

**Auburn City Council
Regular Meeting
Thursday, May 10, 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 and Carabajal were all present. Mayor Quill was excused due to his attending a NYMIR conference in the Albany, NY area.

The following City Staff was present for the regular meeting:

- City Manager, Jeff Dygert
- Corporation Counsel, Stacy DeForrest
- City Clerk, Charles Mason
- Director of Planning and Economic Development, Jennifer Haines
- Director of Capital Projects and Grants, Christina Selvek
- Police Chief, Shawn Butler
- Superintendent of Engineering, William Lupien
- Superintendent of Public Works, Mike Talbot
- Director of Municipal Utilities, Seth Jensen

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 a proclamation from the Office of Mayor Quill proclaiming the month of May as Tourism Month in the City of Auburn. Meg Vanek, Executive Director of the Cayuga County Office of Tourism accepted the proclamation and made a presentation to the Council on the County Tourism Office's new e-learning program designed to educate front line employees in the tourism, hospitality and service industries about local sites and attractions.

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.

Pamela Anderegg, Tuxill Square. Ms. Anderegg spoke to thank the City for removing a tree on Tuxill Square and asked that the City look in to installing speed bumps on Grover Street.

7. Approval of Meeting Minutes -

April 19, 2018 Council Meeting Minutes

Motion to approve the April 19, 2018 minutes by Councilor Carabajal, seconded by Councilor McCormick. Motion to approve carried 4-0.

8. Reports of City Officials

A. City Manager's Report

- The City Planning office has compiled all of the volunteer activity that took place at the Casey Park Playground Community Build Week and there were a total of 1004 volunteers that took part in building the playground.
- **Owasco River Greenway Trail:**
Work on a new Centro bus stop is underway on Dill St. as that project wraps up we will be communicating with the public regarding the move from Lincoln St.
- **Downtown Revitalization Initiative:** The City will host a public comment session on Thursday May 17 during the City Council meeting. Those interested in submitting ideas can also do so on the City's webpage and through social media.
- I attended the Leadership Cayuga's 2018 class project presentations this morning. Four of our City employees took part in this year's program coordinated by the Cayuga County Chamber of Commerce, Shelly Lowe – Administrative assistant to the City Manager, Rhonda Miller – Administrative Assistant to the Mayor, Brian Scanlan – Fire Captain, and Mark Pineau – Fire Lieutenant, all worked on projects to address a variety of needs in the community.
- The revaluation project has wrapped up and the tax roll has been adjusted. The new taxable value of property in Auburn is slightly higher than the figure used to create the budget estimates a few weeks ago and will result in a slightly lower estimated tax rate.

B. Reports from members of Council –

9. Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR)

B. Ordinances –

First reading of Bond Ordinance #5 of 2018

BOND ORDINANCE # 5 OF 2018

BOND ORDINANCE OF THE CITY OF AUBURN, NEW YORK, AUTHORIZING THE ISSUANCE OF ADDITIONAL

SERIAL BONDS TO FINANCE THE COST OF THE
RECONSTRUCTION OF THE CITY WATER DISTRIBUTION
SYSTEM

WHEREAS, the Council of the City of Auburn, New York, on April 7, 2016 adopted Bond Ordinance No. 3 of 2016 entitled “BOND ORDINANCE OF THE CITY OF AUBURN, NEW YORK, AUTHORIZING THE ISSUANCE OF \$1,045,000 SERIAL BONDS TO FINANCE THE COST OF THE RECONSTRUCTION OF THE CITY WATER DISTRIBUTION SYSTEM”; and

WHEREAS, the Council of the City of Auburn, New York, on October 5, 2017 adopted Bond Ordinance No. 3 of 2017 entitled “BOND ORDINANCE OF THE CITY OF AUBURN, NEW YORK, AUTHORIZING THE ISSUANCE OF ADDITIONAL SERIAL BONDS TO FINANCE THE COST OF THE RECONSTRUCTION OF THE CITY WATER DISTRIBUTION SYSTEM”; and

WHEREAS, the City Council wishes to (i) authorize the expenditure and appropriation of additional funds in connection with the reconstruction of the City water distribution system, and (ii) authorize the issuance of additional serial bonds of the City to finance such additional appropriation;

NOW, THEREFORE, 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 undertake the reconstruction of the City’s water distribution system, including the reconstruction and improvement of the existing water distribution main on NYS Route 34, including a portion of York Street, and the acquisition of replacement furnishings, equipment, machinery or apparatus required for the purposes for which such water distribution system are to be used at an estimated maximum cost of \$3,000,000, constituting an increase of \$800,000.

Section 2. The plan for financing of such new maximum authorized cost of \$3,000,000 shall be as follows:

(a) by the issuance of \$1,045,000 of serial bonds of the City hereto authorized to be issued pursuant to Bond Ordinance No. 3 of 2016 adopted by the City Council on April 7, 2016;

(b) by the issuance of \$1,155,000 serial bonds of the City hereto authorized to be issued pursuant Bond Ordinance No. 3 of 2017 adopted by the City Council on October 5, 2017; and

(c) by the issuance of an additional \$800,000 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 1 of Section 11.00(a) of the Local Finance Law; provided, however, that the maximum maturity of the Bonds shall be computed from the date of issuance of the Bonds or the first bond anticipation note issued in anticipation of the Bonds or the serial bonds or bond anticipation notes authorized pursuant to Bond Ordinance No. 3 of 2016 or Bond Ordinance No. 3 of 2017, whichever date is earlier.

Section 4. Pursuant to Section 107.00(d)(3)(a) 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 Water 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 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 hereafter 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 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. 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, the serial bonds or bond anticipation notes authorized pursuant to Bond Ordinance No. 3 of 2016 or pursuant to Bond Ordinance No. 3 of 2017, or to the extent obligations shall not have been issued under this Ordinance, Bond Ordinance No. 3 of 2016 or Bond Ordinance No. 3 of 2017, to reduce the maximum amount to be borrowed for such capital purposes. The City Comptroller, as Chief Fiscal Officer, is hereby authorized to determine the application of any such federal or New York State grant funds for any one or more of the foregoing purposes.

Section 11. 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 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 United States Securities and Exchange Commission Rule 15c2-12.

Section 14. 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 15. This Ordinance is not subject to a mandatory or permissive referendum.

Section 16. 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 17. This Ordinance shall take effect immediately upon its adoption.

C. Local Laws - None

D. Resolutions –

E. Staff/Vendor Presentations –

Paver Replacement in Veterans Memorial Park - Lyle Brown & Bill Androsko of Four Seasons Memorials addressed the Council about the replacement of memorial pavers at Veteran's Memorial Park. The Veteran's group has a plan to replace 100 pavers at a time and has already raised funds to replace a few hundred of the pavers. They will continue to raise the funds needed to replace all pavers. They asked for the City's partnership with the project.

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:

One matter pertaining to potential litigation.

One matter pertaining to 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 7:02 p.m. Executive session adjourned at 8:05 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 6:47 p.m.

Minutes submitted to the City Council on May 17, 2018 by:

Charles Mason
City Clerk

On May 24, 2018 a motion to approve the minutes of the May 10, 2018 Auburn, NY City Council meeting was made by Councilor Cuddy, seconded by Councilor McCormick.

	Ayes	Noes
Councilor McCormick	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Carabajal	Excused	
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 10th day of May, 2018 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: May 25, 2018