

**Auburn City Council
Regular Meeting
Thursday, August 15, 2019 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.

1. Roll Call – The City Clerk called the roll. Mayor Quill and Councilors McCormick, Cuddy, Giannettino, 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
- Police Chief, Shawn Butler
- Director of Planning and Economic Development, Jennifer Haines
- Superintendent of Engineering, William Lupien
- Fire Chief, Joe Morabito

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.

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.

Alicia Procino spoke to ask the public to remember to support local food pantries.

7. Approval of Meeting Minutes – none

8. Reports of City Officials

A. City Manager's Report - none

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 – None

D. Resolutions –

FINANCIAL RESOLUTION #96 OF 2019

**ACCEPTING A DONATION FROM THE DR. JOSEPH F. KARPINSKI SR
FOUNDATION FOR REPAIRS TO HOOPES PARK BANDSTAND**

By Councilor Giannettino

August 15, 2019

WHEREAS, the City of Auburn is authorized to accept and maintain donations pursuant to the City of Auburn Charter for the benefit of its residents; and

WHEREAS, the following donation has been made for the purpose of repairing the Hoopes Park Band Stand:

<u>Name of Donor</u>	<u>Donation Amount or Value</u>
Dr. Joseph F. Karpinski Sr. Foundation	\$4,000

and;

WHEREAS, all donations contributed to the City for the benefit of its residents must be accepted and approved by the City Council.

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

1. That a donation in the amount of \$4,000 from the Dr. Joseph F. Karpinski Sr. Foundation be accepted and shall be used as allowed by law; and
2. That the City Comptroller is authorized to make the necessary budget amendments as follows:
 - a. Increase A99.2705 (Gifts & Donations) by \$4,000

- b. Increase A7110.412 (Hoopes Park Operating Supplies) by \$4,000; and
3. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Cuddy

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

AGREEMENT RESOLUTION #97 OF 2019

**AUTHORIZING CHANGE ORDER #2 TO THE DESIGN SERVICES AGREEMENT
WITH C&S ENGINEERS, INC FOR THE SOUTH STREET CORRIDOR
IMPROVEMENT PROJECT**

By Councilor Carabajal

August 15, 2019

WHEREAS, on March 3, 2016, the Auburn City Council authorized Agreement Resolution #38 of 2016, which awarded a design services agreement to C&S Engineers, Inc. in the amount of \$385,000 for the South Street Reconstruction Project and the South Street Corridor Enhancement Project, which have been combined into one project, namely, the South Street Corridor Enhancement Project; and

WHEREAS, Change Order #2 to the design services agreement with C&S Engineers in the amount of \$157,000 is now required to cover the costs for design services relating to the Wood Brook Culvert replacement, and the redesign of the pavement and Rights-of-Way for accommodations made on behalf of the cultural resource review by the NYSDOT and the National Parks with regards to the Harriet Tubman Historical National Park; and

WHEREAS, the cost of this Resolution is to be charged to the South St - Metcalf to City Line Account #HA 5110-440-FM in the amount of \$157,000, which is eligible for 80% Federal, and 15% NYS Marchiselli reimbursement; and

WHEREAS, the City of Auburn does hereby agree to making a commitment of 100% of the first instance payments of the total project costs.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award Change Order #2, in the amount of \$157,000 to the design services agreement with C&S Engineers, Inc. for the South St. Corridor Enhancement Project; and,

BE IT FURTHER RESOLVED that the cost of this Resolution shall be charged to South St - Metcalf to City Line Account #HA 5110-440-FM; and

BE IT FURTHER RESOLVED that the Mayor of the City of Auburn is hereby authorized to execute any and all necessary agreements and contracts, certifications, and reimbursement requests on behalf of the City of Auburn for said project.

Seconded by Councilor McCormick

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

AGREEMENT RESOLUTION #98 OF 2019

AUTHORIZING CHANGE ORDER #1 TO THE CONSTRUCTION INSPECTION SERVICES AGREEMENT WITH POPLI CONSULTING ENGINEERS FOR THE OWASCO RIVER GREENWAY TRAIL PROJECT

By Councilor Cuddy

August 15, 2019

WHEREAS, on September 15, 2016, the Auburn City Council authorized Agreement Resolution #139 of 2016, which awarded construction inspection services for the Owasco River Greenway Trail Project to Popli Consulting Engineers in the amount of \$248,000; and

WHEREAS, Change Order #1 in the amount of \$29,000 is now required to the Construction Inspection Agreement for the extra work done under this project which included the milling, paving, and striping of the Loop Road between Genesee St. and North St., and the section of North St. between the Loop Road and Arterial East; and

WHEREAS, the cost of this Resolution is to be charged to the Owasco River Greenway Trail Project account #HA8020.440.GM; and

WHEREAS, the City of Auburn does hereby agree in making a commitment of 100% of the first instance payments of the total project costs.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award Change Order #1, in the amount of \$29,000 to the Construction Inspection Services Agreement with Popli Consulting Engineers for the Owasco River Greenway Trail Project; and,

BE IT FURTHER RESOLVED that the cost of this Resolution shall be charged to the Owasco River Trail Project Account # HA8020.440.GM in the amount of \$29,000; and

BE IT FURTHER RESOLVED that the Mayor of the City of Auburn is hereby authorized to execute any and all necessary agreements and contracts, certifications, and reimbursement requests on behalf of the City of Auburn for said project.

Seconded by Councilor McCormick

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

AGREEMENT RESOLUTION #99 OF 2019

AUTHORIZING CHANGE ORDER #1 TO THE DESIGN CONTRACT FOR THE STATE STREET OVER THE OWASCO RIVER BRIDGE REPLACEMENT PROJECT

By Councilor McCormick

August 15, 2019

WHEREAS, on July 20, 2017, the Auburn City Council authorized Award Resolution #100 of 2017, which awarded engineering design services for the State Street over the Owasco River Bridge Replacement Project to C&S Engineers, Inc. in the amount of \$518,000; and

WHEREAS, Change Order #1 in the amount of \$118,000 to the contract with C&S Engineers is now required to cover the costs for additional design services and Right-of-Way Acquisition Services to be provided; and

WHEREAS, the additional services include the following: preparation of Environmental Permits; additional ROW surveying and mapping; redesign of the area adjacent to the proposed large and deep excavation site of the contaminated soils located at the southeast corner of State Street and West Garden Street; and the modification of the Work Zone Traffic Control plans to accommodate the temporary closure of West Garden Street and the affected parking and businesses in this area; and

WHEREAS, the cost of this Resolution is to be charged to the State Street over the Owasco River Bridge Replacement Project Account #HA 5110-440-JA in the amount of \$118,000, which is eligible for 95% Federal reimbursement; and

WHEREAS, the City of Auburn does hereby agree to making a commitment of 100% of the first instance payments of the total project costs.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award Change Order #1, in the amount of \$118,000 to the design contract with C&S Engineers, Inc., for the State Street over the Owasco River Bridge Replacement Project; and,

BE IT FURTHER RESOLVED that the cost of this Resolution shall be charged to State Street over the Owasco River Bridge Replacement Project Account #HA 5110-440-JA; and

BE IT FURTHER RESOLVED that the Mayor of the City of Auburn is hereby authorized to execute any and all necessary agreements and contracts, certifications, and reimbursement requests on behalf of the City of Auburn for said project.

Seconded by Councilor Carabajal

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

LAND SALE RESOLUTION #100 OF 2019

AUTHORIZING THE SALE OF PROPERTY AT 41-55 WASHINGTON STREET, AUBURN, NEW YORK, TO HELIO HEALTH, INC.

By Councilor Cuddy

August 15, 2019

WHEREAS, the City of Auburn is the owner of seven (7) acres of real property located at 41-55 Washington Street (the “Property”), which is also known as the former Dunn & McCarthy Shoe factory site in the City of Auburn; and

WHEREAS, the City has owned the Property and marketed it for sale for nearly two decades since it acquired ownership in 1994, but the Property has sat dormant; and

WHEREAS, Helio Health, Inc. (“Helio Health”), has presented a written offer to purchase approximately three and a half acres of the Property for the price of \$130,000, which is attached hereto and incorporated herein; and

WHEREAS, a sale of this Property would help support local development in the City of Auburn and transform vacant land into useful property.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve a sale of approximately three and a half acres of land located at 41-55 Washington Street, Auburn, New York, to Helio Health, Inc, for the purchase price of \$130,000, subject to the terms and conditions set forth in the Purchase and Sale Agreement, which is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED, that the sale is conditioned upon development of the Property within four (4) years from the execution of the purchase offer, as is required by the City's Land Sale Policy; and

BE IT FURTHER RESOLVED, that the Mayor, or other appointed designee, is authorized to sign the Purchase and Sale Agreement setting forth the above-terms for the sale of the Property, together with any and all documents in order to close on the sale and transfer of the Properties.

Seconded by Councilor McCormick

Councilor Giannettino discussed that he has been contacted by numerous interested local housing and addiction recovery organizations that would like to learn more about the Helio Health proposed project for this land. Councilor Giannettino made a motion to table Resolution 100 of 2019 so that more time can be taken for education of community partners. Councilor McCormick seconded the motion to table. The motion to table carried 5-0.

COUNCIL RESOLUTION #101 OF 2019

AUTHORIZING SETTLEMENT OF THE REAL PROPERTY TAX ASSESSMENT PROCEEDINGS, AUTOZONE #4772 v. BOARD OF ASSESSMENT REVIEW OF THE CITY OF AUBURN ET AL., CONCERNING REAL PROPERTY LOCATED ALONG GRANT AVENUE

By Councilor McCormick

August 15, 2019

WHEREAS, In 2018 Autozone #4772, commenced proceedings challenging the property tax assessment for the real property it owns located at 214 Grant Avenue in the City of Auburn (the "Property"); and

WHEREAS, the Property is located along the Southeast side of Grant Avenue between McIntosh Drive and Prospect Street; and

WHEREAS, Assistant Corporation Counsel Nathan J. Garland Esq., appeared in the foregoing proceedings on behalf of the City of Auburn and County Attorney Christopher M. Palermo, Esq. appeared and intervened in these proceedings on behalf of Cayuga County; and, Attorney Katherine E. Gavett, Esq., appeared and intervened in these proceedings on behalf of the Auburn Enlarged City School District; and

WHEREAS, after extensive settlement negotiations, the Parties and their attorneys have agreed that a settlement as outlined in the attached proposed Stipulation of Settlement and Judicial Order would be in the best interests of all parties and would avoid further litigation expense; and

WHEREAS, the Auburn Enlarged City School District Board of Education and the Cayuga County Legislature have already approved, the proposed settlement as outlined in the attached.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize Assistant Corporation Counsel Nathan J. Garland, Esq. to execute the attached Stipulation of Settlement and Judicial Order, wherein (1) tax assessment of the property owned by the Petitioner shall be adjusted as set forth therein, and (2) refunds shall issue in the amount set forth therein.

Seconded by Councilor Carabajal

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

COUNCIL RESOLUTION #102 OF 2019

AUTHORIZING SETTLEMENT OF THE REAL PROPERTY TAX ASSESSMENT PROCEEDINGS, TOWN CENTER EQUITIES, LLC. v. BOARD OF ASSESSMENT REVIEW OF THE CITY OF AUBURN ET AL., CONCERNING REAL PROPERTY LOCATED ALONG GENESEE STREET

By Councilor McCormick

August 15, 2019

WHEREAS, In 2015, 2016, 2017, 2018 and 2019 Towne Center Equities, LLC (“Town Center Equities”), commenced proceedings challenging the property tax assessment for separate parcels of real the property it owns located at along Genesee Street, namely, 311, 309, 321 and 315 Genesee Street (the “Property”) in the City of Auburn; and

WHEREAS, the Property is located along the north side of Genesee Street between Columbus Street and Lexington Avenue and is commonly referred to as the former P&C Plaza; and

WHEREAS, Assistant Corporation Counsel Nathan J. Garland Esq., appeared in the foregoing proceedings on behalf of the City of Auburn, Rebecca Speno, Esq. appeared and intervened in these proceedings on behalf of Cayuga County; and, Attorney Katherine E. Gavett, Esq., appeared and intervened in these proceedings on behalf of the Auburn Enlarged City School District; and

WHEREAS, after extensive settlement negotiations, the Parties and their attorneys have agreed that a Stipulation of Settlement and Judicial Order would be in the best interests of all parties and would avoid further litigation expense; and

WHEREAS, the Auburn City School District Board of Education and the Cayuga County legislature have already approved, the proposed settlement, which is attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize Assistant Corporation Counsel Nathan J. Garland to execute the attached Stipulation of Settlement and Judicial Order, wherein (1) tax assessment of the property owned by the Petitioner shall be adjusted as set forth therein, and (2) refunds shall issue in the amount set forth therein.

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 #103 OF 2019

**AWARDING A CONSTRUCTION CONTRACT FOR THE 2019 WATER MAIN
IMPROVEMENT PROJECT**

By Councilor Giannettino

August 15, 2019

WHEREAS, on May 16, 2019, the City of Auburn City Council passed Bond Ordinance #3 of 2019, establishing funds to support the 2019 Water Main Improvement Project (the Project); and

WHEREAS, it was necessary to prepare bid documents and issue a formal bid for the installation of the Project; and

WHEREAS, on August 12, 2019, the City of Auburn opened bids to for the Project; and

WHEREAS, bids were advertised for the Project and on August 12, 2019 the following bids were opened and received;

	<u>Contractor</u>	<u>Base Bid</u>
1.	J.J. Lane Construction Inc. Liverpool, New York	\$927,000.00
2.	Kwasniewski Service Co. Auburn, New York	\$1,226,687.77
3.	Grant Street Construction Inc. Cortland, New York	\$1,249,000.00
4.	Villager Construction Inc. Fairport, New York	\$1,254,500.00

; and

WHEREAS, it is necessary that the Auburn City Council award the bid for the 2019 Water Main Improvement Project to the lowest qualified bidder, J.J. Lane Construction Inc., in the amount of \$927,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award the contract for the 2019 Water Main Improvement Project to J.J. Lane Construction Inc. of Liverpool, NY for their low base bid of \$927,000.00 and the cost of the Resolution is to be charged to the capital account entitled Swift, Pulsifer, Chase St. Ext. Construction (#HF 8340 440 JZ); and

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

Seconded by Councilor Carabajal

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

STAFF/VENDOR PRESENTATIONS - none

10. Other Business –

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 5:51 p.m.

Minutes submitted to the City Council on September 5, 2019 by:

Charles Mason
City Clerk