

**Auburn City Council
Regular Meeting
Thursday, May 6, 2021 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. at 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, 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 DeForest
- City Clerk, Chuck Mason
- Fire Chief, Mark Fritz
- City Comptroller, Rachel Jacobs
- City Engineer, Bill Lupien
- Director of Planning and Economic Development, Jennifer Haines
- Director of Municipal Utilities, Seth Jensen

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 Historic Resources Review Board meeting will be held on Tuesday, May 11, 2021 at 7 p.m. and will be held in person at Council Chambers, Memorial City Hall, 24 South Street.

The City of Auburn Transfer Station will host Spring Cleaning Days for Auburn CITY RESIDENTS ONLY.

- Dates: Saturday, Saturday, May 8, 2021
- Hours: 7:00 am - 11:30 a.m.
- Location: City of Auburn Transfer Station (former Landfill), 311 North Division Street
- For more information or questions call: 315-252-6441

- All Rules Will Be STRICTLY ENFORCED Click here for the complete list of requirements, rules and regulations.

CEREMONIAL PRESENTATIONS –

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

- David McKeon spoke about upcoming summer events and concerts and expressed his hope that such things will be able to occur in the summer of 2021. He also spoke about the need for consumer friendly parking in the downtown area.
- David Clifford spoke about the recently enacted by New York State Legalization of Cannabis Laws.

Approval of Meeting Minutes –

- April 22, 2021 Council Meeting Minutes
Motion to approve the April 22, 2021 minutes by Councilor Cuddy, seconded by Councilor Giannettino. Motion to approve carried 5-0.

Reports of City Officials

A. City Manager's Report

- The City of Auburn is seeking bids for the following projects:
- CDBG Sidewalk Program; bids are due May 19, 2021. More information on this projects is available on the City of Auburn webpage under the tab "Bids/RFPs"
- This week we were notified that the City of Auburn has been selected as one of approximately 40 communities to participate in a joint NYS DEC and DOH initiative to protect drinking water sources. The Drinking Water Source Protection Program (DWSP2) will work collaboratively with local drinking water suppliers to conduct a variety of studies, develop programs, identify funding sources, and implement and monitor plans to protect the drinking water for years to come.
- Last Friday staff was notified that the church at the corner of Wall St and Washington St was noticeably deteriorating during the wind storm. Representatives from our Codes, Fire, and Engineering Departments responded to assess the situation and determine a course of action. While we have had concerns about the stability and safety of the building for several years and we were making our way through the legal process to address the issues, the developments on Friday caused us to re-evaluate those prior plans and ultimately declare the structure an imminent hazard. A secure perimeter around the structure was expanded to protect the public from falling debris and a process to stabilize the building through controlled demolition was started. A number of regional contractors were contacted to determine their interest, capability, availability, and cost. It is likely the actual demolition of the building will begin as soon as next week.

B. Reports from members of Council

- Councilor Cuddy discussed his participation in the most recent Human Rights Commission meeting.
- Councilor McCormick discussed the developing West Bound initiative of individuals looking to organize to focus on development for the City west side.

Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR)

B. Ordinances – none

C. Local Laws – none

D. Resolutions –

COUNCIL RESOLUTION #55 of 2021

APPROVING THE SUBMISSION OF THE 2021 ANNUAL ACTION PLAN AMENDMENT

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

By Councilor McCormick

May 6, 2021

WHEREAS, the City of Auburn is an Entitlement Community for the Community Development Block Grant (CDBG) Program and is required to submit a Five Year Consolidated Plan with an annual statement of objectives and uses of the CDBG Entitlement Program funds; and

WHEREAS, the City of Auburn has prepared a 2021 Annual Action Plan Amendment (the “Amendment”) outlining the community development activities, objectives, and budget for the use of the CDBG pre-2015 entitlement funds; and

WHEREAS, the City of Auburn held a public hearing on April 29, 2021, for discussion of the Amendment during the public comment period; and

WHEREAS, the City of Auburn published the Notice of Annual Action Plan Amendment on April 4, 2021 to start the local comment period and all comments received during this time will be included as part of the Amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York:

1. The City Council does hereby approve the 2021 Annual Action Plan Amendment; and
2. The City Council does hereby authorize the Mayor to sign the Application for Federal Assistance and submit the amended 2021 Annual Action Plan to the U.S. Department of Housing and Urban Development to complete the objectives of the amended 2021 Annual Action Plan; and
3. The City Council does hereby authorize and direct the Mayor to sign the Funding Approval / Agreement with the U.S. Department of Housing and Urban Development necessary to further the objectives of the amended 2021 Annual Action Plan and all related Subrecipient and other agreements necessary to further the objectives of the Annual Action Plan; and
4. The City Council does hereby authorize the City Comptroller's Office to recognize grant revenue and appropriate funding into the correct departmental budget.

Seconded by Councilor Cuddy

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

**AWARD RESOLUTION #56 OF 2021
AUTHORIZING CHANGE ORDER #2 FOR THE 2020 COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) SIDEWALK PROGRAM**

By Councilor Giannettino

May 6, 2021

WHEREAS, on May 21, 2020, the Auburn City Council passed an Award Resolution for the

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2020 CDBG Sidewalk Program in the bid amount of \$110,985.00, which provides sidewalk replacement in designated CDBG areas of the City; and

WHEREAS, as part of the 2020 CDBG program, Change Order #1 in the amount of \$54,015.00 was awarded on June 4, 2020; and

WHEREAS, in order to maximize remaining available HUD funding approved in the CDBG Amendment that must be spent this construction season, Change Order #2 in the amount of \$69,241.41 to Concrete Slipform Inc. for the 2020 CDBG Sidewalk Program is now requested ; and

WHEREAS, the cost of this Resolution is to be charged to the Community Development Account #CD8672.2210.2014;

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award Change Order #2, in the amount of \$69,241.41 to Concrete Slipform Inc. for additional work for the 2020 CDBG Sidewalk Program; and

BE IT FURTHER RESOLVED that the cost of the Resolution in the amount of \$69,241.41 is to be charged to the Community Development Account # CD8672.2210.2014; and

BE IT FURTHER RESOLVED that this award is contingent upon the City of Auburn receiving an executed CDBG Amendment contract from the US Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents necessary in reference to the award of this bid.

Seconded by Councilor McCormick

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

COUNCIL RESOLUTION #57 of 2021

**AUTHORIZING A PUBLIC HEARING FOR THE CITY MANAGER’S RECOMMENDED
BUDGET FOR THE 2021-2022 FISCAL YEAR**

By Councilor Locastro

May 6, 2021

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 20th day of May, 2021 at 5:00 p.m. at City Council Chambers, 1st Floor, Memorial City Hall, Auburn, New York, concerning the City Manager’s Recommended Budget 2021-2022; 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 Cuddy

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

Financial resolution #58 of 2021

AUTHORIZING various OPERATING and capital budget transfers

By Councilor McCormick

May 6, 2021

WHEREAS, the City of Auburn staff is requesting various operating and non-operating budget transfers for the fiscal 2020-2021 year as outlined in attachment A; and,

WHEREAS, there is no fund balance being requested for these transfers; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York:

1. That the Auburn City Council does hereby authorize the transfers in Attachment A for the 2020-2021 fiscal year; and,
2. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Giannettino

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[illegible]

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

AGREEMENT RESOLUTION #59 OF 2021

**AUTHORIZING A SETTLEMENT OF A CIVIL CLAIM AGAINST
ALL STATE INSURANCE COMPANY BY MUTUAL RELEASE**

By Councilor Cuddy

May 6, 2021

WHEREAS, on June 28, 2019, Police Officer Michael Warter sustained an injury, while on duty, arising out of a motor vehicle accident; and

WHEREAS, the City of Auburn has paid and continues to pay compensation benefits to Officer Warter, pursuant to the Auburn Police Department General Municipal Law Section 207-C Policy, related to this injury; and

WHEREAS, on February 26, 2020, the City retained the Lynn Law Firm, LLP, to represent the City in a civil litigation action against Allstate Insurance Company, which provided insurance coverage for the driver of the other motor vehicle involved in the accident; and

WHEREAS, Officer Warter, also, filed his own separate claim against Allstate Insurance Company; and

WHEREAS, on March 9, 2020, Allstate acknowledged the claims and provided notice of the insurance policy coverage, which included coverage of up to a maximum of \$50,000; and

WHEREAS, after extensive settlement discussions, it is recommended that the \$50,000 award to be paid by Allstate be split equally between the claimants; and

WHEREAS, the attached mutual Release of All Claims memorializes this settlement and is attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve the following:

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- 1) A Release of All Claims with respect to Claim #0551433931, which is attached hereto and incorporation herein; and
- 2) A recognition by the City Comptroller of a settlement agreement reimbursement and revenue into the City Budget Accounts in the amount of \$25,000; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents in order to carry out the foregoing settlement and this Resolution.

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		

COUNCIL RESOLUTION #60 OF 2021

AUTHORIZING A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) FOR LANDFILL NO. 2 CLOSURE COSTS

By Councilor Giannettino

May 6, 2021

WHEREAS, the New York State Department of Environmental Conservation is authorized to provide grants for municipalities that own inactive solid waste landfills or landfills that will be inactive within 18 months of application and with eligible closure costs incurred after April 1, 1993; and

WHEREAS, applications may be submitted to the New York State Department of Environmental Conservation (NYSDEC) for consideration by municipalities who are eligible to apply and these applications are accepted continuously; and

WHEREAS, the Department of Public Works proposes to submit a funding application for the closure of landfill No. 2; and

WHEREAS, the total project costs are currently estimated at \$5,850,000 and will be funded through the issuance of Serial Bonds, Bond Ordinance #5 of 2021.

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

1. The Mayor, or appointed designee, is authorized to submit an application to NYS DEC for Landfill No. 2 Closure Costs; and
2. This resolution shall take effect immediately upon its adoption.

Seconded by 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 #61 OF 2021

**RETAINING A MARKETING SERVICES FIRM TO PROVIDE MARKETING SERVICES
FOR THE HISTORIC AND CULTURAL SITES COMMISSION AND EQUAL RIGHTS
HERITAGE CENTER**

By Councilor Cuddy

May 6, 2021

WHEREAS, in December 2019 the City received notice that it had been awarded a \$150,000 grant from the New York State Empire State Development's Market NY Grant Program to provide events and marketing services totaling \$200,000 for the Historic and Cultural Sites Commission and NYS Equal Rights Heritage Center, and

WHEREAS, on March 16, 2021 the City issued a Request for Proposals (RFP) seeking a marketing firm capable of leading and executing marketing services, and

WHEREAS, a total of five responses were received from the RFP and a review committee of seven individuals made up of City staff, staff from the Auburn BID and members of the City's Historic and Cultural Sites Commission conducted a competitive review of all responses received; and

WHEREAS, following the review, the review committee is recommending to the City Council to retain the services of TGW Studio of 210 South Avenue, Suite 130, Rochester, NY at an amount not to exceed \$200,000.00.

NOW, THEREFORE, BE IT RESOLVED that:

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1. The City Council does hereby agree to retain the services of TGW Studio of 210 South Avenue, Suite 130, Rochester, NY to provide marketing services for the Historic & Cultural Sites Commission and the NYS Equal Rights Heritage Center for a period of time commencing immediately and ending no later than December 31, 2021 for an amount not to exceed \$200,000. to be charged to the designated account entitled Market NY (#A1621.442); and
2. The Mayor is authorized to sign all documents required to execute services for this project.

Seconded by Councilor McCormick

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

APPOINTMENT RESOLUTION #62 OF 2021

**APPOINTING MEMBERS TO THE HISTORIC
AND CULTURAL SITES COMMISSION OF THE CITY OF AUBURN**

By Councilor Giannettino

May 6, 2021

WHEREAS, the Historic and Cultural Sites Commission was originally established by Ordinance #1 of 2000 and was updated by Ordinance #2 of 2020 and said Ordinances set forth the legislative intent, purpose, powers and membership of the Commission; and

WHEREAS, the at large members of the Historic and Cultural Sites Commission are appointed by the Mayor of the City of Auburn with the approval of the majority of the City Council; and

WHEREAS, there are three at large member vacancies due to the expiration of the members' previous terms; and

WHEREAS, the Mayor and City Council are desirous of appointing the following individuals to their positions for a term of three (3) years commencing effective May 6, 2021 and terminating May 5, 2024:

- Dianne Stankus, at large commission member;
- Rev. Paris Price, at large commission member; and
- Mandy Webster, at large commission member.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn that Dianne Stankus, Rev. Paris Price and Mandy Webster be appointed as members of the Historic and

Cultural Sites Commission, and they are appointed for a term of three (3) years, effective immediately and ending May 5, 2024.

Second 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 #63 OF 2021

AUTHORIZING CITY PARTICIPATION IN A REQUEST FOR PROPOSALS ISSUED WITH BROOME COUNTY AND OTHER MUNICIPALITIES FOR MEDICARE ADVANTAGE AND PRESCRIPTION DRUG BENEFIT SERVICES

By Councilor Giannettino

May 6, 2021

WHEREAS, Broome County will be issuing a Request for Proposals seeking a contract for Medicare Advantage and Prescription Drug Benefit Services for its retirees; and

WHEREAS, Broome County has proposed issuing a joint Request for Proposal with other interested municipalities pursuant to General Municipal Law § 119-o; and

WHEREAS, upon selection of the vendor, each participating municipality will enter into its own contract with the vendor; and

WHEREAS, the City of Auburn wishes to participate in this joint request for proposals.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Auburn hereby authorizes participation by the City of Auburn with Broome County and other participating municipalities in a joint request for proposals for Medicare Advantage and Prescription Drug Benefit Services for its eligible retirees; and

BE IT FURTHER RESOLVED that the City of Auburn understands that upon selection of a vendor, it will have the option to enter into its own contract with the vendor, but that the City is not obligated to do so; and

BE IT FURTHER RESOLVED that the City of Auburn is authorized to provide Broome County with information required to develop the Request for Proposal including, but not limited to, census information of medicare primary retirees including date of birth, gender and zip code, and a copy of a current Summary Plan Description and Benefit Summary along with this resolution; and

BE IT FURTHER RESOLVED that the City of Auburn hereby agrees to formally state its intention to elect to opt in or out of participation in the selected vendors' MA or MAPD program after the RFP process is complete; and

BE IT FURTHER RESOLVED that the Mayor of the City of Auburn, or his named designee, is hereby authorized to execute any agreements, documents or papers as may be necessary to implement the intent of this resolution; and

BE IT FURTHER RESOLVED that resolution shall take effect immediately upon its adoption.

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		

E. Staff Presentations –

TABLED ITEMS - none

OTHER BUSINESS –

Mayor Quill

Thank you. Mr. Dygert. Do you request executive session?

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ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 6:24 p.m..

Minutes submitted by:

Chuck Mason, City Clerk