

**Auburn City Council
Regular Meeting
Thursday, November 16, 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. Mayor Quill and Councilors McCormick, Giannettino, Cuddy, Carabajal 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
- Comptroller, Laura Wills
- 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 –

Thanksgiving Week

Special Curbside Trash & Recycling Pick-up Schedule for the week of November 20th

Due to the Observance of the Thanksgiving Day Holiday there will be no curbside trash or recycling pick-up in the City of Auburn on Thursday, November 23, 2017.

The following special trash pick-up schedule will be in effect for Thanksgiving week:

- If your trash pick-up day is normally Tuesday, you will be picked up on Monday, November 20, 2017
- If your trash pick-up day is normally Wednesday, you will be picked up on Tuesday, November 21, 2017
- If your trash pick-up day is normally Thursday, you will be picked up on Wednesday,

November 22, 2017

- There is no change in service for Friday, November 24, 2017 pick-up.

For complete curbside trash & recycling pick-up information, visit:
www.AuburnNY.gov/Streamline

The next public meeting for 1-7 State Street will take place on Monday November 27th at 6:30pm at the Hilton Garden Inn. This meeting will include a review of proposed design concepts and look for feedback on those concepts from the public.

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.

The following members of the public spoke:

Cynthia Richardson, 28 Dexter Avenue

Ms. Richardson spoke about problems on Dexter Avenue with alternate side parking. Mayor Quill asked that the City Manager and Police Chief look into the matter.

7. Approval of Meeting Minutes

November 2, 2017 Council Meeting Minutes

Motion to approve the November 2, 2017 minutes by Councilor Carabajal, seconded by Councilor McCormick. Motion to approve carried 5-0.

8. Reports of City Officials

A. City Manager's Report

- Reminder: there will be a referendum on the Seymour Library Budget on Tuesday December 5 from 9am through 7:30pm at the library located at 176 Genesee St.
- Staff will be back on the agenda in the coming weeks to present some updates on proposed changes to the local law in respect to parking. The presentation will be followed up with a public hearing and then adoption by council.
- Staff met with Bergman Associates today to review some preliminary concepts for the public space on State St. Staff requested that Bergman provide a few more elements into their illustrations for the public to view and comment on. A public comment meeting will be held for this project on Monday November 27 at the Hilton Garden Inn at 6:30 pm, the public will be able to view several concepts and provide input on what features they like and what features they don't care for. That input will guide the designers as they create a final plan for the space.

B. Reports from members of Council

- Councilor Giannettino reported on a meeting he attended in Albany on Monday, November 13, 2017 with the New York Conference of Mayors and Municipal Officials (NYCOM). At this meeting the City received a check from the New York Municipal Insurance Reciprocal (NYMIR) and he presented the check to the City Manager. Also,

he attended a press conference held by NYCOM at the Albany City Hall to oppose Federal government proposals to eliminate State and Local Tax (SALT) Deductions on Federal Income taxes. He also spoke at the conference to discuss the City's experience in recent years with algal blooms in Owasco Lake and advocated that NYCOM begin to list the algal bloom crisis in all of our lakes as a priority moving forward.

- Councilor Carabajal discussed the Veteran's day ceremony that was held on November 11, 2017 and congratulated the Mayor for recognition he received from Senator Helming for his service as a U. S. Marine.
- Councilor Cuddy discussed the latest meeting of the Cayuga County Lead Task Force committee that was held on Monday, November 13, 2017.
- Mayor Quill thanked all of the Veterans and members of the community that came out for the annual Veteran's Day service that was held on Saturday, November 11, 2017. He thanked the Reverend Kathlyn Schofield for graciously opening Saints Peter and John Episcopal Church so that the service could be held inside due to the very cold weather.

9. Matters to Come Before Council

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

B. Ordinances – None

C. Local Laws - None

D. Resolutions –

COUNCIL RESOLUTION #163 OF 2017

**APPROVING A CORRECTIVE ACTION PLAN FOR THE
OFFICE OF THE STATE COMPTROLLER**

By Councilor Giannettino

November 16, 2017

WHEREAS, the Office of the State Comptroller (OSC) selected the City of Auburn for a routine audit in October 2016; and

WHEREAS, the audit fieldwork took place between October 2016, and March 2017, and the scope of the audit included the City's Hydroelectric Power Operations and Software Management; and,

WHEREAS, the OSC identified eleven recommendations relating to the City's Hydroelectric Power Facilities and Software Management; and

WHEREAS, the City has prepared a corrective action plan to respond to the OSC recommendations, which is attached hereto and made a part of this Resolution; and

WHEREAS, the City Council must approve of the corrective action plan prior submission to the OSC.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the corrective action plan for submission to the Office of the State Comptroller.

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	

COUNCIL RESOLUTION #164 OF 2017

AUTHORIZING THE ESTABLISHMENT OF THE POSITION OF PLANNING ASSISTANT IN THE OFFICE OF PLANNING AND ECONOMIC DEVELOPMENT

By Councilor Cuddy

November 16, 2017

WHEREAS, the Office of Planning and Economic Development (the “Department”) currently has a part-time position entitled Secretary to the Director of Planning and Economic Development; and

WHEREAS, the employee holding this title retired as of November 3, 2017; and

WHEREAS, the Department would like to eliminate the existing part-time Secretary position and replace it with a full-time Planning Assistant; and

WHEREAS, the establishment of a full-time Planning Assistant position would enable the Department to have much needed additional support, both administratively and technically; and

WHEREAS, the establishment of a full-time Planning Assistant will require the use of fund balance in an expected amount of \$9,200, which represents the difference between the salary of the part-time Secretary position and the new full-time Planning Assistant position.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council authorizes the elimination of the position of part-time Secretary to the Director of Planning and Economic

Development and the establishment of a full-time Planning Assistant in the Office of Planning and Economic Development; and

BE IT FURTHER RESOLVED, that the Auburn City Council authorizes the use of fund balance to cover the cost of the full-time Planning Assistant position in the Office of Planning and Economic Development (A8020.110 and A8020.8XX) which is expected to exceed the current budget by approximately \$9,200.

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	

AGREEMENT RESOLUTION #165 OF 2017

AUTHORIZING CHANGE ORDER NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN OF A WELCOME CENTER

By Councilor Carabajal

November 16, 2017

WHEREAS, the City of Auburn was awarded a 2016 EPF Grant #C1000920 from New York State Department of State for the design of a welcome center in Downtown Auburn, and, on March 2, 2017, the Auburn City Council passed Agreement Resolution No. 39 of 2017, authorizing an agreement with nARCHITECTS for professional services for the design of a welcome center; and,

WHEREAS, said welcome center is now known as the Equal Rights Heritage Center, and additional professional design services beyond the original scope of this project were required as a result of the complexity of the exhibits, additional off-site improvements, and preparation of technical information for NYSERDA programs; and,

WHEREAS, due to additional design services that were provided beyond the original scope of this project, the City of Auburn now needs to authorize Change Order No.1 to nARCHITECTS in the amount of \$113,042 for this project; and,

WHEREAS, funding for the additional design services will be provided by New York Empire State Development through the Upstate Revitalization Initiative Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Auburn does hereby approve Change Order No. 1 to nARCHITECTS, authorizing the additional services

for the design of the Equal Rights Heritage Center in the amount of \$ 113,042, to be charged to the project capital account HA 1620.440.IM; and,

BE IT FURTHER RESOLVED, that the Mayor of the City of Auburn is hereby authorized to execute any and all necessary agreements and contracts, certifications, and reimbursement requests on behalf of the City of Auburn for said project.

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	

AGREEMENT RESOLUTION #166 OF 2017

**AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH THE CAYUGA COUNTY HEALTH DEPARTMENT FOR
CODE ENFORCEMENT SERVICES RELATED TO THE HEALTHY NEIGHBORHOOD
PROGRAM**

By Councilor Cuddy

November 16, 2017

WHEREAS, the Cayuga County Health Department (CCHD) has received a grant from the New York State Department of Health to further home and community safety, entitled the Healthy Neighborhood Program; and

WHEREAS, the goals of the Health Neighborhood program would be better accomplished with professional consulting and expertise in areas related to safety of living conditions; and

WHEREAS, the City of Auburn Code Enforcement Office has this professional expertise and is able to assist with several of the Health Neighborhood grant objectives; and

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve an agreement between the City of Auburn and the Cayuga County Health Department pursuant to the terms of the agreement between the parties which is attached to this Resolution, and the Mayor hereby is authorized to sign the agreement on behalf of the City, together with any and all documents necessary to carry out this resolution.

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	

LAND SALE RESOLUTION #167 OF 2017

AUTHORIZING THE SALE OF PROPERTIES AT 2 AND 4 COMMERCE WAY

By Councilor McCormick

November 16, 2017

WHEREAS, the City of Auburn is the owner of real properties commonly known as 2 Commerce Way and 4 Commerce Way (the “Properties”), which are located in Auburn Technology Park (“Tech Park”) in the City of Auburn; and

WHEREAS, the City has owned the Properties and marketed them for sale since the development of Tech Park in the early 1990s; and

WHEREAS, F. Rizzo Construction, Inc., has presented a written offer to purchase the Properties for the price of \$20,000; and

WHEREAS, the City has received no other written offers for the purchase of the Properties; and

WHEREAS, a sale of the Properties would help to achieve the City’s goal of supporting industry and jobs in the City of Auburn by making the land located at Tech Park available to local businesses.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve a sale of properties commonly known as 2 Commerce Way and 4 Commerce Way to F. Rizzo Construction, Inc. upon the following terms and conditions:

1. The purchase price of sale of the Properties shall be \$20,000;
2. The Properties shall be developed within four years of the date of closing of the sale of the Properties, and in the event that development of the Properties is not completed by said time, title of the Properties shall revert back to the City of Auburn; and
3. F. Rizzo Construction, Inc. shall pay all closing costs in connection with the purchase of the Properties, including any and all seller expenses and costs; and

BE IT FURTHER RESOLVED, that the Mayor, or other appointed designee, is authorized to sign a Purchase Offer and Sale setting forth the above-terms for the sale of the Properties, together with any and all documents in order to close on the sale and transfer of the Properties.

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	

**COUNCIL RESOLUTION #168 of 2017
AUTHORIZING A PUBLIC HEARING FOR THE
2017 RESTORE NY GRANT APPLICATION AND PROPERTY ASSESSMENT LIST**

By Councilor Giannettino

November 16, 2017

WHEREAS, the City of Auburn intends to apply to Empire State Development Corporation (ESD) for \$1 million in grant funding through the Restore NY Communities Initiatives to assist with the rehabilitation of the Schines Theater, located at 16 South Street; and

WHEREAS, Empire State Development requires the City to hold a Public Hearing to solicit public comment regarding the Grant Application and the Property Assessment List, which will be published in the local newspaper for three consecutive days.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Auburn, New York that it hereby authorizes a Public Hearing to be held before the City Council of the City of Auburn, New York, on Thursday, November 30, 2017 at 6:00pm, at City Council Chambers, 1st floor, Memorial City Hall, Auburn, New York, regarding the 2017 Restore NY Grant Application and the Property Assessment List; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to advertise this resolution in the official newspaper of the City of Auburn in accordance with the governing State and local requirements.

Seconded by Councilor Cuddy

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

COUNCIL RESOLUTION #169 OF 2017

**OPPOSING FEDERAL LIMITATIONS ON THE DEDUCTIBILITY
OF STATE AND LOCAL TAXES**

By Councilor Giannettino
2017

November 16,

WHEREAS, Congress is considering tax reform legislation that would eliminate or severely restrict the federal income tax deduction for State and Local Taxes (SALT);

WHEREAS, this deduction, which has been in place for more than 100 years, is heavily utilized by residents of the City of Auburn; and

WHEREAS, New York residents already send \$41 billion more to the federal treasury than the federal government returns to the State of New York; and

WHEREAS, the state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they must pay to state and local governments; and

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Auburn expresses its strong opposition to any federal tax reform legislation that would eliminate or limit access to the State and Local Tax Deduction and urges each member of New York’s congressional delegation to vehemently oppose any such bill; and

BE IT FURTHER RESOLVED THAT the City Clerk send a certified copy of this resolution to Congressman John Katko, Senator Charles Schumer, Senator Kirsten Gillibrand and the New York State Conference of Mayors.

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	

AGREEMENT RESOLUTION #162 of 2017

AUTHORIZING EXECUTION OF AN AGREEMENT SUPPORTING THE OWASCO LAKE WATERSHED MANAGEMENT COUNCIL, INC. AND ITS ASSUMPTION OF FULL ADMINISTRATIVE RESPONSIBILITIES OF THE OWASCO LAKE WATERSHED INSPECTION PROGRAM

By Councilor Giannettino

November 16, 2017

WHEREAS, the City of Auburn and the Town of Owasco, are responsible for providing clean public water from Owasco Lake to approximately forty-five thousand water users within Cayuga County; and

WHEREAS, the City of Auburn and the Town of Owasco are responsible, under the New York State Public Health Law and the New York Codes of Rules and Regulations Section 104.1, for inspecting and reporting compliance with the Owasco Lake Watershed Rules & Regulations, which seek to protect the waters of Owasco Lake and the public water supply and all watercourses tributary thereto or which may ultimately discharge into Owasco Lake; and

WHEREAS, on January 1, 2011, in furtherance of the Owasco Lake Watershed Rules and Regulations, the City of Auburn, the Town of Owasco, the County of Cayuga, and the Cayuga County Soil and Water Conservation District, entered into an agreement for the purpose of supporting the Owasco Lake Watershed Inspection Program (the “Program”), until such time as the Owasco Lake Watershed Management Council (the “Management Council”) was able to assume full and ongoing administration of the Program; and

WHEREAS, under the 2011 Agreement, the Cayuga County Soil and Water Conservation District agreed to provide administrative oversight of the Program and provides

such oversight by utilizing annual funding support from the City of Auburn and the Town of Owasco; and

WHEREAS, on February 23, 2011, pursuant to Section 1411 of the Not-for-Profit Corporation Law, a Certificate of Incorporation was filed with the New York State Secretary of State establishing the Management Council as a not-for-profit, local development corporation, in order to lessen the burdens of government and act in the public interest in a number of ways, including undertaking programs and activities in furtherance of managing, monitoring and protecting the water resources of Owasco Lake and the water resources within the Owasco Lake Watershed for the well-being and benefit of the residents of Cayuga County; and

WHEREAS, the primary purpose of the Management Council is to ensure the monitoring, and inspection of Owasco Lake and its Watershed, or to cause to be inspected, those activities and circumstances within the Owasco Lake and its Watershed that may impact the quality and general health of the waters of Owasco Lake or the water resources of the Owasco Lake Watershed; and

WHEREAS, the Management Council has established a standing Watershed Inspection Committee (the “Committee”) to oversee and manage the operation and implementation of the Program, which is comprised of representatives from the City of Auburn, Town of Owasco and Cayuga County; and

WHEREAS, on August 15, 2017, the Management Council, by its Board of Directors, approved a Board Resolution (the “August 15 Resolution”), attached hereto for reference, confirming the Board’s determination that the Management Council is ready, willing and able to assume full administration of the Program, and that doing so will be in the best interest of the Program and the ongoing water quality improvement initiatives focused on Owasco Lake and it’s watershed; and

WHEREAS, the Management Council has forwarded a certified copy of the August 15 Resolution to all the parties to the existing 2011 Agreement, seeking their unified action and cooperation in transitioning administration of the Program from the Cayuga County Soil and Water Conservation District to the Management Council by collectively terminating the 2011 Agreement and simultaneously executing a new agreement under which the Management Council can realize its goal of administering the Owasco Lake Watershed Inspection Program going forward; and

WHEREAS, the City of Auburn wishes to support the proposed transition of the Program to the Management Council.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby express its appreciation and thanks to the Cayuga County Soil & Water Conservation District Board of Directors, Executive Director, and staff for the administrative support provided to the

Program during its formative years, during which time the Management Council built its organizational and operational capacity to assume the full administrative responsibility and oversight for the Program; and

BE IT FURTHER RESOLVED that the Auburn City Council does hereby request termination of the existing Agreement, dated January 1, 2011; and

BE IT FURTHER RESOLVED that the Auburn City Council does hereby approve an Agreement, attached and made a part of this Resolution, by and between the City of Auburn, the Town of Owasco, the County of Cayuga and the Owasco Lake Watershed Management Council, Inc., effective as of January 1, 2018, under which the full administrative responsibility for the Program and employment of the Watershed Specialist and Watershed Inspectors (the staff) will transition to the Management Council.; and

BE IT FURTHER RESOLVED that the Auburn City Council does hereby authorize and direct the Mayor, or his named designee, to execute the new Agreement, together with any and all documents necessary to carry out the intent of this Resolution; and

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

Seconded by Councilor Carabajal

Councilor Giannettino made a motion to table Agreement Resolution 162 of 2017 seconded by Councilor Carabajal. By unanimous vote the resolution is tabled.

Motion to table Agreement Resolution 162 of 2017	Ayes	Noes
Councilor McCormick	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Carabajal	X	
Mayor Quill	X	
Tabled	X	

E. Staff/Vendor Presentations – None

F. Tabled Items –

10. Other Business -

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

1. One matter 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. The Council entered Executive Session at 6:58 p.m. Executive session adjourned at 7:37 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:38 p.m.

Minutes submitted to the City Council on November 16, 2017 by:

Charles Mason
City Clerk

On November 30, 2017 a motion to approve the minutes of the November 16, 2017 Auburn, NY City Council meeting was made by Councilor Giannettino, 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 16th day of November, 2017 and that the City Council approved such by the vote listed above.



Charles Mason, City Clerk Date: December 1, 2017