

**Auburn City Council  
Business Meeting  
Thursday, April 3, 2014 6:00PM  
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 McCormick.

**Roll Call** – The City Clerk called the roll. Mayor Quill, and Councilors McCormick, Camardo, Cuddy, Ruzicka were all present.

**The following City Staff was present:**

- City Manager, Doug Selby
- Corporation Counsel, John Rossi
- City Clerk, Charles Mason
- City Comptroller, Laura Wills
- Director of Capital Projects and Grants, Christina Selvek
- Director of Engineering, Bill Lupien
- Water Filtration Plant Chief Operator, Anthony DeCaro

**Pledge of Allegiance to the Flag** – Mayor Quill led the Pledge of Allegiance.

**Moment of Silent Prayer or Reflection** – Mayor Quill asked for a moment of silent prayer.

**Public to be Heard** –

- **Walt Aikman, 17 Liberty St. Auburn**

Mr. Aikman spoke regarding Arbor Day and that he has surveyed the land around the block surrounding the Seward House for tree planting. He also stated that he would like to encourage the Council to pursue a memo of understanding with NYSEG and other utility companies that may come through the City and prune trees from utility lines. Such a memo of understanding would be to protect the trees. He also encouraged the Council to reconsider as a group Bond Ordinance #1 to upgrade the water filtration system.

**Approval of Meeting Minutes:**

A. March 22, 2014, City Council meeting minutes.

Motion to approve by Councilor McCormick, seconded by Councilor Camardo.

The motion carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye.

B. March 27, 2014, City Council meeting minutes.

Motion to approve by Councilor Camardo, seconded by Councilor McCormick.

The motion carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye.

**Presentations and Proclamations –**

- The Clerk read a letter the Council received from New York State Senator Michael Nozzolio, 54<sup>th</sup> Senate District, in response to his receiving the Council's Resolution #47 of 2014, requesting the Governor and the State Legislature to restore funding for educational purposes.

**Public Announcements – None**

**City Manager's Report -** The City Manager reported:

- On the issue of the high lake levels of Owasco Lake. The Manager asked Anthony DeCaro to address the Council on this matter. Mr. DeCaro reported that due to snow melt and recent excessive rainstorms the lake levels have risen significantly in recent weeks. The City has had to execute a stop-work order at the Mill Street Dam so that the State Dam may be opened in an effort to lower the lake level. This will likely be an issue in the upcoming weeks as there is significant rainfalls forecated over the next week.
- NYSEG has notified the City that they will be replacing a gas line on the north side of Genesee St. from in front of the Hunter Dinerant near Market Street up to Fulton Street. This project will likely take 6-8 weeks.
- On the issue of the Landfill Gas to Electricity Generation Facility at the Landfill (aka Co-Gen), the Manager reported that the City officially became the owner of the project on April 2, 2014.

**State Environmental Quality Review Act Resolutions (SEQR) – none**

**Ordinances – none**

**Resolutions –**

A. Award Resolution #55 of 2014 - Awarding the Contract for the Wastewater Treatment Plant Roofing Project

Motion to approve sponsored by Councilor Ruzicka, seconded by Councilor Camardo.

The resolution carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye.

B. Council Resolution #56 of 2014 - Approving the New Ambulance Fee Schedule

Motion to approve sponsored by Councilor McCormick, seconded by Councilor Cuddy.

The resolution carried 4-1. Councilors McCormick, Cuddy, Ruzicka, and Mayor Quill all voting aye. Councilor Camardo voting no.

C. Council Resolution #57 of 2014 - Approving Council Rules and Procedures

Motion to approve sponsored by Councilor McCormick, seconded by Councilor Cuddy. Councilor Ruzicka first offered an amendment to include various revisions to the draft presented, Councilor Camardo seconded. The Council discussed. It was determined that the Council actually desired to table rather than amend. Therefore, Councilor Ruzicka's proposed amendment was withdrawn and changed to a motion to table, Councilor Camardo seconded the motion to table. The motion to table carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye. It was the desire of the Council to take up the Rules and Procedure again at the conclusion of the Fiscal Year 2014-2015 City Budget process.

D. Financial Resolution #58 of 2014 Authorizing a Budget Amendment to FY 2013-2014 Budget for Expenses Incurred in the Office of the Corporation Counsel

Motion to approve sponsored by Councilor Ruzicka, seconded by Councilor Camardo. Councilor McCormick made a motion to amend, seconded by Councilor Cuddy.

Amendment: motion to amend Resolution #58 so that it will be considered in two separate resolutions. Resolution #58-A would be that the Auburn City Council does hereby authorize an amendment to the FY2013-2014 Budget providing an increase in the Corporation Counsel Services (#A1420.440) in the amount of \$40,000 through the use of fund balance to cover costs of legal expenses associated with the City's acquisition of the cogeneration facility. Resolution #58-B would be that the Auburn City Council does hereby authorize an amendment to the FY2013-2014 Budget providing an increase in the Corporation Counsel Services (#A1420.440) in the amount of \$40,000 through the use of fund balance to cover costs of legal expenses associated with collective bargaining with Fire Department union. (See Attachment A)

The motion to amend carried 3-2. Councilors McCormick, Cuddy, and Mayor Quill all voting aye. Councilors Camardo and Ruzicka voting no.

The Council then considered Financial Resolution #58-A of 2014 Authorizing a Budget Amendment to FY 2013-2014 Budget for Expenses Incurred in the Office of the Corporation Counsel. (See Attachment B) Motion to approve sponsored by Councilor McCormick, seconded by Councilor Cuddy. The resolution carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye.

The Council then considered Financial Resolution #58-B of 2014 Authorizing a Budget Amendment to FY 2013-2014 Budget for Expenses Incurred in the Office of the Corporation Counsel. (See Attachment C) Motion to approve sponsored by Councilor McCormick, seconded by Councilor Camardo. The resolution carried 3-2. Councilors Camardo, Ruzicka, and Mayor Quill all voting aye. Councilors McCormick and Cuddy voting no.

E. Agreement Resolution #59 of 2014 Authorizing the Mayor to Enter into an Agreement With the Downtown Business Improvement District

Motion to approve sponsored by Councilor McCormick, seconded by Councilor Camardo.

Councilor Camardo made a motion to table, seconded by Councilor Ruzicka. The motion to table did not carry by a vote of 3-2. Councilors Camardo and Ruzicka voting aye. Councilors McCormick, Cuddy, and Mayor Quill all voting no.

Motion to approve the resolution carried 3-2. Councilors McCormick, Cuddy, and Mayor Quill all voting aye. Councilors Camardo and Ruzicka voting no.

Executive Session. At 7:22 p.m. Mayor Quill made a motion to enter an executive session for matters pertaining to the appointment of a particular person. (NYS Public Officers Law, Article 7 §105.1.f. 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.). Councilor Camardo seconded the motion. The motion carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye. Council entered into executive session at 7:24 p.m. The Executive session adjourned at 7:35 p.m.

Council reconvened the public session at 7:36 p.m.

F. Appointment Resolution #60 of 2014 - Appointing an Associate City Court Judge

The Clerk handed out Appointment Resolution #60 of 2014, appointing an Associate City Court Judge. This resolution contained no name of an appointee. The Clerk then read the resolution.

Councilor Cuddy then made a motion to amend the resolution, the amendment was seconded by Councilor Camardo. The proposed amendment was to submit the name of David Thurston, residing at 75 Owasco Steet Auburn, NY 13021, for appointment as Associate City Court Judge. The motion to approve the amendment carried 4-1. Councilors Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye. Councilors McCormick voting no.

The Council then voted on the motion to approve the resolution as amended. (See Attachment D) The resolution carried 4-1. Councilors Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye. Councilor McCormick voting no.

G. Agreement Resolution #61 of 2014 – Authorizing the Mayor to Enter Into an Operation and Management Services Agreement

Motion to approve sponsored by Councilor Ruzicka, seconded by Councilor Camardo. The resolution carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye.

H. Council Resolution #62 of 2014 – Changing a Meeting Date

Motion to approve sponsored by Councilor Camardo, seconded by Councilor McCormick. The resolution carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye.

**Local Law- None**

**Tabled Legislation-**

**A. Reconsideration of Bond Ordinance #1 of 2014 Authorizing the Issuance of Serial Bonds for the City Water Supply and Distribution System**

Motion to approve sponsored by Councilor Camardo, seconded by Councilor Cuddy.

Councilor Camardo offered an Amendment to Bond Ordinance #1, seconded by Councilor Ruzicka. The amendment proposed was to change the amount of the Bond from \$3,400,000.00 to \$2,00,000.00. It was suggested the other \$1,400,000.00 needed to finance the project would come from the reserve of the Water Fund. The motion to amend did not carry by a vote of 3-2. Councilors Camardo and Ruzicka voting aye. Councilors McCormick, Cuddy, and Mayor Quill all voting no.

The Council discussed.

After much discussion it was decided that the Council would entertain the motion to amend that Councilor Camardo previously offered. Councilor Camardo made the motion to amend, Councilor Cuddy seconded the motion. The amendment proposed was to change the amount of the Bond from \$3,400,000.00 to \$2,00,000.00. Also, in a separate resolution the other \$1,400,000.00 needed to finance the project would be transferred from the reserve of the Water Fund. The motion to amend carried 4-1. Councilors Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye. Councilor McCormick voting no.

The Council then voted on the motion to approve as amended. (See Attachment E) The motion to amend carried 4-1. Councilors Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye. Councilor McCormick voting no.

B. Councilor Camardo then made a motion to remove Agreement Resolution #30 of 2014 - Authorizing a Professional Engineering Services Agreement with CRA for the City Water Supply and Distribution System Improvement Project from the table for reconsideration. Councilor Ruzicka seconded the motion. The motion to remove Agreement Resolution #30 from the table carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and, Mayor Quill all voting aye.

The Council then voted on Agreement Resolution #30 of 2014. Motion to approve sponsored by Councilor Camardo, seconded by Councilor Ruzicka. The resolution carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye.

## Other Business

- **It was discussed by the entire Council** that a Resolution would be needed to transfer \$1,400,000.00 from the Water Fund to the Water Capital Fund to finance the costs associated with the upgrade to the City Water Supply and Distribution System. This resolution will be brought to the Council at the next business meeting.
- **Councilor Camardo** offered the following: 1. We need to be diligent about lobbying our State and Federal representatives about the many infrastructure projects we need to finance to see if they can assist with any available State or Federal programs. 2. Would like to request a resolution for the Council to request a Request for Proposals for an operational audit of the City finance systems. 3. Would urge the Council to have discussion on the proposal from the previous Financial Audit Committee that the City establish a Financial Advisory Board. Also, would like further discussion on the City applying for assistance to the State Financial Restructuring Board.
- **Councilor Cuddy** commented on Councilor Camardo's suggestion of an operations audit of the City's finance systems. He stated he would like the new City Comptroller to have adequate time to get City finances under control before such an audit. He stated he believes the City Council is a financial advisory board. He expressed confidence that the current Council will be able to steer the City's finances in the right direction with the new Comptroller. He stated he believes the current balance on the Council is working.
- **Councilor Ruzicka** endorsed Councilor Camardo's suggestion of an operations audit of the City's finance systems. He stated that such an audit is a best practice and should be conducted every three years. He stated he thinks it is important to commit to doing such an audit.
- **Councilor McCormick** offered the following: 1. Wants the City Council to follow up on Walt Aikman's suggestion that the City enter into a memo of understanding with utility companies about how they handle City trees when tree branches need to be pruned from utility lines and during construction projects. 2. Commented on a briefing paper that Christina Selvek e-mailed to the Council about upcoming capital projects. This paper will be reviewed at a future Council meeting. 3. Agrees that the City needs to lobby our State and Federal officials.
- **Mayor Quill** reported that he attended a press conference earlier in the day with New York State Senator Seward and Assemblyman Finch. They announced that they were successful at securing \$200,000.00 in the recently passed New York State budget for water quality projects pertaining to the Brooke Hallow stream which makes up 20% of the inflow to Owasco Lake.
- **Councilor Ruzicka** discussed a recent article that was written by a columnist in the local newspaper that sourced participants of Auburn City Council Executive Sessions. He suggested there was a need for an investigation on the matter.

- **Executive Session.** Council voted to enter an executive session regarding matters pertaining to:
  1. Contract negotiations (NYS Public Officers Law, Article 7 §105-e. Collective negotiations pursuant to article fourteen of the civil service law);

Motion to enter an executive session was made by Councilor Camardo, seconded by Councilor Cuddy. The motion carried 5-0. Councilors McCormick, Camardo, Cuddy, Ruzicka, and Mayor Quill all voting aye. Council entered into executive session at 8:56 p.m. The Executive session adjourned at 9:15 p.m.

**Adjournment:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 9:16 p.m.

Minutes submitted to the City Council on April 4, 2014 by:

Charles Mason  
City Clerk

On April 10, 2014 a motion to approve the minutes of the April 3, 2014 Auburn, NY City Council meeting was made by Councilor Cuddy, seconded by Councilor Ruzicka.

	Ayes	Noes
Councilor McCormick	x	
Councilor Camardo	x	
Councilor Cuddy	x	
Councilor Ruzicka	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 3rd day of April, 2014 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date: April 11, 2014*

**(ATTACHMENT A) FINANCIAL RESOLUTION #58 OF 2014**

**AUTHORIZING A BUDGET AMENDMENT TO FY 2013-14 BUDGET FOR EXPENSES INCURRED IN THE OFFICE OF THE CORPORATION COUNSEL**

By Councilor Ruzicka

April 3, 2014

**WHEREAS**, Corporation Counsel has incurred significant expenses in connection with negotiations with collective bargaining units and the purchase of the cogeneration facility; and

**WHEREAS**, there is a need for additional funds to be transferred to finish negotiations with collective bargaining units and close on the cogeneration facility; and

**WHEREAS**, an additional authorization in the amount of \$80,000 in the services line is necessary for Corporation Counsel to complete these necessary tasks.

**NOW, THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby authorize an amendment to the FY2013-2014 Budget providing an increase in the Corporation Counsel Services (#A1420.440) in the amount of \$80,000 through the use of fund balance; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its approval and adoption.

Seconded by Councilor: Camardo

**AMENDMENT: By Councilor McCormick, seconded by Councilor Cuddy**

Motion to amend Resolution #58 so that it will be considered in two separate resolutions. Resolution #58-A would be that the Auburn City Council does hereby authorize an amendment to the FY2013-2014 Budget providing an increase in the Corporation Counsel Services (#A1420.440) in the amount of \$40,000 through the use of fund balance to cover costs of legal expenses associated with the City’s acquisition of the cogeneration facility. Resolution #58-B would be that the Auburn City Council does hereby authorize an amendment to the FY2013-2014 Budget providing an increase in the Corporation Counsel Services (#A1420.440) in the amount of \$40,000 through the use of fund balance to cover costs of legal expenses associated with collective bargaining with Fire Department union.

**Vote to Amend:**

**AYES NOES**

Councilor McCormick	x	
Councilor Camardo		x
Councilor Cuddy	x	
Councilor Ruzicka		x
Mayor Quill	x	

**CARRIED AND ADOPTED X**

*I do hereby certify that the foregoing is a correct copy of the vote for an amendment to Financial Resolution #58 of 2014 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 3rd day of April, 2014 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date: April 4, 2014*

**(ATTACHMENT B) FINANCIAL RESOLUTION #58-A OF 2014**

**AUTHORIZING A BUDGET AMENDMENT TO FY 2013-14 BUDGET FOR EXPENSES INCURRED IN THE OFFICE OF THE CORPORATION COUNSEL**

By Councilor McCormick

April 3, 2014

**WHEREAS**, Corporation Counsel has incurred significant expenses in connection with negotiations with collective bargaining units and the purchase of the cogeneration facility; and

**WHEREAS**, there is a need for additional funds to be transferred to cover costs of legal expenses associated with the City’s acquisition of the cogeneration facility; and

**WHEREAS**, an additional authorization in the amount of \$40,000 in the services line is necessary for Corporation Counsel to complete these necessary tasks.

**NOW, THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby authorize an amendment to the FY2013-2014 Budget providing an increase in the Corporation Counsel Services (#A1420.440) in the amount of \$40,000 through the use of fund balance; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its approval and adoption.

Seconded by Councilor: Cuddy

**AYES NOES**

Councilor McCormick	x	
Councilor Camardo	x	
Councilor Cuddy	x	
Councilor Ruzicka	x	
Mayor Quill	x	

**CARRIED AND ADOPTED X**

*I do hereby certify that the foregoing is a correct copy of the vote for Financial Resolution #58-A of 2014 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 3rd day of April, 2014 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date: April 4, 2014*

**FINANCIAL RESOLUTION #58-B OF 2014**

**AUTHORIZING A BUDGET AMENDMENT TO FY 2013-14 BUDGET FOR EXPENSES INCURRED IN THE OFFICE OF THE CORPORATION COUNSEL**

By Councilor McCormick

April 3, 2014

**WHEREAS**, Corporation Counsel has incurred significant expenses in connection with negotiations with collective bargaining units and the purchase of the cogeneration facility; and

**WHEREAS**, there is a need for additional funds to be transferred to cover costs of legal expenses associated with collective bargaining with the Fire Department union; and

**WHEREAS**, an additional authorization in the amount of \$40,000 in the services line is necessary for Corporation Counsel to complete these necessary tasks.

**NOW, THEREFORE BE IT RESOLVED** that the Auburn City Council does hereby authorize an amendment to the FY2013-2014 Budget providing an increase in the Corporation Counsel Services (#A1420.440) in the amount of \$40,000 through the use of fund balance; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its approval and adoption.

Seconded by Councilor: Camardo

**AYES NOES**

Councilor McCormick		x
Councilor Camardo	x	
Councilor Cuddy		x
Councilor Ruzicka	x	
Mayor Quill	x	

**CARRIED AND ADOPTED X**

*I do hereby certify that the foregoing is a correct copy of the vote for Financial Resolution #58-B of 2014 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 3rd day of April, 2014 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date: April 4, 2014*

**(Attachment D) APPOINTMENT RESOLUTION #60 of 2014**

**APPOINTING AN ASSOCIATE CITY COURT JUDGE**

By Councilor Cuddy

April 3, 2014

**WHEREAS**, the current part-time City Court Judge's term will expire on April 17, 2014 and it is necessary that an appointment be made to fill that position; and

**WHEREAS**, pursuant to the Uniform City Court Act, Section 2104, the authority to appoint a successor is with the Auburn City Council; and

**WHEREAS**, the Auburn City Council has considered several applicants for the position and finds that David Thurston residing at 75 Owasco Street in Auburn, NY, 13021 is well qualified to be appointed to the position of Associate City Court Judge of the Auburn, New York City Court pursuant to State law and the Rules and Regulations of the Office of Court Administration.

**NOW, THEREFORE, BE IT RESOLVED** by the Auburn, New York City Council that David Thurston shall be appointed to the position of Associate City Court Judge of the Auburn, New York City Court, said term to commence April 18, 2014 and shall expire April 17, 2020; and

**BE IT FURTHER RESOLVED** that a certified copy of this Appointment Resolution be filed with the Office of Court Administration.

Seconded by Councilor Camardo

**AYES NOES**

Councilor McCormick		x
Councilor Camardo	x	
Councilor Cuddy	x	
Councilor Ruzicka	x	
Mayor Quill	x	

**CARRIED AND ADOPTED x**

*I do hereby certify that the foregoing is a correct copy of the vote for Appointment Resolution #60 of 2014 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 3rd day of April, 2014 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date: April 3, 2014*

(Attachment E)  
By Councilor Camardo

April 3, 2014

**BOND ORDINANCE #1 OF 2014**

BOND ORDINANCE OF THE CITY OF AUBURN, NEW YORK, AUTHORIZING THE ISSUANCE OF \$2,000,000 SERIAL BONDS TO FINANCE THE COST OF THE RECONSTRUCTION OF THE CITY WATER SUPPLY AND DISTRIBUTION SYSTEM

BE IT ORDAINED by 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 supply and distribution system, including the reconstruction and improvement of the existing water filtration plant and pumping stations and including the replacement of furnishings, equipment, machinery or apparatus required for the purposes for which such water filtration plant and pumping stations are to be used at an estimated maximum cost of \$2,000,000 and to issue an aggregate \$2,000,000 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 \$2,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$2,000,000 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 1 of Section 11.00(a) of the Local Finance Law.

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 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 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. The City Comptroller, as Chief Fiscal Officer of the City, is further authorized to sell all or a portion of the Bonds to the New York State Environmental Facilities Corporation ("EFC") in the form prescribed in one or more loan agreements (the "Loan Agreements") between the City and the EFC; to execute and deliver on behalf of the City one or more Loan Agreements, Project Financing Agreements, and Letters of Intent with the EFC and to accept the definitive terms of one or more Loan 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 delivered to the EFC, the Project Financing Agreements and the Loan Agreements.

Section 11. 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 12. 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 13. 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 14. This Ordinance is not subject to a mandatory or permissive referendum.

Section 15. 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 16. This Ordinance shall take effect immediately upon its adoption.

Seconded by Councilor Cuddy

	<u>Ayes</u>	<u>Noes</u>
Councilor Camardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilor Ruzika	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilor Cuddy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilor McCormick	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Quill	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Carried and Adopted X

