

**Auburn City Council  
Regular Meeting  
Thursday, February 1, 2018 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 Giannettino.

**1. Roll Call** – The City Clerk called the roll. Councilors McCormick, Giannettino, Cuddy, Carabajal were all present. Mayor Quill was excused due to his attending a meeting of the Board of Governors of the New York Municipal Insurance Reciprocal (NYMIR) in Albany, NY.

**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
- Director of Capital Projects and Grants, Christina Selvek
- Superintendent of Engineering, William Lupien
- Director of Municipal Utilities, Seth Jensen
- Superintendent of Public Works, Mike Talbot
- Police Chief, Shawn Butler

**2. Pledge of Allegiance to the Flag** – Councilor Giannettino led the Pledge of Allegiance.

**3. Moment of Silent Prayer or Reflection** – Councilor Giannettino asked for a moment of silent prayer.

**4. Public Announcements** – none

**5. Ceremonial Presentations and Proclamations** –

**The City Clerk read the following proclamation:**

**WHEREAS**, the Black experience throughout history is an enduring foundation upon which the Black community is built and stands, and the struggle and challenges overcome by African

Americans throughout the centuries are inspiring to all Americans and reminders of the principles we share as a society; and

**WHEREAS**, Black History Week was initiated in February 1926; and for many years, the second week of February, chosen so as to coincide with the birthdays of Frederick Douglas and Abraham Lincoln, was celebrated by African Americans in the United States, and

**WHEREAS**, in 1976, as part of the nation's bicentennial, Black History Week was expanded and became established as Black History Month, and is now celebrated all over North America; and

**WHEREAS**, the national theme for this year's observance is "African Americans in Times of War, serving in the military means pushing past a person's own physical and mental limits in order to defeat the enemy.

African Americans that have fought stateside or overseas, in integrated or segregated units, during the Revolutionary War, or are currently serving, these veterans persisted past prejudice to serve their country with honor.

**WHEREAS**, during the Civil War, Harriet Tubman served in the Union Army in South Carolina and served as a nurse, a scout for raiding parties and a spy behind Confederate lines; and

**WHEREAS**, as we take this opportunity to study the accomplishments of all African Americans throughout history, we reflect on the role of the Black community in our nation's past, present, and future; to enrich our understanding of the history of Black America is to broaden our understanding of our nation's history, and, during Black History Month, with appreciation for their contributions to all areas of American life and culture;

**NOW, THEREFORE**, I, Michael D Quill, Mayor, do hereby proclaim February 2018 as the 42nd year of

## **Black History Month**

in the City of Auburn and urge all citizens to celebrate our diverse heritage and culture and continue our efforts to create a world that is more just, peaceful and prosperous for all.

**In witness whereof I have  
hereunto set my hand and caused  
the seal of the City of Auburn to  
be affixed this First day of  
February 2018.**

**Michael D. Quill, Mayor**  
City of Auburn, New York

**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. No members of the public spoke.

**7. Approval of Meeting Minutes**

**January 18, 2018 Council Meeting Minutes**

Motion to approve the January 18, 2018 minutes by Councilor Giannettino, seconded by Councilor McCormick. Motion to approve carried 4-0. Mayor Quill was excused.

**8. Reports of City Officials**

**A. City Manager's Report**

- The intersection of William St and Lincoln St. should open back up tomorrow. It will reopen as a three way stop and include a pedestrian crosswalk area across William St. Drivers are urged to use caution in the area as everyone get accustomed to the new traffic flow. More details about the traffic flow and parking are posted on the city of Auburn webpage and social media sites.
- Staff took part in a conference call put on by NYS this week to provide guidance for our recently awarded Lead Water Service Replacement Grant. With more of our questions answered, staff will be assembling a work plan to make the most effective use of the nearly \$700k grant.
- Last week our Comptroller, Laura Wills, announced that she will be taking a position with a private firm closer to home. Laura has provided outstanding financial guidance to the City of Auburn and deserves a tremendous amount of credit for improving the financial outlook of the city. Laura is leaving on very good terms and is assisting us during and through the transition as we seek out someone to fill this important role. – Thank you Laura and good luck.

**B. Reports from members of Council - none**

**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 #19 OF 2018**

**AUTHORIZING VARIOUS OPERATING BUDGET TRANSFERS**

By Councilor Carabajal

February 1, 2018

**WHEREAS**, the City of Auburn has performed mid-year review of the operating budget accounts and needs authorization to transfer funds between accounts to cover expenditures for the rest of fiscal 2017-18 as outlined in attachment A; and,

**WHEREAS**, there is no use of fund balance requested.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, NEW YORK:**

1. That the Auburn City Council does hereby authorize the transfers in Attachment A for the 2017-18 fiscal year; and,
2. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Cuddy

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

**FINANCIAL RESOLUTION #20 OF 2018**

**AUTHORIZING FUNDING FOR DESIGN SERVICES FOR A SMALL TRANSFER (CONVENIENCE) STATION UPON CLOSURE OF THE CITY LANDFILL**

By Councilor Carabajal

February 1, 2018

**WHEREAS**, the City Landfill has an expected life of three to four years past the date of this resolution; and,

**WHEREAS**, City Staff presented various options to the City Council in December 2017 and January 2018 regarding options for the future of the Landfill site and have made the recommendation that the best option is that of a small registered, but un-permitted transfer station; and,

**WHEREAS**, a small transfer station was determined to provide the most economical solution, while still providing services to the residents of the City of Auburn and the residents of the surrounding Towns; and,

**WHEREAS**, projections show that a small transfer station can be financially self-sufficient, without the need for commercial tonnage; and,

**WHEREAS**, to ensure sufficient time for design, the City now desires to fund design services in an amount not to exceed \$50,000 through the use of fund balance from the Landfill Fund; and,

**WHEREAS**, the City requests approval to issue a request for proposal for design services for a small transfer station at the City of Auburn Landfill.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council authorizes the issuance of a request for proposal for design services for a small transfer station at the City of Auburn Landfill to be charged to Solid-Waste Administration Consulting Fees (AL8160.451) funded through use of fund balance in an amount not to exceed \$50,000.

Seconded by Councilor McCormick

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

**COUNCIL RESOLUTION #21 of 2018**

**AUTHORIZING A PUBLIC HEARING TO BE SCHEDULED FOR THE REPEAL AND REPLACEMENT OF CHAPTER 305 OF THE AUBURN CITY CODE ENTITLED “ZONING”**

By Councilor McCormick

February 1, 2018

**WHEREAS**, General City Law, Article 5-A, §83 requires that a public hearing be held prior to the repeal and replacing of Chapter 305 of the Auburn City Code, entitled “Zoning.”

**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 be scheduled for the 8<sup>th</sup> day of February 2018, at 6:00 pm in City Council Chambers, 1<sup>st</sup> floor, Memorial City Hall, Auburn, New York concerning the repeal and replacing of the Chapter 305 of the Auburn City Code, entitled “Zoning.”

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

Seconded by Councilor Cuddy

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

**COUNCIL RESOLUTION #22 OF 2018  
AUTHORIZING A PUBLIC HEARING FOR THE  
2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN**

By Councilor Cuddy

February 1, 2018

**BE IT RESOLVED**, by the City Council of the City of Auburn, New York, that it does hereby authorize that a Public Hearing be held before the City Council of the City of Auburn, New York, on the 8th day of February 2018 at 6:00pm at City Council Chambers, 1<sup>st</sup> floor, Memorial City Hall, Auburn, New York concerning the 2018-2019 Community Development Block Grant Annual Action Plan.

**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 McCormick

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

**AGREEMENT RESOLUTION #23 OF 2018**

**AUTHORIZING THE FUNDING OF ALL CONSTRUCTION PHASES FOR THE  
OWASCO RIVER GREENWAY TRAIL PROJECT- PIN 395051**

By Councilor Carabajal

February 1, 2018

**WHEREAS**, a Project to construct the Owasco River Greenway Trail in the City of Auburn, P.I.N. 395051 (the “Project”) is currently funded under the US FHWA Transportation Enhancement Program (TEP), and the US HUD Community Development Block Grant (CDBG) Program; and,

**WHEREAS**, by Agreement Resolution #2 of 2016 the City of Auburn entered into an agreement with NYS Department of Transportation to proceed with the bidding, construction and inspection phases of the Owasco River Greenway Trail Project; and

**WHEREAS**, the NYS Department of Transportation Schedule A for this Project has since been amended to reflect the construction and inspection bid costs for a total Project cost of \$2,236,550; and

**WHEREAS**, the NYS Department of Transportation is requesting the City of Auburn to advance the above Project by making a commitment of 100% of the first instance payments of the total project costs in the amount of \$2,236,550 for all Construction and Inspection phases for the Project.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Auburn hereby authorizes payment in the first instance of 100% of the federal and non-federal share of the costs of Construction and Inspection work for the Project or portions thereof; and,

**BE IT FURTHER RESOLVED** that the City's required local match of \$914,950 be made available from the Owasco River Trail Project Capital Account (#HA 8020 440 GM) to cover the cost of participation in the above Phases of the Project; and,

**BE IT FURTHER RESOLVED** that in the event the full Federal- and non-Federal share costs of the project exceeds the amount appropriated above, the City of Auburn City Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation; 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,

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

Seconded by Councilor McCormick

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

**AGREEMENT RESOLUTION #24 OF 2018**

**AUTHORIZING CHANGE ORDER #2 FOR THE CONSTRUCTION INSPECTION CONTRACT FOR THE NORTH DIVISION STREET DAM HYDRO FACILITY PROJECT**

By Councilor McCormick

February 1, 2018

**WHEREAS**, on August 4, 2016, the Auburn City Council passed Council Resolution #114 of 2016, which authorized the contract for construction inspection services for the North Division Street Dam Hydro Facility Project to C&S Engineers in the amount of \$260,000; and

**WHEREAS**, on September 7, 2017, the Auburn City Council passed Council Resolution #132 of 2017, which authorized Change Order #1 to this contract in the amount of \$110,000; and



**WHEREAS**, this Change Order #2 is necessary to compensate the consultant for the additional construction inspection services needed since this contract has been extended beyond its original anticipated completion date and the contractor is working more hours per week than was originally planned due to unforeseen conditions encountered.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby authorize Change Order #2, in the amount of \$165,133 to C&S Engineers for additional construction inspection services needed for the North Division Street Dam Hydro Facility Project; and,

**BE IT FURTHER RESOLVED** that the cost of the Resolution in the amount of \$165,133 is to be charged to the N. Division St. Hydro Account ED 8292.440.HY

Seconded by Councilor Carabajal

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

**AGREEMENT RESOLUTION #25 OF 2018**

**AUTHORIZING CHANGE ORDER #1 FOR THE PROFESSIONAL SERVICES AND DESIGN CONTRACT FOR THE NORTH DIVISION STREET DAM HYDRO FACILITY PROJECT**

By Councilor McCormick

February 1, 2018

**WHEREAS**, on September 17, 2015, the Auburn City Council passed Council Resolution #105 of 2015, which authorized the contract for professional engineering and design services for the North Division Street Dam Hydro Facility Project to C&S Engineers in the amount of \$329,520; and

**WHEREAS**, this Change Order #1 is necessary to compensate the consultant for the re-design due to extra excavation and water mitigation design in the pit, design of south wall elevation 0 to -17.4', design of concrete walls in the power house, redesign of power channel decking support system, and struts and vortex breaker design.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby authorize Change Order #1, in the amount of \$49,584 to C&S Engineers for additional

professional engineering design services needed for the North Division Street Dam Hydro Facility Project; and,

**BE IT FURTHER RESOLVED** that the cost of the Resolution in the amount of \$49,584 is to be charged to the N. Division St. Hydro Account ED 8292.440.HY

Seconded by Councilor Cuddy

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

**AGREEMENT RESOLUTION #26 OF 2018**

**AUTHORIZING CHANGE ORDER #1 FOR THE ELECTRICAL CONTRACT FOR THE NORTH DIVISION STREET DAM HYDRO FACILITY PROJECT**

By Councilor Cuddy

February 1, 2018

**WHEREAS**, on March 2, 2017, the Auburn City Council passed Council Resolution #35 of 2017, which awarded bid for electrical construction for the North Division Street Dam Hydro Facility Project to J&E Electric Inc. in the amount of \$272,500; and

**WHEREAS**, Change Order #1 is now necessary in order to compensate the contractor in the amount of \$15,285.09, due for the expedited extended hours and weekend overtime required to complete the Project by the end of December.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby authorize Change Order #1, in the amount of \$15,285.09 to J&E Electric for additional electrical construction needed for the North Division Street Dam Hydro Facility Project; and,

**BE IT FURTHER RESOLVED** that the cost of this Resolution in the amount of \$15,285.09 is to be charged to the N. Division St. Hydro Account ED 8292.440.HY

Seconded by Councilor Carabajal

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

**AGREEMENT RESOLUTION #27 OF 2018**

**AUTHORIZING CHANGE ORDER #3 FOR THE GENERAL CONSTRUCTION CONTRACT FOR THE NORTH DIVISION STREET DAM HYDRO FACILITY PROJECT**

By Councilor McCormick

February 1, 2018

**WHEREAS**, on July 7, 2016, the Auburn City Council passed Award Resolution #95 of 2016, which authorized the contract for general construction for the North Division Street Dam Hydro Facility Project to BVR Construction in the amount of \$603,553; and

**WHEREAS**, on August 18, 2016, the Auburn City Council passed Change Order Resolution #125 of 2016, which authorized Change Order #1 to this contract in the amount of \$199,500 for work to be done at Mill St. Dam; and

**WHEREAS**, on September 22, 2016, the Auburn City Council passed Change Order Resolution #143 of 2016, which authorized Change Order #2 to this contract in the amount of \$379,924 for additional work at N. Division St. Hydro; and

**WHEREAS**, this Change Order #3 in the amount of \$22,000 is necessary to compensate the contractor for three final items needed to close out the contract. These items include the following:

- 1) Installation of a platform outside of the powerhouse to allow safe access to the lower tailrace gate. Total lump sum cost: \$10,600
- 2) Installation of a mezzanine platform approximately 7 feet below the generator frame to access the turbine shaft and packing gland. Total lump sum cost: \$8,000
- 3) Providing ladder cages within the powerhouse that is required for employee safety. Total lump sum cost: \$3,400.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby authorize Change Order #3, in the amount of \$22,000 to BVR Construction for additional construction work needed for the North Division Street Dam Hydro Facility Project; and,

**BE IT FURTHER RESOLVED** that the cost of the Resolution in the amount of \$22,000 is to be charged to the N. Division St. Hydro Account ED 8292.440.HY

Seconded by Councilor Carabajal

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

**APPOINTMENT RESOLUTION #28 OF 2018**

**APPOINTING A MEMBER OF THE AUBURN HUMAN RIGHTS COMMISSION**

By Councilor Carabajal

February 1, 2018

**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 a vacancy for one commissioner position and it is the recommendation of the Human Rights Commission that the following person, whom is a resident of the City of Auburn, shall be appointed as a member of the Commission for a term of three (3) years, namely:

Freddie Wilson III  
; and

**WHEREAS**, the member 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 person is hereby appointed as member of the Auburn Human Rights Commission for a term of three (3) years, namely:

Freddie Wilson III  
; and

**BE IT FURTHER RESOLVED** that said appointment is to become effective immediately upon approval of this Appointment Resolution.

Seconded by Councilor Cuddy

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

**E. Staff/Vendor Presentations - none**

**F. Tabled Items – None**

**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:

Two matters pertaining to the proposed acquisition, sale or lease of real property.

One matter pertaining to the employment history of a particular individual.

The motion to enter executive session carried 4-0. The Council entered Executive Session at 6:50 p.m. Executive session adjourned at 8:36 p.m.

**Adjournment:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:37 p.m.

Minutes submitted to the City Council on February 15, 2018 by:

Charles Mason  
City Clerk

Auburn City Council Minutes February 1, 2018

On February 15, 2018 a motion to approve the minutes of the February 1, 2018 Auburn, NY City Council meeting was made by Councilor McCormick, 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 1st day of February, 2018 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date: February 16, 2018*