

**Auburn City Council
Regular Meeting
Thursday, August 18, 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 Mayor Quill.

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
- City Clerk, Chuck Mason
- Corporation Counsel, Stacy Tamburrino
- Police Chief, Jim Slayton
- Grants Coordinator, Onea Kloster

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 –
Summer event calendar was shared by the City Clerk.

CEREMONIAL PRESENTATIONS – none.

Public to be heard: Mayor Quill asked the Clerk to read the public to be heard rules. No speakers.

Approval of Meeting Minutes –
August 4, 2022 Council Meeting Minutes
Motion to approve the August 4, 2022 minutes by Councilor Cuddy, seconded by Councilor Kent.
Motion to approve carried 5-0.

Reports of City Officials

City Manager's Report –

- The city is accepting bids for various chemicals. Bids are due August 23.
- The city is also accepting bids for Supervisory Control and Data Acquisition (SCADA) general services. Bids are due back September 23. More details on these Bids and RFPs is available on the City webpage under the tab “Bids/RFPs.”
- The application deadline for our Police Officer Civil Service was today. We received 61 applications.
- The first Harmful Algal Bloom of the season was identified last week on Owasco Lake. This week there are two identified blooms. There are no traces in our raw water at this time. The Water Filtration Plant started the Powder Activated Carbon (PAC) system this week and sampling of raw and finished water will begin next week.

Reports from members of Council –

- Councilor Cuddy reported on the Casey Park “Tennis Under the Lights” nights that were held the first three Mondays of August 2022. All nights were well attended and there was positive feedback from attendees. Pickleball lessons were also offered and also had great attendance.
- Mayor Quill discussed the he along with Councilor Giannettino attended a Naturalization Ceremony at the Harriet Tubman Home on South Street that welcomed 20 individuals to receive their United States citizenship.

Matters to Come Before Council

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

B. Ordinances – none

C. Local Laws –

LOCAL LAW NO. 2– 2022

A LOCAL LAW CREATING THE ECONOMIC DEVELOPMENT TOOLS CHAPTER WITHIN THE CITY OF AUBURN MUNICIPAL CODE AND ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE)

By Councilor Giannettino

August 18, 2022

Be it enacted by the City of Auburn (the “City of Auburn”) as follows:

This local law shall be known as the Chapter 151 of the City of Auburn Municipal Code “Economic Development Tools”

Section 151-1: Purpose

The economic development programs as established in this chapter are designed to foster growth of industry and commercial development within the City of Auburn. Although the City of Auburn employs a professional Planning staff whose mission, in part, is to aid in economic development, the City Council recognizes that the Federal and State governments often take a leadership role in economic development. Due to the principles of Federalism and Home Rule, it is occasionally required that a municipality adopt a local law in order to allow residents and property owners access these Federal and State programs.

Article I: Clean Energy Financing “Energize NY Open C-PACE Financing Program”

Section 151-2 Legislative findings, intent and purpose, authority.

It is the policy of both the City of Auburn and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Auburn finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the City of Auburn pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the City of Auburn and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

The City of Auburn is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Section 151-3: Definitions

Annual Installment Amount – shall have the meaning assigned in Section 151-9, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 151-9, paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 151-4, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the City of Auburn to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the City of Auburn as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 151-7, paragraph A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the City of Auburn.

City of Auburn – a City of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the City of Auburn that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 151-9, paragraph C.

State – the State of New York.

Section 151-4: Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the City of Auburn, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the City of Auburn, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the City of Auburn. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the City of Auburn.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

Section 151-5: Procedures for eligibility

- A. Any property owner in the City of Auburn may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Auburn's offices.

Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the City of Auburn, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 151-6 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

If a positive determination on an application is made by EIC, acting on behalf of the City of Auburn, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 151-7 of this local law.

Section 151-6: Application criteria

Upon the submission of an application, EIC, acting on behalf of the City of Auburn, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

Sufficient funds are available from Financing Parties to provide financing to the property owner;

The property owner is current in payments on any existing mortgage on the Qualified Property;

The property owner is current in payments on any real property taxes on the Qualified Property; and

Such additional criteria, not inconsistent with the criteria set forth above, as the State, the City of Auburn, or EIC acting on its behalf, or other Financing Parties may set from time to time.

Section 151-7: Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the City of Auburn, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance

Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).

Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.

EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

Section 151-8: Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- B. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the City of Auburn. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the City of Auburn, and shall be paid to the Financing Party as provided in the Finance Agreement.

The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the City of Auburn.

The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the City of Auburn, as provided in the Finance Agreement.

Section 151-9: Levy of Annual Installment Amount and Creation of Annual Installment Lien

- C. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the City of Auburn. The amount of the Benefit Assessment Lien shall be the Secured

Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the City of Auburn, in the land records for properties in the City of Auburn. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the City of Auburn. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the City of Auburn.

The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the City of Auburn, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the City of Auburn. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the City of Auburn, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the City of Auburn, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the City of Auburn, or the Financing Party, as may be provided in the Finance Agreement.

EIC shall act as the City of Auburn's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy

available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

EIC, on behalf of the City of Auburn, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the City of Auburn, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the City of Auburn would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

Section 151-10: Verification and report

EIC, on behalf of the City of Auburn, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

Section 151-11: Separability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 151-12: Effective Date

This local law shall take effect upon filing with the Secretary of State.

Seconded by Councilor Cuddy

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

D. Resolutions –

COUNCIL RESOLUTION # 89 OF 2022

**AUTHORIZING AN APPLICATION FOR NEW YORK STATE WATER INFRASTRUCTURE
IMPROVEMENT ACT (WIIA) DRINKING WATER GRANT FUNDING**

By Councilor Kent

August 18, 2022

WHEREAS, the New York State Environmental Facilities Corporation (NYS EFC) provides grants to assist municipalities in funding water quality infrastructure projects that protect or improve water quality and/ or protect public health; and

WHEREAS, the City of Auburn's Department of Municipal Utilities is responsible for the collection, filtration and distribution of drinking water in the City and has identified a need for upgrades to the Water Filtration Plant slow-sand and rapid-sand filtration buildings; and

WHEREAS, the City of Auburn is submitting an application to the NYS EFC Water Infrastructure Improvement Act (WIIA) Grant Program in an effort to secure 2022 NYS Water Grant funding assistance in the amount of \$3 Million for a total estimated project cost of \$6.2 Million; and

WHEREAS, the City of Auburn would finance the non-grant portion of the project through the NYS EFC Drinking Water State Revolving Loan Fund and/ or municipal BANs depending on interest rates and financing costs; and

WHEREAS, the City of Auburn does not currently have the funding to pay for 100% of the capital upgrades at the Water Filtration Plant and it is necessary to obtain New York State funding assistance for this important water infrastructure project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
AUBURN, NEW YORK:**

1. That the Mayor, or approved representative, is authorized to submit a City of Auburn Water Grant application to the NYS Environmental Facilities Corporation in the amount of \$3 Million for a total estimated project cost of \$6.2 Million; and
2. Upon award notification, that the Mayor, or approved representative, is authorized to execute the grant assistance contract, submit project documentation, and otherwise act on all matters related to the project and state assistance; and
3. That the City Comptroller is authorized to create a capital revenue account, recognize grant revenue, and appropriate the funds into the correct capital project budget.
4. That this resolution shall take effect immediately upon its adoption.

Seconded by Councilor Giannettino

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

APPOINTMENT RESOLUTION #90 OF 2022

FOR THE APPOINTMENT OF COMMISSIONERS OF DEEDS

By Councilor Kent

August 18, 2022

WHEREAS, the Auburn City Council appoints individuals as Commissioners of Deeds in order to authorize them to take affidavits, depositions and acknowledgments for use in the City, which gives them powers similar to that of a Notary Public; and

WHEREAS, the law for appointment of Commissioners of Deeds is set forth in New York State Executive Law, Section 139, and the Auburn City Code, Section 62-1, which provide that the City Council shall appoint Commissioners of Deeds for a designated term; and

WHEREAS, on December 17, 2020, the City Council passed Appointment Resolution #121 of 2020, which stated that a total of 50 Commissioner of Deeds appointments would be allotted during the years 2021-2022; and

WHEREAS, the following Auburn Police Department Police Officers need to be considered for appointment by City Council as Commissioners of Deeds:

1. Charles Augello, Jr.
2. Michael Merkley
3. Nicholas Atkins

NOW, THEREFORE, BE IT RESOLVED, that the Auburn City Council does hereby appoint as Commissioners of Deeds, pursuant to the authority provided by New York State Executive Law, Section 139, the following individuals:

1. Charles Augello, Jr.
2. Michael Merkley
3. Nicholas Atkins

BE IT FURTHER RESOLVED that the foregoing appointment shall be effective immediately and shall continue until December 31, 2022.

Seconded by Councilor Cuddy

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

AGREEMENT RESOLUTION #91 OF 2022

AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF AUBURN AND THE ENERGY IMPROVEMENT CORPORATION (EIC)

By Councilor Giannettino

August 18, 2022

WHEREAS, through the enactment of Local Law #2 of 2022, the City of Auburn has made C-PACE financing available to owners of commercial property in order to foster economic development and environmental protection through the implementation of clean energy technology; and

WHEREAS, a Municipal Agreement between the City and the EIC to implement C-PACE financing is necessary to fully effectuate Local Law #2 of 2022; and

WHEREAS, the Municipal Agreement does not place any additional liability upon the City of Auburn; and

WHEREAS, the EIC will approve the proposed Agreement presently.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve an Municipal Agreement between the City of Auburn and the EIC, 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 agreement.

Seconded by Councilor Kent

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

LAND SALE RESOLUTION #92 OF 2022

**AUTHORIZING THE SALE OF REAL
PROPERTY LOCATED AT CAPITOL STREET**

By Councilor Giannettino

August 18, 2022

WHEREAS, on March 13, 2001, the City of Auburn acquired title to the real property located at Capitol Street (the “Property”) through a tax foreclosure; and,

WHEREAS, the Property consists of a vacant lot that is 205’ x 100’ in size and cannot be developed since there is no sewer or water connection available to it; and

WHEREAS, the neighbors to this Property, Mr. William Wilczek and Mrs. Melissa Wilczek have proposed a Purchase Offer and Sale Contract (the “Contract”) to buy the Property for the price of \$4,400, which is attached hereto and incorporated herein; and

WHEREAS, pursuant to the City’s Land Sale Policy, the City has notified all of the property owners adjacent to the Property of this transaction and has received no responses.

NOW, THEREFORE, BE IT RESOLVED that the City of Auburn does hereby approve the Purchase Offer and Sale Contract, attached hereto and incorporated herein, for the sale of real property located at Capitol Street having a tax map lot No. of 116.33-2-30 to William Wilczek and Melissa Wilczek for the price of \$4,400, subject to the following conditions:

(1) That the City provides only a Quit Claim Deed to the buyers at closing;

(2) That the buyers be responsible for payment of all title and closing costs;

and,

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents in order to finalize the closing of this real estate transaction.

Seconded by Councilor Locastro

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

E. Staff or Vendor Presentations – none

TABLED ITEMS - none

OTHER BUSINESS –

Councilor Cuddy discussed the pruning of trees by contractors retained by New York State Electric and Gas (NYSEG). He has heard from several property owners that are dissatisfied with the results of tree pruning and describe the pruning as excessive. He asked staff to look into what the City may be able to do to address the matter and he will share pictures that he has been provided by city residents.

Second Public to be Heard.

Zach Ciupello spoke to address matters pertaining to the City's trees. He is concerned about pruning of trees conducted by NYSEG and the trees that are under scaffolding recently placed at 120 Genesee Street.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 5:33 p.m..

Minutes submitted by: Chuck Mason, City Clerk