

**Auburn City Council
Regular Meeting
Thursday, November 9, 2021 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, Councilor Deb McCormick, Councilor Jimmy Giannettino, Councilor Terry Cuddy were all present. Councilor Tim Locastro was excused.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- Corporation Counsel, Stacy DeForrest
- Asst. Corporation Counsel, Nate Garland
- City Clerk, Chuck Mason
- Fire Chief, Mark Fritz
- Police Chief, James Slayton
- City Engineer, Bill Lupien
- Director of Capital Projects and Grants, Christina Selvek
- Director of Municipal Utilities, Seth Jensen

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 read the public to be heard rules. No speakers.

Approval of Meeting Minutes - none

Reports of City Officials

A. City Manager's Report

- Thank your Mayor it's pretty short considering the time we had between the last meeting and this one. Earlier today, we had a phone conference as we do pretty much every week with Cayuga County and several of our partners related to COVID. And certainly there's definitely updates related to the ability to vaccinate children now and also some discussion related to the federal mandate for large employers related to vaccination and testing. So, we're working through a few of those things. And as I sit here, I would like to just point out, we have April Miles that comes and sits through all of these meetings with us all the time and she's been a great partner from East Hill Medical. So, just wanted to recognize that, we're going to continue our less than abysmal efforts at dealing with the COVID by continuing to support vaccinations in conjunction with the County Health Department, and East Hill Medical, an expanded role in testing and EMS support at the various clinics around, so, we anticipate our roll that has been, that we took on many, many months ago will continue and actually ramp up in the coming months. And we're happy to do that as well as our administrative folks that continue to help in various ways, whether it's answering phones, doing registrations, and some of our staff are assisting the County with contact tracing as well. So, we are busy as we have been through that. The ambulance service. So, the ambulance service at this point has got just over a week of experience behind it at this point. It's been going well it's been a little bit it's been busy, it's been busy for the folks working there and for our Operations Director. I believe the ambulance to date has responded to approximately 150 calls for service. It's been extremely busy. They continue to service the hospital in much the same way as had happened previously doing transfers, normal transfers that would typically take place to Syracuse and Rochester partner hospitals. But long distance transfers as far as Buffalo, Albany and Westchester County right at the moment. So, there's definitely a lot of activity going on there. They've provided mutual aid outside of the city, and a handful of occasions as would normally take place. And have done a good job of covering the needs of the city for the last week as well. So, we're doing well and just trying to kind of get everybody in the groove and get to where it's second nature.

B. Reports from members of Council

Councilor Giannettino

Mayor, I just want to mention that Saturday (November 6, 2021) was the annual tree planting. And I just want to acknowledge all the volunteers that came out, Mike Talbot and his group at DPW for their assistance, and certainly Dr. Walt Aikman for heading up the program again this year. Thank you.

Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR)

B. Ordinances – FIRST READING OF BOND ORDINANCE #7 of 2021

BOND ORDINANCE #7 OF 2021

BOND ORDINANCE OF THE CITY OF AUBURN, CAYUGA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF \$6,200,000 SERIAL BONDS TO FINANCE THE COST OF IMPROVEMENTS TO THE CITY WATER SYSTEM

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

Section 1. The City of Auburn, Cayuga County, New York (the "City") is hereby authorized to undertake the acquisition, construction or reconstruction of or addition to the City's water supply or distribution system, including, but not limited to, upgrades and rehabilitation of the filtration buildings at the Water Filtration Plant, whether or not including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus (the "Project"), at an estimated maximum cost of \$6,200,000 and to issue an aggregate \$6,200,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid specific objects or purposes.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$6,200,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$6,200,000 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 is forth (40) years pursuant to subdivision 1 of Section 11.00(a) of the Local Finance Law.

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 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 of the City, with the serial bonds and bond anticipation notes authorized by other bond Ordinances previously or hereafter adopted by the Common 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 Comptroller, the Chief Fiscal Officer of the City.

Section 10. The City Comptroller, as Chief Fiscal Officer of the City, is further authorized to sell all or a portion of the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, to the New York State Environmental Facilities Corporation (the "EFC") in the form prescribed in one or more loan and/or grant agreements (the "Agreements") between the City and the EFC; to execute and deliver on behalf of the City one or more Agreements, Project Financing Agreements, and Letters of Intent with the EFC and to accept the definitive terms of one or more Agreements from EFC by executing and delivering one or more Terms Certificates; and to execute such other documents, and take such other actions, as are necessary or appropriate to obtain a loan or loans from the EFC for all or a portion of the costs of the expenditures authorized by this Ordinance, and perform the City's obligations under its Bonds or bond anticipation notes delivered to the EFC, the Project Financing Agreements and the Agreements.

Section 11. Any federal or New York State grant funds obtained by the City for the capital purposes described in Section 1 of this Ordinance shall be applied to pay the principal of and interest on the Bonds or any bond anticipation notes issued in anticipation of the Bonds or to the extent obligations shall not have been issued under this Ordinance, to reduce the maximum amount to be borrowed for such capital purposes.

Section 12. 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 13. 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 14. 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 15. This Ordinance is not subject to a mandatory or permissive referendum.

Section 16. The Common 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 17. This Ordinance shall take effect immediately upon its adoption.

C. Local Laws – none

D. Resolutions –

AGREEMENT RESOLUTION #116 OF 2021

**AUTHORIZING AND APPROVING AGREEMENTS TO SETTLE ACTIONS
RELATING TO THE OPIOID CRISIS AND DISTRIBUTE FUNDS PERTAINING
THERE TO**

By Councilor Giannettino

WHEREAS, there is pending matter of the City of Auburn v. Purdue Pharma L.P., et al., regarding the opioid addiction crisis, in which the City of Auburn is a named plaintiff in the action (the “Action”); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Belco Drug Corporation, and American Medical Distributors, Inc. (the “Distributors”) based on claims that the Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others, all of which contributed to a public health crisis in the City of Auburn; and

WHEREAS, the Action alleges several causes of action against defendant Johnson and Johnson/Jansen (J & J) pursuant to its role as opioid manufacturer which resulted in the same harm visited upon the City of Auburn; and

WHEREAS, it is in the best interest of the City of Auburn to resolve these matters with respect to the Distributors and J & J without further litigation and enter into the proposed settlement agreements (the Settlement Agreements) as it shall settle all allegations against the Distributors and J & J and avoid protracted litigation; and

WHEREAS, all of the monies paid under two agreements will be distributed among the various participating political subdivisions according to the *New York Opioid Settlement Sharing Agreement* (Sharing Agreement); and

WHEREAS, in order to fully capture the monies due and owing pursuant to the Settlement Agreements, the City of Auburn must approve the Sharing Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve the Settlement Agreements between the City of Auburn and the Distributors and J & J respectively, which are attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED the Auburn City Council does hereby approve the Sharing Agreement; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents in order to finalize the Agreements.

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		

E. Staff Presentations – none

TABLED ITEMS - none

OTHER BUSINESS –

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 5:27 p.m..

Minutes submitted by:

Chuck Mason, City Clerk