

**Auburn City Council  
Regular Meeting  
Thursday, April 21, 2022 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 5:00 p.m. from the City Council Chambers, 24 South St. Auburn, NY by Councilor Giannettino.

**ROLL CALL** – The City Clerk called the roll. Mayor Quill and Councilor Ginny Kent, Councilor Jimmy Giannettino, Councilor Terry Cuddy and Councilor Tim Locastro were all present.

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

- City Manager, Jeff Dygert
- Corporation Counsel, Stacy DeForrest
- Assistant Corporation Counsel, Nate Garland
- City Clerk, Chuck Mason
- Director of Planning and Economic Development, Jenny Haines
- Robert Gauthier, City Treasurer
- Fire Chief, Mark Fritz
- Director of Operations for Auburn City Ambulance, Kezia Sullivan
- City Engineer, William Lupien

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

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

**Public Announcements**

**CEREMONIAL PRESENTATIONS**

**Public to be heard:** Mayor Quill asked the Clerk to read the public to be heard rules.

Arlene Ryan of Orchard Street spoke about conditions at the new N. Division Street bridge that need to be corrected to assist drivers in the area.

**Approval of Meeting Minutes –**

April 14, 2022 Council Meeting Minutes

Motion to approve the April 14, 2022 minutes by Councilor Kent, seconded by Councilor Locastro.

Motion to approve carried 5-0.

## **Reports of City Officials**

### **City Manager's Report –**

## **Reports from members of Council**

## **Matters to Come Before Council**

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

#### **SEQR RESOLUTION #2 OF 2022**

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

By Councilor Cuddy

April 21, 2022

**WHEREAS**, the City Council of the City of Auburn, New York (the “City”) is the sponsor of unrelated capital improvement activities including the purchase of machinery, apparatus, vehicles, and/or equipment for various City Departments; maintenance, repairs, and improvements to various City streets, roads and/or sidewalks as part of the annual road improvement program; and replacement and/ or building improvements to the Solid Waste Scale House structure located at 311 North Division Street (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 requirements of the implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”) with respect to the Project; and

**WHEREAS**, pursuant to the Regulations, the City has 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) “[M]aintenance or repair involving no substantial changes in an existing structure or facility” (6 NYCRR § 617.5(c)(1));

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

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

(iv) “[S]treet openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities” (6 NYCRR § 617.5(c)(6));

(v) “[M]aintenance of existing landscaping or natural growth” (6 NYCRR § 617.5(c)(8)); and/or

(vi) “[P]urchase 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	Excused
Councilor Kent	X		
Councilor Giannettino	X		
Councilor Cuddy	X		
Councilor Locastro	X		
Mayor Quill	X		
Carried and Adopted	X		

**B. Ordinances –**

**BOND ORDINANCE #1 OF 2022**

AUTHORIZING THE ISSUANCE OF \$2,345,000 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 \$2,345,000, the estimated maximum cost of each Project as follows:

(a) Fleet Vehicles for Public Works and Codes Departments. The purchase of equipment and vehicles to be used for constructing, reconstructing, repairing or maintaining City improvements, the cost of which is \$30,000 or more, including two (2) ten-wheel dump trucks, three (3) fleet vehicles having a seating capacity of less than 10 persons, and a solid waste refuse packer at an estimated maximum cost not to exceed \$775,000 and to issue an aggregate \$775,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose;

(b) Equipment for Municipal Utilities Department. The purchase of equipment for the Water and Sewer Department of the City, the cost of which is \$30,000 or more, including one (1) backhoe and one (1) excavator, at an estimated maximum cost not to exceed \$370,000 and to issue an aggregate \$370,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose;

(c) Equipment for Fire Department- Turnout Gear. The purchase of equipment to be used for personal protective equipment, the cost of which is \$30,000 or more for the City Fire Department at an estimated maximum cost not to exceed \$240,000 and to issue an aggregate \$240,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose.

(d) 2022-2023 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 \$800,000 and to issue an aggregate \$800,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose; and

(e) City Buildings & Grounds Improvements. The renovation or reconstruction of the scale house located at the Auburn Landfill, whether or not including grading or improvement of the site, 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 \$160,000 and to issue an aggregate \$160,000 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 \$2,345,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$2,345,000 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:

Period of      Local Finance

<u>Section 1 Subparagraph</u>	<u>Probable Usefulness (Years)</u>	<u>Law Section 11.00(a) Paragraph</u>
(a) Department of Public Works – (2) Dump Trucks	15	28
(b) Department of Public Works- Refuse Packer	15	28
(c) Staff Vehicles	3	77
(d) 2022-2023 Road Improvement Program	15	20(c)
(d) Buildings & 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.

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

**C. Local Laws – none**

**D. Resolutions –**

**FINANCIAL RESOLUTION #40 OF 2022  
AUTHORIZING VARIOUS OPERATING AND  
CAPITAL BUDGET TRANSFERS**

By Councilor Kent

April 21, 2022

**WHEREAS**, the City of Auburn staff is requesting various operating and non-operating budget transfers for the fiscal 2021-2022 year as outlined in attachment A; and,

**WHEREAS**, there is no fund balance being requested for these transfers; and,

**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 2021-2022 fiscal year; and,
2. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Giannettino

<b>Attachment A: 21-22 FY</b>					
<b>4/21/2022</b>					
<b>Amount</b>	<b>Account to</b>		<b>Account From</b>		<b>Reason</b>
\$13,000	A3410.164	Fire – OT Training	A3410.210	Fire – Furniture & Fixtures	Reallocate funds to cover OT Training upcoming
\$2,000	A3410.412	Fire – Operating Supplies	A3410.210	Fire – Furniture & Fixtures	Reallocate funds to cover increased prices for supplies
\$210	A3410.412	Fire – Operating Supplies	A3410.220	Fire – Office Equipment	Reallocate funds to cover increased prices for supplies
\$2,000	A3410.824	Fire – 207A	A3410.460	Fire – Training	Reallocate funds to cover excess 207 medical costs
\$10,000	A3410.164	Fire – OT Training	A3410.460	Fire – Training	Reallocate funds to cover OT Training upcoming



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

**COUNCIL RESOLUTION #41 OF 2022**

**AUTHORIZING THE SALE OF SURPLUS VEHICLES AND EQUIPMENT PURSUANT TO  
THE 2022 CITY OF AUBURN PROCUREMENT AND SURPLUS POLICY**

By Councilor Giannettino

April 21, 2022

**WHEREAS**, on January 6, 2022, the City Council of the City of Auburn passed Council Resolution No. 4 of 2022, which adopted a City of Auburn Procurement and Surplus Policy (the “Procurement Policy”); and

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Auburn hereby authorizes the sale of the City-owned vehicles and equipment set forth in Exhibit A attached hereto in accordance with the 2022 City of Auburn Procurement and Surplus Policy.

Seconded by Councilor Locastro

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

**EXHIBIT A**

**APD**

- 2013 Ford Taurus  
VIN # 1FAHP2M85DG158170

**E. Staff Presentations –**

**Presentation from the City of Auburn Human Rights Commission by Gilda Brower, Commission Chair.**

**TABLED ITEMS - none**

**OTHER BUSINESS –**

- Councilor Cuddy asked Council to include \$5,000 in the City Budget for Auburn Community Cats. Council agreed.
- Councilor Giannettino asked that funds for building security at City Hall, the Equal Rights Heritage Center and the downtown parking garage be added to the city budget. Council agreed.
- Councilor Giannettino asked that funds for increases in the stipend paid to Civil Service Commissioners be added to the city budget. Council agreed.
- Councilor Kent asked that an increase in the contribution to the Owasco Lake Watershed Management Council be included in the budget. Council agreed.

**Second Public to be Heard: No speakers**

**Executive Session:**

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

Two matters made confidential under attorney client privilege.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:32 p.m. Executive session adjourned at 7:48 p.m.

Auburn City Council Meeting, April 21, 2022

**ADJOURNMENT:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:49 p.m..

Minutes submitted by: Chuck Mason, City Clerk