

**Auburn City Council
Regular Meeting
Thursday, March 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 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
- Director of Capital Projects and Grants, Christina Selvek
- Deputy Police Chief, Roger Anthony

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 –

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, Cayuga County Legislator, District 13. Mr Lattimore spoke regarding the new construction and design of the Equal Rights heritage Center and the Court Street parking lot expansion.

Bob Cotter, 111 South Street. Mr. Cotter spoke regarding the harmful algal bloom (HAB) problem in Owasco Lake and the Governor's HAB summit that will be held in Syracuse on March 5th & 6th. He asked that the City representatives attending the HAB summit advocate for a Phase I Environmental Assessment Protocol for the lake, as well as, a Total Maximum Daily Load (TMDL) analysis of the lake. He stated that in addition to the 9 Element plan that the Owasco Watershed Management Agency is going for now, a TMDL would set up a regulatory mechanisms in addition to voluntary best practices defined by a 9 Element Plan.

7. Approval of Meeting Minutes

February 1, 2018 Council Meeting Minutes

Motion to approve the February 1, 2018 minutes by Councilor McCormick, seconded by Councilor Giannettino. Motion to approve carried 5-0.

February 8, 2018 Council Meeting Minutes

Motion to approve the February 8, 2018 minutes by Councilor McCormick, seconded by Councilor Giannettino. Motion to approve carried 5-0.

8. Reports of City Officials

A. City Manager's Report

- You may have noticed some trees being trimmed or removed along Genesee St. This work is being done after an evaluation of their health, condition, and location related to the reconstruction of Genesee St. In total, there are 14 trees being removed, one tree being transplanted, and 37 new trees that will be replanted at some point during the project.
- The North Hunter Brook project is progressing. The new bridge has been installed and the roadway is being reconstructed. McIntosh Dr. should reopen by the end of April. Once this bridge reopens work will begin on the Schwartz Dr. bridge, which should wrap up by fall.
- The Clifford Clubhouse has been getting attention over the winter and some exterior work has been squeezed in during the recent good weather. Replacement windows continue to be installed and bathroom updates have been taking place. New shingles are being ordered next week and will be primed prior to installation when the weather cooperates. A new coat of paint will be applied once we have a suitable stretch of good weather.
- I attended a meeting today with Seth Jensen and other local leaders regarding the upcoming Harmful Algal Bloom Summit that will occur next week in Syracuse. Seth was designated by NYS as our representative. Today's group discussed their strategy and the priorities they intend on advocating for during the two day summit.

B. Reports from members of Council –

- Councilor Giannettino congratulated the Auburn Men's Hockey Team on their recent championship victory, the team will be heading to Ogdensburg, NY for the next round of playoff games.

9. Matters to Come Before Council

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

B. Ordinances - None

C. Local Laws - None

D. Resolutions –

**SEQR RESOLUTION #37 of 2018
ISSUING A NEGATIVE DECLARATION
FOR THE COURT STREET PARKING LOT EXPANSION PROJECT**

By Councilor Giannettino

March 1, 2018

WHEREAS, the City of Auburn intends to update and expand its current 21-space parking lot located at Court Street in downtown Auburn, New York, to a total of 42 parking spaces, which will impact less than one-half an acre of land; and

WHEREAS, the expansion of this Court Street parking lot (the “Project”) will offset the loss of parking at 25 South Street and, also, alleviate outstanding storm water management issues impacting the City’s parking lot as well as surrounding parking areas owned by Cayuga County and individual residents; and

WHEREAS, the Court Street parking lot is situated adjacent to the Historical District and, therefore, the Project was determined to be a Type 1 Action pursuant to Article 8 of the New York Environmental Conservation Law and Title 6 of the New York Code of Rules and Regulations, Park 617, known as the New York State Environmental Quality Review Act (SEQRA) (collectively, the “Regulations”); and

WHEREAS, on February 15, 2018, the Auburn City Council passed SEQRA Resolution No. 30, declaring itself Lead Agency under the Regulations; and

WHEREAS, the City has completed a Full Environmental Assessment Review for the Project in compliance the Regulations; and

WHEREAS, said review has resulted in a reasoned determination that the proposed action will NOT result in any large and important impact(s) and, therefore, is one which will not have a significant negative impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Auburn, that a NEGATIVE DECLARATION for the proposed Court Street Parking Lot Expansion Project be issued in full compliance with the New York State Environmental Conservation Law and the New York State Environmental Quality Review Act.

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	
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APPOINTMENT RESOLUTION #38 OF 2018

APPOINTING A MEMBER TO THE AUBURN HUMAN RIGHTS COMMISSION

By Mayor Quill

March 1, 2018

WHEREAS, the City of Auburn has created the Auburn Human Rights Commission pursuant to New York General Municipal Law, Article 12-D, Section 239-O; 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:

Pastor Patrick D. Heery
; 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:

Pastor Patrick D. Heery
; and

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

Seconded by Councilor Councilor Giannettino

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

AGREEMENT RESOLUTION #39 OF 2018

AUTHORIZING CHANGE ORDER NO. 1 TO THE ELECTRICAL CONTRACT FOR THE CONSTRUCTION OF THE EQUAL RIGHTS HERITAGE CENTER

By Councilor Carabajal

March 1, 2018

WHEREAS, the City of Auburn was awarded a 2017 URI Program grant from New York State Empire State Development for the construction of the Equal Rights Heritage Center (the “Project”) in Downtown Auburn; and,

WHEREAS, on December 7, 2017, the Auburn City Council passed Award Resolution No. 180 of 2017, authorizing a contract with J & E Electric Inc. for electrical work for the Project; and,

WHEREAS, additional electrical work beyond the original scope of this Project has been identified and is associated with the building security system equipment; and,

WHEREAS, due to additional electrical work that is being proposed, the City of Auburn needs to authorize Change Order No.1 to J & E Electric Inc. in the amount of \$37,550.85 for this Project; and,

WHEREAS, funding for the additional electrical work 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 J & E Electric Inc. of Auburn, NY, authorizing the additional electrical work of the Equal Rights Heritage Center in the amount of \$37,550.85, 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	

COUNCIL RESOLUTION #40 OF 2018

AUTHORIZING SETTLEMENT OF A CIVIL LAWSUIT, SAFETY KLEEN SYSTEMS, INC v. CITY OF AUBURN

By Councilor Cuddy

March 1, 2018

WHEREAS, Safety Kleen Systems Inc., (“Safety Kleen”) has provided the City of Auburn, New York (the “City”) with the service of removing and disposing of spent oil generated at the City landfill since before 2009; and,

WHEREAS, on June 25, 2009, a Safety Kleen employee removed spent oil from the City landfill, which was later tested and claimed to have been contaminated with Polychlorinated biphenyls (“PCBs”); and,

WHEREAS, Safety Kleen claimed that the contaminated oil originated from the City’s landfill and, thereafter, invoiced the City for the testing, transportation and disposal of the oil in the amount of \$77, 897; and,

WHEREAS, on August 26, 2013, Safety Kleen commenced proceedings seeking damages in the amount of \$77,897 from the City under the theories of breach of contract and negligence; and,

WHEREAS, after years of litigation, the parties to this action have agreed that a settlement in the amount of \$30,000 would be in the best interests of all parties and would avoid further litigation expense.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby authorize the Office of Corporation Counsel to accept and duly execute a settlement agreement with the attorneys for Safety Kleen, Relin, Goldstein & Crane, LLP, which states that payment in the amount of \$30,000 shall be made in full settlement of all claims made by Safety Kleen against the City of Auburn with regard to the pending civil action; and

BE IT FURTHER RESOLVED that payment of the settlement amount stated herein shall be remitted from the Judgments and Settlement Account No. A1930.453.

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	

**COUNCIL RESOLUTION #41 of 2018
CHANGING THE COUNCIL MEETING SCHEDULE DUE TO THE EASTER
HOLIDAY**

By Councilor Cuddy

March 1, 2018

WHEREAS, the Auburn City Council meets on the first four Thursdays of each month beginning at 6:00 p.m. at Memorial City Hall, 24 South Street, Auburn, New York; and

WHEREAS, the regular City Council meeting scheduled for Thursday, March 29, 2018 is the fifth Thursday of March, is Holy Thursday and the City will be closed for business the following day due to the Good Friday holiday; and

WHEREAS, due to the Easter holidays the Council is desirous of canceling the March 29, 2018 Council meeting.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby cancel the Council meeting scheduled for Thursday, March 29, 2018; and

BE IT FURTHER RESOLVED that the City Clerk shall notify the public of the change in the meeting dates as set forth herein.

Seconded by Councilor Giannettino

	Ayes	Noes	Absent
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

Councilor Cuddy reported on a recent Save Owasco Now (SON) meeting he attended earlier in the week and the main topic of the meeting was the Governor’s upcoming Harmful Algal Bloom

Summit being held on March 5th and 6th. The group discussion revolved around advocating for a Phase I Environmental Assessment Protocol for Owasco Lake at the HAB summit. Councilor McCormick stated that she thought a Phase I Environmental Assessment Protocol could be added to the list of many items that will be provided at the summit and she went on to discuss the work that is currently being done by the Owasco Watershed Management Council. This opened up a lengthy discussion among Council members on this topic. Councilor McCormick then asked that a presentation be scheduled for a future City Council meeting on the work being done on the 9 Element Plan. Councilor McCormick then announced that the Owasco Watershed Lake Association (OWLA) would be hosting their annual March to Lake Day on Saturday, March 10, 2018 at 9am where there will be several speakers on the topic of HABs and Owasco Lake including Councilor Cuddy presenting on a Total Maximum Daily Load (TMDL). Mayor Quill also announced that OWLA will be attending a future Council meeting to make a presentation.

Councilor McCormick discussed the closing of Cayuga Centers and the impact it will have on the Auburn City School District.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 6:49 p.m.

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

Charles Mason
City Clerk

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

Charles Mason, City Clerk Date: March 16, 2018