

**Auburn City Council  
Regular Meeting  
Thursday, May 2, 2019 6:00 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 6:00PM in the City Council Chambers 24 South St. Auburn NY by Mayor Quill.

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

**The following City Staff was present for the regular meeting:**

- City Manager, Jeff Dygert
- Corporation Counsel, Stacy DeForrest
- City Clerk, Charles Mason
- Comptroller, Rachel Jacobs
- Police Chief, Shawn Butler
- Director of Capital Improvement Program and Grants, Christina Selvek
- Director of Planning and Economic Development, Jennifer Haines
- Superintendent of Engineering, William Lupien
- Director of Municipal Utilities, Seth Jensen
- Assistant Comptroller, Theresa Adams
- Fire Chief, Joe Morabito
- Assistant Planner, Holly Glorr

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

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

**4. Public Announcements**

The City Clerk read the announcements.

**5. Ceremonial Presentations and Proclamations.**

- Motorcycle Awareness Month Proclamation – presented to Don "Duffy" Sweeney, Pres. – ABATE.
- Mental Health Awareness Month Proclamation – presented to That Bart and Terry Wasilenko.

- Drug Treatment Court Month Proclamation – presented to Associate City Court Judge Kristen Garland.
- Historic Preservation Month Proclamation. Assistant Planner, Holly Glorr made a presentation to Dr. Steve & Judy Coleman for their restoration of property located at 11 Seminary Street.

**6. 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. The following individuals spoke: Tim Lattimore, County Legislator, District 13. Mr. Lattimore spoke about issues pertaining to Owasco Lake.

**7. Approval of Meeting Minutes –**

April 18, 2019 Council Meeting Minutes

Motion to approve the April 18, 2019 minutes by Councilor McCormick, seconded by Councilor Giannettino. Motion to approve carried 4-0. Councilor Cuddy voted present.

**8. Reports of City Officials**

**A. City Manager's Report**

- The Lead Water Service Line Replacement program is scheduled to start next week on South Hoopes Ave. between East Genesee St. and Frances St. Information packages are being distributed to the impacted homes in that area.
- The Court St. Parking lot is scheduled to receive its final coat of pavement and permanent striping next week, weather permitting. Local property owners are being notified.
- Falcon Park is wrapping up. Both the college and the high school baseball teams will be utilizing the facility this week.

**B. Reports from members of Council**

**9. Matters to Come Before Council**

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

**B. Ordinances - None**

**C. Local Laws –**

**LOCAL LAW #1 of 2019**

**AMENDING CHAPTER 178 OF THE  
AUBURN CITY CODE ENTITLED “HISTORIC PRESERVATION”**

By Councilor Carabajal

May 2, 2019

**WHEREAS**, on March 28, 1991, the Auburn City Council enacted and established Local Law No. 2-1991 as Chapter 178 of the Auburn City Code entitled “Historic Preservation,” pursuant to New York State Municipal Home Rule Law Section 10(1)(ii)(a)(11); and

**WHEREAS**, in 2014, the New York State Historic Preservation Office and the New York State Preservation League published a revised Model Historic Preservation Law for the purpose of providing municipalities with a model that reflects updated legal developments in the area of historic preservation; and

**WHEREAS**, on April 6, 2017 Auburn City Council adopted Local Law No. 1 of 2017 as Chapter 178 of the Auburn City Code entitled “Historic Preservation;” and

**WHEREAS**, the City of Auburn held its Certified Local Government audit on September 11, 2018 and received the audit report on October 2, 2018; and

**WHEREAS**, Chapter 178 of the City Code requires minor revisions to bring our local law into compliance with the state wide Certified Local Government program; and

**WHEREAS**, a public hearing was held on April 25, 2019, concerning the amendment of Local Law No. 1-2017 and the enactment of Local Law No. 1 of 2019, which is attached hereto.

**NOW, THEREFORE, BE IT ENACTED** that the Auburn City Council does hereby amend Local Law No. 1-2017, which was passed on April 6, 2017, as Chapter 178 of the City Code; and

**BE IT FURTHER ENACTED**, that the Auburn City Council does hereby adopt Local Law No. 1 of 2019 as Chapter 178 of the Auburn City Code entitled “Historic Preservation;” and

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

Seconded by Councilor McCormick

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

**LOCAL LAW #2 of 2019**

**REPEALING AND REPLACING SECTIONS OF CHAPTER 285 OF THE  
AUBURN CITY CODE ENTITLED “VEHICLES AND TRAFFIC”**

By Councilor Giannettino

May 2, 2019

**WHEREAS**, on March 28, 1991, the Auburn City Council enacted and established Local Law No. 2-1991 as Chapter 60, entitled “Vehicles and Traffic,” which is now known as Chapter 285 of the City Code, pursuant to New York State Municipal Home Rule Law Sections 10(1); and

**WHEREAS**, it is necessary to continually revise and update Chapter 285 of the City Code in order to reflect current traffic flows and patterns for the continued safety of City residents; and

**WHEREAS**, Local Law No. 2 of 2019, attached hereto and incorporated herein, proposes to update Chapter 285 of the City Code to reflect the most recent vehicle and traffic regulations in the City of Auburn; and

**WHEREAS**, the passage of Local Law No. 2 of 2019, 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 was held On April 25, 2019, concerning the repealing of sections of Local Law No. 2-1991 and the enactment of Local Law No. 2 of 2019.

**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 60 of the City Code entitled “Vehicles and Traffic:”

1. Article II, Sections 5(A)(17) and 7(C)(1);
2. Article III, Sections 8(B), 8(C), 8(D) and 9;
3. Article IV, Sections 10(D) and 11;
4. Article V, Sections 14 and 16;

and,

**BE IT FURTHER ENACTED** that the Auburn City Council does hereby adopt Local Law No. 2 of 2019, attached and incorporated herein, which replaces the following Articles and Sections of Chapter 285 of the Auburn City Code entitled “Vehicles & Traffic”:

1. Article II, Sections 5(A) and 7(C);
2. Article III, Sections 8(B), 8(C), 8(D) and 9;
3. Article IV, Sections 10(D) and 11;
4. Article V, Sections 14 and 16;

;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.

Seconded by Councilor McCormick

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

**D. Resolutions –**

**AGREEMENT RESOLUTION #47 of 2019**

**AUTHORIZING A SPECIAL COUNSEL AGREEMENT FOR LITIGATION AGAINST  
THE MANUFACTURERS AND DISTRIBUTORS OF OPIOIDS**

By Councilor Giannettino

May 2, 2019

**WHEREAS**, the opioid and heroin epidemic is one of Central New York’s most serious health problems and has impacted the lives of thousands of families throughout the entire region; and,

**WHEREAS**, the epidemic has significantly impacted the residents of the City of Auburn and Cayuga County by increasing the number of individuals addicted to the drugs and by increasing the tragic loss of lives as a result of those additions; and,

**WHEREAS**, it is imperative that our local community continue to work together to advance legislation, create awareness, and fight to curb this opioid and heroin abuse epidemic; and

**WHEREAS**, a part of the fight against this epidemic includes litigation against the manufacturers and distributors of opioids, seeking damages for the fraudulent and negligent marketing of the drugs; and

**WHEREAS**, to date, approximately 1800 lawsuits have been filed nationwide against opioid manufacturers and distributors, including hundreds within the State of New York; and

**WHEREAS**, the City of Auburn seeks to join this litigation and retain Napoli and Shkolnik, PLLC, by the Special Counsel Agreement, attached hereto and incorporated herein, in order to pursue relief for the damages that its residents have suffered; and

**WHEREAS**, the attorneys of Napoli and Shkolnik, PLLC, represent multiple municipalities in the State of New York in the prosecution of legal claims against the manufacturers and distributors of opioids; and

**WHEREAS**, City staff recommends that the Mayor be authorized to execute the Special Counsel Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that in light of the tragic circumstances associated with the opioid and heroin epidemic, the City Council of the City of Auburn, New York, hereby authorizes the execution of a Special Counsel Agreement with Napoli Shkolnik, PLLC, in order to pursue litigation against the manufacturers and distributors of opioids; and,

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to sign any and all documents necessary to carry out this Resolution.

Seconded by Councilor Carabajal

	Ayes	Noes	Absent
Councilor McCormick	X		
Councilor Giannettino	X		
Councilor Cuddy	X		

Councilor Carabajal	X		
Mayor Quill	X		
Carried and Adopted	X		

**AGREEMENT RESOLUTION #49 OF 2019**

**AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT  
WITH THE FINGER LAKES DOG PROTECTION AGENCY, INC.**

By Councilor Cuddy

May 2, 2019

**WHEREAS**, Finger Lakes Dog Protection Agency (“FLDPA”) has provided dog control services and enforced the laws and ordinances of the State of New York and the City of Auburn for many years; and

**WHEREAS**, the City of Auburn has a contract with the FLDPA for the aforementioned services and enforcement, which expired on December 31, 2018, and the dog licensing and oversight of control services is the responsibility of the City Clerk’s office; and

**WHEREAS**, the City and FLDPA have renegotiated a two (2) year contract, effective on the 1<sup>st</sup> day of January, 2019, and ending on the 31<sup>st</sup> day of December, 2020, which is attached hereto and incorporated herein; and

**WHEREAS**, the proposed agreement stabilizes the fees paid at the same rate that were paid during the calendar year 2018, with no increase and these services are essential in order to provide for the dog control requirements of the State law.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby approve an agreement with the Finger Lakes Dog Protection Agency, Inc. to provide dog control services and enforce the laws and ordinances of the State of New York and the City of Auburn at the same rate that was paid by the City to the Agency for the year 2018 and the Mayor is authorized to sign a new agreement with a two (2) year term commencing effective January 1, 2019 and expiring December 31, 2020.

Seconded by Councilor Giannettino

	Ayes	Noes
Councilor McCormick	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Carabajal	X	

Mayor Quill	X	
Carried and Adopted	X	

**COUNCIL RESOLUTION #50 OF 2019**

**AUTHORIZING AUCTION OF SURPLUS VEHICLES AND EQUIPMENT PURSUANT TO THE 2019 CITY OF AUBURN PROCUREMENT AND SUPPLUS POLICY**

By Councilor Carabajal

May 2, 2019

**WHEREAS**, on January 3, 2019, the City Council of the City of Auburn passed Council Resolution No. 2 of 2019, which adopted a City of Auburn Procurement and Surplus Policy (the “Procurement Policy”); and

**WHEREAS**, the Procurement Policy requires that the sale of surplus vehicles and equipment with an estimated value of \$1,000 or more be approved by City Council;

**WHEREAS**, a list of City owned surplus vehicles, equipment, and other items, which have outlived their useful life or are no longer necessary or useful to the City, are attached hereto in Exhibit A; and

**WHEREAS**, it is in the best interest of the City to dispose of the equipment and vehicles set forth in Exhibit A through an auction in order to obtain the best value for them.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Auburn hereby authorizes the auction of the City-owned vehicles and equipment set forth in Exhibit A attached hereto in accordance with the 2019 City of Auburn Procurement and Surplus Policy.

Seconded by Councilor McCormick

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

**FINANCIAL RESOLUTION #51 OF 2019**

**AUTHORIZING VARIOUS OPERATING AND CAPITAL BUDGET TRANSFERS**



By Councilor Giannettino

May 2, 2019

**WHEREAS**, the City of Auburn staff is requesting various operating and non-operating budget transfers for the fiscal 2018-19 year as outlined in attachment A; and,

**WHEREAS**, there is no fund balance being used for these transfers.

**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 2018-19 fiscal year; and,
2. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor McCormick

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

Auburn City Council Minutes May 2, 2019

Attachment A					
2-May-19					
Amount	Account to		Account From		Reason
\$5,516.14	A1450.450	Board of Elections - Fees	A1410.409	City Clerk - Software	Transfer for city-wide primary election in June
\$10,000.00	A3120.230	APD - Vehicles	A3120.482	APD - Maint/Rep	Cover excess needed to purchase replacement vehicle & accessories for total loss vehicle
\$3,500.00	A3410.160	AFD - Contractual Overtime	A3410.250	AFD - Other Equipment	To cover contractual Overtime over budget due to military leave, duty injury, etc
\$4,000.00			A3410.412	AFD - Operating Supplies	
\$8,500.00			A3410.460	AFD - Training	
\$5,500.00			A3410.824	AFD - 207 Cost	
\$11,000.00			A3410.482	AFD - Maint/Rep	
\$600.00			A3410.844	AFD - Vision	
\$35,000.00			A3410.803	AFD - Retirement	
\$20,000.00	HF8330.440. IH	Capital - Water - WFP Microsystin	HF.8330.440. JL	Capital - Water - Upper Pump	Transfer to cover bids received for PAC storage - upper pump station

**AWARD RESOLUTION #52 OF 2019  
AWARDING THE ANNUAL FINANCIAL STATEMENT AUDIT**

By Councilor Cuddy

May 2, 2019

**WHEREAS**, State and Federal Regulations require an annual financial statement audit by a qualified public accounting firm; and

**WHEREAS**, on April 9, 2019 bids were opened for the audits for fiscal years 2019 through 2023 and proposals were received from the following firms:

- Bonadio & Co. LLP (Score: 68)  
432 North Franklin Street, Suite 60  
Syracuse, New York 13204
- EFPR Group, CPAs, PLLC (Score: 85)  
6390 Main Street, Suite 200  
Williamsville, New York 14221
- Grossman St. Amour CPAs (Score: 75)  
110 West Fayette Street  
Syracuse, New York 13202
- Insero & Co. CPAs, LLP (Score: 96)  
401 East State Street, Suite 500  
Ithaca, New York 14850
- PKF O'Connor Davies, LLP (Score: 77)  
32 Fostertown Road  
Newburgh, New York 12550

**WHEREAS**, all firms responding to the request for proposal are qualified.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby award the proposal for the annual financial statement audits for the years ending June 30, 2019-2023 to Insero & Co. in the amount of \$33,000 with a \$500 escalation each year.

Seconded by Councilor Giannettino

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

**COUNCIL RESOLUTION #53 of 2019**

**SETTING A DATE FOR A PUBLIC HEARING CONCERNING THE CITY  
MANAGER’S RECOMMENDED BUDGET OF 2019-2020**

By Councilor Carabajal

May 2, 2019

**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 23<sup>rd</sup> day of May, 2019 at 6:00 p.m. at City Council Chambers, 1<sup>st</sup> Floor, Memorial City Hall, Auburn, New York, concerning the City Manager’s Recommended Budget 2019-2020; 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
Councilor McCormick	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Carabajal	X	
Mayor Quill	X	
Carried and Adopted	X	

**AWARD RESOLUTION #54 OF 2019**

**AWARDING A BID FOR GENERAL CONSTRUCTION FOR THE WATER  
FILTRATION MICROCYSTIN TREATMENT AND WATER QUALITY  
IMPROVEMENT PROJECT**

By Councilor Giannettino

May 2, 2019

**WHEREAS**, on June 1, 2017, the City Council of the City of Auburn passed Council Resolution No. 76, authorizing the funding and implementation of the Water Filtration Microcystin Treatment and Water Quality Improvement Project, herein referred to as "The Project"; and

**WHEREAS**, on April 19, 2018, the City Council of the City of Auburn passed Resolution No. 61, which accepted additional grant funding from the New York State Environmental Facilities Corporation, (NYSEFC), in the amount of \$100,000 for a total project cost of up to \$850,000 to fund the Project; and

**WHEREAS**, on January 17, 2019, the City Council of the City of Auburn passed Resolution No. 9, which accepted additional grant funding from the New York State Environmental Facilities Corporation, (NYSEFC), in the amount of \$100,000 for a total project cost of up to \$950,000 to fund the Project; and

**WHEREAS**, the City of Auburn has acquired the professional services of a New York State Licensed Architect to complete final design drawings and bid documentation required for permanent upgrades to complete the Project; and

**WHEREAS**, on Tuesday, April 23, 2019, bids for the Project for General Construction were opened and the following bids were received:

- |  |               |
|--|---------------|
| 1. CJ Marley Construction, Inc.<br>Marcellus, NY | \$ 144,500.00 |
| 2. Bouley Associates, Inc.<br>Auburn, NY         | \$ 164,500.00 |

; and

**WHEREAS**, the City of Auburn Department of Engineering Services and Municipal Utilities has completed a bid analysis and recommends that CJ Marley Construction, Inc of Marcellus, NY be awarded the general construction contract for the Project; and

**WHEREAS**, pursuant to General Municipal Law Section 103, it is necessary that the appropriate officer, board or agency of the City of Auburn award the bid for the Project to CJ Marley Construction, Inc. in the amount of \$144,500.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby award the bid for the Project for the general construction contract in the amount of \$144,500 to CJ Marley Construction, Inc. and the cost of the bid award of \$144,500 is to be charged to Water Filtration Microcystin Treatment and Water Quality Improvement Project capital account (#HF 8330-440-IH); and

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

Seconded by Councilor Cuddy

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

## STAFF/VENDOR PRESENTATIONS

**Final Balanced Budget Based on Council Input and Revised Revenue Estimates.** City Manager Dygert and Rachel Jacobs, Comptroller presented the final draft of the City Manager's proposed fiscal year 2019-2020 City budget.

## 10. Other Business

**Adjournment:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:30 p.m.

Minutes submitted to the City Council on May 16, 2019 by:

Charles Mason  
City Clerk