

**Auburn City Council
Regular Meeting
Thursday, March 8, 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
- Director of Municipal Utilities, Seth Jensen
- 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 – none

5. Ceremonial Presentations and Proclamations –

The City Clerk read the following proclamation from the Office of the Mayor...

WHEREAS, Harriet Tubman was born into slavery as Araminta Ross in Bucktown, near Cambridge, Maryland in the early 1820's; and

WHEREAS, Harriet escaped from slavery in 1849 to eventually settle in Philadelphia, where she was introduced to William Still – the “Station Master of the Underground Railroad” and began her mission as one of their conductors; and

WHEREAS, Harriet Tubman became known as the “Moses of her people” after making many trips leading several slaves to freedom in Canada, along the Underground Railroad; and

WHEREAS, in the mid 1850's, Harriet Tubman met William H. Seward and his wife Frances in Auburn, New York, through whom she contracted seven acres of land on South Street to build a home for herself, husband Nelson Davis and other family members; and

WHEREAS, in 1896 she purchased twenty-five adjoining acres to her home, including a frame house to expand her charitable work providing for poor, sick, and elderly formerly enslaved people; and

WHEREAS, on the 10th day of March 1913, Harriet Tubman departed for Eternal life and was laid to rest with full military honors at Fort Hill Cemetery in Auburn, New York; and

WHEREAS, today her home and property in Auburn are registered as a National Historic Landmark; and

WHEREAS, in 1998 this site was designated as part of the National Parks Service's National Underground Railroad Network to Freedom; and

WHEREAS, on December 19, 2014 President Barack Obama signed the National Defense Authorization Act (NDAA) which included creating the Harriet Tubman National Historical Park which will protect in perpetuity sites associated with Tubman in Cambridge, Maryland and Auburn, New York; and

WHEREAS, on January 10, 2017 the U.S. Interior Secretary signed the establishment of the Harriet Tubman National Historical Park officially making the Auburn site the 414th unit of our National Park Service; and

WHEREAS, Harriet Ross Tubman is an inspiration to many people, as her life's work of dedication and commitment to the abolition of slavery makes her one of our Nation's greatest historical figures, and it is therefore fitting that people everywhere pay tribute to this significant American champion of freedom.

NOW THEREFORE BE IT RESOLVED that I, Michael D. Quill, Mayor of the City of Auburn, New York, on behalf of the members of City Council and citizens of Auburn, do hereby proclaim the 10th day of March, 2018, as

HARRIET TUBMAN DAY

in the City of Auburn, New York.

Mayor Quill presented the proclamation to Pauline Copes Johnson, great, great, great grandniece of Harriet Tubman. Ms. Johnson spoke to thank the Mayor and the community.

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, County Legislator, District 13. Mr. Lattimore spoke about Tubman Day, recognized Pauline Copes Johnson and congratulated the Auburn High School Hockey team in their recent successful season in which they traveled to Buffalo for the State championship playoffs.

Laurel Ulllyette, Franklin Street. Ms. Ulllyette spoke about Harriet Tubman Day on behalf of the Harriet Tubman Boosters.

7. Approval of Meeting Minutes

February 22, 2018 Council Meeting Minutes

Motion to approve the February 22, 2018 minutes by Councilor Cuddy, seconded by Councilor Giannettino. Motion to approve carried 5-0.

8. Reports of City Officials

A. City Manager's Report

- Auburn was named a 2017 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management. Auburn achieved Tree City USA recognition by meeting the program's four requirements: having a tree department; having a tree ordinance; having an annual community forestry budget; and having an Arbor Day observance or proclamation. Recognition for this designation is due to Mike Talbot, Superintendent of Public Works and the volunteer efforts of Dr. Walt Aikman who organizes the Grow Auburn's Trees program
- Seth Jensen, Director of Municipal Utilities will give an overview of this week's NYS Harmful Algal Bloom summit that took place Monday and Tuesday in Syracuse.

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 presented the following Bond Ordinance #2 of 2018 for a first reading.

BOND ORDINANCE #2 OF 2018

BOND ORDINANCE OF THE CITY OF AUBURN, CAYUGA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$2,250,000 SERIAL BONDS TO FINANCE THE COST OF THE RECONSTRUCTION OF THE CITY'S WASTEWATER TREATMENT PLANT

BE IT ORDAINED by Council of the City of Auburn, Cayuga County, New York (the "City Council") as follows:

Section 1. The City of Auburn, Cayuga County, New York (the "City") is hereby authorized to undertake the construction/reconstruction of improvements to the City's

Wastewater Treatment Plant and sewer system including, but not limited to, the replacement of the City's ultraviolet disinfection system at the Wastewater Treatment Plant, the acquisition and installation of original furnishings, equipment, machinery or apparatus required, costs of surveys, maps, plans and environmental, engineering, feasibility and other design studies, at an estimated maximum cost of \$2,250,000 and to issue an aggregate \$2,250,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$2,250,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$2,250,000 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 forty (40) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(3)(l) 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 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 of the City, with the serial bonds and bond anticipation notes authorized by other bond Ordinances previously or hereafter adopted by the Common 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 use of electronic bidding, 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 Comptroller, the Chief Fiscal Officer of the City.

Section 10. 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 11. 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 or to the extent obligations shall not have been issued under this Ordinance, to reduce the maximum amount to be borrowed for such capital purposes.

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 Securities and Exchange Commission Rule 15c2-12.

Section 14. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the City.

Section 15. 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 16. This Ordinance is not subject to a mandatory or permissive referendum.

Section 17. The Common 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 18. This Ordinance shall take effect immediately upon its adoption.

C. Local Laws - None

D. Resolutions – None

E. Staff/Vendor Presentations –

- **Ultraviolet Disinfection System and GIS Presentation by Seth Jensen, Director of Municipal Utilities.**
- **Red Flag Legislation Presentation by Shawn Butler, Chief of Police.**

F. Tabled Items – None

10. Other Business

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

One matter pertaining to pending litigation.

Two matters regarding the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;

Four separate matters regarding the sale, lease or acquisition of real property.

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 7:17 p.m. Executive session adjourned at 8:58 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:59 p.m.

Minutes submitted to the City Council on March 22, 2018 by:

Charles Mason

City Clerk

On March 22, 2018 a motion to approve the minutes of the March 8, 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 8th day of March, 2018 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: March 23, 2018