

**Auburn City Council  
Regular Meeting  
Thursday, February 20, 2020 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 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 Michael D. Quill and Councilors Debra McCormick, Jimmy Giannettino, Terry Cuddy and Tim Locastro 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
- City Comptroller, Rachel Jacobs
- Director of Municipal Utilities, Seth Jensen
- Police Chief, Shawn Butler
- City Engineer, Bill Lupien

**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 of Auburn and the Cayuga Economic Development Agency are working together to host a Downtown Revitalization Initiative (DRI) Training and Networking event for the 12 Project Sponsors that were awarded NYS DRI funds last year. This event is scheduled for Thursday, February 27<sup>th</sup> from 3:30pm to 6pm at the student lounge at Cayuga Community College, 197 Franklin Street, Auburn, NY. Complete information is listed on the City website.
- The City of Auburn Office of Parks and recreation along with the REV Theater Company have announced the next Free Winter Movie night will be on Friday, February 28, 2020 featuring the movie Spider-Man Into the Spider-Verse. This event is free and will be held at the West End Theater, located at 217 Genesee St (formerly West Middle School

auditorium) on Friday, February 28<sup>th</sup>, doors open at 5:30pm and the movie begins at 6:30pm.

- The community is invited to find out more about Harmful Algal Blooms (HABs) and other water quality issues affecting our Owasco Lake at the... “Bob Brower Scientific Symposium regarding the Owasco Lake Watershed” March 7, 2020, 9:00 a.m. - 11:30 a.m. to be held at the Main Stage at Auburn Public Theater, 8 Exchange Street, Auburn, NY. This event is free and open to the public. Complete information is listed on the City website.
- Harriet Tubman Weekend will be held in Auburn with a series of events to be held March 6 – 8, 2020 at the City’s historic and cultural sites. The community is invited to a kick-off ceremony for the weekend to be held at the Equal Rights Heritage Center on Friday, March 6<sup>th</sup> at 5pm. Complete information is on the City website.

## **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.

David Scott Anthony, 63 South Street is the CEO of New Batavia LLC spoke to discuss bias in the community.

## **7. Approval of Meeting Minutes**

February 6, 2020 Council Meeting Minutes

Motion to approve the February 6, 2020 minutes by Councilor Locastro, seconded by Councilor Giannettino. Motion to approve carried 5-0.

## **8. Reports of City Officials**

### **A. City Manager’s Report**

- The parking automation system at the parking garage has been repaired and tested. Normal operation of the arm and the hourly charge will begin on March 2. We have installed temporary signage to spread the word. Monthly permit holders will be credited for the time the system has been down. We will be working with our insurance carrier to reclaim the lost revenue. Those utilizing the parking garage may be required to take a ticket upon entering the garage a few days before we reinstate the parking fee in order to exercise the equipment. The two hour free parking policy will remain in effect.

### **B. Reports from members of Council**

- Councilor McCormick reported on attending the 2020 Winter Legislative Conference hosted by the New York Conference of Mayors and other Municipal Officials (NYCOM) held in Albany, NY. There were several workshops that she attended and also met with Assemblyman Finch and Senator Helming.

**9. Matters to Come Before Council**

**A. State Environmental Quality Review Act Resolutions (SEQR)**

**SEQR RESOLUTION #2 OF 2020**

**DETERMINING THAT THE PROPOSED ACTIVITIES ARE TYPE II ACTIONS  
FOR PURPOSES OF THE NEW YORK STATE ENVIRONMENTAL  
QUALITY REVIEW ACT**

By Councilor McCormick

February 20, 2020

**WHEREAS**, the City Council of the City of Auburn, New York (the “City”) is the sponsor of various capital improvement activities including the purchase of machinery and apparatus for the Department of Public Works; reconstruction, improvements, and resurfacing of various City streets, roads, and sidewalks, including improvements to comply with the Americans with Disabilities Act; repairs and reconstruction to City fencing and the Lake Avenue Bridge, including electrical improvements; and repairs and maintenance to the City Hall Building and replacement of certain equipment or systems for City Hall (the “Project”); and

**WHEREAS**, the City desires to comply with the New York State Environmental Quality Review Act (“SEQRA”), as set forth in Article 8 of the New York State Environmental Conservation Law, and the regulations set forth at 6 NYCRR Part 617 (the “Regulations”) with respect to the Project; and

**WHEREAS**, pursuant to the Regulations, the City has reviewed and considered the Project in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations.

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

1. The Project constitutes a “Type II Action” (as the quoted term is defined in the Regulations) because each activity falls within the ambit of one or more of the following actions included on the Type II list specified in Section 617.5 of the Regulations:

(i) “Maintenance or repair involving no substantial changes in an existing structure or facility” (6 NYCRR § 617.5(c)(1));

(ii) “Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site” (6 NYCRR § 617.5(c)(2));

(iii) “Repaving of existing highways not involving the addition of new travel lanes” (6 NYCRR § 617.5(c)(5));

(iv) “Maintenance of existing landscaping or natural growth” (6 NYCRR § 617.5(c)(8)); and/or

(v) “Purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials” (6 NYCRR § 617.5(c)(31)); and

2. The Project is not subject to further review under SEQRA; and
3. This Resolution shall take effect immediately.

Seconded by Councilor Giannettino

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

## **B. Ordinances**

By Councilor McCormick

February 20, 2020

### **BOND ORDINANCE #3 OF 2020**

#### **AUTHORIZING THE ISSUANCE OF \$1,400,000 SERIAL BONDS TO FINANCE THE COSTS OF VARIOUS CAPITAL PROJECTS**

BE IT ORDAINED by Council of the City of Auburn, Cayuga County, New York (“City Council”) as follows:

Section 1. The City of Auburn, Cayuga County, New York (the “City”) is hereby authorized to undertake the various capital projects described below (each, a “Project”) at an

aggregate estimated maximum cost of \$1,400,000, the estimated maximum cost of each Project as follows:

(a) Department of Public Works – International Dump Truck with Plow. The purchase of machinery and apparatus to be used for constructing, reconstructing, repairing, maintaining or removing the snow and ice from, any physical public betterment or improvement the cost of which is \$30,000 or over, including an International dump truck with plow, at an estimated maximum cost not to exceed \$230,000 and to issue an aggregate \$230,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose;

(b) FY 2020-21 Road Improvement Program. The reconstruction and resurfacing of various City streets and roads, including sidewalks, curbs, gutters, drainage, landscaping, fencing, grading, or improving the rights of way, with a pavement which will be more durable construction than pavement of sand and gravel, water-bound macadam or penetration process with a single-surface treatment at an estimated maximum cost not to exceed \$790,000 and to issue an aggregate \$790,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose;

(c) Various Bridge Maintenance. The reconstruction of the Lake Avenue Bridge including, but not limited to, roads, sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way and electrical improvements required in connection therewith at an estimated maximum cost of \$60,000 and to issue an aggregate \$60,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose;

(d) 2020 Sidewalks Program. The construction or reconstruction of a curb, sidewalk or gutter of brick, stone or concrete and handicap access curbing at an estimated maximum cost not to exceed \$150,000 and to issue an aggregate \$150,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose;

(e) City Hall Buildings and Grounds Improvements. The renovation or reconstruction of the City Hall Building, whether or not including grading or improvement of the sites, original furnishings, equipment, machinery or apparatus required for the purposes for which such buildings are to be used at an estimated maximum cost not to exceed \$170,000 and to issue an aggregate \$170,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose;

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$1,400,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$1,400,000 in serial bonds (the “Bonds”) of the City authorized to be issued pursuant to this Ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes to Section 11.00(a) of the Local Finance Law are as follows:

<u>Section 1 Subparagraph</u>	<u>Period of Probable Usefulness (Years)</u>	<u>Local Finance Law Section 11.00(a) Paragraph</u>
(a) Department of Public Works – International Dump Truck with Plow	15	28
(b) 2020-2021 Road Improvement Program	15	20(c)
(c) Various Bridge Maintenance	20	10
(d) 2020 Sidewalks Program	10	24
(e) City Hall Buildings and Grounds Improvements	25	12(a)(1)

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this Ordinance.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this Ordinance and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for level or substantially level or declining annual debt service, is hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 8. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this Ordinance shall be from the City's General Fund. It is intended that the City shall then reimburse such expenditures with the proceeds of the Bonds and bond anticipation notes authorized by this Ordinance and that the interest payable on the Bonds and any bond anticipation notes issued in anticipation of the Bonds shall be excludable from gross income for federal income tax purposes. This Ordinance is intended to constitute the declaration of the City's "official intent" to reimburse the expenditures authorized by this Ordinance with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2. Other than as specified in this Ordinance, no moneys are reasonably expected to be received, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The serial bonds and bond anticipation notes authorized to be issued by this Ordinance are hereby authorized to be consolidated, at the option of the City's Comptroller, the Chief Fiscal Officer, with the serial bonds and bond anticipation notes authorized by other Bond Ordinances previously or hereafter adopted by the City Council for purposes of sale in one or more bond or note issues aggregating an amount not to exceed the amount authorized in such ordinances. All matters regarding the sale of the bonds, including the date of the bonds, the use of electronic bidding, the consolidation of the serial bonds and the bond anticipation notes with other issues of the City and the serial maturities of the bonds are hereby delegated to the City Comptroller, the Chief Fiscal Officer of the City.

Section 10. The validity of the Bonds authorized by this Ordinance and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- a. such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- b. the provisions of law which should be complied with at the date of the publication of this Ordinance or a summary hereof are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- c. such obligations are authorized in violation of the provisions of the Constitution.

Section 11. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the Bonds, requiring the City to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 12. This Ordinance, or a summary of this Ordinance, shall be published in the official newspapers of the City for such purpose, together with a notice of the Clerk of the City in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 13. This Ordinance is not subject to a mandatory or permissive referendum.

Section 14. The Council hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this Ordinance.

Section 15. This Ordinance shall take effect immediately upon its adoption.

Seconded by Councilor Locastro

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

**C. Local Laws – none**

**D. Resolutions**

**COUNCIL RESOLUTION #24 OF 2020**

**ADOPTING A SENIOR MANAGEMENT PERSONNEL POLICY**

By Councilor Cuddy

February 20, 2020

**WHEREAS**, on February 7, 2019, the Auburn City Council passed Council Resolution No. 16 of 2019, which approved the Senior Management Personnel Policy (the “Policy”) in order to provide fair and competitive compensation to Senior Management Employees, who are not otherwise represented by Collective Bargaining Agreements; and

**WHEREAS**, an updated Policy, which is attached hereto and incorporated herein, includes revisions relating to compensatory time, vacation, employee wellness, wages, and family medical leave.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby affirm and adopt the Senior Management Personnel Policy, which is attached hereto and made a part of this Resolution; and



**BE IT FURTHER RESOLVED** that the Mayor, or approved designee, of the City of Auburn is hereby authorized to execute the Senior Management Personnel Policy on behalf of the City of Auburn; and

**BE IT FURTHER RESOLVED**, that the Senior Management Personnel Policy shall be effective as of January 1, 2020.

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		

**AGREEMENT RESOLUTION #25 OF 2020**

**AUTHORIZING AN AGREEMENT WITH BIVENS & ASSOCIATES ARCHITECTS  
FOR PROFESSIONAL CONSULTING SERVICES**

By Councilor Locastro

February 20, 2020

**WHEREAS**, the Auburn City Council authorized Bond Ordinance #1 of 2020, which approved the expenditure of funds up to \$10 million allowing the City to proceed with the Auburn Public Safety Building Project; and

**WHEREAS**, a request for proposals for related programming, design, construction documents, bidding and design-related construction administration services was released on January 17, 2020; and

**WHEREAS**, the City received twelve (12) responses from various professional architectural firms resulting in two (2) proposal teams interviewed on February 13, 2020; and

**WHEREAS**, Bivens & Associates Architects PLLC of Syracuse, NY is recommended as the highest ranked firm to provide the above mentioned professional consulting services for the Auburn Public Safety Building Project; and

**WHEREAS**, it is now necessary that Bivens & Associates Architects PLLC of Syracuse, NY be awarded the contract for professional consulting services for the Auburn Public Safety Building Project in an amount not to exceed \$386,000.00.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby award a contract to Bivens & Associates Architects PLLC of Syracuse, NY for all programming, design, construction documents, bidding and construction administration phases of the Auburn Public Safety Building Project in an amount not to exceed \$386,000.00; and

**BE IT FURTHER RESOLVED** that the Mayor, or appointed designee, is authorized to sign the agreement and all other documents relating to the agreement on behalf of the City of Auburn; and

**BE IT FURTHER RESOLVED** that the cost of the professional consulting services agreement in the amount of \$386,000.00 is to be charged to the Public Safety Building capital account #HA1620-440-PSB.

Seconded by Councilor Giannettino

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

### **COUNCIL RESOLUTION #26 OF 2020**

#### **REQUESTING THE GOVERNOR AND STATE LEGISLATURE TO INCREASE AID AND INCENTIVES TO MUNICIPALITIES (AIM) FUNDING IN THE 2020-2021 NYS BUDGET**

By Councilor Giannettino

February 20, 2020

**WHEREAS** Aid & Incentive to Municipalities (AIM) funding is the unrestricted State aid that cities and villages in New York receive from the State and such aid is distributed annually via the State budget; and

**WHEREAS** a strong state and local fiscal partnership is essential to generating economic vitality in all regions of our State and the New York State Budget providing AIM funding to the local governments is a critical component of such a partnership; and

**WHEREAS** in 2011 AIM funding was cut significantly by the State Legislature and that year the City of Auburn's AIM funding was cut by \$329,449.; and

**WHEREAS** cities, villages and their taxpayers have suffered through eleven years without an increase in AIM funding following that significant cut to the aid in 2011; and

**WHEREAS** just as annual increases in school aid help school districts comply with the New York State tax cap and maintain essential services, municipal governments need and deserve similar annual increases in State aid; and

**WHEREAS** the fact that the New York State tax cap is now permanent only accentuates the need for annual increases in AIM funding.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council call upon Governor Andrew M. Cuomo, Senator Pamela Helming, Assemblyman Gary Finch and all members of the NYS Legislature to increase AIM funding in the 2020-2021 New York State Budget; and

**BE IT FURTHER RESOLVED** that the City Clerk forward a certified copy of this resolution to the Governor and all of our State representatives.

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 #27 OF 2020**

**REQUESTING THE GOVERNOR AND STATE LEGISLATURE TO MAINTAIN AND INCREASE THE EXISTING CHIPS, PAVE NY, BRIDGE NY AND EXTREME WINTER RECOVERY PROGRAM FUNDING IN THE FISCAL YEAR 2020-2021 STATE BUDGET**

By Councilor Locastro

February 20, 2020

**WHEREAS**, the maintenance, repair and replacement of City streets and bridges is a top priority of the City of Auburn and planning for these essential infrastructure programs is outlined in the City's Five-Year Capital Improvement Program Plan through the annual City Road Improvement Program and locally administered bridge and road replacements projects; and

**WHEREAS**, for the past several years the City of Auburn receives annually State funding through the New York State Department of Transportation (NYSDOT) under the following programs: the Consolidated Local Street and Highway Improvement Program

(CHIPS); the PAVE-NY program; the BRIDGE-NY program; and the Extreme Winter Recovery Program; and

**WHEREAS**, the Mayor and City Council urge the Governor and members of our State Legislative delegation to continue and increase their support of these infrastructure programs as they are an effective partnership between State and local government; and

**WHEREAS**, as part of his proposed Executive Budget the Governor has funded these programs for the 2020-2021 State fiscal year as follows: the Consolidated Local Street and Highway Improvement Program (CHIPS) funded at \$438 million; the PAVE-NY and BRIDGE-NY programs funded at a total of \$100 million; and, the Extreme Winter Recovery Program is not funded; and

**WHEREAS**, the Mayor and City Council wish to express to our State officials that these annual road and bridge funds are essential to the City being able to replace or maintain an aging infrastructure and their inclusion in the State budget is absolutely necessary.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council call upon Governor Andrew M. Cuomo, Senator Pamela Helming, Assemblyman Gary Finch and all members of the NYS Legislature to consider the following:

- support the Executive Budget proposal to fund the Consolidated Local Street and Highway Improvement Program (CHIPS) at \$438 million; and
- support the Executive Budget proposal to fund the PAVE-NY and BRIDGE-NY programs at \$100 million; and,
- reinstate the funding for the Extreme Winter Recovery Program at \$65 million which is the level the program was funded in the previous fiscal year; and
- Increasing funding to all of these programs is the most effective way that the State can partner with the City to address aging infrastructure needs; and

**BE IT FURTHER RESOLVED** that the City Clerk forward a certified copy of this resolution to the Governor and all of our State representatives.

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 #28 OF 2020**

**REQUESTING THE GOVERNOR AND STATE LEGISLATURE TO INCREASE THE  
EXISTING N.Y.S.D.O.T. ARTERIAL MAINTENANCE REIMBURSEMENT RATE**

By Councilor McCormick

February 20, 2020

**WHEREAS**, the City of Auburn has an agreement with the New York State Department of Transportation (NYSDOT) for arterial highway maintenance and upkeep of the State Arterial highways that pass through the City and said agreement was entered into between the NYSDOT and the City of Auburn commencing December 1, 1961; and

**WHEREAS**, pursuant to the New York State Highway Law, Article XII-B entitled “State Arterial Highways Passing through Cities”, Section 349-c, the annual State reimbursement rate, is currently \$0.85 per square yard for at grade sections and \$0.95 per square yard for elevated sections. The rates were set in 1987 and have not been adjusted by the State for the past 32 years; and

**WHEREAS**, in 2019, legislation to amend the State Highway Law in relation to the rate paid by New York State to a city for maintenance and repair of highways, set forth in bill numbers A. 5990-A (by Assemblywomen Rozic) and S. 4048-A (by Senator Kennedy), unanimously passed both houses of the State legislature but was vetoed by the Governor; and

**WHEREAS**, the Governor’s proposed fiscal year 2020-2021 New York State budget was released in January 2020 and the budget does not contain any increase to the Arterial highway maintenance reimbursement rate; and

**WHEREAS**, the Mayor and City Council wish to express to our State officials that the adjustment of the State’s reimbursement rate for Arterial highway maintenance is long overdue and it will be necessary to adjust the reimbursement rate in the 2020-2021 State Budget to assist the City of Auburn to cover the expense of maintaining the Arterial as it runs through our City.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council call upon Governor Andrew M. Cuomo, Senator Pamela Helming, Assemblyman Gary Finch and all members of the NYS Legislature to adjust the reimbursement rate for Arterial Highway Maintenance from the 32 year old reimbursement rate of \$0.87 per square mile to \$1.87 per square mile and include this increase in the 2020-2021 New York State Budget; and

**BE IT FURTHER RESOLVED** that the City Clerk forward a certified copy of this resolution to the Governor and all of our State representatives.

Seconded by Councilor Locastro

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

**COUNCIL RESOLUTION #29 OF 2020**

**URGING THE STATE OF NEW YORK TO IMMEDIATELY AMEND  
CRIMINAL JUSTICE REFORMS THAT WERE IMPLEMENTED ON JANUARY  
1, 2020**

February 20, 2020

By Councilor Giannettino

**WHEREAS**, The City of Auburn recognizes the need for statewide common sense bail and discovery reform laws; and

**WHEREAS**, protecting the people from harm by enforcing the rule of law is the foundational role of government; and

**WHEREAS**, municipal governments are vested by the State of New York with the responsibility to protect the most vulnerable among us, including the socioeconomically disadvantaged, the disabled, the elderly, and children; and

**WHEREAS**, no group is more vulnerable than the victims of crime, and a just society demands that crime victims should be recognized as key participants within the criminal justice system and be protected and treated with dignity, fairness, and respect; and

**WHEREAS**, for the past twenty-five years the State of New York has committed itself to reducing crime, and has succeeded as evidenced by official U.S. Department of Justice Uniform Crime Reporting Statistics showing that New York transformed from the second most dangerous state in America in the early 1990s to the safest large state in America by the early 2000s; and

**WHEREAS**, in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many specific enumerated crimes and the imposition of stringent discovery mandates on police and prosecutors; and

**WHEREAS**, under bail reform, beginning January 1, 2020, judges were stripped of

their discretion to set bail for many specific enumerated crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, or the potential threat these defendants pose to the community at large, and instead these defendants will be released back into the general public; and

**WHEREAS**, the discovery mandates imposed by the State of New York now require police and District Attorneys to turn over voluminous trial-related materials to defense attorneys within 15 days, creating a mandate that will inevitably not be achieved in some cases and may result in the inability of the People to properly prosecute cases against criminal defendants; and

**WHEREAS**, the City of Auburn is very concerned about the unfunded mandates incorporated into New York's 2019 criminal justice reforms and the practical consequences of this dramatic swing in the criminal justice procedures pendulum will have detrimental administrative, fiscal, and justice impacts at the local level, and

**WHEREAS**, the fundamental responsibility of governments to protect the vulnerable in society demands that the shortcomings of these new laws be remedied immediately.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Auburn, New York that it hereby urges the Governor and Legislature of the State of New York to immediately amend or recind these laws by convening an emergency session of the State Legislature, or by emergency executive authority, or by any other means deemed possible by the State, and to do so as soon as possible in the 2020 legislative session; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be sent to Governor Cuomo, Attorney General James; Senator Helming, Assemblyman Finch and the leaders of the State Legislature.

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	

**Tabled Items - none**

**STAFF/VENDOR PRESENTATIONS - none**

**10. Other Business –**

**11. 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. No members of the public spoke.**

Executive Session. Councilor McCormick made a motion to enter Executive Session, seconded by Councilor Giannettino. Council voted to enter an executive session at 5:43 p.m. regarding the following matters:

- Two matters made confidential by Federal or State law. (Section 4503 of the Civil Practice Law and Rules which establishes that a confidential communication between attorney and client shall be privileged. Pursuant to this section, Council will be receiving legal advice from its attorney which fulfills the requirement provided in Section 108(3) of the Public Officers Law allowing this exemption.)

Executive session adjourned at 6:30 p.m.

**Adjournment:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 6:31 p.m..

Minutes submitted to the City Council on March 5, 2020 by:

Charles Mason  
City Clerk