

**Auburn City Council  
Regular Meeting  
Thursday, September 28, 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 Councilor McCormick.

**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, Stacy DeForrest
- City Clerk, Charles Mason
- Director of Planning and Economic Development, Jennifer Haines
- 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** –

**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.

Tim Lattimore, 63 South Street

Mr. Lattimore is the County Legislator for district 13. He discussed topics including the County taking on opioid manufacturers, the downtown welcome center and the Court Street parking lot.

John Wilcox, representing the Cayuga County Young Professionals, also known as IGNITE

Mr. Wilcox announced that there would be a candidate forum hosted by IGNITE Young Professionals on Tuesday, October 10, 2017 from 5pm-8pm. City Council and Cayuga County Legislature candidates will be in attendance, the event is free and open to the public.

**7. Approval of Meeting Minutes - none**

**8. Reports of City Officials**

**A. City Manager's Report**

- The resolutions tabled last week related to the proposed expansion of the Court St parking lot will not be available to be reconsidered next week as originally expected. I would like to ask that Council allow staff more time to properly address questions related to the SEQR and for me to continue dialogue with neighbors in that area. Once we complete these tasks we will likely present Council with new resolutions that reflect any changes necessary.
- The Owasco River Greenway Trail project is under way. The Canal St. area is marked for trail construction that should be taking place through the next few weeks weather permitting. As we get updated progress reports and photos we will make them available on the city webpage under construction projects.
- Staff met today to discuss several projects that are slated to be underway this spring and will be very visible in downtown and the surrounding area. In the next few weeks we will be making a presentation at a Council meeting to review each of these projects and illustrate how they will improve the look, function and appeal of Auburn. These public projects, along with some expected private construction projects, are going to make Auburn a very busy place come spring and there are likely to be some inconveniences while these long awaited projects take shape. As things progress we will do our best to keep the community informed through City Manager reports, our webpage, social media, and in some cases personal service to those individuals or businesses that are directly impacted.
- This afternoon we received our official approval from the US Department of Housing and Urban Development for our 2017 Community Development Block Grant (CDBG) Action Plan. The Planning Department has been awaiting this approval and is prepared to begin work associated with this funding immediately. We'd like to thank Senator Schumer and his staff person Joe Nehme, as well as Congressman Katko and his staff for their efforts and advocacy moving this action plan through the HUD process; and Councilor Giannettino for reaching out to our federal representatives for their assistance.

**B. Reports from members of Council**

- Councilor Cuddy discussed a recent meeting he and Councilor Giannettino attended regarding the outbreak of blue-green algae in Skaneateles Lake.
- Councilor Giannettino reported on the Auburn Public Theater's "reversing the Stigma" documentary movie screening that he attended on September 21, 2017.
- Councilor McCormick reported on the most recent meeting of the Auburn Downtown Business Improvement District that she attended as a member of their Board of Directors. She also reported on a bus trip she had taken earlier that day with the Cayuga County Soil and Water Conservation Department staff in which they toured projects in the southern end of Cayuga County that the department had been a part of.

**9. Matters to Come Before Council**

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

**B. Ordinances – First Reading of Bond Ordinance #3 of 2017**

**The City Clerk read Bond Ordinance #3 of 2017 which will be placed on the September 21, 2017 City Council agenda.**

**BOND ORDINANCE #3 OF 2017**

**BOND ORDINANCE OF THE CITY OF AUBURN, NEW YORK, AUTHORIZING THE ISSUANCE OF ADDITIONAL SERIAL BONDS TO FINANCE THE COST OF THE RECONSTRUCTION OF THE CITY WATER DISTRIBUTION SYSTEM**

WHEREAS, the Council of the City of Auburn, New York, on April 7, 2017 adopted Bond Ordinance No. 3 of 2016 entitled “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”; and

WHEREAS, the City Council wishes to (i) authorize the expenditure and appropriation of additional funds in connection with the reconstruction of the City water distribution system, and (ii) authorize the issuance of additional serial bonds of the City to finance such additional appropriation;

NOW, THEREFORE, BE IT ORDAINED by the City 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, including a portion of York Street, 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 \$2,200,000, constituting an increase of \$1,155,000.

Section 2. The plan for financing of such new maximum authorized cost of \$2,200,000 shall be as follows:

(a) by the issuance of \$1,045,000 of serial bonds of the City hereto were authorized to be issued pursuant to Bond Ordinance No. 3 of 2016 adopted by the City Council on April 7, 2016; and

(b) by the issuance of an additional \$1,155,000 of 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; provided, however, that the maximum maturity of the Bonds shall be computed from the date of issuance of the Bonds or the first bond anticipation note issued in anticipation of the Bonds or the serial bonds or bond anticipation notes authorized pursuant to Bond Ordinance No. 3 of 2016, whichever date is earlier.

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. 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. Any federal or New York State grant funds obtained by the City for the capital purposes described in Section 1 of this Ordinance shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds, the serial bonds or bond anticipation notes authorized pursuant to Bond Ordinance No. 3 of 2016, or to the extent obligations shall not have been issued under this Ordinance or Bond Ordinance No. 3 of 2016, to reduce the maximum amount to be borrowed for such capital purposes. The City Comptroller, as Chief Fiscal Officer, is hereby authorized to determine the application of any such federal or New York State grant funds for any one or more of the foregoing purposes.

Section 11. 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 12. 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 13. 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 14. 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 15. This Ordinance is not subject to a mandatory or permissive referendum.

Section 16. 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 17. This Ordinance shall take effect immediately upon its adoption.

#### **C. Local Laws - None**

#### **D. Resolutions –**

#### **E. Staff/Vendor Presentations –**

**E1. Jeffrey Pirozzolo, Superintendent of Schools and Lisa Green, Business Manager will discussed the Auburn School District’s Advocacy Campaign to educate the public to ask our State of New York representatives to fix and fully fund State foundation aid to our school district.** Residents were asked to assist the campaign in the following ways:

- Mail a postcard to the Governor asking him to fix and fully fund Foundation Aid
- Sign a petition to be sent to the Governor asking him to fix and fully fund Foundation Aid
- Write letters to your NYS Legislators asking them to fix and fully fund Foundation Aid

#### **E2. Presentation by Superintendent of Public Works Mike Talbot on the City policy regarding the establishment of memorials on City-owned property.**

Background memo from Superintendent of Public Works: The City of Auburn has entertained memorial donations in the past with no clear plan or policy in place. As a result, numerous memorials were installed which included benches, trees, garbage cans and fountains. Even though residents have their favorite park or area close to their residence, the destination for almost all of these memorials was Hoopes Park.

As the items were installed, the City began being criticized that the pastoral and peaceful setting

of Hoopes Park was being ruined because now it is starting to look like a cemetery, not a public park. While the donor may feel strongly that the donation is celebrating someone's life, it is the opinion of many that such memorials are depressing and are received with sorrow from a lot of the park users. For various reasons, a moratorium was placed on all public memorials and has been in place for approximately 10 years. There was an update to this prohibition in March 2016, which is attached for your review.

Installations do not come without cost to the municipality, regardless of their type. We have had several donations that continue to cost the City of Auburn substantial money on an annual basis relative to maintenance and upkeep. The typical pattern is that a memorial donation is installed (usually by the City) and the person who provided the item maintains it for the first year or thereabouts. Then it seems the donor's situation may change and they do not come as frequently (or at all) to maintain their donation. The memorial falls into disrepair, or the site becomes unkempt and now our responsibility as complaints and concerns are brought to our attention and must be addressed.

In addition, anything placed on public property with any kind of message results in the municipality now owning that message. As a result, the message presented or the person being memorialized may not be in the best interest of the community and its values. The City could instead encourage people to honor those who have passed while also honoring the living by donating money or time to worthy causes that were meaningful to those who have passed. This 40 will have a much larger impact on the community than just another bench to sit on or another tree from which to watch the leaves fall. Recommendations: The Department of Public Works believes that the current moratorium is effective and that the

City should not encourage donations for public property. In addition to the maintenance demands, adequate space, the vandalism potential, the inevitable cemetery look and the implications of housing personal messages on public property, it is less controversial to have a no memorial donation policy than to pick and choose who and what can be donated.

The current moratorium, however, does have a provision that allows for the placement of memorials upon authorization by the City Manager or City Council. Even though this authorization is allowed, the moratorium does not outline a policy or criteria by which to review the memorials. This point has been the subject of discussion with the Council on this topic, and there was some interest in adding language to the proposed Public Arts Ordinance, which was distributed to the City Council on September 1, 2017, and is also attached for your review. The proposed ordinance includes a well-defined process for the review of public art, as well as criteria for materials and other critical considerations for public art installations.

If the City Council determines that memorials will be allowed, staff recommends that a separate section of code be drafted, mirroring language in the Public Arts Ordinance, but specific to memorials. In addition, staff recommends that the Council consider allowing memorials only in certain pre-determined areas in City parks or rights of way, as well as providing donors with a list of approved types of memorials.

The Council discussed the topic and various solutions that could be entertained for consideration of implementation. City Manager was asked to continue to work on this topic and bring back possible scenarios for council consideration at a future Council meeting.

### **E3. North Street Water Main Presentation by Seth Jensen, Director of Municipal Utilities.**

This presentation pertained to the replacement of the North Street Water Main which will be partially financed by financing secured by the City if the Council adopts Bond Ordinance #3 of

2017. Mr. Jenson explained that the company NUCOR had asked the City last year to upgrade the water line so that their steel plant could remain operational more consistently. Currently with the existing water main there will be occasional breaks that require water to be shut off. When water is shut off NUCOR has to close operations at its plant and they lose production time. The NUCOR plant recently completed a \$30 million dollar reinvestment in the facility and equipment and this water line upgrade will provide them with the capacity they need for sustaining future operations.

**F. Tabled Items – none**

**10. Other Business - none**

**Adjournment:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:49 p.m.

Minutes submitted to the City Council on October 12, 2017 by:

Charles Mason  
City Clerk

On October 12, 2017 a motion to approve the minutes of the September 28, 2017 Auburn, NY City Council meeting was made by Councilor Carabajal, 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 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 28<sup>th</sup> day of September, 2017 and that the City Council approved such by the vote listed above.*



*Charles Mason, City Clerk      Date: October 13, 2017*