

**Auburn City Council
Regular Meeting
Thursday, February 2, 2017 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
- Assistant Corporation Counsel, Stacy DeForrest
- Superintendent of Engineering, William Lupien
- Police Chief, Shawn Butler

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 – none

6. Public to be Heard – Mayor Quill opened the Public to be Heard portion of the Council meeting and the Clerk read the Public to be Heard rules.

Lucy Cacciatti, Boyle Center

Ms. Cacciatti spoke on the value of diversity in our community.

Gilda Brower, Grover Street

Ms. Brower is a former member of the Auburn City Council and current member of the City's Human Rights Commission. She addressed the Council on matters pertaining to the appointment of individuals to the commission and the reorganization of the commission following the passing of longtime Commission Chairman Mr. Fred Richardson.

7. Approval of Meeting Minutes:

January 26, 2017 Council Meeting Minutes

Motion to approve the January 26, 2017 minutes by Councilor McCormick, seconded by Councilor Giannettino.

The motion to approve carried 5-0.

8. Reports of City Officials

A. City Manager's Report

- The Cayuga County Legislature will be entertaining a local resolution to support ride sharing legislation at the State level. If the Council has any desire to have a City resolution the staff would prepare for future Council consideration. The Council discussed and asked that a resolution be prepared for Council consideration.

B. Reports from members of Council

Councilor Giannettino reported on a NAACP luncheon held on Friday, January 27th and an Owasco Watershed Lake Association (OWLA) meeting that was held on Tuesday, January 31st.

9. Matters to Come Before Council

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

B. Ordinances - None

C. Local Laws – None

D. Resolutions –

**FINANCIAL RESOLUTION #14 OF 2017
ADOPTING THE 2017 SEYMOUR LIBRARY TAX LEVY**

By Councilor Cuddy

February 2, 2017

WHEREAS, the Seymour Public Library District comprising the City of Auburn and the Town of Owasco was created by referendum on October 14, 1992, with the subsequent addition of the Auburn School District portion of the Town of Sennett in January 1996 and the Town of Fleming in 2011; and

WHEREAS, the share of the 2017 operating budget to be raised by the City of Auburn from a local assessment against the real property within the boundaries of the municipality will be \$465,654.07; and

WHEREAS, the Library has requested the City of Auburn advance half of this amount in February 2017;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York, that \$465,654.07 is to be levied on the 2017 City of Auburn property tax bills on a separate library tax line and an advance in the amount of \$232,782.04 be paid in February 2017 which will reduce the August 2017 payment.

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 #14 of 2017 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 2nd day of February, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: February 3, 2017
COUNCIL RESOLUTION #15 OF 2017

AMENDING AN AGREEMENT WITH THE AUBURN HOCKEY BOOSTERS CLUB

By Councilor Cuddy

February 2, 2017

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 from October 1, 2016 to March 1, 2017; 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 that exceeds a specified amount; and

WHEREAS, the Boosters have now contacted the City requesting that the lease be extended for two (2) weeks commencing March 1, 2017, through March 15, 2017; and

WHEREAS, the Boosters will contribute the entire cost of the additional two week period and at the end of that period of time, the lease for the second 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, 2016, to March 1, 2017, and said agreement shall be amended in order to extend the final date two (2) weeks until March 15, 2017, and the Auburn Hockey Boosters Club shall pay the entire cost of the additional two week period to the City of Auburn for the contract extension and said amendment shall be 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 #15 of 2017 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 2nd day of February, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: February 3, 2017

**APPOINTMENT RESOLUTION #16 OF 2017
APPOINTING MEMBERS OF THE AUBURN HUMAN RIGHTS COMMISSION**

By Councilor Carabajal

February 2, 2017

WHEREAS, the City of Auburn has created the Auburn Human Rights Commission pursuant to the General Municipal Law of the State of New York; and

WHEREAS, there currently exists vacancies for the members of the Commission and it is the recommendation of the Human Rights Commission that the following persons, all of whom are residents of the City of Auburn, shall be appointed as members of the Commission for a term of three (3) years, namely:

- Rhoda Overstreet-Wilson
- Kathleen Barnard
- William Gonzalez
- Robert Ellison

; and

WHEREAS, the members shall serve for a term of three (3) years beginning immediately upon approval of this Appointment Resolution.

NOW, THEREFORE, BE IT RESOLVED that the following persons are hereby appointed as members of the Auburn Human Rights Commission for a term of three (3) years, namely:

- Rhoda Overstreet-Wilson
- Kathleen Barnard
- William Gonzalez
- Robert Ellison

; and

BE IT FURTHER RESOLVED that said appointments are to become effective immediately upon approval of this Appointment Resolution.

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 #16 of 2017 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 2nd day of February, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: February 3, 2017

COUNCIL RESOLUTION #17 OF 2017

AUTHORIZING SETTLEMENT OF THE REAL PROPERTY TAX ASSESSMENT PROCEEDINGS, WAL-MART REAL ESTATE BUSINESS TRUST v. BOARD OF ASSESSMENT REVIEW OF THE CITY OF AUBURN ET AL., CONCERNING THE REAL PROPERTY LOCATED AT 297 GRANT AVENUE

By Councilor Cuddy

February 2, 2017

WHEREAS, in June of 2015 and 2016, Wal-Mart Real Estate Business Trust (“Wal-Mart”) commenced proceedings challenging the real property tax assessments on the real property it owns located at 297 Grant Avenue, Auburn, New York (the “Property”); and

WHEREAS, the Property is currently assessed for \$14,582,800, and Wal-Mart has claimed a reduction of this assessment to \$10,100,000 per its appraisal report; and

WHEREAS, special counsel, Rebecca M. Speno, Esq., has appeared and intervened on behalf of the City of Auburn and Cayuga County in these proceedings; and

WHEREAS, after extensive settlement negotiations with Wal-Mart which involved Judge John Ark, J.S.C., the Parties have agreed that a reduction of the subject’s assessment to a value of \$13,500,000 would be in the best interests of all parties and would avoid further litigation expense; and

WHEREAS, the Auburn City School District Board of Education has already approved the proposed settlement and the Cayuga County Legislature must also do so;

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize Attorney Rebecca M. Speno to execute a Consent Order wherein (1) the tax assessment for the real property located at 297 Grant Avenue, Auburn, New York shall be reduced to \$13,500,000; and (2) refunds shall be paid to Wal-Mart for the 2016/17 tax year from the Real Property Taxes Account No. A99.1001 in an amount not to exceed \$4,972.64.

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 #17 of 2017 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 2nd day of February, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: February 3, 2017

COUNCIL RESOLUTION #18 OF 2017

**REQUESTING STATE LEGISLATURE SUPPORT OF \$2 MILLION FOR THE
AUBURN AND OWASCO WATER FILTRATION MICROCYSTIN TREATMENT AND
WATER QUALITY PROJECT**

By Councilor Giannettino

WHEREAS, on September 26, 2016, the City of Auburn observed detectable levels of toxins associated with harmful blue green algae blooms in the raw and finished (treated) water and as a result of this detection, it was necessary to develop a full-scale design report to study multiple physical and chemical treatment options at the City's Water Filtration Plant; and

WHEREAS, on October 27, 2016, the Auburn City Council passed Financial Resolution #157 of 2016 authorizing a water fund transfer to fund the Engineering Study for the Water Filtration Microcystin Treatment and Water Quality Project (hereinafter referred to as "The Project"); and

WHEREAS, GHD Consulting Services, Inc. was retained by the City of Auburn in November of 2016 for the purposes of conducting the Engineering Study for The Project, with a scope of services to include evaluation of treatment options, evaluation of redundant water supplies and the development of a design-build model; and,

WHEREAS, GHD Consulting Service, Inc. in an initial review of treatment technologies identified nine possible treatment options and is in the final phase of their Engineering Study; and,

WHEREAS, through City Council Resolution #157 of 2016, the Council formally requested the State of New York and the Federal Government to identify funding for the City to be fully reimbursed for the costs associated with the Engineering Study and the construction costs associated with The Project; and

WHEREAS, in response to the Council's formal funding request on January 20, 2017 Governor Cuomo and the New York State Environmental Facilities Corporation have awarded the City \$75,000.00 in grant funding to reimburse the City for the cost associated with the Engineering Study for The Project; and,

WHEREAS, in response to the Council's formal funding request Governor Cuomo has included in his 2017-2018 Executive Budget a proposal which includes \$2 million in funding to make the necessary upgrades to the City of Auburn and Town of Owasco drinking water treatment systems ; and,

WHEREAS, the New York State budget process requires the State Legislature to analyze the Governor's proposals and act upon the appropriation bills submitted with the Executive Budget; and

WHEREAS, the Governor's proposed \$2 million in funding will be vital in assisting the City of Auburn in implementing the best available technology to treat drinking water drawn from Owasco Lake in order to minimize the presence of toxins associated with cyanotoxins.

NOW, THEREFORE, BE IT RESOLVED, that the Auburn City Council does hereby request that the State Legislators representing Auburn and Cayuga County including, Senator John DeFrancisco, Senator James Seward, Senator Pamela Helming, Assemblyman Gary Finch and Assemblyman Bob Oaks work with their colleagues to ensure the Governor's proposed \$2 million in funding, included under the New York State Urban Development Corporation Capital Projects 2017-18 program, to make the necessary upgrades to the City of Auburn and Town of Owasco drinking water treatment systems is included in the final 2017-18 State budget; and

BE IT FURTHER RESOLVED that the City Clerk forward certified copies of this resolution to the State representatives named above.

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 #18 of 2017 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 2nd day of February, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: February 3, 2017

F. Staff/Vendor Presentations

10. Other Business

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

1. Two matters pertaining to the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof. (NYS Open Meetings Law Article 7, Section 105)
2. One matter pertaining to collective negotiations pursuant to article fourteen of the civil service law. (NYS Open Meetings Law Article 7, Section 105)
3. One matter pertaining to the employment history of a particular individual. (NYS Open Meetings Law Article 7, Section 105)

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 6:55 p.m. Executive session adjourned at 7:55 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:56 p.m.

Minutes submitted to the City Council on February 8, 2017 by:

Charles Mason
City Clerk

On February 9, 2017 a motion to approve the minutes of the February 2, 2017 Auburn, NY City Council meeting was made by Councilor McCormick, seconded by Councilor Cuddy.

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

I do hereby certify that the foregoing is a correct copy of the minutes of the proceedings of the City Council of the City of Auburn, N.Y., at a regular meeting thereof, held in the Council Chambers, Memorial City Hall, in said city, on the 2nd day of February, 2017 and that the City Council approved such by the vote listed above.

Auburn City Council Minutes February 2, 2017

Charles Mason, City Clerk Date: February 10, 2017