

**Auburn City Council
Regular Meeting
Thursday, October 4, 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 Carabajal.

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
- Police Chief, Shawn Butler
- Superintendent of Engineering, William Lupien
- Fire Chief, Joe Morabito

2. Pledge of Allegiance to the Flag – Councilor Carabajal led the Pledge of Allegiance.

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

4. Public Announcements

This fall all residents of Cayuga County and the City of Auburn are invited to participate in the 2018 Fall "Electronics Plus" Collection Event. The event presents an excellent opportunity to discard materials in a safe manner. Proper disposal protects human health, our community and the environment. The materials collected at this event will be recycled to the fullest extent possible by our contractors.

Date, Time, Place:

Saturday, October 6, 2018

Running from 9:00 a.m. to 1:00 p.m.

Cayuga-Onondaga BOCES Campus located at 1879 W Genesee Street Rd, Auburn.

If you have questions about whether or not a specific item will be accepted, or if you are a large business and want references for electronics collection and recycling services, please call Cayuga County Cooperative Extension at 315-255-1183, or email solidwaste@cornell.edu.

5. Ceremonial Presentations and Proclamations – None

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.

Theresa Roach, N. Division Street. She spoke about the proposal for turf at Falcon Park. She is the neighboring property owner to the facility and has concerns about balls that are hit into her property. She would like to see protective nets installed between her property and the facility.

Suzanne Searing, Forest Hill Drive. Spoke about the proposal for turf at Falcon Park.

Paul Roach. Spoke about the proposal for turf at Falcon Park.

7. Approval of Meeting Minutes – none

8. Reports of City Officials

A. City Manager’s Report

- The new chiller for the ice rink at Casey Park is up and running. City crews have been installing the ice for the last two days and skating should start next week. We will be updating the status and schedules via our webpage and social media in the coming days.

- The elevator replacement project at City Hall is about to take off. We will be meeting with the contractor tomorrow morning to go over the projected timeline and our plans to provide access to services throughout the building while the elevator is out of service. We expect that the contractor will begin staging equipment and material at City Hall over the next couple of weeks. A temporary ramp will be installed at the front of the building. And yes, we are aware of the upcoming election and will discuss access and timing at tomorrow’s meeting.

- Tonight we are presenting the Falcon Park rental agreement between the City of Auburn and Cayuga community College. We will be reviewing the agreement later in the meeting. We would like Councils approval to place the agreement on next week’s agenda for a vote – next week is a scheduled work session but we would like to get the project moving as soon as possible if approved to take advantage of good construction weather.

B. Reports from members of Council

9. Matters to Come Before Council

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

B. Ordinances - None

C. Local Laws – None

D. Resolutions –

COUNCIL RESOLUTION #139 OF 2018

**SUPPORTING THE OWASCO LAKE WATERSHED MANAGEMENT COUNCIL'S
LETTER URGING THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
TO RE-OPEN THE ENVIRONMENTAL CONSERVATION LAW CAFO PERMIT**

By Councilor Giannettino

October 4, 2018

WHEREAS, Owasco Lake is of paramount importance to the City of Auburn, surrounding townships, and Cayuga County, serving as a drinking water source for approximately 50,000 area-wide residents, providing diverse recreation opportunities such as fishing, swimming, and boating, and is one of the regions key economic development and tourism drivers; and

WHEREAS, in recent years, Owasco Lake has experienced seasonal Harmful Algal Blooms (HAB's) that continue to increase in intensity and contain toxins in high concentrations, threatening human health and compromising the intricate aquatic ecology of the lake itself; and

WHEREAS, nonpoint source pollution, including agricultural runoff, may cause or contribute to Harmful Algal Blooms; and

WHEREAS, The Department of Environmental Conservation (DEC) defines a Concentrated Animal Feeding Operations (CAFO) as any animal feeding operation that, for 45 days or more within any 12-month period, stables or confines in an area that does not produce vegetation, over 200 mature dairy cows; and

WHEREAS, The DEC regulates CAFOs through a permitting process; and

WHEREAS, CAFOs may apply for a permit pursuant to the Clean Water Act (CWA) or Environmental Conservation Law (ECL); and

WHEREAS, a recent court decision invalidated certain provisions of the CWA CAFO permit; and

WHEREAS, the DEC has promulgated a draft CWA CAFO permit which will allow for public comment and agency oversight of a CAFO's proposed Nutrient Management Plan; and

WHEREAS, the recent court does not touch on the ECL CAFO permit; and

WHEREAS, each and every CAFO within the Owasco Lake watershed is governed by the ECL CAFO permit and thus not affected by this move towards public transparency and agency oversight; and

WHEREAS, The Owasco Lake Watershed Management Council is an invaluable resource in protecting and preserving the lake and its watershed; and

WHEREAS, The Owasco Lake Watershed Management Council has written the Commissioner of the DEC urging that the ECL CAFO permit be reopened to include the sound and practical changes made to the CWA CAFO; and

NOW, THEREFORE, BE IT RESOLVED, that the Auburn City Council supports Owasco Lake Watershed Management Council in its efforts to protect and preserve Owasco Lake by urging the Commissioner of the DEC to close this regulatory loophole; and,

BE IT FURTHER RESOLVED, that the Auburn City Council does hereby request that the State Legislators representing the City of Auburn and County of Cayuga including, Senator John De Francisco, Senator James Seward, Senator Pamela Helming, Assemblyman Gary Finch and Assemblyman Bob Oaks work with their colleagues and the Commissioner of the DEC to effect such important regulatory parity; and,

BE IT FURTHER RESOLVED that the City Clerk forward certified copies of this resolution to the State representatives named above.

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		

Councilor Giannettino provided the following statement for the record regarding resolution 139 of 2018:

Two weeks ago we discussed last year’s lawsuit and the subsequent judicial ruling handed down in April of this year regarding CAFO permits in the State of New York. I was encouraged by this ruling and by the fact that the law was upheld, and that the permitting process was going to be reopened, to allow for public participation, which I view to be an important component of this process.

We asked staff to look into this further and upon doing so staff discovered the following:

- there are two types of CAFO permits CWA and ECL
- the only permits that are open at this time are the CWA permits
- only 21 out of nearly 500 CAFO permits state wide are covered under CWA
- none of these 21 are in Cayuga County

This was discouraging, to say the least.

As a result we have this resolution before us tonight, to endorse the letter prepared, by the OLWMC requesting the NYSDEC reopen the ECL CAFO permit to incorporate those changes proposed in the draft CWA CAFO permits.

-I want to thank the management council for taking this stand

-I fully intend to support their effort and vote for this resolution

However, personally, I do not feel simply voting to request this action goes far enough and I intend to push for more. I have several questions that I require answers to

1) Why are there two separate types of CAFO permits in NYS?

2) Have there always been two? If not, when did this happen?

3) Has this lopsided percentage of ECL CAFO permits to CWA CAFO permits always existed?

4) If it hasn't, and there has been a trend from CWA permits to ECL permits, I would like to know

when this occurred.

5) Which classification of permit do any future CAFOs fall under?

6) How can state law (ECL permits), supersede federal law (CWA permits)

I believe these all of these are valid questions.

According to the NYS HAB action plan for the Owasco lake watershed – on page 63 – it states the following:

“nonpoint sources dominate TP loading to Owasco Lake . Of these non-point sources, 83% is estimated to originate from agricultural land use within the Owasco Lake watershed and therefore should be the focus of nutrient reduction strategies.”

While CAFOs are only one component of agriculture, I think it is safe to say that they are a significant percentage of agriculture (600,000 cows, 120 pound of waste per day, per cow = 720,000,000 pounds of waste, per day). How are we supposed to effectively implement any real nutrient reduction strategies if we don't have access to the information?

This HAB issue is not specific to Owasco Lake – it is a very real threat that has affected nearly 100 water bodies state-wide this year. Make no mistake - this crisis that we face is man-made, and it is going to require real solutions if we are going to make a concerted commitment to address it. I am not yet cynical enough to believe we cannot do it.

As a nation we have faced serious man-made environmental issues in the past :

-the Dust Bowl of the 1930s

-the drinking water crisis of the 1960s and 1970s

Both were man-made – and both were successfully addressed by serious minded public servants who recognized it was their duty to do the right thing. For whatever reason that is not currently happening, and until it does, we will continue to witness not only the continued degradation of our waterbodies, but a very serious threat to public health.

15. STAFF/VENDOR PRESENTATIONS

Presentation Regarding the Project at Falcon Park, Including a Review of the Proposed Agreement between Cayuga Community College and the City - Jeff Dygert, Stacy DeForrest. Cayuga Community College President Brian Durrant also addressed the Council.

On July 19, 2018, City Council of the City of Auburn passed Bond Ordinance #7 of 2018, authorizing the issuance of \$3,000,000 in serial bonds to finance of cost of the renovation and reconstruction of Falcon Park. This Project intends to renovate Falcon Park so that it will be usable as a multi-purpose athletic complex. The renovation includes the construction and/or renovation of athletic fields, installation of a synthetic turf field, modification of facilities to support year round usage and intercollegiate athletics, refurbishment of mechanical, electrical and plumbing systems, grading or improvement of the site and acquisition of original

furnishings, equipment, machinery and apparatus.

Over the course of the summer and into September, 2018, the City met with representatives of Cayuga County Community College (“CCC”) to discuss and negotiate the terms of an Agreement, which would cover the cost of the foregoing Project. The proposed Agreement sets forth a twenty-year rental term, during which CCC and the City will be able to use Falcon Park during the year when the Auburn Doubleday’s are not in-season. In exchange for its use of the Park, the City will receive rent from CCC in escalated amounts in order to cover the costs of the financing as well as operational expenses.

The Board of Trustees of Cayuga County Community College met on Wednesday, October 3, 2018, to review and voted to approve the proposed agreement, subject to approval by City Council.

F. Tabled Items – None

10. Other Business

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:11 p.m.

Minutes submitted to the City Council on October 18, 2018 by:

Charles Mason
City Clerk

On October 18, 2018 a motion to approve the minutes of the October 4, 2018 Auburn, NY City Council meeting was made by Councilor Carabajal, 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	

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 4th day of October, 2018 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: October 19, 2018