Engineering, William Lupien
- Assistant Police Chief, Roger Anthony

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 – None

5. Ceremonial Presentations and Proclamations –

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.

Lisa Carr, Director of the Seymour Library

Ms. Carr spoke to announce that the Seymour Library was holding a public referendum to ask the public to adopt the 2017 library budget and elect a member to the board of trustees. The vote will be held on Tuesday, December 6, 2016 from 10am-8pm and will be held at the Seymour Library on Genesee Street.

7. Approval of Meeting Minutes: None

8. Reports of City Officials

A. City Manager's Report

- The City has received notice that following an audit the U.S. Department of Justice has allowed for the Asset Forfeiture Funds to be released back to the City for use.
- The NYS Comptrollers office has been conducting a routine audit of City finances and operations. The auditors have reported that their finding have been good and they have decided to focus the remainder of their review on two specific areas, IT and hrdroelectric funds.
- The staff is recommending that Council Resolution 169 of 2016 remain on the table.

B. Reports from members of Council - none

9. Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR)

SEQR RESOLUTION # 173 OF 2016

**ISSUING A NEGATIVE DECLARATION FOR AMENDING THE
ZONING MAP OF THE CITY OF AUBURN, NEW YORK**

By Councilor Giannettino

December 1, 2016

WHEREAS, the City Council of the City of Auburn, New York is considering the adoption of an Ordinance to change the zoning designation of 54 Lafayette Place from I: General Industrial to R-2: Multi-family Residential; and

WHEREAS, a review of the above *Unlisted Action* has been made in full compliance with Article 8 of the New York Conservation Law and the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, said review has resulted in a reasoned determination that the proposed action will NOT result in any large and important impact(s) and, therefore, is one which will not have a significant negative impact on the environment;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Auburn, that a NEGATIVE DECLARATION for the proposed action be prepared in full compliance with Article 8 of the New York State Environmental Conservation Law.

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 #173 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 1st day of December, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: December 2, 2016

B. Ordinances -

ORDINANCE # 13 OF 2016

AMENDING THE ZONING MAP OF THE CITY OF AUBURN, NEW YORK

By Councilor McCormick

December 1, 2016

WHEREAS, Chapter 305 of the Auburn Code, entitled Zoning, has been adopted by the Auburn City Council; and

WHEREAS, Article XIII, entitled Zoning Map, §305-94, entitled Purpose, states that this article was intended to establish zoning districts created by this chapter on a map of the City of Auburn to be known as the “Zoning Map of the City of Auburn”; and

WHEREAS, the zoning districts are established pursuant to §305, and districts are defined and enumerated; and

WHEREAS, the City of Auburn owns a parcel of real property situated at 54 Lafayette Place in the City of Auburn, New York; and

WHEREAS, 54 Lafayette Place is a vacant parcel located in an I: General Industrial zone and adjoining the R-2: Single-, Two-, and Multiple-Family Residential zone; and

WHEREAS, it is requested that the Council amend the Zoning Map of the City of Auburn such that 54 Lafayette Place, as shown on attached Exhibit A, be re-zoned R-2: Single-, Two-, and Multiple-Family Residential; and

WHEREAS, said review of the above action has been made in full compliance with Article 8 of the New York Conservation Law and the New York State Environmental Quality Review Act (SEQR), and the Auburn City Council has determined to prepare a Negative Declaration under SEQR for the proposed action.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Auburn, New York does hereby amend the Zoning Map of the City of Auburn whereby the real property situated at 54 Lafayette Place and shown on “Exhibit A,” which is attached hereto and made part thereof, shall be classified as R-2: Single-, Two-, and Multiple-Family Residential rather than I: General Industrial, in order that these lands be consistent with the residential zoning of the adjacent area.

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 Ordinance #13 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 1st day of December, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: December 2, 2016

FIRST READING: The following will be on the December 15, 2016 Council meeting agenda for Council consideration:

ORDINANCE #14 OF 2016

AMENDING THE SANITARY SEWER ORDINANCE OF THE CITY OF AUBURN, NEW YORK TO AMEND THE DEFINITION OF “PRETREATMENT REGULATIONS”

By Councilor _____

December 15, 2016

WHEREAS, Section 242 entitled “Sanitary Sewers” is cited as the Sanitary Sewer Ordinance of the City of Auburn, New York; and

WHEREAS, on November 14, 2005, the Environmental Protection Agency made changes to the general pretreatment regulations at *40 CFR Part 403* which included clarifications of existing regulations, specifically regarding significant noncompliance to instantaneous maximum limits and best managerial practices; and

WHEREAS, on November 20, 2014, the City of Auburn amended its sewer use ordinance including changes to the definition of significant noncompliance to include best

management practices, however, that amendment failed to include the clarification regarding instantaneous limits; and

WHEREAS, it is necessary that the City modify its definition of “significant noncompliance” by amending Section 242-79 of the sanitary sewer ordinance as follows:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed a [**daily maximum limit or average limit**] numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the [**daily maximum limit or the average limit**] numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

; and

WHEREAS, the term “significant noncompliance” shall mean:

Auburn should revise its definition of significant noncompliance to reflect the 2005 clarifications to the general pretreatment regulations at *40 CFR Part 403*.

NOW, THEREFORE, BE IT ORDAINED that Section 242-79 of the Sanitary Sewer Ordinance of the City of Auburn, New York be amended to state as follows:

§242-79 Publication of users in significant noncompliance.

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed a [**daily maximum limit or average limit**] numeric pretreatment standard or requirement, including instantaneous limits, for the same pollutant parameter by any amount;

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the [**daily maximum limit or the average limit**] numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

; and

BE IT FURTHER ORDAINED that said amendments to the Ordinance shall become effective upon publication.

C. Local Laws – None

D. Resolutions –

APPOINTMENT RESOLUTION #174 OF 2016

FOR AN APPOINTMENT OF COMMISSIONER OF DEEDS

By Councilor Cuddy

December 1, 2016

WHEREAS, the Auburn City Council has appointed Commissioners of Deeds to allow a person the authority to take affidavits, depositions and acknowledgments of deeds for use in the City in which the person is appointed. The powers are similar to that of a Notary Public; and

WHEREAS, Section 139 of the Executive Law of the State of New York sets forth the authority and procedure for appointment of Commissioner of Deeds and those persons shall be appointed by the City Council for a designated term; and

WHEREAS, the term of each Commissioner of Deeds shall expire on the 31st of December of the even-numbered year next after he/she shall be appointed and there are requirements that the person receiving the designation must reside or work in the City of Auburn and can only administer the Commission within the City of Auburn. Those persons must file an Oath of Office with the City Clerk and with the County Clerk; and

WHEREAS, the Mayor and City Council are desirous of appointing Lieutenant James Slayton of the Police Department as a Commissioner of Deeds.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby appoint Lieutenant James Slayton as a Commissioner of Deeds pursuant to the authority provided by Section 139 of the Executive Law of the State of New York and said appointment shall be effective from the date of approval of this Resolution and shall continue until December 31, 2016.

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 #174 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 1st day of December, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: December 1, 2016

F. Staff/Vendor Presentations - none

10. Other Business

Councilor Giannettino asked that the City prepare a list of infrastructure projects that need to be funded to send to Congressman Katko. The President-elect and congressional leaders have been mentioning in the media the possibility of a major transportation funding initiative in the next Congress. He also asked that the City staff prepare a future presentation to the Council on how the City addresses outstanding property taxes owed to the City.

Councilor Cuddy discussed a future session for the Council to conduct a goal setting session.

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 four matters pertaining to matters 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 5-0. Councilors McCormick, Giannettino, Cuddy, Carabajal and Mayor Quill all voting aye. The Council entered Executive Session at 6:26 p.m. Executive session adjourned at 7:47 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:48 p.m.

Minutes submitted to the City Council on December 15, 2016 by:

Charles Mason
City Clerk

Auburn City Council Minutes December 1, 2016

On December 15, 2016 a motion to approve the minutes of the December 1, 2016 Auburn, NY City Council meeting was made by Councilor Giannettino, seconded by Councilor Carabajal.

	Ayes	Noes
Councilor McCormick	excused	
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 1st day of December, 2016 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: December 16, 2016