

**Auburn City Council
Regular Meeting
Thursday, September 5, 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, 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
- Comptroller, Rachel Jacobs
- Police Chief, Shawn Butler
- Director of Planning and Economic Development, Jennifer Haines
- Director of Capital Improvement Program and Grants, Christina Selvek
- 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.

William Costie, 73 Seymour Street. Asked the Council to consider changing the 5 ton posted limit on Dunning Avenue to allow for truck traffic to be able to use the route.

Kathy Walker, Executive Director of the Community Preservation Committee and Willard Memorial Chapel. She spoke to state that the Preservation Committee and Willard Memorial Chapel support the neighboring site to be used as the future Public Safety Building Facility for

the City.

Bill Andre, President of the Cayuga Central Labor Council spoke to support the Council moving forward with the proposed public safety facility. He stated that the manner that Council has decided to proceed was the right way to go with the project.

Gary Swan, representing the Roofers Local 195 spoke to support the Council moving forward with the proposed public safety facility.

Stephanie Hutchinson, Executive Director of the Auburn Housing Authority spoke regarding concerns with the sale of city-owned land to Helio Health.

Tim Lattimore, County Legislator for District 13. Spoke to present a resolution the County Legislature recently adopted supporting an initiative in Onondaga County.

7. Approval of Meeting Minutes –

August 1, 2019 Council Meeting Minutes

Motion to approve the August 1, 2019 minutes carried 5-0. Councilor McCormick absent and Mayor Quill abstained.

August 8, 2019 Council Meeting Minutes

Motion to approve the August 8, 2019 minutes carried 4-0. Councilor Cuddy abstained.

August 15, 2019 Council Meeting Minutes

Motion to approve the August 15, 2019 minutes carried 5-0.

August 22, 2019 Council Meeting Minutes

Motion to approve the August 22, 2019 minutes carried 4-0. Councilor McCormick abstained.

8. Reports of City Officials

A. City Manager's Report

- Roadway milling for the Lincoln and William St. project as well as the annual road program wrapped up this week. New pavement installation began today.
- Next week work to replace an antiquated water main along Chase St. Ext. will begin. The project will improve the water distribution system by replacing very old main with new and abandoning several private mains that are remnants of an old factory complex. The new line will also tie Chase St. to York St., creating a loop and improving reliability in the future.
- Last week we received confirmation that the cost of expansion of the Court St. Parking lot is being covered by NYS as part of the Equal Rights Heritage Center project.
- Last week, Director of Planning Jenny Haines set up a meeting with Helio Health and several representatives of local agencies involved in behavioral health, addiction, and housing. The meeting was an attempt to discuss various concerns that had been brought forward related to Helio's proposal to build housing at 41-55 Washington St.; a parcel that the city currently owns. On Friday August 30, we were informed via e-mail that Helio Health was rescinding their purchase offer for 41-55 Washington St. With this in mind, staff is recommending that City Council remove Land Sale Resolution 100 of 2019 from tonight's agenda.

B. Reports from members of Council

Councilor Giannettino reported that he spent a day with our City Refuse and

Recycling collection crews at the end of August. He travelled the City streets on a collection route and learned about the process. He recognized our staff for their hard work.

9. Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR)

**SEQR RESOLUTION #110 of 2019
ISSUING A NEGATIVE DECLARATION FOR
THE PURCHASE OF REAL PROPERTY KNOWN AS 31 SEMINARY STREET**

By Councilor McCormick

September 5, 2019

WHEREAS, the City Council of the City of Auburn, New York, intends to purchase approximately 2.2 acres of real property located at 31 Seminary Street, Auburn, New York, which is also known and designated on the Cayuga County Real Property Tax Map as No. 116.37-1-14; and

WHEREAS, the Project is an Unlisted Action pursuant to Article 8 of the New York Environmental Conservation Law and Title 6 of the New York Code of Rules and Regulations, Part 617, known as the New York State Environmental Quality Review (SEQR) Act (collectively, the “Regulations”); and

WHEREAS, the City has completed a Short Environmental Assessment Form for the Project in compliance the Regulations; and

WHEREAS, 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 lead agency, that a NEGATIVE DECLARATION for the proposed City of Auburn purchase of real property located at 31 Seminary Street, Auburn, New York, be issued in full compliance with the New York State Environmental Conservation Law and the New York State Environmental Quality Review Act.

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	

B. Ordinances – None

C. Local Laws – None

D. Resolutions –

FINANCIAL RESOLUTION #104 OF 2019

AUTHORIZING VARIOUS OPERATING AND CAPITAL BUDGET TRANSFERS

By Councilor Giannettino

September 5, 2019

WHEREAS, the City of Auburn staff is requesting various operating and non-operating budget transfers for the fiscal 2019-20 year as outlined in attachment A; and,

WHEREAS, there is up to \$995k in General Fund - fund balance being used for these transfers, as well as, up to \$234k of Solid Waste 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 2019-20 fiscal year; and,
2. That this resolution shall take effect immediately upon its adoption.

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		

Attachment A: 19-20 FY					
9/5/2019					
Amount	Account to		Account From		Reason
\$ 234,000	AL8162.440. KF	Solid Waste - Transfer Station Project	AL 909	Solid Waste - Fund Balance	To cover low bid for Transfer Station Construction
\$ 995,000	A1940.440	Purchase of Land - Services	A909	General Fund - Fund Balance	To cover land purchase of 31 Seminary for PSB Project.

LAND PURCHASE RESOLUTION #105 OF 2019

AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AS 31 SEMINARY STREET FOR THE SHARED SERVICES PUBLIC SAFETY BUILDING PROJECT

By Councilor Giannettino

September 5, 2019

WHEREAS, over the last decade, the City of Auburn has reviewed various assessments and plans relating to the capital and facility needs of its Fire and Police Departments, and its City Court; and

WHEREAS, in 2015, the City reviewed Operations, Facility & Needs Assessments for the Auburn Fire Department (“AFD”), Auburn Police Department (“APD”), and City Court, which all identified multiple problems and concerns; and

WHEREAS, the AFD Assessment identified building and structural concerns, undersized building and clearance problems, a lack of an emergency operations center and classrooms, a lack of ADA compliance, and a lack of decontamination space; and

WHEREAS, the APD Assessment recognized the lack of a Sally Port, a lack of ADA compliance, lack of impound and evidence storage space, water infiltration due to storms and apparatus bays, and the need for additional general Capital improvements; and

WHEREAS, the review of the City Court space, by the City with the Office of Court Administration, revealed that the current space located in the Historic Post Office, owned by Cayuga County, lacks the capacity for adequate case file storage, fails to provide two Courtrooms, which is required by the law, and fails to meet ADA compliance; and

WHEREAS, as a result of all of the foregoing concerns, in the summer of 2015, the City issued a request for proposals, which sought to explore various possible locations and designs for a new Public Safety Building; and

WHEREAS, out of the proposals submitted, the real property located at 31 Seminary Street was identified as favorable since it is centrally located, which is ideal for response time for AFD calls, and would serve as a catalyst for neighborhood investment and redevelopment; and

WHEREAS, the City did not accept any of the proposals submitted in 2015, but the project continued on with a focus on finding opportunities for funding and how best to coordinate the various needs of the APD, AFD and City Courts; and

WHEREAS, in May, 2016, 2017, and 2018 the City made three separate applications for funding through the Downtown Revitalization Initiative (the “DRI”) and in July, 2019, the City received news of the award for the Shared Services Public Safety Building project; and

WHEREAS, now, the City is ready to move this project forward by taking the first step, which is to purchase the real property commonly known as 31 Seminary Street for the purpose of relocating the Auburn Fire Department together with other emergency services; and

WHEREAS, the Contract of Sale, which is attached hereto and incorporated herein, sets forth the purchase of real property at 31 Seminary Street from Seminary Commons, LLC, for the purchase price of \$990,000, which includes the value of the property together with all improvements, environmental reports, and existing lease agreements for existing tenants located in the space; and

WHEREAS, acquisition of the above mentioned parcel will provide adequate facilities to the City Fire Department and related emergency operations whose services are necessary and critical for the safety, health and welfare of our residents.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve a Contract of Sale, which is attached hereto and incorporated herein, for the purchase of real property known as 31 Seminary Street from Seminary Commons, LLC, for the purchase price of \$990,000 together with closing costs; and

BE IT FURTHER RESOLVED that the Auburn City Council does hereby authorize the Comptroller to charge the cost of this resolution to Account #A1940.440; and

BE IT FURTHER RESOLVED that the Auburn City Council does hereby authorize the Mayor, or his named designee, to sign any and all documents necessary to carry out the purpose of this resolution.

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	

AGREEMENT RESOLUTION #106 OF 2019

**AUTHORIZING A SOLAR LEASE AGREEMENT
WITH ABUNDANT SOLAR POWER, LLC**

By Councilor Giannettino

September 5, 2019

WHEREAS, the City of Auburn has been working collaboratively with the Central New York Regional Planning and Development Board (CNY RPDB) since 2014 on the Municipal Collaborative Solar Procurement Project also known as the “Solarize NY Initiative”; and

WHEREAS, in 2015, Governor Cuomo launched the Community Distributed Generation Initiative, which set forth a community solar model so that multiple customers could join together to share the benefits of solar power; and

WHEREAS, the City of Auburn landfill has been identified as an underutilized parcel that would provide ample space and location for a community solar project; and

WHEREAS, Abundant Solar Power, LLC (“Abundant”), the developer selected by the CNY RPDB, now proposes to lease approximately 36 acres of land from the City, which is located at the old landfill number one in order to locate a 7 MWh community solar array; and

WHEREAS, the proposed Lease, which is attached hereto and incorporated herein, includes the following terms:

(1) The term of the Lease will begin immediately and end in fifteen years with the option to renew by Abundant for two additional 5 year terms;

(2) Abundant will pay the City an initial security deposit in the amount of one year's rent together with an initial rent payment of \$12,000 annually, until the solar project is commercially operational, and then, once operational, the base rent will increase to \$53,000 and continue to increase in accordance with the rent schedule set forth in Exhibit C of the Lease; and

(3) Abundant will be responsible for the removal of the solar array and all other equipment on the City's property at the end of the lease. Abundant has agreed to provide the City with a bond in the amount necessary for said removal; and

(4) Abundant will provide a preference to City residents by exclusively offering subscription services to them within the first six (6) months that subscriptions are made available.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve a Solar Lease Agreement with Abundant Solar Power, LLC, which is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents in order to finalize the Solar Lease Agreement and carry out the purposes of this resolution.

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		

AWARD RESOLUTION #107 OF 2019

**AWARDING A CONTRACT FOR THE
CONSTRUCTION OF THE TRANSFER STATION**

By Councilor Carabajal

September 5, 2019

WHEREAS, on June 6, 2019, the City of Auburn City Council passed Bond Ordinance #5 of 2019, which established funding for the construction of a transfer station (the Project) at the City's landfill; and

WHEREAS, City staff prepared bid documents and issued a formal bid for the Project;
and

WHEREAS, on July 19, 2019, the City of Auburn opened bids to for the Project; and

WHEREAS, bids were advertised for the Project and on July 19, 2019 the following bids were opened and received;

	<u>Contractor</u>	<u>Base Bid</u>
1.	C&S Technical Resources, Inc. 499 Col. Eileen Collins Blvd. Syracuse, New York 13212	\$1,591,000.00
2.	M.A. Bongiovanni, Inc. PO Box 147-Colvin Station Syracuse, New York 13205	\$1,840,000.00
3.	Bouley Associates, Inc. 265 Genesee Street Auburn, New York 13021	\$1,888,000.00

; and

WHEREAS, it is necessary that the Auburn City Council award the bid for the transfer station construction to the lowest qualified bidder, C&S Technical Resources, Inc., in the amount of \$1,591,000.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award the contract for the Transfer Station Construction Project to C&S Technical Resources, Inc. for their low base bid of \$1,591,000 and the cost of the Resolution is to be charged to the capital account entitled Transfer Station Construction (#AL8162.440.KF); 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 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 #108 OF 2019

**AUTHORIZING AN AGREEMENT WITH
WEGMAN'S FOOD MARKET'S INC. FOR PARKING SPACES**

By Councilor Cuddy

September 5, 2019

WHEREAS, the City of Auburn has historically leased underutilized parking spaces located on the south side of Genesee Street between Loop Road and South Street to Wegman's Food Markets, Inc. ("Wegman's") for exclusive employee use; and

WHEREAS, the existing lease agreement terminates on September 30, 2019, and the parties would like to enter into a new agreement; and

WHEREAS, under the proposed agreement, which is attached hereto and incorporated herein, Wegman's will pay the City the sum of \$2,250 for eight (8) designated parking spaces for the next six (6) months commencing on October 1, 2019, and ending on March 31, 2020; and

WHEREAS, Wegman's has already approved the proposed Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve an Agreement between the City of Auburn and Wegman's Food Markets, Inc., under which Wegman's will lease eight (8) designated parking spaces on the south side of Genesee Street between South Street and Loop Road beginning October 1, 2019, and ending on March 31, 2020, for the payment of \$2,250; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents in order to finalize the agreement.

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 #109 OF 2019

**REQUESTING THE GOVERNOR AND STATE LEGISLATURE TO
REQUIRE FULL DISCLOSURE OF ANALYTICAL RESULTS FROM
THE TESTING OF MICROCYSTINS IN RAW AND FINISHED WATER
FROM PUBLIC DRINKING WATER SOURCES**

By Councilor Cuddy

September 5, 2019

WHEREAS, the City of Auburn and the Town of Owasco use Owasco Lake as a source of drinking water for 40,000 people; and

WHEREAS, for the past three years cyanotoxins from blue-green algae or cyanobacteria have been detected in the raw water drawn from Owasco Lake at the water filtration plant and in 2016 the cyanotoxins were detected in the City of Auburn treated water; and

WHEREAS, the City of Auburn works in partnership with the Cayuga County Health Department and the NYS Department of Health to test the raw water intake and finished water produced at the City's water filtration plant for microcystins produced from the harmful algal blooms; and

WHEREAS, in previous years, results of such tests were reported back to the City with all analytical data found above zero; and

WHEREAS, in 2018 the NYS DOH first determined that it would only disclose microcystin water test results that record a result above .3 parts per billion (ppb) and later in the season changed course to disclose results above .15ppb with results recorded between .15ppb through .3ppb listed with an asterisk (*) which signifies the State Department of Health believes test results below .3ppb are statistically unreliable; and

WHEREAS, the City Council passed Resolution #143 of 2018 requesting the New York State Department of Health (DOH) to report results of all analytical findings regarding testing for microcystins in public water supplies and such reporting should be consistent year to year within a standardized sampling and analytical protocol determined well before harmful algal blooms appear for the season.

WHEREAS, the Resolution prompted a meeting in late 2018 a meeting between City of Auburn officials, members of the Cayuga County, Health Department, NYS Department of Health, and the NYS Department of Environmental Conservation to address the confidence issues of the state was having with (Enzyme-linked immunosorbent assays) ELISA method used to determine microcystin values in the raw and finished water.

WHEREAS, in that meeting it was suggested by Auburn representatives to supplement the ELISA method with other EPA methods, such as Liquid chromatography/mass spectrometry

(LC/MS) as a way to create another dataset used to comprehensively study long term relationship of HABs, raw and finished water sampling data.

WHEREAS, the Auburn City Council urges the New York State Department of Health (DOH) to report results of all analytical findings regarding testing for microcystins in public water supplies and such reporting should be consistent year to year within a standardized sampling and analytical protocol determined well before harmful algal blooms appear for the season.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby request the full disclosure of any and all analytical findings regarding microcystins in raw and finished drinking water in New York State; and

BE IT FURTHER RESOLVED the Auburn City Council requests that the New York State Department of Health (DOH) adopt a standardized sampling and analytical protocol to detect microcystins in drinking water in the State of New York that would include publicly posting any detection of microcystins above zero; and

BE IT FURTHER RESOLVED the Auburn City Council requests that The New York State Department of Health (DOH) adopt a maximum contaminant level of microcystin in public drinking water supplied in New York State; and

BE IT FURTHER RESOLVED that the City Clerk forward certified copies of this Resolution to the Governor, the Commissioner of the DOH, the Commissioner of the DEC and members of our State Legislative delegation.

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	

Tabled Items

Councilor McCormick made a motion to permanently remove LAND SALE RESOLUTION #100 OF 2019 - AUTHORIZING THE SALE OF PROPERTY AT 41-55 WASHINGTON STREET, AUBURN, NEW YORK, TO HELIO HEALTH, INC. from the agenda, Councilor Giannettino seconded the motion. The motion carried 5-0.

STAFF/VENDOR PRESENTATIONS - none

10. Other Business –

Councilor Cuddy reported that there has been recent application made to the State of New York Department of Environmental Conservation regarding High-Volume Hydraulic Fracturing (HVHF). The State's definition of HVHF that was made law by the Governor a few years ago excluded highly flammable and potentially explosive "waterless" gelled propane fracking and that process has now been proposed to be used in Barton, NY. The Barton, NY project if approved by the State, could allow gelled propane fracking under more than 130,000 acres of land in Tioga County as well as potentially in New York's entire Marcellus Shale formation. He asked the Council to join him in adopting a local resolution requesting the State to ban all forms of waterless fracking. Council members agreed to consider such a resolution at a future Council meeting.

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

Two matters pertaining to the sale, lease or acquisition of real property.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 7:18 p.m. Executive session adjourned at 7:55 p.m.

Adjournment: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:56 p.m.

Minutes submitted to the City Council on September 12, 2019 by:

Charles Mason
City Clerk