

**Auburn City Council
Regular Meeting
Thursday, December 3, 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
- Director of Capital Improvement Program, Christina Selvek
- Police Chief, Shawn Butler
- Fire Chief, Mark Fritz
- Director of Municipal Utilities, Seth Jensen
- City Engineer, Bill Lupien
- 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's Historic Resources Review Board will be held on Tuesday, December 8, 2020 at 7pm at the Council Chambers, Memorial City Hall.

CEREMONIAL PRESENTATIONS – None

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 -

- November 12, 2020 Council Meeting Minutes

Motion to approve the November 12, 2020 minutes by Councilor McCormick, seconded by Councilor Locastro. Motion to approve carried 5-0.

Reports of City Officials

A. City Manager's Report

- On Tuesday CEDA made available applications for the Downtown Revitalization Initiative Small Project Grant Fund. These funds are available on a competitive basis through the application process for businesses in the designated DRI boundary. General applications are due January 4, 2021. There have been some funds appropriated for Covid related expenses – applications for those specific funds are due Dec. 16. More information is available on the CEDA webpage and is also linked from the City of Auburn webpage.
- For several years there has been discussion about lack of circulation of lake water near the beach at Emerson Park. In that area there is an existing pipe that once provided circulation of the water near the beach and our water intake and pump station but it has been blocked for many years. Last year there was an unsuccessful attempt made to clear the pipe. Now, our Municipal Utilities crew in cooperation with Cayuga County Soil and Water and a private contractor have designed a plan to clear the pipe which should restore flow and improve water quality in that area. The cost is estimated to be \$60k, Cayuga County has committed \$31,000 towards the effort and the Owasco Lake Watershed Association has committed \$5,000 towards the project. On December 17 we will have a financial reso for Council's consideration to move the project forward.
- We continue to communicate with various partners related to our local Covid situation. As numbers of positive cases rise there has been a significant increase in demand for testing. We would like to remind the community that our local Hospital Emergency Room and Urgent Cares have been overburdened with individuals seeking Covid testing. We ask that individuals without symptoms but desiring to be tested utilize the drive through testing clinics that are being conducted at various locations to avoid causing unnecessary delays at urgent care facilities that could adversely impact the care of patients with known medical needs. Auburn Community Hospital and the Cayuga County Health Dept. are working to set up additional clinics to meet demand.
- I'd like to remind the public that we are encouraging everyone to limit their visits to City Hall and utilize the variety of methods available such as paying by mail in check, online bill pay, etc. rather than visiting in person.

B. Reports from members of Council – none

Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR)

SEQR RESOLUTION #6 OF 2020

DETERMINING THAT THE SOUTH STREET CORRIDOR ENHANCEMENT PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT

By Councilor Cuddy

December 3, 2020

WHEREAS, the City of Auburn, NY (the “City”) is the sponsor of a proposed project to reconstruct and restore at full depth a portion of South Street (NYS Route 34) within the City measuring approximately 3,000 feet in length (extending from approximately 650 feet south of the City line with the Town of Fleming to approximately 350 feet north of the Metcalf Drive/Clymer Street intersection), including related improvements in shoulders, curbs, drainage, grading, rights-of-way, and sidewalks, replacing the existing Wood Brook culvert, and related water and sewer main modifications necessary in light of the South Street improvements (the “Project”); and

WHEREAS, the Project is an action subject to review under the State Environmental Quality Review Act (“SEQRA”), as set forth at Article 8 of the New York State Environmental Conservation Law, and the implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”); and

WHEREAS, on October 6, 2016, the City Council of the City of Auburn (the “City Council”) approved Resolution #148 of 2016, which declared its intent to act as lead agency for the review of the Project; and

WHEREAS, as sponsor of the Project, the City prepared Parts 1, 2 and 3 of the Full Environmental Assessment Form (“EAF”) for the Project, and compared the impacts that may reasonably be expected to result from the Project to the criteria for determining significance as identified in Section 617.7 of the Regulations, which is attached hereto and incorporated herein; and

WHEREAS, pursuant to the Regulations, the City Council has considered the significance of the potential environmental impacts associated with the Project and said review has resulted in a reasoned determination that the proposed action will NOT result in any large and important impact(s) and, therefore, is one which will not have a significant negative impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Auburn as follows:

1. That the Project be classified as a Type I action, as that term is defined in the Regulations, and that the City Council act as the lead agency for a coordinated review of the Project; and
2. That the EAF for the Project (Parts 1-3 with its supporting written elaboration), which is attached hereto and incorporated herein, be hereby approved and adopted; and
3. That a Negative Declaration for the proposed Project be issued in full compliance with the New York State Environmental Conservation Law and the New York State Quality Review Act; and
4. That the City Clerk and City staff are authorized to take such additional steps as may be necessary to carry out this Resolution; and
5. The resolution shall take effect immediately.

Seconded by Councilor McCormick

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

B. Ordinances –

BOND ORDINANCE #7 OF 2020

**BOND ORDINANCE OF THE CITY OF AUBURN, NEW YORK,
AUTHORIZING THE ISSUANCE OF \$6,575,000 SERIAL BONDS
TO FINANCE THE COST OF THE RECONSTRUCTION AND
RESURFACING OF SOUTH STREET.**

By Councilor Cuddy

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 and resurfacing of South Street (NYS Route 34), including sidewalks, curbs, gutters, drainage, landscaping, fencing, grading, or improving the rights of way, with flexible pavement of a type described in Local Finance Law Section 11(a)(20)(c), at an estimated maximum cost of \$6,575,000 and to issue an aggregate \$6,575,000 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 \$6,575,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$6,575,000 in serial bonds (the “Bonds”) of the City authorized to be issued pursuant to this Ordinance; **PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such class of objects or purposes, the amount of bonds to be issued pursuant to this Ordinance shall be reduced dollar for dollar, it being anticipated that the City will receive approximately \$5,790,200 in U.S. Federal Transportation Aid, NYS Marchiselli Transportation Aid and U.S. Federal Water Infrastructure Aid.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years pursuant to paragraph 20(c) of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) 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 Treasury 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 use of electronic bidding, 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 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 11. 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 12. 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 13. This Ordinance is not subject to a mandatory or permissive referendum.

Section 14. 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 15. This Ordinance shall take effect immediately upon its adoption.

Seconded by Councilor Councilor Locastro

Bond Ordinance #7 - 2020	Ayes	Noes	Excused
Councilor McCormick	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Locastro	X		
Mayor Quill	X		
Carried and Adopted	X		

C. Local Laws – none

D. Resolutions -

AWARD RESOLUTION #114 OF 2020

**AWARDING A CONSTRUCTION CONTRACT WITH SUIT-KOTE CORPORATION FOR
THE SOUTH STREET CORRIDOR ENHANCEMENT PROJECT PIN #395054**

By Councilor Giannettino

December 3, 2020

WHEREAS, on September 3, 2020, Auburn City Council authorized Agreement Resolution #90 of 2020 with the New York State Department of Transportation (NYSDOT) to proceed with the Construction and Construction Inspection phases for the South Street Corridor Enhancement Project PIN #395054; and

WHEREAS, bids for the construction of the South St. Corridor Enhancement Project were opened on December 2, 2020 and the following bids were received:

- | | | |
|----|---|-----------------|
| 1. | Suit-Kote Corporation
Cortland, New York | \$ 4,569,050.00 |
| 2. | JJ Lane Construction
Liverpool, New York | \$ 4,721,777.00 |
| 3. | CCI Companies
Canastota, New York | \$ 4,729,767.00 |
| 4. | Sealand Contractors
Rush, New York | \$ 4,934,000.10 |
| 5. | Paul F. Vitale, Inc.
Auburn, New York | \$ 5,231,276.50 |

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- | | | |
|----|---|-----------------|
| 6. | Barrett Paving
Liverpool, New York | \$ 5,292,079.69 |
| 7. | Villager Construction
Fairport, New York | \$ 5,493,396.00 |
| 8. | Nardozzi Paving
Geneva, New York | *Incomplete Bid |

*Incomplete Bid - Missing Bid Pages

; and

WHEREAS, the City of Auburn desires to advance the above Project by awarding the construction phase of this project to Suit-Kote Corporation, which is the lowest qualified bidder in the amount of \$4,569,050.00. This award will be charged to the Account No. HA5110-440-FM in the amount of \$4,049,468.00 and Account No. F8340-440-FM-F in the amount of \$519,582.00. This award is contingent upon NYSDOT approval.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve the award of the South Street Corridor Enhancement Project (PIN 395054) to Suit-Kote Corporation in the amount of \$4,569,050.00; and it is further

RESOLVED, that Account No. HA5110-440-FM shall be charged for \$4,049,468.00 and this amount will be eligible for 80% Federal reimbursement and partially eligible for 15% Marchiselli reimbursement; and Account No. F8340-440-FM-F in the amount of \$519,582.00 and this amount will be eligible for an estimated 60.61% Northern Border Regional Commission Grant reimbursement up to a maximum \$500,000; and it is further

RESOLVED, that the Mayor of the City of Auburn is hereby authorized to execute all necessary agreements, certifications, and reimbursement requests for Federal Aid and/ or State-Aid on behalf of the City of Auburn with the New York State Department of Transportation in connection with the advancement or approval of the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Seconded by Councilor McCormick

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

AGREEMENT RESOLUTION #115 OF 2020

**AUTHORIZING C&S ENGINEERS TO PROVIDE CONSTRUCTION ADMINISTRATION
AND CONSTRUCTION INSPECTION SERVICES FOR THE SOUTH STREET CORRIDOR
ENHANCEMENT PROJECT PIN #395054**

By Councilor McCormick

December 3, 2020

WHEREAS, on September 3, 2020, Auburn City Council authorized Agreement Resolution #90 of 2020 with the New York State Department of Transportation (NYSDOT) to proceed with the Construction and Construction Inspection phases for the South Street Corridor Enhancement Project PIN #395054; and

WHEREAS, the City of Auburn desires to advance the above Project by authorizing C&S Engineers to provide Construction Administration and Construction Inspection services for this project in the amount of \$705,000. This will be charged to the South St. - Metcalf to City Line Account No. HA 5110-440-FM in the amount of \$705,000. This award is contingent on NYSDOT approval.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize C&S Engineers to provide construction administration and construction inspection services for the South Street Corridor Enhancement Project (PIN 395054) in the amount of \$705,000; and it is further

RESOLVED, that the South St. - Metcalf to City Line Account No. HA5110-440-FM shall be charged for \$705,000 and this amount will be eligible for 80% Federal reimbursement and partially eligible for 15% Marchiselli reimbursement; and it is further

RESOLVED, that the Mayor of the City of Auburn is hereby authorized to execute all necessary agreements, certifications, and reimbursement requests for Federal Aid and/ or State-Aid on behalf of the City of Auburn with the New York State Department of Transportation in connection with the advancement or approval of the Project; and it is further

RESOLVED, that this Resolution shall take effect immediately.

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		

AWARD RESOLUTION #116 OF 2020

**AWARDING A PROFESSIONAL SERVICES CONTRACT FOR THE COMBINED SEWER
OVERFLOW PROJECT**

By Councilor Giannettino

December 3, 2020

WHEREAS, on March 19, 2020, the Auburn City Council authorized Bond Ordinance #4 of 2020, approving funding for the Combined Sewer Overflow Project (the “Project”); and

WHEREAS, on June 25, 2020, City staff released a request for proposals for professional engineering services related to design plans, design-related construction administration and inspection services for the Project; and

WHEREAS, on July 30, 2020, the City received two (2) responses from qualified professional engineering services firms; and

WHEREAS, City staff reviewed proposals, interviewed the firms and scored the firms, and the average combined scores were as follows:

- | | |
|--------------|---------------|
| 1) CDM Smith | Score: 98.5 |
| 2) GHD | Score: 95.375 |

; and

WHEREAS, City staff recommends that the highest ranked firm, CDM Smith of Syracuse, NY, provide the above mentioned professional engineering services for the Auburn CSO Project; and

WHEREAS, City staff requests that CDM Smith of Syracuse, NY be awarded an initial contract for professional engineering services for up to 75% design of the CSO Facilities and Sewer Separation as well as Green Infrastructure Upgrades associated with the Project in an amount of \$599,337, which is necessary to determine the remaining cost of the full design, construction administration and inspection phases of the Project.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award a professional engineering services contract to CDM Smith of Syracuse, NY for the CSO Facilities Upgrades and Sewer Separation as well as Green Infrastructure Upgrades Project in an amount of \$599,337; and

BE IT FURTHER RESOLVED that the Mayor, or appointed designee, is authorized to sign the professional services contract and related documents for the Project on behalf of the City of Auburn; and

BE IT FURTHER RESOLVED that the cost of this resolution in the amount of \$599,337 is to be charged to the CSO Project capital account (#HG8130-440-KE).

Seconded by Councilor Locastro

116-2020	Ayes	Noes	Excused
Councilor McCormick	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Locastro	X		
Mayor Quill	X		
Carried and Adopted	X		

AWARD RESOLUTION #117 OF 2020

AWARDING A PROFESSIONAL SERVICES CONTRACT FOR WWTP MANAGEMENT SERVICES

By Councilor Giannettino

December 3, 2020

WHEREAS, the City of Auburn owns and operates a Wastewater Treatment Plant (WWTP) located at 35 Bradley Street, Auburn, NY; and

WHEREAS, the New York State Department of Environmental Conservation is responsible for the permitting and oversight of the WWTP operations; and

WHEREAS, Title 6 of the New York Codes, Rules and Regulations, Part 650.4, requires Auburn's WWTP to be under the responsible supervision of a chief operator holding a 4A Certification; and

WHEREAS, the City of Auburn Chief Operator retired in the fall of 2020 and no City employees hold a 4A Certification; and

WHEREAS, as a stop-gap measure, the City issued a Request for Proposals for WWTP Management Services to procure an independent professional firm that could provide the required 4A Certified services; and

WHEREAS, on November 6, 2020, the City received proposals from two qualified firms that provide these necessary services; and

WHEREAS, City staff reviewed the proposals, scored the firms, and found Camden Group of Camden, New York be the most cost effective and qualified firm to provide said services; and

WHEREAS, City staff recommends that Camden Group of Camden, NY, as the highest ranked firm, to provide the above mentioned professional services for the City of Auburn; and

WHEREAS, now City staff requests that Camden Group of Camden, NY be awarded a contract for professional services for the WWTP so that the City can meet the minimum requirements of supervision and WWTP 4A Certification.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award a contract to Camden Group of Camden, NY for professional services for WWTP Management Services, which includes a cost of approximately \$2,000.00 per week to meet the minimum State requirements; and

BE IT FURTHER RESOLVED that the cost of this resolution will be paid for out of the Wastewater Treatment Plant Operating Budget as required to meet the minimum 4A certified staffing requirements until a qualified Chief Operator is hired by the City of Auburn; and

BE IT FURTHER RESOLVED that the Mayor, or appointed designee, is authorized to sign the agreement and related documents on behalf of the City of Auburn.

Seconded by Councilor McCormick

	Ayes	Noes	Excused
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 – none

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 Locastro made a motion to enter Executive Session, seconded by Councilor McCormick. 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 made confidential by Federal or State law. (Section 4503 of the Civil Practice Law and Rules which establishes that a confidential communication between attorney and client shall be privileged. Pursuant to this section, Council will be receiving legal advice from its attorney which fulfills the requirement provided in Section 108(3) of the Public Officers Law allowing this exemption.)

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The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:00 p.m. Executive session adjourned at 5:32 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:21 p.m..

Minutes submitted by:

Chuck Mason, City Clerk