

**Auburn City Council
Regular Meeting
Thursday, November 21, 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 Carabajal.

1. Roll Call – The City Clerk called the roll. Councilors McCormick, Giannettino, Cuddy, Carabajal were all present. Mayor Quill was excused.

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
- Fire Captain, Jeff Clark

2. Pledge of Allegiance to the Flag – Councilor Carabajal led the Pledge of Allegiance.

3. Moment of Silent Prayer or Reflection – Councilor Carabajal 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:

Tim Donovan. Mr. Donovan spoke to urge the community to support the Salvation Army over the Thanksgiving holiday and he thanked the community for the outpouring of support they have received.

Melissa Howell, Seneca Falls, NY. Ms. Howell spoke to urge the members of Council to consider a historical marker

7. Approval of Meeting Minutes

November 2, 2017 Council Meeting Minutes

Motion to approve the November 9, 2017 minutes by Councilor Cuddy, seconded by Councilor McCormick. Motion to approve carried 4-0.

8. Reports of City Officials

A. City Manager's Report

- Staff is working with Bergman Associates to update the draft Zoning Code based upon input received from Council and the public. Because even seemingly minor changes sometimes require updating the associated tables and sometimes impact other sections of the code by reference, the process is taking a little longer than anticipated and will require us to move the timeline to accommodate the necessary work and notifications. The new timeline now looks like this: first reading of the final draft, December 7 Business Session; Public Hearing, December 14 Work Session; and Council Adoption, December 21.
- Staff has been working with Barton and Laguidice to update options, plans, and projections for the eventual closure of the landfill. The anticipated useful life span of the current landfill is 3-4 years and we need to develop and adopt a plan to guide staff both operationally and financially for a smooth transition. In December we will be presenting Council with the work that has been going on over the past several months, including over ten potential plans that were explored and the reasons staff chose to either pursue or table each plan. The anticipated timeline for this is: December 14, Initial Council work session on the topic with a presentation from staff;

December 21, a public comment meeting (this is not required but we anticipate there may be questions that could be addressed by staff); January 4, Council votes on adopting a final plan.

- Monday November 27, 2017 – second public input meeting for the open space on State St. will be held at the Hilton Garden Inn at 6:30pm.

B. Reports from members of Council

9. Matters to Come Before Council

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

B. Ordinances – The City Clerk read the first reading of Bond Ordinance #4 of 2017.

BOND ORDINANCE #4 OF 2017

BOND ORDINANCE OF THE CITY OF AUBURN, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,800,000 SERIAL BONDS TO FINANCE THE PURCHASE OF MOTOR VEHICLES USED FOR FIGHTING FIRES

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 purchase two motor vehicles used for fighting fires, including apparatus used in connection with such motor vehicle, at an estimated maximum cost of \$1,800,000.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,800,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of the issuance of \$1,800,000 in 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 twenty (20) years pursuant to paragraph 27 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) 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 General 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 Treasury 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 heretofore 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 dated 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. 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 11. 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 Securities and Exchange Commission Rule 15c2-12.

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

Section 14. 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 15. This Ordinance shall take effect immediately upon its adoption.

C. Local Laws - None

D. Resolutions –

COUNCIL RESOLUTION #170 of 2017

AUTHORIZING A PUBLIC HEARING TO BE RESCHEDULED FOR THE FINAL VERSION OF THE CITY OF AUBURN CODE SECTION 305 ENTITLED “ZONING”

By Councilor Cuddy

November 21, 2017

WHEREAS, the City Council requested that public hearings be held for the draft and final versions of the City of Auburn Code Section 305 entitled “Zoning;” and

WHEREAS, this request is in compliance with General City Law, Article 5-A, §83; and

WHEREAS, a public hearing was scheduled by Council Resolution 156 of 2017 to be held on November 30, 2017 for the final version of the City of Auburn Code Section 305 entitled “Zoning”; and

WHEREAS, the City Manager has notified the City Council that more time is needed to complete the final version of the update to City of Auburn Code Section 305 entitled “Zoning” and that he recommends rescheduling the November 30, 2017 public hearing to a new date of Thursday, December 14, 2017 at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York, that it does hereby authorize that a Public Hearing, originally scheduled for November 30, 2017 to be held before the City Council of the City of Auburn, New York, be rescheduled to the 14th day of December 2017, at 6:00 pm at City Council Chambers, 1st floor, Memorial City Hall, Auburn, New York concerning the final version of the City of Auburn Code Section 305 entitled “Zoning.”

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

Seconded by Councilor McCormick

| | Ayes | Noes |
|-----------------------|---------|------|
| Councilor McCormick | X | |
| Councilor Giannettino | X | |
| Councilor Cuddy | X | |
| Councilor Carabajal | X | |
| Mayor Quill | excused | |
| Carried and Adopted | x | |

E. Staff/Vendor Presentations –

- 15.A. Microcystin Project Update - Seth Jensen, Department of Municipal Utilities and Steve Waldvogel, GHD Engineering
- 15.B. Presentation on Fire Apparatus - Jeff Clark, Auburn Fire Department Background: This presentation discuss current and future apparatus needs of the fire department. Repairs cost over the last 5 years were shown in reference to the two of three vehicles currently due for replacement. He also discussed what planning is being done to bring all apparatus to within industry standards. Recommendations: Replacing a 1999 Pierce 2000 pumper (Engine 5) and a 1990 Seagrave 110' aerial ladder (Truck 1). Fiscal Implications: The fire department is expecting costs to be \$1,800,000 to replace these vehicles.
- 15.C. Monthly Budget Report for October 2017 - Jeff Dygert, City Manager

F. Tabled Items –

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 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 4-0. The Council entered Executive Session at 6:58 p.m. Executive session adjourned at 7:33 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:01 p.m.

Minutes submitted to the City Council on December 7, 2017 by:

Charles Mason
City Clerk

On December 7, 2017 a motion to approve the minutes of the November 21, 2017 Auburn, NY City Council meeting was made by Councilor McCormick, seconded by Councilor Giannettino.

Auburn City Council Minutes November 21, 2017

| | Ayes | Noes |
|-----------------------|---------|------|
| Councilor McCormick | X | |
| Councilor Giannettino | X | |
| Councilor Cuddy | X | |
| Councilor Carabajal | X | |
| Mayor Quill | Present | |
| 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 21st day of November, 2017 and that the City Council approved such by the vote listed above.



Charles Mason, City Clerk

Date: December 8, 2017