

**Auburn City Council  
Regular Meeting  
Thursday, September 19, 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 Councilor Giannettino.

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

**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 Municipal Utilities, Seth Jensen
- Superintendent of Engineering, William Lupien
- Fire Chief, Joe Morabito
- Director of Planning and Economic Development, Jennifer Haines

**2. Pledge of Allegiance to the Flag** – Councilor Giannettino led the Pledge of Allegiance.

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

**4. Public Announcements**

The City Clerk read the announcements.

**5. Ceremonial Presentations and Proclamations. Auburn Fire Department 125<sup>th</sup> Anniversary Proclamation was presented to Fire Chief Joe Morabito.**

**WHEREAS**, The City of Auburn has a proud heritage dating back to 1848 and over the centuries the city has grown into a strong, vibrant community with many diverse citizens; and

**WHEREAS**, On January 1st, 1894, the Auburn Fire Department was reorganized as a career fire department from the eleven volunteer companies that once protected the city; and

**WHEREAS**, For 125 years the members of the Auburn Fire Department have protected the people, families, residences, schools, churches and businesses of the City of Auburn; and

**WHEREAS,** From the first motorized fire apparatus purchased in 1907, to the modern emergency vehicles in use today, the Department has grown significantly throughout the years to include 69 uniformed personnel who respond to approximately 7200 calls a year; and

**WHEREAS,** the Auburn Fire Department has worked diligently for, and achieved the Insurance Service Office's greatest rating of Class 1, and

**WHEREAS,** The Auburn Fire Department is prepared to assist our community with not only fire suppression and fire prevention, but an all-hazards approach to incidents including technical rescue, hazardous materials mitigation, emergency medical services and

**WHEREAS,** Auburn Fire Department has had 12 fire chiefs over its 125 years, beginning with Chief Edward Jewhurst, and having Fire Chief Joseph Morabito fulfilling the office currently; and

**WHEREAS,** as the Auburn Fire Department continues its long-standing service to the community in which they serve, they will undoubtedly face any emergency with the courage and selflessness that the residents of the City of Auburn and County of Cayuga have witnessed on countless occasions throughout their long history; and

**WHEREAS,** the City of Auburn wishes to acknowledge the dedication and service to the community by the Auburn Fire Department on its 125 year anniversary.

**NOW THEREFORE, I, Michael D. Quill,** Mayor of the City of Auburn New York, on behalf of Citizens of Auburn, on the 125 year anniversary of the Auburn Fire Department, do hereby proclaim September 19, 2019 as,

### **AUBURN FIRE DEPARTMENT DAY**

in the City of Auburn, and encourage all citizens to observe this day with honor and respect for past, current, and future uniformed and civilian members of the Auburn Fire Department.

**In witness whereof I have  
hereunto set my hand and caused  
the seal of the City of Auburn to  
be affixed this Nineteenth day of  
September 2019.**

**Michael D. Quill, Mayor**  
City of Auburn, New York

**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.

Gilda Brower representing the Tomatofest Board Of Directors spoke to thank the City for the support and organization of the 2019 Tomatofest that was held throughout downtown Auburn on Saturday, September 8, 2019.

Alicia Procino, Wilbur Avenue spoke to encourage the public to support our local food pantries. Tim Lattimore spoke about a resolution recently adopted by the County Legislature supporting a development project in Onondaga County.

**7. Approval of Meeting Minutes – None**

**8. Reports of City Officials**

**A. City Manager's Report**

- The Owasco Lake Watershed Management Council has reported that they have hired a new Watershed Inspector for the Owasco Lake Watershed Inspection Program.
- The City Water Filtration Plant reports that water samples taken so far this summer in both raw and finished water sampling have been non-detect for microcystins. The water sampling shall continue in to the fall.

**B. Reports from members of Council**

- Councilor Cuddy discussed the most recent meeting of the Auburn Industrial Development Authority.
- Councilor Giannettino discussed the ribbon cutting event held earlier in the week at the Melone Village I housing development.

**9. Matters to Come Before Council**

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

**B. Ordinances – None**

**C. Local Laws – None**

**D. Resolutions –**

**AWARD RESOLUTION #112 OF 2019  
AWARDING A CONTRACT FOR REAL ESTATE SERVICES**

By Councilor Carabajal

September 19, 2019

**WHEREAS**, the City of Auburn has obtained through various means, mainly tax foreclosure, a unique mix of commercial and residential buildings and vacant lots, including properties located in the City's Brownfield Opportunity Area (BOA and qualified Opportunity Zone); and

**WHEREAS**, the City released a Request for Proposals (RFP) for the purpose of hiring a real estate firm to provide marketing and brokerage services for properties owned by the City; and

**WHEREAS**, on August 9, 2019 proposals were opened for real estate services, with submissions received from the following firms:

- Michael DeRosa Exchange, LLC (Score: 88)  
6926 Owasco Road  
Auburn, New York 13021
- Howard Hanna Real Estate Services (Score: 57)  
161 Genesee Street, Suite 200  
Auburn, New York 13021

and;

**WHEREAS**, both firms responding to the Request for Proposal are qualified; and

**WHEREAS**, the term of the contract will run through December 31, 2019.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby award the contract for Real Estate Services to Michael DeRosa Exchange, LLC, in the amount of 5% of sale price per property sold, the cost of which is to be charged to Account #A1364.440.

Seconded by McCormick

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

### **COUNCIL RESOLUTION #113 OF 2019**

#### **AUTHORIZING GRANT ACCEPTANCE FROM THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK FOR BUILDING RENOVATIONS, REPAIRS AND SECURITY ENHANCEMENTS AT THE AUBURN POLICE DEPARTMENT HEADQUARTERS BUILDING**

By Councilor Cuddy

September 19, 2019

**WHEREAS**, the City of Auburn owns 46 North Street which has been utilized as the City's Police Department Headquarters since it was built in 1931 and serves an important role in the community's protection and history; and

**WHEREAS**, in recent years, the Auburn Police Department has identified a need for renovating the employee fitness center for the benefit of promoting employee wellness and for making capital improvements in order to prevent water infiltration and enhance infrastructure security from outside threats; and

**WHEREAS**, on April 23, 2018, the City of Auburn Police Department submitted a request to Assemblyman Gary D. Finch for funding assistance to complete renovations, repairs and security enhancements to the Auburn Police Department Headquarters building; and

**WHEREAS**, on May 20, 2019, as a result of this request, the City of Auburn was notified we were the recipients of a State and Municipal Facilities Program grant from the Dormitory Authority of New York State (DASNY) in the sum of \$60,000; and

**WHEREAS**, in the Spring of 2019, the Auburn Police Department completed its renovation of the Auburn Police Department fitness center utilizing approximately \$42,000 in Equitable Sharing resources for the construction and purchase of equipment; and

**WHEREAS**, the Auburn Police Department is now requesting that monies allocated to the Auburn Police Department for the requested projects from the Dormitory Authority of the State of New York be used to reimburse our Equitable Sharing account in the amount of \$42,000, and that the remaining \$18,000 of the allocated grant funding be used to replace the building rear alley exterior door for both weather proofing and security purposes, and to add additional exterior cameras to our building to enhance and improve building security; and

**WHEREAS**, the Mayor of the City of Auburn must be authorized to accept the grant funding and execute all necessary documents in connection therewith prior to commencing the project.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF AUBURN** hereby accepts grant funding from the Dormitory Authority of the State of New York State in the amount of \$60,000 to reimburse the Auburn Police Department Equitable Sharing account for approximately \$42,000, and to complete repairs and security enhancements to the Auburn Police Department Headquarters building through a State and Municipal Facilities Program grant for Project ID: #17006, to be recorded in the Auburn Police Department Headquarters State Aid Account (A99.3829) and not to exceed \$18,000; and

**BE IT FURTHER RESOLVED** that the Mayor of the City of Auburn, or a designated representative, is authorized to execute the grant contract and all other documents necessary for the acceptance of the grant, and otherwise act on all matters related to the grant.

Seconded by Councilor McCormick

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

**COUNCIL RESOLUTION #114 OF 2019**

**AUTHORIZING SETTLEMENT OF THE REAL PROPERTY TAX ASSESSMENT  
PROCEEDINGS, GENERATIONS BANK v. BOARD OF  
ASSESSMENT REVIEW OF THE CITY OF AUBURN ET AL., CONCERNING A  
PARCEL OF REAL PROPERTY LOCATED AT 307 GENESEE STREET**

By Councilor McCormick

September 19, 2019

**WHEREAS**, In 2016, 2017, 2018 and 2019 Generations Bank commenced proceedings challenging the property tax assessment of real the property it owns located at 307 Genesee Street, in the City of Auburn, Auburn City School District, Cayuga County (the “Property”); and

**WHEREAS**, the Property is located along the north side of Genesee Street between Columbus Street and Lexington Avenue; and

**WHEREAS**, Assistant Corporation Counsel Nathan J. Garland Esq., appeared in the foregoing proceedings on behalf of the City of Auburn and 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 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 City School District Board of Education and the Cayuga County legislature have already approved or will soon approve, the proposed settlement as outlined in the attached; and

**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 Carabajal

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

**FINANCIAL RESOLUTION #115 OF 2019**

**AUTHORIZING THE ACCEPTANCE OF FUNDS FROM THE U. S. DEPARTMENT  
OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY  
FOR THE ASSISTANCE TO FIREFIGHTERS GRANT**

By Councilor Carabajal

October 17, 2019

**WHEREAS**, the City applied for funding from the U.S. Department of Homeland Security Federal Emergency Management Agency under the FY 2018 Assistance to Firefighters Grant (Micro Grant) in order to assist the City of Auburn Fire Department to cover expenses associated with the live fire training of Auburn Fire Department personnel; and

**WHEREAS**, as a result of said request, the City was awarded the sum of \$24,418.18 in grant funding from the Federal Emergency Management Agency; and

**WHEREAS**, the City must accept the grant award and execute all necessary documents in connection therewith.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Auburn New York hereby authorizes:

1. That the Mayor, or authorized representative, accept grant funding in the amount of \$24,418.18 from the 2018 Assistance to Firefighters Grant Program and execute the grant contract agreement # EMW-2018-FO-03549 from the Federal Emergency Management Agency together with any reimbursement forms or other necessary documents to complete the project; and
2. That the City Comptroller's Office create and amend the FY 2019-2020 City of Auburn Budget as follows:
  - a. Increase AFD OT – Training Expenditure (A3410.164) by \$24,418.18
  - b. Increase FEMA aid revenue (A99.4784) by \$24,418.18

3. That this resolution take effect immediately.

Seconded by Councilor McCormick

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

### **FINANCIAL RESOLUTION #116 OF 2019**

#### **AUTHORIZING THE ACCEPTANCE OF FUNDING FROM THE TOWN OF OWASCO, TOWN OF SENNETT, TOWN OF FLEMING AND TOWN OF AURELIUS FOR THE WHOLESALE SEWER METER UPGRADES PROJECT**

By Councilor Cuddy

September 19, 2019

**WHEREAS**, the City of Auburn provides wholesale sewer services to the Towns of Owasco, Sennett, Fleming and Aurelius; and

**WHEREAS**, the agreements for these sewer services provide for future system developments and projects, which include the design and replacement of sewer meters; and

**WHEREAS**, City staff has discussed the updating of sewer meters at length with all of the Towns and is now ready to move forward with GHD Engineering on the design phase of the Wholesale Sewer Meter Upgrade project; and

**WHEREAS**, the City will be splitting this project cost equally between each of the Towns, such that each Town will fund 50% of their specific project cost; and

**WHEREAS**, City will contract directly with GHD for the total metering design cost of \$157,200, and the Towns will submit their payments to the City directly as follows for this design phase:

- Town of Aurelius \$17,600
- Town of Fleming \$14,500
- Town of Owasco \$26,650
- Town of Sennett \$19,850

And;

**WHEREAS**, the City Capital budget should be amended to reflect the anticipated revenues from the Towns, as well as the increase to the Wholesale Meter Project expenditure.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN**, that the Mayor of the City of Auburn is hereby authorized and directed to execute all necessary documents in connection with this funding; and

**BE IT FURTHER RESOLVED** that the Comptroller is hereby authorized and directed to make the following changes to the 2020 budget:

1. Increase Town Contributions - Wholesale Meter Project (HG99.278.IU) by \$78,600
2. Increase Wholesale Meter Project Expenditure (HG8120.250.IU) by \$78,600

**BE IT FURTHER RESOLVED**, this Resolution shall take effect immediately upon adoption.

Seconded by Councilor McCormick

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

### **COUNCIL RESOLUTION #117 OF 2019**

#### **OPPOSING PERMITS TO DRILL FOR NATURAL GAS USING GELLED PROPANE HYDRAULIC FRACTURING**

By Councilor Cuddy

September 19, 2019

**WHEREAS**, in 2015, the State of New York adopted a prohibition on the extraction of natural gas and other fossil fuels from shale formations underlying New York State by the process of high-volume hydraulic fracturing using water, also known as hydrofracturing; and

**WHEREAS**, four years after hydrofracturing was prohibited in New York State, a company named Tioga Energy Partners, LLC, (“Tioga Energy Partners”) has filed an application with the Department of Environmental Conservation (“DEC”) proposing to use gelled propane instead of water in order to sidestep and circumvent the New York State hydrofracking prohibition; and

**WHEREAS**, the allowance of fracking with gelled propane presents public health and environmental risks similar to and beyond those already identified as connected with fracking, including, but not limited to, groundwater contamination, radioactive wastes, dangers in transport of gelled propane, and harmful air emissions; and

**WHEREAS**, gelled propane fracking poses inherent risks to public health and the safety of on-site workers since propane, unlike water, is explosive and flammable; and,

**WHEREAS**, New York State has not conducted any environmental impact assessment of gelled propane and other waterless high-volume hydraulic fracturing methods; and

**WHEREAS**, the application made by Tioga Energy Partners, if approved, would serve as a template to enable gelled propane and other "waterless" fracking activities across the state, which would contradict the intent of the State to guard against the risks of hydrofracking and contradict the initiatives set forth in the Climate Leadership and Community Protection Act signed by Governor Andrew Cuomo on July 18, 2019; and

**WHEREAS**, the Auburn City Council believes that the proposed application by Tioga Energy Partners would result in negative environmental and economic impacts within the Finger Lakes Region and that these negative impacts may extend well beyond the municipal boundaries of the Town of Barton and Tioga County and could very well extend into the City of Auburn and Cayuga County.

**NOW, THEREFORE, BE IT RESOLVED** by City Council of the City of Auburn that:

1. The City of Auburn opposes the application submitted by Tioga Energy Partners, LLC, to the New York State Department of Environmental Conservation for a permit to undertake gelled propane hydraulic fracturing and requests that Governor Andrew Cuomo require his Department of Environmental Conservation Commissioner to halt the review of this gelled propane application and to expand New York's prohibition of high-volume hydrofracturing to include gelled propane and all other hydraulic fluids; and
2. The City Clerk is hereby authorized and directed to send certified copies of this Resolution to Governor Andrew Cuomo and members of our State and Federal legislative delegation; and; and
3. This resolution shall take effect immediately.

Seconded by Councilor McCormick

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

**Tabled Items - none**

**STAFF/VENDOR PRESENTATIONS - none**

**10. Other Business –**

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

One matter pertaining to the employment history of a particular individual.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 7:07 p.m. Executive session adjourned at 7:29 p.m.

**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 October 3, 2019 by:

Charles Mason  
City Clerk

On October 3, 2019 a motion to approve the minutes of the September 19, 2019 Auburn, NY City Council meeting was made by Councilor , seconded by Councilor .

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

*I do hereby certify that the foregoing is a correct copy of the minutes of the proceedings of the City Council of the City of Auburn, N.Y., at a regular meeting thereof, held in the Council Chambers, Memorial City Hall, in said city, on the 19<sup>th</sup> day of September, 2019 and that the City Council approved such by the vote listed above.*

*Charles Mason, City Clerk      Date:*