

**Auburn City Council
Regular Meeting
Thursday, October 1, 2020 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 Mayor Quill.

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

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- Corporation Counsel, Stacy DeForrest
- City Clerk, Chuck Mason
- Deputy Police Chief, Roger Anthony
- Fire Chief, Mark Fritz
- City Engineer, William Lupien
- Director of Municipal Utilities, Seth Jensen
- Assistant to the Mayor and Council, Rhonda Miller

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 –

The next meeting of the City of Auburn Planning Board will be held on Tuesday, October 6, 2020 at 6:30 p.m. and will be held at Memorial City Hall, Council Chambers, 24 South Street.

Ceremonial Presentations and Proclamations –

HEREAS, the City of Auburn, NY is committed to ensuring the safety and security of all those living in and visiting Auburn; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,630 people in the United States in 2017, according to the National Fire Protection Association[®] (NFPA[®]), and fire departments in the United States responded to 357,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States where fire departments responded to more than 173,200 annually between 2013 and 2017; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire

WHEREAS, Auburn's residents should stay in the kitchen when frying food on the stovetop, keep a three-foot kid-free zone around cooking areas and keep anything that can catch fire away from stove tops; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Auburn's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Auburn's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2020 Fire Prevention Week theme[™], ***"Serve Up Fire Safety in the Kitchen!!"*** effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, I, Mayor Michael Quill, of Auburn, do hereby proclaim October 4-10, 2020, as

FIRE PREVENTION WEEK

throughout this City, and I urge all the people of Auburn by checking their kitchens for fire hazards and using safe cooking practices during Fire Prevention Week 2020, and to support the many public safety activities and efforts of Auburn's fire and emergency services.

In witness whereof I have hereunto
set my hand and caused the seal of
the City of Auburn to be affixed this
First day of October 2020.

Michael D. Quill, Mayor
City of Auburn, New York

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.

Approval of Meeting Minutes -

- September 17, 2020 Council Meeting Minutes
Motion to approve the September 17, 2020 minutes by Councilor McCormick, seconded by Councilor Locastro. Motion to approve carried 5-0.
- September 24, 2020 Council Meeting Minutes
Motion to approve the September 24, 2020 minutes by Councilor Giannettino, seconded by Councilor Cuddy. Motion to approve carried 4-0. Mayor Quill voted present.

Reports of City Officials

A. City Manager's Report

- The Civil Service Test for Firefighters is scheduled for Oct. 10. We have 223 candidates signed up for the exam.
- On Saturday Sept. 26, Civil Service administered the Police Officer exam. 125 candidates signed up, 80 sat for the exam locally, and 25 took the test at other locations.
- We urge all residents to complete their 2020 Census by October 5 – the deadline has been extended. The Census can be completed electronically through the webpage 2020census.gov, or following the link on the City of Auburn webpage, or call 1-844-330-2020. Census data is used to determine eligibility and funding for a variety of community programs and projects for the next ten years, and is secure and confidential.
- The State St Bridge project is moving along and on schedule. The main structural steel beams have been set in place.
- Our most recent water samples have shown traces of microcystin in the raw water but none in the finished water.
- Demolition work related to the repair of the parking garage is scheduled to start Monday October 5. Notice has been sent through various channels and signage has been and will be in place to inform users.
- The Auburn Beautification Committee helped clean up along the River Trail last week and city crews will be tackling brush and overgrowth over the next few weeks.
- Next week DPW crews will be working at Technology Park to make way for new signage being design, manufactured and installed by Mack Studios.

B. Reports from members of Council – none

Matters to Come Before Council

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

B. Ordinances – none

C. Local Laws – Local Law #1 of 2020 was first read in to the record on September 24, 2020. The City Council will hold a public hearing on the local law on October 8, 2020. The City Council will then consider the local law for a vote on October 15, 2020.

LOCAL LAW #1 of 2020

**REPEALING AND REPLACING SECTIONS OF CHAPTER 265 OF THE
AUBURN CITY CODE ENTITLED “TAXATION”**

WHEREAS, on March 28, 1991, the Auburn City Council enacted and established Local Law No. 2-1991 as Chapter 181, entitled “Taxation,” which is now known as Chapter 265 of the City Code, pursuant to New York State Municipal Home Rule Law Section 10(1); and

WHEREAS, Chapter 265, Articles II and X, of the City Code authorize the City of Auburn to provide exemptions to low income senior citizens and persons with disabilities by use of a sliding income scale; and

WHEREAS, the current Income Sliding Scale has not been updated since 2006/2007 and the City is looking to adopt a new Sliding Income Scale based on the current scale used by New York State; and

WHEREAS, Local Law No. 1 of 2020, attached hereto and incorporated herein, proposes to update Articles II and X of Chapter 265 of the City Code to achieve such uniformity; and

WHEREAS, the passage of Local Law No. 1 of 2020, is categorized as a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) and New York State Code, Rules, and Regulations Sections 617.5(c)(16), and, therefore, pursuant to NYCRR Section 617.3(f) a determination under SEQRA is not required; and

WHEREAS, subject to City Council approval, a public hearing will be held on October 8, 2020, concerning the repealing of sections of Local Law No. 2-1991 and the enactment of Local Law No. 1 of 2020.

NOW, THEREFORE, BE IT ENACTED that the Auburn City Council does hereby repeal the following sections of Local Law No. 2-1991, which was originally passed as Chapter 181 of the City Code entitled “Taxation:”

1. Article II, Sections 265(17);
2. Article X Sections 265(45);

and,

BE IT FURTHER ENACTED that the Auburn City Council does hereby adopt Local Law No. 1 of 2020, attached and incorporated herein, which replaces the following Articles and Sections of Chapter 265 of the Auburn City Code entitled “Taxation”:

1. Article II, Sections 265(17);
2. Article X Sections 265(45);

; and,

BE IT FURTHER ENACTED that the foregoing repeal and adoption shall take effect immediately upon the filing of a certified copy of the local law with the New York Secretary of State.

D. Resolutions

COUNCIL RESOLUTION #95 OF 2020

AUTHORIZING A PUBLIC HEARING CONCERNING THE ENACTMENT OF LOCAL LAW 1 OF 2020 TO REPEAL AND REPLACE SECTIONS OF CHAPTER 265 OF THE AUBURN CITY CODE ENTITLED “TAXATION”

By Councilor Cuddy

October 1, 2020

BE IT RESOLVED, by the City Council of the City of Auburn, New York, that it does hereby authorize a Public Hearing to be held before the City Council of the City of Auburn, New York, on the 8th day of October, 2020, at 5:00 p.m. at City Council Chambers, 1st floor, Memorial City Hall, Auburn, New York concerning the enactment of a local law to repeal and replace sections of Chapter 265 of the Auburn City Code entitled “Taxation;” and

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	Excused
Councilor McCormick	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Locastro	X		
Mayor Quill	X		
Carried and Adopted	X		

LAND SALE RESOLUTION #96 OF 2020

AUTHORIZING THE SALE OF PROPERTY AT 126 WALL STREET

By Councilor McCormick

October 1, 2020

WHEREAS, on October 30, 2017, the City of Auburn acquired title to real property by a tax foreclosure commonly known as 126 Wall Street (the “Property”), which is a .42 acre vacant lot; and

WHEREAS, the owner of 128 Wall Street, Mr. Domingo Santiago, has proposed a Sale and Purchase Contract, attached hereto and incorporated herein, which offers to purchase the Property from the City for a price of One Thousand Dollars (\$1,000); and

WHEREAS, pursuant to the City’s Land Sale Policy, the City notified the remaining adjacent property owner of the City’s desire to sell the lot; and

WHEREAS, it is recommended that the Auburn City Council approve the sale of the Property to Mr. Santiago since the surplus parcel of land at 126 Wall Street is not needed for City purposes.

NOW, THEREFORE, BE IT RESOLVED that the City of Auburn does hereby approve the Sale and Purchase Contract sale of a parcel of land commonly known as 126 Wall Street to Domingo Santiago for the sum of \$1,000.00, subject to revisions stating that Mr. Santiago shall receive a Quit Claim Deed to the property and pay all title and recording costs at the time of closing; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents in order to finalize the closing of this real estate transaction.

Seconded by Councilor Locastro

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

LAND SALE RESOLUTION #97 OF 2020

**AUTHORIZING THE SALE OF A PORTION OF REAL PROPERTY AT
1 STATE STREET**

By Councilor Giannettino

October 1, 2020

WHEREAS, the City of Auburn owns a vacant parcel located at 1 State Street (the “Property”), which is also known as the “Kalet’s Building;” and

WHEREAS, the Property is situated on the west side of State Street between Genesee and Dill Streets and consists of approximately .17 acres; and

WHEREAS, the City acquired the Property by way of a tax foreclosure in 1994 and, ultimately, funded the demolition of the building in 2011 as a part of a plan to transfer the property to Cayuga County for the development of a performing arts center; and

WHEREAS, when the performing arts center project did not come to fruition, the property title was transferred back to the City in 2015; and

WHEREAS, since that time the City has determined that the Property should be used as a public space and hired Bergmann Associated to design the Property for community use; and

WHEREAS, the City has reached out to the community members at large for input on the design of the Property and reached out to the neighboring property owners so that their thoughts and concerns could be considered; and

WHEREAS, this resolution seeks approval of a proposed Purchase Offer and Sale Contract, which is attached hereto and incorporated herein, which would transfer a 15x15 ft. portion of 1 State Street to one of the adjacent property owners, Mr. James Driscoll; and

WHEREAS, Mr. Driscoll owns property at 123-125 Genesee Street, which is immediately south of 1 State Street and is proposing this transfer so that he can have fire prevention access to his building, which would, in turn, enable him access to use the 2nd and 3rd floors of the building; and

WHEREAS, Mr. Driscoll has agreed as follows: (1) to use the 15x15 ft. parcel only for fire access prevention or as a small patio space; (2) to maintain and upkeep the same in perpetuity; (3) to provide all easements requested by the City for its project at 1 State Street; and (4) to pay all title and closing costs in connection with the transaction.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Auburn hereby authorizes the sale of a parcel of land, which is a part of 1 State Street, pursuant to a Purchase Officer and Sale Contract, attached hereto, to James Driscoll; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents in order to finalize the closing of this real estate transaction.

Seconded by Councilor Locastro

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

AWARD RESOLUTION #98 OF 2020

AWARDING BIDS FOR CONSTRUCTION OF THE WHOLESALE SEWER METERING PROJECT

By Councilor Cuddy

October 1, 2020

WHEREAS, on March 19, 2020, Auburn City Council approved Bond Ordinance #4 of 2020 in support of the replacement of wholesale sewer revenue meters, which serve the Town of Owasco, Fleming, Sennett, and Aurelius (The Towns); and

WHEREAS, as part of the wholesale sewer agreement between the City of Auburn and the Towns, half of every dollar spent repairing these meters shall be paid to the City once the project is complete; and

WHEREAS, it was necessary for the City of Auburn to competitively bid the work associated with installation of new wholesale sewer meters that serve the Towns; and

WHEREAS, construction bids for the Wholesale Sewer Metering Project were opened on Tuesday August 4, 2020 and after reviewing the received bids, the City rejected bids for Contract #1: Flowmeter Supply and Installation and Contract #2: General Construction but accepted the low bid for the following Contract:

Contract 3 - Electrical Construction

- | | |
|----------------------|---------------|
| 1. J&E Electric Inc. | \$ 245,200.00 |
| Auburn, NY | |

; and

WHEREAS, construction bids were reissued for Contract 1 - Flowmeter Supply and Installation and bids were opened on Monday, September 28, 2020 and the following bids were received:

Contract 1 - Flowmeter Supply and Installation

- | | |
|------------------------------|---------------|
| Cyclops Processing Equipment | \$ 136,391.62 |
| Baldwinsville, NY | |

WHEREAS, a bid analysis was completed by GHD Engineering and they have recommended the following bid awards:

Contract 1 - Flowmeter Supply and Installation

- | | |
|------------------------------|--------------|
| Cyclops Processing Equipment | \$136,391.62 |
| Baldwinsville, NY | |

Contract 2 - General Construction

No Award

Contract 3 - Electrical Construction

J&E Electric
Auburn, NY

\$245,200.00

for a total construction bid award of \$381,591.62; and

WHEREAS, it is necessary that the Auburn City Council award the following bids for the Wholesale Sewer Metering Project to Cyclops Processing Equipment in the amount of \$136,391.62 and J&E Electric in the amount of \$245,200.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award construction bids for the Wholesale Sewer Metering project in the total aggregate amount of \$381,591.62 and the cost of the total construction bid awards of \$381,591.62 is to be charged to Wholesale Sewer Meter Project capital account (#HG 8120 250 IU), 50% of which will be reimbursed by the Towns.

AND IT BE FURTHER RESOLVED that the Mayor is authorized to sign any and all documents in reference to the award of these construction bids.

Seconded by Councilor Giannettino

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

AGREEMENT RESOLUTION #99 OF 2020

AUTHORIZING CHANGE ORDER NO. 1

**FOR DESIGN SUPPORT DURING CONSTRUCTION FOR THE WHOLESALE SEWER
METERING PROJECT**

By Councilor McCormick

October 1, 2020

WHEREAS, December 21, 2017, the Auburn City Council approved Agreement Resolution #183 of 2017, which authorized a Municipal Cooperation Agreement (the "Agreement") with the Towns of Owasco, Fleming, Sennett, and Aurelius (The Towns); and

WHEREAS, the Agreement provides for wastewater sewer treatment and other sewer services to the Towns and, also, provides that the City and Towns agree to share the costs of meter services, including replacement and maintenance, equally; and

WHEREAS, on September 19, 2019, the City Council of the City of Auburn passed Financial Resolution #116 of 2019, which authorized the acceptance of funding from the Towns for the wholesale sewer meter upgrades; and

WHEREAS, the City of Auburn hired GHD Engineering for the design phase of the Wholesale Sewer Meter Project and has received 50% reimbursement for the work completed; and

WHEREAS, Change Order #1 to the professional services agreement with GHD in the amount of \$67,000 is now required to provide design support services during the construction phase of the Wholesale Sewer Metering Project; and

WHEREAS, the City of Auburn Department of Municipal Utilities recommends the City authorize Change Order #1 to GHD Engineering for design support during construction for the Project in the amount of \$67,000.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award Change Order #1 in the amount of \$67,000 to GHD Engineering for design support during project construction and is to be charged to Wholesale Sewer Meter Project capital account (#HG 8120 250 IU), 50% of which shall be reimbursed by the Towns; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents necessary for awarding the aforementioned award.

Seconded by Councilor Locastro

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

COUNCIL RESOLUTION #100 OF 2020

**REQUESTING THE GOVERNOR, STATE LEGISLATURE AND NYS DEPT OF HEALTH TO
ESTABLISH A NO-CHARGE CORONAVIRUS TESTING IN AUBURN**

By Councilor Cuddy

October 1, 2020

WHEREAS, the year 2020 has been dominated by the international health pandemic of the spread of the Coronavirus; and

WHEREAS, as of October 1, 2020 well over 200,000 citizens of the United States have lost their lives to the Coronavirus; and

WHEREAS, under the leadership of Governor Andrew M. Cuomo the State of New York has taken many significant steps to successfully slow the spread of the Coronavirus; and

WHEREAS, due to the success that the State of New York has experienced in slowing the spread of the Coronavirus, businesses, government institutions, schools, and a majority of public places have been allowed to reopen under new models that factor in best practices to slow the spread of the Coronavirus; and

WHEREAS, as we enter the fall season with children returning to schools, nursing homes allowing visitors and the colder weather driving more people indoors to conduct business, there is an urgent need for access to a no-charge New York State Coronavirus Testing Site for the people in Cayuga County that

will allow our City, County and region to continue to meet State requirements and effectively work to stop the spread of the Coronavirus.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council call upon Governor Andrew M. Cuomo, the State Legislature and the NYS Department of Health to coordinate with the Cayuga County Department of Health and establish a no-charge public Coronavirus testing site within the City of Auburn that could serve all the residents of Cayuga County; and

BE IT FURTHER RESOLVED that the City Clerk forward a certified copy of this resolution to the Governor, our State representatives and the NYS Commissioner of the Department of Health.

Seconded by Councilor Giannettino

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

AGREEMENT RESOLUTION #101 OF 2020

**AUTHORIZING AN AGREEMENT WITH THE CITY OF BATAVIA PERMITTING THE USE
OF A SURPLUS LADDER TRUCK**

By Councilor McCormick

October 1, 2020

WHEREAS, the City of Batavia Fire Department has suffered a mechanical failure to a ladder truck, leaving the department without a functioning aerial apparatus; and,

WHEREAS, the City of Auburn Fire Department is in possession of a surplus 1990 Seagrave 110' ladder truck, which is currently not in service and awaiting disposal; and

WHEREAS, permitting use of the ladder truck by the City of Batavia Fire Department for a period of sixty days would not diminish the capabilities of the Auburn Fire Department; and

WHEREAS, the City of Auburn Fire Department is proposing an Agreement, which is attached hereto and incorporated herein, which permits the City of Batavia Fire Department to use the ladder truck in the interests of providing public safety; and

WHEREAS, the Agreement proposes no cost to Batavia for use of the ladder truck on the conditions that the City of Batavia holds the City of Auburn harmless from all liability for the duration of its possession of the apparatus loan and accepts responsibility for all maintenance, upkeep and any necessary repairs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York, that it does hereby authorize an Agreement, which is attached hereto and incorporated herein, which permits the City of Batavia to use the a surplus 1990 Seagrave 110' Ladder Truck owned by the City of Auburn Fire Department for a period of not more than sixty days.

Seconded by Councilor Locastro

	Ayes	Noes
Councilor McCormick	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 –

Second Public To Be Heard: Mayor Quill opened the second Public to be Heard portion of the Council meeting and the Clerk read the Public to be Heard rules. No speakers

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

- One matter regarding 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;
 - Two separate matters regarding the sale, lease or acquisition of real property.
- The motion to enter executive session carried 5-0. The Council entered Executive Session at 5:54 p.m. Executive session adjourned at 6:58 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 6:59 p.m..

Minutes submitted to the City Council on October 15, 2020 by:

Chuck Mason, City Clerk