

**Auburn City Council
Regular Meeting
Thursday, April 20, 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
- Comptroller, Laura Wills
- Director of Planning and Economic Development, Jennifer Haines
- Director of Capital Improvement Program and Grants, Christina Selvek
- Superintendent of Engineering, William Lupien
- Director of Municipal Utilities, Seth Jensen
- Police Chief, Shawn Butler
- Assistant Corporation Counsel, Stacy DeForrest

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.

Tim Lattimore, 63 South Street

Mr. Lattimore spoke regarding the Operation Enduring Gratitude Veteran's trip to Washington DC and stated he supports the City Fire Chief's suggestion that a County-wide fire department be explored.

7. Approval of Meeting Minutes:

April 6, 2017 Council Meeting Minutes

Motion to approve the April 6, 2017 minutes by Councilor Carabajal, seconded by Councilor Giannettino. Motion to approve carried 4-0. Councilor McCormick abstained.

8. Reports of City Officials

A. City Manager's Report

- The City Council meeting scheduled for May 11th will have many presentations for the Council including a presentation on the State's Downtown Revitalization Initiative program.

B. Reports from members of Council

- Councilor McCormick reported on the most recent Owasco Lake Watershed Management Association meeting, as well as, that she attended the most recent Wednesday Morning Roundtable groups meeting which also had a panel discussion on watershed management topics.

9. Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR)

B. Ordinances – None

C. Local Laws

LOCAL LAW #2 of 2017

**REPEALING AND REPLACING CHAPTER 221, SECTION 7 OF THE
AUBURN CITY CODE ENTITLED "PEDDLING AND SOLICITING;
INVESTIGATION; ISSUANCE OF LICENSE; APPEALS"**

By Councilor McCormick

April 20, 2017

WHEREAS, on March 28, 1991, the Auburn City Council enacted and established Local Law No. 2-1991, which adopted Chapter 221 of the Auburn City Code entitled "Peddling and Soliciting," pursuant to New York State Municipal Home Rule Law Section 10; and

WHEREAS, on August 20, 2015, Chapter 221, Section 7, entitled "Investigation; Issuance of License; Appeals" was amended by ordinance in order for the Auburn Police Department to comply with requirements set forth by the New York State Department of Criminal Justice Services ("DCJS"); and

WHEREAS, in order for the Auburn Police Department to be in full compliance with the requirements set forth by DCJS, Chapter 221, Section 7, as amended, must be passed as a local law, instead of an ordinance; and

WHEREAS, the passage of Local Law No. 2 of 2017, is categorized as a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) and New York State Code, Rules, and Regulations Sections 617.5(c)(24), (25) and (27), and, therefore, pursuant to NYCRR Section 617.3(f) a determination under SEQRA is not required; and

WHEREAS, a public hearing was held on April 13, 2017, concerning the repeal of Local Law No. 2-1991, which adopted Chapter 221, Section 7, of the Auburn City Code and the enactment of Local Law No. 2 of 2017, which is attached hereto.

NOW, THEREFORE, BE IT ENACTED, that the Auburn City Council does hereby repeal that portion of Local Law No. 2-1991, passed on March 28, 1991, which adopted Chapter 221, Section 7, of the City Code; and

BE IT FURTHER ENACTED, that the Auburn City Council does hereby adopt Local Law No. 2 of 2017 as Chapter 221, Section 7 of the Auburn City Code entitled “Peddling and Soliciting; Investigation; Issuance of License; Appeals;” and

BE IT FURTHER ENACTED, that the foregoing repeal and adoption shall take effect immediately upon the filing of a certified copy of the local law with the New York Secretary of State.

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	

LOCAL LAW #3 of 2017

**REPEALING AND REPLACING CHAPTER 268 OF THE
AUBURN CITY CODE ENTITLED “TAXICABS”**

By Councilor Cuddy

April 20, 2017

WHEREAS, on March 28, 1991, the Auburn City Council enacted and established Local Law No. 2-1991, which adopted Chapter 268 of the Auburn City Code entitled “Taxicabs” pursuant to New York State Municipal Home Rule Law Section 10; and

WHEREAS, Chapter 268 of the Auburn City Code has been amended over the years approximately twenty-eight times by various ordinances; and

WHEREAS, in order for the Auburn Police Department to implement the laws set forth in Chapter 268 of the City Code, it must comply with requirements set forth by the New York State Department of Criminal Justice Services (“DCJS”); and

WHEREAS, in order for the Auburn Police Department to be in full compliance with the requirements set forth by the DCJS, the amendments to Chapter 268 of the City Code must be passed as a local laws, instead of an ordinances; and

WHEREAS, the passage of Local Law No. 3 of 2017, is categorized as a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) and New York State Code, Rules, and Regulations Sections 617.5(c)(24), (25) and (27), and, therefore, pursuant to NYCRR Section 617.3(f), a determination under SEQRA is not required; and

WHEREAS, a public hearing was held on April 13, 2017, concerning the repeal of Local Law No. 2-1991, which adopted Chapter 268 of the Auburn City Code, and the enactment of Local Law No. 3 of 2017, which is attached hereto.

NOW, THEREFORE, BE IT ENACTED, that the Auburn City Council does hereby repeal that portion of Local Law No. 2-1991, passed on March 28, 1991, which adopted Chapter 268 of the City Code entitled “Taxicabs;” and

BE IT FURTHER ENACTED, that the Auburn City Council does hereby adopt Local Law No. 3 of 2017 as Chapter 268 of the Auburn City Code entitled “Taxicabs;” and

BE IT FURTHER ENACTED, that the foregoing repeal and adoption shall take effect immediately upon the filing of a certified copy of the local law with the New York Secretary of State.

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	

D. Resolutions

COUNCIL RESOLUTION #55 OF 2017

AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE NORTH HUNTER BROOK BRIDGE REPLACEMENT PROJECT- PIN 375598

By Councilor Cuddy

April 20, 2017

WHEREAS, on July 17, 2014, the Auburn City Council passed Agreement Resolution #129, which authorized the master agreement and funding of Design Phases I-VI of the North Hunter Brook Bridge Replacement project; and,

WHEREAS, this project is a Locally Administered Federal Aid Project (LAFAP) and is reimbursed 80% by the Federal Highway Administration (FHWA) and 15% New York State Marchiselli funds with a required local City match of 5%; and,

WHEREAS, Popli Design Group, the project design engineering firm, is nearing completion on the final design phase and the project is now entering the construction bidding phase; and

WHEREAS, permission is requested that the City Manager be authorized to advertise for bids for the North Hunter Brook Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED, that the Auburn City Council does hereby authorize the City Manager to advertise for construction bids for the North Hunter Brook Bridge Replacement Project (PIN #375598).

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 #55 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 20th day of April, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 21, 2017

COUNCIL RESOLUTION #56 OF 2017

AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE NORTH DIVISION STREET BRIDGE REPLACEMENT PROJECT- PIN 375548

By Councilor McCormick

April 20, 2017

WHEREAS, on October 17, 2013, the Auburn City Council passed Agreement Resolution #120, which authorized the master agreement and funding of Design Phases I-VI of the North Division Street Bridge Replacement project; and,

WHEREAS, this project is a Locally Administered Federal Aid Project (LAFAP) and is reimbursed 80% by the Federal Highway Administration and 15% New York State Marchiselli funds and a local City match requirement of 5%; and,

WHEREAS, Popli Design Group, the project design engineering firm, is nearing completion on the final design phase and the project is now entering the construction bidding phase; and

WHEREAS, permission is requested that the City Manager be authorized to advertise for bids for the North Division Street Bridge Replacement Project.

NOW, THEREFORE, BE IT RESOLVED, that the Auburn City Council does hereby authorize the City Manager to advertise for construction bids for the North Division Street Bridge Replacement Project (PIN #375548).

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 #56 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 20th day of April, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 21, 2017

COUNCIL RESOLUTION #57 OF 2017

AUTHORIZING FINAL PROJECT COSTS FOR THE WALNUT STREET CULVERT PROJECT - PIN 375385

By Councilor Giannettino

April 20, 2017

WHEREAS, in 2009, the City Council of the City of Auburn passed Resolution #116 of 2009, which authorized the Mayor to enter into an agreement with the New York State Department of Transportation to proceed with the Walnut Street Culvert Project (the “Project”); and

WHEREAS, the Project was to be funded with 80% Federal funds and 15% New York State Marchiselli funds and,

WHEREAS, all phases of the Walnut Street Culvert Project were completed in 2015 and final payments were issued to all contractors; and

WHEREAS, in order to close out this project and request final reimbursement for the Project from the New York State Department of Transportation, Supplemental Agreement #4 in the total Project amount of \$1,121,277 is now required; and

WHEREAS, authorization of the final total Project costs in the amount of \$1,121,277 is required in order to execute Supplemental Agreement #4;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Auburn does hereby authorize the total project costs of the Walnut Street Culvert Project in the total amount of \$1,121,277, which reflects all costs paid for this project; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project, and it is further

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

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 #57 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 20th day of April, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 21, 2017

**AGREEMENT RESOLUTION #58 OF 2017
AUTHORIZING ACCEPTANCE OF A GRANT FROM
THE CAYUGA COUNTY COMMUNITY HEALTH NETWORK**

By Councilor Carabajal

April 20, 2017

WHEREAS, the City of Auburn has adopted a Parks Master Plan and is working to implement recommendations as part of that plan; and

WHEREAS, the Cayuga County Community Health Network, Inc., a 501©(3) nonprofit organization that serves as the rural health network of Cayuga County, has committed to partnering with the City of Auburn in providing \$20,000 to support the creation of a space in Casey Park for the placement of several pieces of adult exercise equipment; and

WHEREAS, the Cayuga County Community Health Network will provide an additional \$1,100 to purchase lighting for the pathway that connects Casey Park to the Auburn Housing Authority campus, for a total of \$21,100 in grant funding to the City of Auburn for these enhancements; and

WHEREAS, the Mayor of the City of Auburn must be authorized to accept the grant funding and execute all necessary documents in connection therewith prior to commencing the project.

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

1. That the Mayor of the City of Auburn is hereby authorized and directed to execute the contract agreement with the Cayuga County Community Health Network, submit project documentation, and otherwise act for the Municipality's governing body in all matters related to the project and State assistance; and
2. That the City Comptroller is authorized to recognize grant revenue in the amount of \$21,100, to the Other Culture/Rec State Aid Account (A99.3889) and to appropriate the funds in the Casey Park Other Equipment Account (A7143.250); and
3. 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 #58 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 20th day of April, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 21, 2017

FINANCIAL RESOLUTION #59 OF 2017

AUTHORIZING FUNDING FOR A CODE ENFORCEMENT OFFICER POSITION

By Councilor Cuddy

April 20, 2017

WHEREAS, the City of Auburn is committed to the health, safety and welfare of its residents; and

WHEREAS, the Office of Code Enforcement is responsible for ensuring compliance with the New York State Uniform Fire Prevention and Building Code, as well as local building, housing and zoning codes; and

WHEREAS, the City of Auburn has been awarded funding through the New York State Zombie and Vacant Properties Remediation and Prevention Initiative in order to partially fund a Code Enforcement Officer position proposed in the FY 2017-2018 Budget; and

WHEREAS, the City desires to establish the position immediately at an estimated total cost of \$4,500 for the remainder of fiscal 2017; and

WHEREAS, there is funding available in the existing Code Enforcement budget, in order to begin the training and certification process;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF AUBURN authorizes the transfer of \$3,500 from Code Enforcement Services (A3620.440) to Code Enforcement Salaries (A3620.110) and \$1,000 from Code Enforcement Services (A3620.440) to Code Enforcement Benefits (A3620.800) to fund an additional full time Code Enforcement Officer through June 30, 2017.

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 #59 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 20th day of April, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 21, 2017

**AGREEMENT RESOLUTION #60 OF 2017
APPROVING AN AGREEMENT FOR MUNICIPAL SOLID WASTE**

By Councilor McCormick

April 20, 2017

WHEREAS, the City of Auburn operates a landfill and receives municipal solid waste and other items in connection with the operation of the solid waste landfill pursuant to the New York State Department of Environmental Conservation permitting; and

WHEREAS, it is necessary that a minimum amount of municipal solid waste is received annually to ensure financial stability for the solid-waste fund; and

WHEREAS, Morgan Rubbish Removal, Inc. and Dependable Disposal, LLC. owned by Steven R. Morgan has delivered municipal solid waste to the landfill for many years and is desirous of entering into an agreement for the deposit of the municipal solid waste for a term commencing August 1, 2016 through June 30, 2017; and

WHEREAS, the companies owned by Steven R. Morgan are hereafter referred to as “Morgan” and the Solid Waste Disposal Agreement between the City and Morgan will recognize municipal solid waste deposited by both firms and will set a volume that will be delivered to the landfill during the term of the agreement and further set forth a tipping fee and cost per ton to Morgan for the deposit of municipal solid waste, namely:

The cost per ton in this agreement shall be:

- \$55.00 per ton for ton 0-50
- \$35.00 per ton for tons 51-500
- \$33.00 per ton for tons 501-1,000
- \$31.00 per ton for 1,001 plus for the term of this agreement

NOW, THEREFORE, BE IT BE RESOLVED that the Auburn City Council does hereby approve of a Solid Waste Disposal Agreement between the City of Auburn and Morgan Rubbish Removal, Inc. and Dependable Disposal, LLC., both of which are owned by Steven R. Morgan, and will allow an aggregate amount from both companies to be the subject matter of the solid waste disposal agreement; and

BE IT FURTHER RESOLVED that the Mayor of the City of Auburn is hereby authorized to sign the Solid Waste Disposal Agreement with Morgan Rubbish Removal, Inc. and Dependable Disposal, LLC. and that said agreement shall be effective as of August 1, 2016.

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 #60 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 20th day of April, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: April 21, 2017

E. Staff/Vendor Presentations

F. Tabled Items – none

10. Other Business

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. One item 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.
2. Two matters pertaining to the employment history of a particular individual.
3. One matter pertaining to collective negotiations pursuant to article fourteen of the civil service law.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 7:35 p.m. Executive session adjourned at 9:33 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 9:34 p.m.

Minutes submitted to the City Council on May 4, 2017 by:

Charles Mason
City Clerk

On May 4, 2017 a motion to approve the minutes of the April 20, 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 20th day of April, 2017 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: May 5, 2017