

**Auburn City Council
Regular Meeting
Thursday, October 27, 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. Councilor Ginny Kent, Councilor Jimmy Giannettino and Councilor Tim Locastro were all present. Mayor Quill was excused as he was attending an event with President Joe Biden at Onondaga Community College regarding the announcement of an investment by the Micron Corporation to build a high-tech chip manufacturing facility in Clay, NY that is projected to create 9,000 direct jobs over the next decade. Councilor Cuddy was excused.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Assistant Corporation Counsel, Nate Garland
- Director of Planning and Economic Development, Jennifer Haines
- City Engineer, William Lupien

Pledge of Allegiance to the Flag – Councilor Kent led the Pledge of Allegiance.

Moment of Silent Prayer or Reflection – Councilor Kent asked for a moment of silent prayer.

Public Announcements –

- City of Auburn, NY Transfer Station Fall Cleaning Days 2022
 - CITY RESIDENTS ONLY
 - All Rules Will Be STRICTLY ENFORCED
 - Date #1 Saturday, October 29, 2022
 - Date #2 Saturday, November 5, 2022
 - Hours: 7:00 am - 11:30 a.m.
 - Location: City of Auburn Transfer Station, 311 North Division Street
 - For more information or questions call: 315-252-6441
- Requirements/Rules/Regulations:
 - City residents will need to deliver the material directly to Auburn Transfer Station

Auburn City Council Meeting, October 27, 2022

- No transfer station permits will be required in order to participate.
 - Driver's license and vehicle registration will be required as proof of residency for participation (the address on both must match and will be strictly enforced).
 - No trailers, no box vans, no u-hauls and all loads MUST BE TARPED.
 - All garbage must be containerized (can or bag) NO EXCEPTIONS.
- Materials That Will Be Accepted At NO COST To City Residents
 - GARBAGE, RECYCLING, MATTRESS/BOX SPRING, BRUSH/YARD WASTE, and FURNITURE.
 - Yard waste/brush in brown leaf bags. (Plastic bags are no longer acceptable for this material).
 - Car tires (accepting 4 tires per residence).
 - Materials That Will Be Accepted AT COST To City Residents
 - FREON CONTAINING UNITS \$45.00 EACH (Refrigerators, Air Conditioners, Dehumidifiers).
 - ELECTRONICS (LIMIT 2) \$20.00 EACH (Computer, Monitor, Microwave, DVD, VCR, Printer, TV's).
 - Materials That WILL NOT Be Accepted at the Transfer Station Fall Clean-up Days are as follows:
 - HAZARDOUS WASTE;
 - ASBESTOS;
 - MOTOR OIL;
 - LIQUID WASTE;
 - FLUORESCENT TUBES;
 - GREASE;
 - SOLVENTS;
 - PAINT;
 - COOKING OIL.
- The next City of Auburn Planning Board meeting will be held on Tuesday, November 1, 2022 at 6:30 p.m. at Council Chambers, Memorial City Hall, 24 South Street.

CEREMONIAL PRESENTATIONS – none

Public to be heard: Councilor Kent asked the Clerk to read the public to be heard rules. Christine DeChick from Pimm Avenue spoke regarding a list of issues she has with neighboring properties and conditions in the Pimm Avenue area.

Approval of Meeting Minutes –
October 20, 2022 Council Meeting Minutes

Motion to approve the October 20, 2022 minutes by Councilor Giannettino, seconded by Councilor Locastro. Motion to approve carried 3-0.

Reports of City Officials

City Manager's Report –

- Testing of the raw water at the filtration plant has shown decreasing levels of microcystin, even no trace at times. The Powder Activated Carbon System (PAC) is in operation but is being dialed back, and our finished water has been testing with no microcystin.
- Staff has developed a Request for Proposals for Architectural and Engineering services for upgrades to the Auburn Police and Auburn Ambulance Headquarters Buildings.
- The City is accepting bids on the following:
 - An electric skid steer for the Waste Water Treatment Plant, due November 4.
 - General Sewer and Water Repair Services, due Nov. 4.
 - Consulting and Staffing Support Services for the Waste Water Treatment Plant, due Nov. 4.
 - Large Valves, due Nov. 4.
 - Electric Variable Frequency Drives, due Nov. 4.
- Our annual third party audit continues this week. Our Comptroller has been working with several auditors from the firm over the last two weeks to complete the required review.

Reports from members of Council –

- Councilor Kent stated that the Seymour Public Library Trustee election and budget vote will be held on Friday, October 28, 2022 from 9 am through 7 pm at the library on Genesee Street.

Matters to Come Before Council

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

B. Ordinances – none

C. Local Laws – First Reading – the City Clerk read the proposed Local Law # 3 of 2022. LOCAL LAW #3 OF 2022

REPEALING AND REPLACING SECTIONS OF CHAPTER 178 OF THE AUBURN CITY CODE ENTITLED “HISTORIC PRESERVATION”

By Councilor _____

November 10, 2022

WHEREAS, on March 28, 1991, the Auburn City Council enacted and established Local Law No. 2-1991 as Chapter 178 of the Auburn City Code entitled “Historic Preservation,” pursuant to New York State Municipal Home Rule Law Section 10(1)(ii)(a)(11); and

WHEREAS, on April 6, 2017, the Auburn City Council enacted and established Local Law No. 1-2017 repealing and replacing Chapter 178 of the Auburn City Code entitled “Historic Preservation”; and

WHEREAS, the Historic Preservation Chapter created the Historic Resources Review Board “HRRB” and empowers the same to review applications of property owners to determine the historical appropriateness of certain proposed changes to the exterior of a structure; and

WHEREAS, the HRRB, after a public hearing, shall administratively issue or deny a Certificate of Appropriateness to an applicant allowing or prohibiting the proposed changes; and

WHEREAS, certain sections of the Historic Preservation Chapter regarding the procedure by which an aggrieved applicant may appeal a decision of the HRRB are not in keeping with the procedure and custom all other City Boards and relief made available by the New York State Civil Practice Laws and Rules; and

WHEREAS, it is necessary for the purposes of efficiency and clarity to make uniform the sections of the City Code which allow for an applicant to exhaust his or her administrative remedies at the city board level; and

WHEREAS, it is possible to achieve such uniformity by amending the language in the relevant sections of Chapter 178 of the City Code to conform with the relevant sections of the City Code regarding the other various boards of the City of Auburn; and

WHEREAS, Local Law No. 3 of 2022, attached hereto and incorporated herein, proposes to update Chapter 178 of the City Code to achieve such uniformity; and

WHEREAS, the passage of Local Law No. 3 of 2022, is categorized as a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA) and New York State Code, Rules, and Regulations Sections 617.5(c)(16), and, therefore, pursuant to NYCRR Section 617.3(f) a determination under SEQRA is not required; and

WHEREAS, subject to City Council approval, a public hearing will be held on November 1, 2022, concerning the repealing of sections of Local Law No. 1-2017 and the enactment of Local Law No. 3 of 2022.

NOW, THEREFORE, BE IT ENACTED that the Auburn City Council does hereby repeal the following sections of Local Law No. 2-1991, which was originally passed as Chapter 44 of the City Code entitled “Historic Preservation:”

1. Section 178-13
2. Section 178-18

and,

BE IT FURTHER ENACTED that the Auburn City Council does hereby adopt Local Law No. 3 of 2022 attached and incorporated herein, which replaces the following Sections of Chapter 178 of the Auburn City Code entitled “Historic Preservation”:

1. Section 178-13
2. Section 178-18

and,

BE IT FURTHER ENACTED that the foregoing repeal and adoption shall take effect immediately upon the filing of a certified copy of the local law with the New York Secretary of State.

Seconded by Councilor _____

CHAPTER 178 HISTORIC PRESERVATION

§ 178-13 Certificate of appropriateness public notice requirements and approval.

D.

Denial or delay of certificate; ~~appeal to City Council~~. If the Board determines that a certificate of appropriateness should not be issued, or that a delayed certificate or a certificate contingent upon specific structural performance should be issued, the Board shall notify the applicant in writing of such determination. Such notice shall advise the applicant of ~~his or her right to appeal such determination to the City Council in accordance with~~ the appellate provisions contained in § **178-18**.

E.

Building permits not to be granted without certificate. Unless the action of the Board is reversed by ~~the City Council~~ or a court of competent jurisdiction, the Building Inspector shall refuse to grant a building permit, sign, demolition permit or other permit for any historic landmark or district where a certificate of appropriateness has been denied or has expired due to the applicant's failure to commence work as described in Subsection **C**.

§ 178-18 Appeals.

~~Any person aggrieved by a ruling or determination of the Board may appeal to the City Council, which may reverse or affirm the action of the Board or remand to the Board with instructions. In ruling upon an appeal, the Council must consider the same evidence and be guided by the same criteria as used by the Board in rendering its decision. A decision to reverse the Board's action will require the affirmative vote of a majority of the City Council members.~~ The decision of the Historic Resources Review Board shall

be immediately filed in the office of the City Clerk and be a public record. The Historic Resources Review Board's decision shall constitute the exhaustion of an aggrieved applicant's administrative remedies.

D. Resolutions – none

E. Staff or Vendor Presentations – none

TABLED ITEMS - none

OTHER BUSINESS –

Second Public to be Heard. Christine DeChick from Pimm Avenue stated that the lights on the smoke shop on Genesee Street are a distraction and she thought she read in the newspaper that the City Council addressed the matter.

Executive Session:

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

- Two matters pertaining to sale or lease of real property.

The motion to enter executive session carried 3-0. The Council entered Executive Session at 5:24 p.m. Executive session adjourned at 7:10 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:11 p.m..

Minutes submitted by: Chuck Mason, City Clerk