

**Auburn City Council  
Regular Meeting  
Thursday, August 2, 2018 5:00 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 5:00PM in the City Council Chambers 24 South St. Auburn NY by Councilor McCormick.

**1. Roll Call** – The City Clerk called the roll. Councilors McCormick, Giannettino, Cuddy and 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
- City Comptroller, Shawn Butler
- Police Chief, Shawn Butler
- Superintendent of Engineering, William Lupien
- Fire Chief, Joe Morabito

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

**3. Moment of Silent Prayer or Reflection** – Councilor McCormick asked for a moment of silent prayer and she asked that the residents and Councilors keep in their thoughts the family of former City Councilor Thomas McNabb.

**4. Public Announcements**

**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. No Speakers.

**7. Approval of Meeting Minutes** –

July 19, 2018 Council Meeting Minutes

Motion to approve the July 19, 2018 minutes by Councilor Giannettino, seconded by Councilor Cuddy. Motion to approve carried 4-0.

**8. Reports of City Officials**

**A. City Manager's Report**

- The North Division St. Bridge closed earlier this week and demolition has begun.
- We have been getting some inquiries about the large plastic pipes that are visible from the area of the North Division St. Bridge – these are part of a private project to remediate the soil in and beside the outlet from old power plants many years ago.
- Schwartz Dr. has reopened after the replacement of the large culvert that allows water from Hunter Brook to pass under the roadway.
- North St. from Carpenter St. to the city line will be reduced to two lanes at times in sections to allow for the installation of a new larger water line.
- Next week we will have two presentations for Council:
  1. An update from the Owasco Lake Watershed Management Council
  2. An update on the Downtown Revitalization Initiative process and anticipated timeline.

**B. Reports from members of Council –**

**9. Matters to Come Before Council**

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

**B. Ordinances**

**ORDINANCE #8 OF 2018:**

**REPEALING THE UNEXPENDED AUTHORIZATION OF THAT CERTAIN BOND ORDINANCE #3 OF 2014 OF THE CITY OF AUBURN, CAYUGA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$5,650,000 SERIAL BONDS TO FINANCE THE COST OF VARIOUS TRANSPORTATION CAPITAL PROJECTS**

By Councilor Cuddy

**WHEREAS**, at a meeting of the Council of the City of Auburn, Cayuga County, New York (the “City”), convened on May 1, 2014, the City Council, by a favorable vote of not less than two-thirds (2/3) voting strength of all the members of the City Council, authorized various transportation capital projects at an estimated maximum cost of \$5,650,000 and the issuance of \$5,650,000 serial bonds pursuant to the Local Finance Law and a bond ordinance (the “Bond Ordinance”). The authority under the Bond Ordinance included the authorization of the Walnut

St. Culvert & South Street Paving Projects at an estimated maximum cost of \$4,843,000 and the issuance of \$4,843,000 serial bonds pursuant to the Local Finance Law and the Bond Ordinance with respect thereto; and

**WHEREAS**, of the \$4,843,000 in serial bonds authorized to be issued in connection with the Walnut/South Street Improvement Project pursuant to the Bond Ordinance, \$3,259,812 has not been issued or encumbered to date; and

**WHEREAS**, pursuant to the provisions of Section 41.00 of the Local Finance Law, the City Council is authorized to repeal a bond ordinance to the extent indebtedness has not been contracted or encumbrances made thereunder; and

**WHEREAS**, the City Council desires to repeal the Bond Ordinance to the extent that indebtedness authorized pursuant thereto has not been contracted or encumbrances made thereunder.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Auburn, Cayuga County, New York (the “City Council”) as follows:

**SECTION 1.** The City Council hereby repeals and revokes the City’s authority to issue indebtedness or to make encumbrances under the Bond Ordinance, to the extent that \$3,259,812 of indebtedness authorized pursuant thereto has not been contracted or encumbrances made with respect thereto.

**SECTION 2.** Pursuant to Section 41.00 of the Local Finance Law, the City Council confirms that \$3,259,812 of the original amount of indebtedness authorized to be issued pursuant to the Bond Ordinance has not been contracted to be issued or made subject to encumbrance and authorization of the City Council to issue said amount of indebtedness pursuant to the Bond Ordinance is hereby repealed and revoked; and

**SECTION 3.** This resolution shall take effect immediately upon its adoption.

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		

**C. Local Laws – None**

**D. Resolutions**

**COUNCIL RESOLUTION #113 OF 2018**

**AUTHORIZING AUCTION OF SURPLUS VEHICLES AND EQUIPMENT PURSUANT TO THE 2018 CITY OF AUBURN PROCUREMENT AND SUPPLUS POLICY**

By Councilor Carabajal

**WHEREAS**, on January 4, 2018, the City Council of the City of Auburn passed Council Resolution No. 4 of 2018, which adopted a City of Auburn Procurement and Surplus Policy (the “Procurement Policy”); and

**WHEREAS**, the Procurement Policy requires that the sale of surplus vehicles and equipment with an estimated value of \$1,000 or more be approved by City Council;

**WHEREAS**, a list of City owned surplus vehicles, equipment, and other items, which have outlived their useful life or are no longer necessary or useful to the City, are attached hereto in Exhibit A; and

**WHEREAS**, it is in the best interest of the City to dispose of the equipment and vehicles set forth in Exhibit A through an auction in order to obtain the best value for them.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Auburn hereby authorizes the auction of the City-owned vehicles and equipment set forth in Exhibit A attached hereto in accordance with the 2018 City of Auburn Procurement and Surplus Policy.

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		

**AWARD RESOLUTION #114 OF 2018  
AWARDING A BID FOR THE 2018 ROAD IMPROVEMENT PROGRAM**

By Councilor Giannettino

August 2, 2018

**WHEREAS**, on April 5, 2018, the Auburn City Council passed Bond Resolution #3 of 2018 to fund the 2018 Road Improvement Program; and

**WHEREAS**, on May 3, 2018, the Auburn City Council passed Council Resolution #65 of 2018, which authorized the City Manager to advertise for Bids for the 2018 Road Improvement Program; and

**WHEREAS**, the 2018 Road Improvement Program involves streets to be improved by asphalt resurfacing including partial reconstruction, patching, crack sealing, micro-surfacing, milling the road surfaces, and installing asphalt trueing and leveling and top courses; and

**WHEREAS**, on July 24, 2018, bids were opened for the 2018 Road Program and the following bids were received:

- |    |  |                |
|----|--|----------------|
| 1. | F. Rizzo Construction Inc.<br>Auburn, New York | \$ 747,212.00  |
| 2. | Paul F. Vitale Inc.<br>Auburn, New York        | \$ 780,528.00  |
| 3. | Villager Construction<br>Fairport, New York    | \$1,399,775.00 |

; and

**WHEREAS**, it is necessary that the Auburn City Council award the 2018 Road Program to the lowest responsible bidder, namely, F. Rizzo Construction Inc., which has submitted a low bid of \$747,212.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby award the contract for the 2018 Road Improvement Program to F. Rizzo Construction Inc., the lowest responsible bidder in the amount of \$747,212.00; and

**BE IT FURTHER RESOLVED** that the cost of the Resolution in the amount of \$747,212.00 of which \$ 657,212.00 is to be charged to 2018 Road Program Acct. #HA 5110-440-JN, \$50,000.00 is to be charged to Revolving Loan Sidewalk Acct. #HA 5497-440-001 for property owner curb installations, and \$40,000.00 is to be charged to 2017-2018 (City) Sidewalk Improvements Acct. #HA 5497-440-IR; and

**BE IT FURTHER RESOLVED** that the Mayor is authorized to sign any and all documents necessary in reference to the award of this bid.

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		

**AWARD RESOLUTION #115 OF 2018**

**AWARDING A BID FOR THE 2018 C.D.B.G. (COMMUNITY DEVELOPMENT BLOCK GRANT) SIDEWALK REPLACEMENT PROGRAM**

By Councilor Carabajal

August 2, 2018

**WHEREAS**, the Community Development Block Grant Sidewalk Replacement Program provides for new sidewalks and/or curbing installation in targeted areas of the City which are so designated; and

**WHEREAS**, the areas for this year’s construction are portions of State Street from York St. to #254 State St., Cottage Street from State to North Street, and Seymour Street from State to North Street, and if funding allows then work would continue in the Lansing Street area adjacent to the Auburn Community Hospital; and

**WHEREAS**, as part of this year’s program, the City will also review the condition of existing street trees that are adjacent to the sidewalks slated for replacement and trees that are found to be diseased, in decline and/or dead will be removed and replaced; and

**WHEREAS**, on July 24, 2018, bids for the 2018 C.D.B.G. Sidewalk Replacement Program were opened and the following bids were received:

1. Concrete Slipform Inc. \$ 132,555.00  
Canastota, New York
2. Diamond Excavating \$ 167,855.00  
Port Byron, New York
3. Villager Construction \$ 420,250.00  
Fairport, New York

; and

**WHEREAS**, it is necessary that the Auburn City Council award the fiscal year 2018/2019 C.D.B.G. Sidewalk Replacement Program contract to the lowest qualified bidder which is Concrete Slipform Inc. in the amount of \$132,555.00 contingent upon the City receiving an executed fiscal year 2018/2019 contract from the US Department of Housing and Urban Development.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby award the 2018 Community Development Block Grant Sidewalk Replacement Program contract to Concrete Slipform Inc. which is the lowest qualified bidder which has submitted a bid in the amount of \$132,555.00 and the cost of the project is to be charged to the Community Development Account #CD 8672-2210-2018; and

**BE IT FURTHER RESOLVED** that the award is contingent upon the City of Auburn receiving an executed fiscal year 2018/2019 contract from the US Department of Housing and Urban Development; and

**BE IT FURTHER RESOLVED** that the Mayor is authorized to sign any and all documents necessary in reference to the award of this bid.

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		

**AWARD RESOLUTION #116 OF 2018**

**AUTHORIZING CHANGE ORDER #1 FOR THE 2018 C.D.B.G. SIDEWALK PROGRAM**

By Councilor Giannettino

August 2, 2018

**WHEREAS**, on August 2, 2018, the Auburn City Council passed an Award Resolution for the 2018 CDBG Sidewalk Program in the Bid amount of \$132,555.00, which provides sidewalk replacement in designated CDBG areas of the City; and

**WHEREAS**, in order to use up remaining available CDBG funds of \$169,436.00, Change Order #1 in the amount of \$ 36,881.00 is now requested; and

**WHEREAS**, it is necessary that the City Council award this Change Order #1, in the amount of \$ 36,881.00 to Concrete Slipform Inc. so that the City can use up the available CDBG funding to continue installing sidewalks in this year’s project area; and

**WHEREAS** the cost of this Resolution is to be charged to the Community Development

Account #CD 8672-2210-2018; and

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby award Change Order #1, in the amount of \$ 36,881.00 to Concrete Slipform Inc. for additional work for the 2018 CDBG Sidewalk Program; and,

**BE IT FURTHER RESOLVED** that the cost of the Resolution in the amount of \$36,881.00 is to be charged to the Community Development Account #CD 8672-2210-2018 and;

**BE IT FURTHER RESOLVED** that this award is contingent upon the City of Auburn receiving an executed fiscal year 2018/2019 contract from the US Department of Housing and Urban Development.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to sign any and all documents necessary in reference to the award of this bid.

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		

**COUNCIL RESOLUTION #117 OF 2018**

**AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE  
2018-2019 REVOLVING LOAN SIDEWALK PROGRAM**

By Councilor Giannettino

August 2, 2018

**WHEREAS**, the Revolving Loan Sidewalk Program is the program in which property owners request that the City contractor install sidewalks and/or curbing which the property owner will pay for as a special tax assessment over a five-year period;

**WHEREAS**, the Revolving Loan fund account is replenished by previous participants' yearly installment payments;

**WHEREAS**, it is necessary that the Auburn City Council authorize the City Manager to advertise for bids for the 2018-2019 Revolving Loan Sidewalk Program.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby authorize the City Manager to advertise for bids for the 2018-2019 Revolving Loan Sidewalk Program.

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		

**COUNCIL RESOLUTION #118 OF 2018  
AUTHORIZING TO ADVERTISE FOR CHEMICAL BIDS**

By Councilor Carabajal

August 2, 2018

**WHEREAS**, the City advertises for bids for the purchase of chemicals to be used at the Wastewater Treatment Plant, the Water Filtration Plant and at Casey Park Pool every 24 months; and

**WHEREAS**, the current prices are about to expire and new contracts are required to continue purchasing the required chemicals; and

**WHEREAS**, it is now necessary that the Auburn City Council authorizes the advertisement for bids for the 2018-2020 purchase of chemicals;

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does approve the advertisement for bids for the purchase of chemicals to be used at the Wastewater Treatment Plant, the Water Filtration Plant and at Casey Park Pool, said quantities to last for a 24-month cycle.

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 #119 OF 2018**

**AUTHORIZING THE MAYOR TO ENTER INTO SUPPLEMENTAL AGREEMENT #5  
TO THE EXISTING N.Y.S.D.O.T. ARTERIAL MAINTENANCE AGREEMENT  
#D017242**

By Councilor Giannettino

August 2, 2018

**WHEREAS**, due to a recent State Comptroller audit, it was determined that the City of Auburn agreement with the NYSDOT for Arterial Reimbursement had lapsed on December 31, 2016 and a supplemental agreement is required to set the contract amount for the Arterial Maintenance Agreement and to authorize payments from January 1, 2017 ; and

**WHEREAS**, pursuant to Article XII-B-State Arterial Highways Passing through Cities, #349-c of the Highway Law, acting by and through the Commissioner of Transportation of the State of New York representing THE PEOPLE OF NEW YORK and the CITY OF AUBURN of Cayuga County an Agreement #D017242 entitled Arterial Maintenance Agreement was entered between the New York State Department of Transportation and the City of Auburn dated December 1, 1961: and

**WHEREAS**, the term of the said Agreement commenced on December 1, 1961; and

**WHEREAS**, #349-c of the Highway Law provides the annual pay rate, which is currently \$0.85 per square yard for at grade sections and \$0.95 per square yard for elevated sections, and also, any additional amount as may be authorized and provided by Law; and

**WHEREAS**, the annual estimated expenditure specified in Article V of the aforementioned Agreements is \$167,641.60 per year for 195,749 square yards of at grade surfaces and 1,321 square yards of elevated surfaces, unless changed by future update; and

**WHEREAS**, one half of the sum as above mentioned shall be paid by the State to the City on July 1 and the balance of such sum shall be paid on January 1; and

**NOW, THEREFORE**, in consideration of the mutual covenants and benefits between the parties, be it WITNESSETH:

1. The term of aforementioned “Arterial Maintenance Agreement between New York State Department of Transportation and the City” shall be **December 1, 1961** through **December 31, 2049**, unless further extended by written agreement.

2. The contract amount of aforementioned “Arterial Maintenance Agreement between New York State Department of Transportation and the City” shall be \$5,532,172.80, unless further increased by written agreement.

3. All other terms and conditions of the original contract and subsequent supplemental contract(s) shall continue to be in full force and effect.

4. Appendix A – Standard Clauses for all State Contracts are hereby expressly made a part of this contract.

**BE IT FUTHER RESOLVED** that the Auburn City Council does hereby approve an agreement with the NYSDOT for Arterial Maintenance and the Mayor is authorized to sign any and all agreements pertaining to this Agreement.

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		

**COUNCIL RESOLUTION #120 OF 2018**

**AUTHORIZING THE TREASURER OF THE CITY OF AUBURN TO COMMENCE PROCEEDINGS NECESSARY TO RECOVER FUNDS EXPENDED IN THE DEMOLITION OF A STRUCTURE LOCATED AT 37 SHERIDAN STREET**

By Councilor Cuddy

August 2, 2018

**WHEREAS**, the City expended \$23,000 demolishing an unsafe, fire-damaged building on 37 Sheridan Street, Auburn, New York; and

**WHEREAS**, 438 square feet of sidewalk were damaged in the process of demolition and need to be replaced at a cost of \$4,818; and

**WHEREAS**, the City of Auburn Municipal Code§ 121-52(b) authorizes the imposition of a fee equal to 50% of the costs of demolition; and

**WHEREAS**, New York State General Municipal Law§ 22 authorizes a municipal corporation to impose a lien against the proceeds of fire insurance policies; and

**WHEREAS**, in compliance with the requirements of General Municipal Law § 22(4), the City of Auburn Municipal Code § 167 establishes procedures for the imposition of a lien against the proceeds of fire insurance policies.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby direct the Treasurer of the City of Auburn to cause a notice of intention to claim against proceeds to be served upon the Superintendent of the Department of Financial Services and to take other actions as may be necessary to perfect a claim for \$41,727 against any and all fire insurance proceeds regarding 37 Sheridan Street, Auburn, New York

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 #121 OF 2018**

**AUTHORIZING CHANGE ORDER NO. 2 TO THE GENERAL CONSTRUCTION CONTRACT FOR THE EQUAL RIGHTS HERITAGE CENTER**

By Councilor Carabajal

August 2, 2018

**WHEREAS**, on December 7, 2017, the Auburn City Council passed Award Resolution No. 180 of 2017, authorizing a contract with Fahs Construction Group Inc. for general construction work for the Equal Rights Heritage Center (“the Project”) in Downtown Auburn; and,

**WHEREAS**, Agreement Resolution #81 of 2018 authorized Change Order #1 in the amount of \$133,163 to Fahs Construction Group Inc. for design and material changes to the building flooring materials; and,

**WHEREAS**, on July 19, 2018, the City of Auburn accepted \$500,000 from the NYS Department of Transportation NY Works Capital Program for the highway and Right-of-Way improvements in and around the Equal Rights Heritage Center project site;

**WHEREAS**, due to the recent award from NYS DOT the City of Auburn needs to authorize Change Order No.2 to Fahs Construction Group Inc. in the amount of \$500,000 to complete the additional transportation improvements in and around the Project site.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Auburn does hereby approve Change Order No. 2 to Fahs Construction Group Inc. of Binghamton NY, authorizing the additional general construction work for the Equal Rights Heritage Center in the amount of \$500,000 to be charged to the project capital account HA 1620.440.IM; and,

**BE IT FURTHER RESOLVED** that the Mayor, or approved designee, 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 Giannettino

	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 –  
City Budget Reports for June 2018 presented by the City Manager.**

**F. Tabled Items – None**

**10. Other Business**

Councilor Giannettino discussed the following matters: 1. Recent discoloration of Owasco Lake has brought up the awareness that we are approaching the algal bloom season. He asked the manager to check on how the State plans to report the level of toxins that may be found in the raw and finished water if algal blooms appear. 2. He discussed the lack of public notification for a concentrated animal feeding operation (CAFO) permit that was issued for the expansion of a dairy farm in the Town of Niles. 3. He reported on a number of properties that need to be checked in to by the City Code enforcement office including: Bombardier; the parking lot across from Bombardier; broken down vehicles at auto repair shops on Aurelius, corner of Clark and Garfield, Hardenburgh Ave; vacant lot on corner of Baker and Hardenburgh; and, he then provided a list of several residential properties to Jeff.. 4. He commented on the passing of former City Councilor Thomas McNabb.

**Adjournment:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 6:07 p.m.

Auburn City Council Minutes August 2, 2018

Minutes submitted to the City Council on August 16, 2018 by:

Charles Mason  
City Clerk

On August 16, 2018 a motion to approve the minutes of the August 2, 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	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 2<sup>nd</sup> day of August, 2018 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date: August 17, 2018*