

**Auburn City Council
Regular Meeting
Thursday, January 20, 2022 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 5:00 p.m. from the City Council Chambers, 24 South St. Auburn, NY by Mayor Quill.

ROLL CALL – The City Clerk called the roll. Mayor Quill, Councilor Ginny Kent, Councilor Jimmy Giannettino, Councilor Terry Cuddy and Councilor Tim Locastro were all present.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- Corporation Counsel, Stacy DeForrest
- City Clerk, Chuck Mason
- City Comptroller, Rachel Jacobs
- Director of Capital Projects and Grants, Christina Selvek
- Fire Chief, Mark Fritz
- Police Chief, James Slayton
- City Engineer, William Lupien
- City Assessor, Jeanne Hering

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 Announcements

CEREMONIAL PRESENTATIONS –

Public to be heard: Mayor Quill asked the Clerk to read the public to be heard rules. The following individual spoke:

Michael Villano: My name is Michael Villano. I live at 258 Seymour Street. On December 31, I decided to take a little walk around the neighborhood with my dogs and I can't believe the houses that are deteriorating in the city of Auburn. It's terrible. It's rundown, looks dirty and I lived here all my life. And we, my family owned the store down there. But anyway, is there anything we could do here, these

landlords, when they're buying these houses up, renting them out, they deteriorate them to nothing, and they walk away from them. I got a house next door to me, it's terrible. They put a dumpster there and they, I guess they gutted it with no authority from the code enforcement, they put a stop order on it, left a dumpster in the yard. You know, I know you guys live up in east end, some of you people, you don't have to deal with this. But I love my home and I don't want to go and buy another home at 68 years old. Because we can't, there's got to be something you guys can do. I mean, I've had it with this, with the problems that we have. And you know, last week there was a drug bust on Seymour Street. I mean, which I don't know. And then you know, then I get this new assessment in the mail, my assessment went up. I mean, maybe you guys ought to get in a car and take, I'm sure you're aware of it and eventually it's going to move up to you guys. It's got to come your way. It can't stop. Just and I don't know, I don't know what it is. And but and I like to know, we have, you guys say you got 9,100 properties in the city of Auburn, that are taxable houses. I want to, I would like for you people to tell me how many houses have we torn down, really, that we torn down and lost revenue on and how many more are waiting to be torn down, that we're going to lose more revenue. And it all falls back on what we have left is our taxpayers, the taxpayers that are paying their taxes are taking the burden up of these landlords that are deteriorating these houses and not maybe, I shouldn't say all landlords, but most of these landlords are buying these houses, moving people in there. They don't care what they look like, lawns, you got Code enforces these kids go cut lawns, I have to go up the street cut a lawn just sold my house doesn't look like hell. It just it's unbelievable. But I would like you to please get back to me of how many houses that you tore down and what revenue we lost and how many more houses are scheduled to be torn down. And I know the one on Seymour Street, they condemned it, we got, they let that kid go in there and gut it without authority from the code enforcement office and left a mess. The house is a mess and we have to look at this. So, that's all I'm asking is just we got to do something about this. And I'm not the only one, I get more phone calls about this and I'm not the only one and I'm sure you hear it all the time. I'm sure you hear it all the time. The house, this town was a beautiful town and I hate to say it is our end is filthy, dirty, rotten, filthy town down that way. West Street, Spring Street all them streets down there. Take a ride down there. You will be shocked to see what I saw and walk it, you gotta walk it.

Approval of Meeting Minutes – None

Reports of City Officials

A. City Manager's Report –

Thank you, Mayor. Just a couple of updates. First of all, related to opioid litigation. Next week, there'll be another resolution before council for yet another agreement with a couple of different companies, distributors, manufacturers of opioids for your consideration. That is somewhat time sensitive, I believe next week will be the 27th. And we have to have a response back to the attorneys representing us in that matter by the 31st. So you'll have some more information. I believe, Corporation Counsel sent you information by email this afternoon on that with some background. The second thing is I wish Mr. Villano hadn't left, so quickly, I was going to give you an update on some of the demos that we have going on and I guess based on his comments, I'll kind of preface the statement with as we we look very carefully at the buildings that we

decide to demo that there is a reasonable expectation that they could be rehabbed and utilized and put to good use. We certainly try that we work with Habitat for Humanity, we work with several other companies that do renovations of that sort to try to get these houses back in good hands, back on the tax rolls and providing decent quality housing. Unfortunately, sometimes they've been in an abandoned state for such period of time, or they've appeared, they've suffered fire damage, things like that, where they have to come down. So as an example of that, and as part of the update I was going to give you anyway, the house at 6 to 8 Garrow Street across from Genesee Elementary, which had been this topic over the summer, the site of a fire many years ago, had been through several owners and continued to get flipped to different owners, and then sat open and exposed to the elements for many years, was torn down last week. So, that project is pretty much cleaned up. We have another house on Barber Street, that's been the topic of a lot of illicit activity, police responses, neighbor complaints, things like that, that is slated to be torn down next week. And if you're familiar with that particular structure, it's another one of those things and a lot that typically wouldn't be able to be built on by today's standards. There's no yard, there's no off street parking, and the building is in severe disrepair. The third property, as I've mentioned in the past was the abandoned Auburn cement products building on Perrine Street, and that is partially torn down now, it'll be completed more than likely within the next week or so. And then the last thing I have is like to hand things over. Within the last couple of days, many of our residents have received notice of the revaluation of their property in the mail. Some folks may not have received that yet. They probably will over the next couple of days. But we have our City Assessor Jeanie Herring here with a quick presentation on that process for all of you Council, as well as, the public and our City Comptroller Rachel Jacobs to discuss the financial impact or methodology that goes into that. Thank you. (City Assessor's presentation slides attached.)

B. Reports from members of Council

Councilor Kent: I had my first meeting earlier this week as the City of Auburn rep on the Watershed Management Council and it was a great meeting to attend because Dr. John Halfman was there and he gave his 2021 water quality monitoring report for Owasco Lake and I just want to share a couple of highlights. I'm not going to get too scientific because you can't compete with that scientist, oh my gosh. So, he he commented on the improved quality of monitoring with new technology, makes a big difference, from previous years when he didn't have as many technical tools and they were depending more on surveys, you know, weekly looks. He told us the Owasco Lake fluctuates between good quality water and intermediate quality water. And while there are years that show water quality improvements, and years that show degradation overall, the water quality in the lake has not significantly improved over the last decade. He expressed discouragement over this and he specifically mentioned intensity and frequency of precipitation events, which he expects will continue in years to come. These deliver phosphorus to the lake through fields and then our streams and tributaries. In this past year, we had a near normal rainfall here. But our lake endured a major rain event that everybody here will remember, Right Seth? In August, which he deemed the worst flood bringing up to 10 inches of water over a short period, and reversing any potential long term reduction in phosphorus. He said it commands the use of additional and extensive remediation strategies and then he mentioned the revised Owasco Lake Watershed Rules and Regulations, which we know this, this Council approved. It's currently being reviewed at the New York State Department of Health and we hope to hear from

them by the end of the month. He mentioned the importance of that and also the reduction strategies outlined in the pending nine element watershed plan being critical to the health and well being of the lake. So, not a lot that is new, but for me as a new member its really reinforced the importance of the City of Auburn having a seat at that table. And he really appealed to everyone within the watershed, not just farmers, not just lakeshore owners, or businesses, but everyone that lives or works there to support the efforts. And I finally just want to mention, just because it's so important that he did recognize the County Legislature, Emerson Foundation, Finger Lakes, Lake Ontario watershed protection, and all of the agencies, partners and volunteers that make all this work possible. He's gonna give this again, way better than I just did. It's just incredible. I was blown away by the information. He's going to give it at the Bob Brower symposium. But if you can't wait, just Google, Dr. John Halfmann and go to his website, and you will, I hope you have a couple of hours of spend, it's a real education. So, just wanted to let you know that that was really important.

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 # 11 OF 2022
AUTHORIZING A PUBLIC HEARING FOR THE
2022-2023 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN**

By Councilor Cuddy

January 20, 2022

BE IT RESOLVED, by the City Council of the City of Auburn, New York, that it does hereby authorize that a Public Hearing be held before the City Council of the City of Auburn, New York, on the 27th day of January 2022 at 5:00pm concerning the 2022-2023 Community Development Block Grant Annual Action Plan.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to advertise this resolution in the official newspaper of the City of Auburn in accordance with the governing State and local requirements.

Seconded by Councilor Giannettino

	Ayes	Noes
Councilor Kent	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Locastro	X	
Mayor Quill	X	
Carried and Adopted	X	

AGREEMENT RESOLUTION #12 OF 2022

AUTHORIZING A SUBRECIPIENT AGREEMENT FOR THE HISTORIC AND CULTURAL SITES PROGRAM UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)

By Councilor Giannettino

January 20, 2022

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law allocating \$350 billion in direct financial relief for State and Local governments; and

WHEREAS, on May 10, 2021, the US Department of Treasury issued the Interim Final Rule providing guidance on the allowable uses of ARPA funds; and

WHEREAS, the City of Auburn was allocated \$21,395,055 in ARPA funding and received 50% of the total allocation in May 2021; and

WHEREAS, the Auburn City Council authorized Financial Resolution #98 of 2021 allocating \$250,000 of ARPA funds to support a Historic and Cultural Sites program that would assist the Auburn Downtown Business Improvement District that has been negatively impacted as a result of the COVID-19 public health emergency; and

WHEREAS, under section 602(c)(3) of ARPA, the City may transfer funds to special-purpose units of local government for the purposes of meeting the goals of ARPA and the Interim Final Rule; and

WHEREAS, through the Historic and Cultural Sites Program \$50,000 was allocated to a multi-media marketing campaign entitled the “Visit Auburn Initiative” and \$50,000 to support the Tubman Bicentennial Celebration of 2022; and

WHEREAS, City staff recommends that the Auburn Downtown Business Improvement District in partnership with the NYS Equal Rights Heritage Center of Auburn, NY administer the

aforementioned marketing and local events under the Historic and Cultural Program in the amount not to exceed \$100,000.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF AUBURN:

1. Authorizes the Mayor, or a designated representative, to execute the agreement, a copy of which is attached hereto and incorporated herein; and to take all necessary steps required to complete the agreement; and
2. That the cost of this resolution in the amount of \$100,000 is to be charged to the 2021 Historic and Cultural Sites capital account (#HA 8760 440 HCS); and
3. That this resolution shall take effect immediately upon its approval and adoption.

Seconded by Councilor Cuddy

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Locastro	X		
Mayor Quill	X		
Carried and Adopted	X		

AGREEMENT RESOLUTION #13 OF 2022

AUTHORIZING VARIOUS SUBRECIPIENT AGREEMENTS FOR THE DRI CAPITAL MATCH PROGRAM UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)

By Councilor Kent

January 20, 2022

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law allocating \$350 billion in direct financial relief for State and Local governments; and

WHEREAS, on May 10, 2021, the US Department of Treasury issued the Interim Final Rule providing guidance on the allowable uses of funds in association with responding to the public health emergency, negative economic impacts within the community, public sector revenue loss, premium pay for essential workers and infrastructure investments; and

WHEREAS, the City of Auburn was allocated \$21,395,055 in ARPA funding and received 50% of the total allocation in May 2021; and

WHEREAS, on August 19, 2021 the Auburn City Council authorized Resolution #98 of 2021 allocating \$1,250,000 of ARPA funds to support a DRI Capital Match program that would assist five (5) local non-profits within the boundaries of the Auburn Downtown Revitalization Initiative (DRI) that have been negatively impacted as a result of the COVID-19 public health emergency; and

WHEREAS, under section 602(c)(3) of ARPA, the City may transfer funds to private non-profit entities for the purposes of meeting the goals of ARPA and the Interim Final Rule; and

WHEREAS, the City has authorized an amount of \$250,000 to each of the following Auburn Historic and Cultural Sites:

- 1) Auburn Public Theater, 8 Exchange Street, Auburn NY 13021;
- 2) Seward House Museum, 33 South Street, Auburn NY 13021;
- 3) Cayuga Museum of History and Art, 203 Genesee Street, Auburn NY 13021;
- 4) Schweinfurth Memorial Art Center, 205 Genesee Street, Auburn NY 13021; and
- 5) Community Preservation Committee, Inc., 17 Nelson Street, Auburn NY 13021.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF AUBURN:

4. Authorizes the Mayor of the City of Auburn, or a designated representative, to execute the agreements, a copy of which is attached hereto and incorporated herein; and to take all necessary steps required to complete the agreements; and
5. That this resolution shall take effect immediately upon its approval and adoption.

Seconded by Councilor Giannettino

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Locastro	X		
Mayor Quill	X		
Carried and Adopted	X		

AGREEMENT RESOLUTION #14 OF 2022

AUTHORIZING CHANGE ORDER NO. 2 FOR THE BIOSOLIDS DRYER AND WWTP IMPROVEMENT PROJECT ENGINEERING CONTRACT

By Councilor Cuddy

January 20, 2022

WHEREAS, on March 19, 2020, the Auburn City Council authorized Bond Ordinance #4 of 2020, approving \$2,000,000 in funding for design of the Biosolids Processing & Dryer Improvement Project; and

WHEREAS, on July 23, 2020, Auburn City Council passed Award Resolution #81 of 2020, Awarding a Professional Service Contract for the Biosolids Processing and Drying Improvement Project to Brown and Caldwell in the amount of \$63,000 to complete a Basis of Design Report, and

WHEREAS, on November 19, 2020, Auburn City Council passed Council Resolution #111 of 2020 authorizing Change Order No. 1 in the amount of \$1,898,450 to continue the Biosolids Processing and Dryer Improvement Project to 90% design; and

WHEREAS, during the design process it was determined that additional failing Wastewater Treatment processes will require upgrades simultaneously to support the facility and the new Biosolids Processing and Dryer Improvements Project; and

WHEREAS, components such as the aeration tank diffusers, blower system, sludge pumping systems, final settling tank components, electrical entrance gear upgrades and other components of the wastewater treatment plant were incorporated into the 2021 – 2025 Capital Improvement Plan and the Biosolids Dryer and Wastewater Treatment Plant Improvement Project (the “Project”) was approved; and

WHEREAS, on April 22, 2021, the Auburn City Council authorized Bond Ordinance #6 of 2021 in the amount \$36,000,000 in funding to continue moving forward with the Project; and

WHEREAS, the 90% Biosolids Processing and Drying Improvement design funding is nearing completion and it is necessary to obtain 100% design and bid documents for the entire Project; and

WHEREAS, City Staff has reviewed the scope and fee of Change Order No. 2 and recommends that Brown and Caldwell of Syracuse, NY to complete the following tasks:

- 1) Project and Design Management to include overall management of the design efforts including project schedule, budget, and assignment of tasks.
- 2) Additional Design Services including,
 - a. Electrical Entrance Gear Replacement,
 - b. Aeration Tank Diffuser and Blower Replacement,
 - c. Final Settling Tank Rehabilitation,
 - d. Primary Clarifier Scum Trough Replacement,
 - e. ORF Tank Concrete Rehabilitation,
 - f. Site-wide Communication Improvements,
 - g. Sludge Pump and Meter Replacement,
 - h. Fire Alarm System Communication Improvements;
- 3) 100% Design of Biosolids Dryer and WWTP Improvements Document Package,

4) Bidding Phase Services; and

WHEREAS, City staff recommends that Brown & Caldwell of Syracuse, NY, perform the aforementioned tasks as part of Change Order No. 2 in the amount not to exceed \$977,900; and

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize Change Order No. 2 to Brown & Caldwell of Syracuse, NY for the aforementioned professional engineering services associated with 100% design for the Biosolids Dryer and Wastewater Treatment Plant Improvement Project in an amount of \$977,900; and

BE IT FURTHER RESOLVED that the Mayor, or appointed designee, is authorized to sign Change Order No. 2 and related documents for the Biosolids Dryer and Wastewater Treatment Plant Improvement Project on behalf of the City of Auburn; and

BE IT FURTHER RESOLVED that the cost of this resolution in the amount of \$977,900 is to be charged to the Biosolids Dryer capital account (#HG8130-440-KM).

Seconded by Councilor Kent

	Ayes	Noes
Councilor Kent	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Locastro		X
Mayor Quill	X	
Carried and Adopted	X	

COUNCIL RESOLUTION #15 of 2022

APPROVING COUNCIL RULES AND PROCEDURES

By Councilor Cuddy

January 20, 2022

WHEREAS, Article II section 8 of the Charter of the City of Auburn states that "The Council may adopt rules governing its proceedings and provide for the enforcement thereof."; and

WHEREAS, the Council Rules and Procedures is the document which provides Council the direction to conduct Council business and meetings in an organized, consistent matter in accordance to local and state law; and

WHEREAS, the Auburn City Council has reviewed its Rules and Procedures and revised the document so that it is up to date and in adherence of local and state laws.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve the document entitled Auburn City Council Rules and Procedures, revised January 20, 2020; and

BE IT FURTHER RESOLVED that the City Clerk shall distribute copies of these updated Rules and Procedures to all members of the Council, the City Manager and all City Department heads, and that these Rules and Procedures are posted to the City Council page of the City’s website; and,

BE IT FURTHER RESOLVED that these Council Rules and Procedures shall take effect on February 1, 2022.

Seconded by Councilor Giannettino

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Locastro	X		
Mayor Quill	X		
Carried and Adopted	X		

COUNCIL RESOLUTION # 16 OF 2022

REQUESTING THAT THE GOVERNOR DEVELOP, ADOPT, AND IMPLEMENT A TOTAL MAXIMUM DAILY LOAD (TDML) COMPREHENSIVE WATERSHED CLEAN-UP PLAN FOR OWASCO LAKE

WHEREAS, the City of Auburn and the Town of Owasco rely on Owasco Lake as the source of drinking water for 45,000 people; and

WHEREAS, in late September and early October 2016 harmful algal blooms (HABs) engulfed Owasco Lake and released highly toxic microcystins that were detected in the treated drinking water supplied to the public; and

WHEREAS, the level of toxic microcystins detected in drinking water supplied from Owasco Lake nearly exceeded the .3 ppb of microcystins, a Health Advisory Guideline that would have required New York State health authorities to prohibit public consumption of drinking water supplied from Owasco Lake; and

WHEREAS, in 2017, 2018, 2019, 2020 and 2021 Owasco Lake was repeatedly polluted by massive HABS that closed beaches, impaired the best uses of the lake and contaminated drinking water supplied from the lake with microcystins; and

WHEREAS, the U. S. Environmental Protection Agency (EPA) is legally mandated to enforce the U. S. Clean Water Act and the Safe Drinking Water Act in order to safeguard the public from contaminants in drinking water that cause adverse health effects; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has been delegated authority by EPA to enforce the Clean Water Act in order to safeguard public health from contaminants in drinking water; and

WHEREAS, on November 2, 2021, New York voters approved the New York Ballot Proposal 2, the Environmental Rights Amendment, which added a right of clean water, clean air and a healthful environment to the New York State Constitution's Bill of Rights; and

WHEREAS, pursuant to section 303(d) of the Clean Water Act, DEC shall list waterbodies impaired from their "best usages"? and require development and implementation of a Total Maximum Daily Load (TMDL) comprehensive watershed clean-up plan in order to reduce the input of the specific pollutant(s) in order to restore and protect Impaired Waterbodies; and

WHEREAS, New York's 303(d) Registry of Impaired Waterbodies includes hundreds of lakes, rivers and bays impaired by HABS and mandates adoption and implementation of TMDL plans to curtail phosphorus, nitrogen and other nutrients in storm water and agricultural run-off that can cause HABS;

WHEREAS, extensive scientific research of Owasco Lake and numerous other waterbodies from coast-to-coast has documented the causal association of excessive nutrient loading and the presence of HABS; and

WHEREAS, EPA concluded excess nutrients are a primary cause of HABS and long-term prevention of HABS requires comprehensive reductions in uncontrolled nutrient pollution; and

WHEREAS, in 2016 DEC inexplicably changed the 303(d) regulatory status of Owasco Lake to a non-priority waterbody pursuant to Section 3b by requiring further verification of the lake's obvious, on-going water quality impairment and did not require a TMDL to curtail HABS in the lake that threaten public drinking water; and

WHEREAS, in 2016, the Auburn City Council passed Council Resolution #156 of 2016, requesting that New York State follow the law and develop, adopt, and implement a TMDL for Owasco Lake without further delay; and

WHEREAS, the DEC is currently in the process of collecting public comments regarding the draft 2022 303(d) Impaired Waterbody Registry that does not require any TMDL for Owasco Lake.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby request that the Governor develop, adopt, and implement without further delay a TMDL comprehensive watershed clean-up plan for Owasco Lake and that the DEC’s draft 2022 303(d) Impaired Waterbody Registry be changed to classify Owasco Lake accordingly;

BE IT FURTHER RESOLVED that the Auburn City Council requests that the DEC and Department of Health (DOH) cooperate fully with EPA to curtail nutrient releases into Owasco Lake in order to fulfill the right of local residents to receive safe, clean drinking water free of microcystins and all other contaminants that threaten public health; and

BE IT FURTHER RESOLVED that the City Clerk forward certified copies of this Resolution to the Governor, the Commissioner of the DOH, the Commissioner of the DEC, and be a formal submission as a comment for the current draft of the 2022 303(d)list.

	Ayes	Noes
Councilor Kent	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Locastro	X	
Mayor Quill	X	
Carried and Adopted	X	

E. Staff Presentations – none

TABLED ITEMS - none

OTHER BUSINESS –

Councilor Giannettino discussed businesses within the City that operate as smoke shops and that there has been reports of these establishments being problematic. He would like the City to look into seeing what could be done to address the situation.

Councilor Cuddy discussed water used for salting the roads and ask that the staff report back on the source of the water. He also discussed housing programs as associated with funding to be utilized with the American Rescue Plan funding and stated he was very interested in moving programs along for the first time homebuyer incentives.

Councilor Kent suggested that housing programs as associated with funding to be utilized with the American Rescue Plan funding could also include trying to incentivize projects would reduce the number of living units while rehabilitate housing stock that has been broken into multi-units over the years.

Auburn City Council Meeting, January 20, 2022

Executive Session:

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

- One matter pertaining to collective negotiations pursuant to article fourteen of the civil service law

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:24 p.m. Executive session adjourned at 7:13 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:14 p.m..

Minutes submitted by: Chuck Mason, City Clerk