

**Auburn City Council
Regular Meeting
Thursday, January 19, 2023 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 Tim Locastro and Councilor Terry Cuddy were present.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Corporation Counsel, Stacy Tamburrino
- Police Chief, James Slayton
- Director of Capital Projects and Grants, Christina Selvek
- Grants Coordinator, Onea Kloster
- Director of Planning & Economic Development, Jennifer Haines
- Director of Municipal Utilities, Seth Jensen
- Fire Chief, Mark Fritz

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 –

The Zoning Board of Appeals for the City of Auburn, NY will be held

Ceremonial Presentations –

Mayor Quill welcomed NYS Senator Rachel May and conducted a ceremonial swearing in for the new State Senator. Senator May then addressed the members of Council and the public.

Approval of Meeting Minutes –

January 12, 2023 Council Meeting Minutes

Motion to approve the January 12, 2023 minutes by Councilor Giannettino, seconded by Councilor Cuddy. Motion to approve carried 5-0.

Reports of City Officials

City Manager's Report –

- City staff met with County and CEDA staff this week to discuss progress being made by the four working groups assembled in response to the Micron development project.
- Those working groups are focused on Workforce Development, Housing, Commercial Sites, and Energy.
- Yesterday staff attended the CNY Regional Economic Development Council (REDC) meeting held in Syracuse.

Reports from members of Council –

Matters to Come Before Council

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

B. Ordinances – none

C. Local Laws – none

D. Resolutions –

**COUNCIL RESOLUTION #4 of 2023
AUTHORIZING A PUBLIC HEARING FOR THE
2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN**

By Councilor Kent

January 19, 2023

BE IT RESOLVED, by the City Council of the City of Auburn, New York, that it does hereby authorize that a Public Hearing be held before the City Council of the City of Auburn, New York, on the 9th day of February 2023 at 5:00 pm concerning the 2023-2024 Community Development Block Grant Annual Action Plan.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to advertise this resolution in the official newspaper of the City of Auburn in accordance with the governing State and local requirements.

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		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Council Resolution #4 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

A handwritten signature in black ink, appearing to read 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

AWARD RESOLUTION #5 OF 2023
AWARDING A CONTRACT FOR REAL ESTATE SERVICES

By Councilor Locastro

January 19, 2023

WHEREAS, the City of Auburn released a Request For Proposals (RFP) for the purpose of hiring a real estate firm experienced in residential real estate to provide marketing and brokerage services for properties owned by the City of Auburn, including vacant buildings and vacant lots located throughout the City; and

WHEREAS, on December 23, 2022, proposals were opened for Real Estate services, with submissions received from the following firms:

- The Real Estate Agency
110 Genesee Street, Suite 390B
Auburn, New York 13021
- The Preferred Agents
5701 Enterprise Parkway
East Syracuse, New York 13057
- L Wilson Realty
33 William Street, Suite #9
Auburn, New York 13021

; and,

WHEREAS, all firms responding to the Request for Proposal are qualified; and

WHEREAS, the term of the contract will run through December 29, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby award the contract for Real Estate Services to The Real Estate Agency in the amount of 7% of the sale price per property sold, the cost of which is to be charged to Expenses for Acquired Properties Account # A1364.430.

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		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Award Resolution #5 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

A handwritten signature in black ink, appearing to read 'C. Mason', with a long horizontal flourish extending to the right.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

COUNCIL RESOLUTION #6 OF 2023

AUTHORIZING AN APPLICATION TO THE RESTORE NY ROUND 7 GRANT PROGRAM FOR 120 GENESEE STREET

By Councilor Giannettino

January 9, 2023

WHEREAS, the City of Auburn desires to continue supporting projects identified in the 2019 Auburn DRI Strategic Investment Plan and investing in the Auburn Downtown Business Improvement District; and

WHEREAS, the building and property at 120 Genesee Street was identified as a transformative project in the Auburn DRI Plan and has the potential to attract residents and new commercial enterprises to downtown; and

WHEREAS, Empire State Development (ESD) has released a Request for Proposals under Round 7 of the Restore NY Communities Initiative Grant Program for which municipalities are eligible to apply; and

WHEREAS, the proposed rehabilitation project at 120 Genesee Street aligns with goals outlined in the City Comprehensive Plan, *Building a Sustainable Auburn*; and

WHEREAS, the City of Auburn is requesting \$2,000,000 in funding assistance from the Restore NY Communities Initiatives program towards the rehabilitation of the mixed-use building at 120 Genesee Street which has a total anticipated project cost of \$6,625,000; and

WHEREAS, the owner of the property at 120 Genesee Street, will make available the required application fee and matching funds commitment as well as any fees associated with the ESD Incentive Proposal or Grant Disbursement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York:

1. That the Mayor, or appointed designee, is authorized to submit an application for funding under Round 7 of the Restore NY Communities Initiative for the rehabilitation project at 120 Genesee Street with a total estimated project cost of \$6,625,000; and
2. That the City of Auburn is requesting \$2,000,000 in funding assistance from the Empire State Development Restore NY Communities Initiative, with the Building Owner making available the required application and commitment fees; and
3. That upon award notification the Mayor, or appointed designee, is authorized to execute any and all project documents and otherwise act for the Municipality's governing body in all matters related to the project and state assistance; and
4. That the City Comptroller is authorized to recognize grant revenue if awarded and to appropriate the funds into the designated departmental or capital account(s).
5. That this resolution shall take effect immediately upon its adoption.

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	

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Resolution #6 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

COUNCIL RESOLUTION #7 OF 2023

AUTHORIZING A SPECIAL PROJECT APPLICATION TO THE RESTORE NY ROUND 7 GRANT PROGRAM FOR 151 ORCHARD STREET

By Councilor Kent

January 19, 2023

WHEREAS, the 2022-23 NYS Budget has allocated new funding for the Restore New York Communities Initiative (Restore NY- Round 7) Program which is administered through Empire State Development (NYS ESD) for the sole purposes of revitalizing urban and rural centers; and

WHEREAS, the Restore NY- Round 7 Program funding is available only to municipalities for projects that involve the demolition, deconstruction, rehabilitation and/ or reconstruction of vacant, abandoned, condemned or surplus properties; and

WHEREAS, the City of Auburn is eligible to submit a project for NYS ESD consideration under the “special project” category, which is defined as a “...highly visible and blighted property... which has a depressing effect on the overall economic development potential of the community”, and

WHEREAS, the former Bombardier Transportation Facility, located at 151 Orchard Street, is a large 15.7 acre former manufacturing complex with nearly 232,000 sq. ft. of buildings that have been closed since 2006; and

WHEREAS, the property at 151 Orchard Street is listed by the City of Auburn’s 2017 Designated Brownfield Opportunity Area as Project #20 since it is a vacant and underutilized site having the greatest economic and social opportunity for the City; and

WHEREAS, the redevelopment of 151 Orchard Street would align with the implementation strategies of the City Comprehensive Plan and the City of Auburn is committed to supporting any and all future beneficial reuses of this site; and

WHEREAS, the City of Auburn is requesting up to \$10,000,000 in NYS ESD Restore NY funding assistance to put towards a special project at 151 Orchard Street that has a total anticipated project cost of \$11,000,000; and

WHEREAS, the owner of the property at 151 Orchard Street will make available the required application fee and matching funds commitment as well as any fees associated with the ESD Incentive Proposal or Grant Disbursement Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York:

1. That the Mayor, or appointed designee, is authorized to submit a special project application for funding under Round 7 of the Restore NY Communities Initiative at 151 Orchard Street with a total estimated project cost of \$11,000,000; and
2. That the City of Auburn is requesting up to \$10,000,000 in funding assistance from the NYS ESD Restore NY Program with the Property Owner making available the required application and commitment fees; and
3. That upon award notification the Mayor, or appointed designee, is authorized to execute any and all project documents and otherwise act for the Municipality's governing body in all matters related to the project and state assistance; and
4. That the City Comptroller is authorized to recognize grant revenue, if awarded, and to appropriate the funds into the designated departmental or capital account(s).
5. 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	

STATE OF NEW YORK)
) SS.:
 COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the "City"), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the "Council"), held on the 19th day of January, 2023, including the Resolution #7 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.



Charles Mason, Clerk
 City of Auburn, Cayuga County, New York

COUNCIL RESOLUTION #8 OF 2023

**ADOPTING THE CITY OF AUBURN
INVESTMENT POLICY**

By Councilor Locastro

January 19, 2023

WHEREAS, New York State General Municipal Law Section 39, entitled “Investment Policies for Local Governments” states that “Each local government...shall by resolution adopt a comprehensive investment policy which details the local government’s operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government”; and

WHEREAS, the City of Auburn has written a policy in accordance with New York State requirements for review and adoption by the Auburn City Council;

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby adopt a policy for the City of Auburn in relation to the investment of public funds in accordance with New York State General Municipal Law § 39.

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		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Council Resolution #8 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

A handwritten signature in black ink, appearing to read 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

COUNCIL RESOLUTION #9 OF 2023

**AUTHORIZING THE ADOPTION OF A
CITY OF AUBURN PROCUREMENT AND SURPLUS POLICY**

By Councilor Kent

January 19, 2023

WHEREAS, the City of Auburn maintains and annually adopts a Procurement and Surplus Policy, which regulates competitive bidding and public service contracts so that taxpayers may receive goods and services at the lowest reasonable prices; and

WHEREAS, New York State General Municipal Law requires municipalities to annually review their Procurement Policies in order to update the same with any new legislation which may change competitive bidding limits; and

WHEREAS, the City Comptroller has reviewed the current City of Auburn Procurement and Surplus Policy and has determined that it is compliant with the provisions of the New York General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED that the City of Auburn Procurement and Surplus Policy is hereby adopted as being compliant with New York State General Municipal Law and that all of the terms set forth in this Policy are continued and authorized in its current form.

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		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Council Resolution #9 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

A handwritten signature in black ink, appearing to read 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

COUNCIL RESOLUTION #10 OF 2023

ADOPTING A BUDGET CALENDAR FOR THE PREPARATION OF THE FISCAL YEAR 2023-24 CITY BUDGET

By Councilor Cuddy

January 19, 2023

WHEREAS, the City Budget is the financial document that funds the many services provided by the local city government; and,

WHEREAS, the City's fiscal year begins on July 1st of each year and the City Council must adopt a final City Budget by the end of June each year for the next budget year; and,

WHEREAS, adequate preparation, review, and eventual adoption of the annual City Budget is an open process that lasts several months; and,

WHEREAS, for the preparation of the Fiscal Year 2023-24 budget, the City Manager recommends the following attached budget calendar be adopted.

NOW, THEREFORE, BE IT RESOLVED that the City Council sets the attached listed dates as the official budget calendar for the preparation of the City of Auburn Fiscal Year 2023-24 Budget and that all business pertaining to the City Council called for in said calendar will be scheduled as part of regular City Council meeting agendas in accordance with the Council Rules and Procedures; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to notify the public of the dates as set forth herein and that throughout this budget preparation process, the City Clerk shall immediately make available to the public all budget related documents as they become available to the Council.

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		

2023-24 BUDGET PREPARATION AND ADOPTION TIMELINE

Department Heads receive budget packets	February 1, 2023
Department Heads return budget packets	February 17, 2023
Comptroller compiles Department Head budgets and revenue estimates	March 10, 2023
Comptroller and Manager meet with Department Heads to justify budget requests	March 13 – 24, 2023
City Manager submits preliminary balanced budget	April 6, 2023
Department Head presentations to Council	April 6 & April 13, 2023
Council input due to City Manager	April 20, 2023
Final balanced budget based on Council input and revised revenue estimates	April 27, 2023
Final Council input due to City Manager	May 4, 2023
Public Hearing on budget	May 18, 2023
Budget adoption	June 1, 2023

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Council Resolution #10 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

A handwritten signature in black ink, appearing to read 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

FINANCIAL RESOLUTION #11 OF 2023

ADOPTING THE 2023 CAYUGA COUNTY TAX RATE AND THE CITY OF AUBURN SHARE OF THE CAYUGA COMMUNITY COLLEGE CHARGES

By Councilor Kent

January 19, 2023

WHEREAS, the City of Auburn has been notified by the Cayuga County Legislature that, in accordance with a Resolution, adopted by the County Legislature on December 22, 2022, the City of Auburn's participation in the 2023 County Tax will be in the amount of \$8,960,505.56 compared to last year's amount of \$8,652,213.44, an increase of \$308,292.12. The full amount to be raised by property taxes in the entire County is \$42,738,046, which results in the City's share of the County tax levy being 20.97%; and

WHEREAS, the Cayuga County Legislature included within its Resolution, charges to the City taxpayers for the collection of costs related to the preparation and mailing of County tax bills within the City in the amount of \$5,622.14; and

WHEREAS, the City of Auburn has been notified by the Cayuga County Legislature that, in accordance with Resolution #439 of 2022, the City of Auburn's proportionate share for the Cayuga Community College charges is the amount of \$226,043.36, which is to be added to the 2023 County Tax to be raised from the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Auburn, New York hereby adopts the 2023 County Tax Rate in the City of Auburn in the amount of \$7.157531 per \$1,000 of assessed valuation for the City's share of the County tax, and \$0.180447 per \$1,000 of assessed valuation for the City's share of the Cayuga Community College charges for a total County tax rate of \$7.337978 per \$1,000, with an increase of \$1.103856 per \$1,000 over the 2022 rate; and

BE IT FURTHER RESOLVED that the Auburn City Council hereby adopts the 2023 County tax rate and authorizes the preparation of the necessary tax bills.

Seconded by Cuddy

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

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Financial Resolution #11 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

FINANCIAL RESOLUTION #12 OF 2023

ADOPTING THE 2023 SEYMOUR LIBRARY TAX LEVY

By Councilor Kent

January 19, 2023

WHEREAS, the Seymour Public Library District compromising the City of Auburn and the Town of Owasco was created by referendum on October 14, 1992, with the subsequent addition of the Auburn School District portion of the Town of Sennett in January 1996 and the Town of Fleming in 2011; and

WHEREAS, the share of the 2023 operating budget to be raised by the City of Auburn from a local assessment against the real property within the boundaries of the municipality will be \$545,218.60; and

WHEREAS, the Library has requested the City of Auburn advance half of this amount in February 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York, that \$545,218.60 is to be levied on the 2023 City of Auburn property tax bills on a separate library tax line, and an advance in the amount of \$272,609.30 to be paid in February 2023, which will reduce the August 2023 payment.

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		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Financial Resolution #12 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

A handwritten signature in black ink, appearing to be 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

**FINANCIAL RESOLUTION #13 OF 2023
AUTHORIZING VARIOUS OPERATING AND
CAPITAL BUDGET TRANSFERS**

By Councilor Cuddy

January 19, 2023

WHEREAS, the City of Auburn staff is requesting various operating and non-operating budget transfers for the 2022-2023 fiscal year as outlined in attachment A; and,

WHEREAS, there is Fund Balance being requested for these transfers as follows:

- General Fund \$180,000, Refuse Collection Fund \$16,500, Power Utility Fund \$1,700, Transfer Station Fund \$8,000, Water Fund \$118,000, and Sewer Fund \$465,000;

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 2022-2023 fiscal year; and,
2. That this resolution shall take effect immediately upon its adoption.

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		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Financial Resolution #13 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

A handwritten signature in black ink, appearing to read 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

Attachment A: 22-23 FY					
1/19/2023					
Amount	Account to		Account From		Reason
\$535	A1420.430	Corp Counsel – Other Util.	A1990.455	General Fund - Contingency	To cover increased costs to Thompson Reuters Westlaw, NYS Bar Assoc Dues, NYS Law License renewal, federal litigation costs, etc.
\$2,366	A1420.450	Corp Counsel - Fees			
\$1,500	A1420.451	Corp Counsel - Consulting			
\$35,000	G8130.412	Sewer Treatment – Operating Supplies	G8130.250	Sewer Treatment – Other Equipment	Cover increased chemical costs
\$65,000	G8130.440	Sewer Treatment – Operating Supplies	G8130.250	Sewer Treatment – Other Equipment	Cover two (2) unanticipated ORF Pump Failures
\$30,000	G8130.440	Sewer Treatment – Operating Supplies	G1990.455	Sewer Fund Contingency	Cover increased Biosolids
\$25,000	G8130.451	Sewer Treatment – Consult Fees	G8130.110	Sewer Treatment – Wages	Cover 4A Plant Management Services
\$420,000	G8130.440	Sewer Treatment – Operating Supplies	G 909	Sewer Fund – Fund Balance	Cover increased Biosolids
\$85,000	F8330.412	Water Filt. – Oper. Supplies	F 909	Water Fund – Fund Balance	Cover increased chemical costs
\$17,000	G8120.801	Sanitary Sewers – Retirement	G 909	Sewer Fund – Fund Balance	Cover underbudgeted 2023 NYSLRS invoice due to additional costs associated with Overtime and Salary Increases
\$28,000	G8130.801	Sewer Treatment – Retirement	G 909	Sewer Fund – Fund Balance	
\$19,000	F8330.801	Water Filt. – Retirement	F 909	Water Fund – Fund Balance	
\$14,000	F8340.801	Trans/Dist – Retirement	F 909	Water Fund – Fund	
Amount	Account To:		Account From:		Reason

\$16,500	CL8161.801	Refuse Collect – Retirement	CL 909	Refuse Fund – Fund Balance	Cover underbudgeted 2023 NYSLRS invoice due to additional costs associated with Overtime and Salary Increases
\$1,700	E8240.801	Hydro - Retirement	E 910	PUF – Fund Balance	
\$8,000	EM8171.801	Transfer Station – Retirement	EM 910	Transfer Station – Fund Balance	
\$180,000	A9010.801	General Fund - Retirement	A 909	General Fund – Fund Balance	
\$5,000	A1930.453	Judgments & Settlements	A1990.455	General Fund – Contingency	Cover tax refunds, deductibles, etc.
\$10,000	A9050.831	Unemployment Insurance	A1990.455	General Fund – Contingency	Cover unemployment costs in excess of budget

COUNCIL RESOLUTION #14 OF 2023

**AUTHORIZING THE SALE OF SURPLUS VEHICLES, EQUIPMENT, AND
MISCELLANEOUS ITEMS, PURSUANT TO THE 2023 CITY OF AUBURN
PROCUREMENT AND SURPLUS POLICY**

By Councilor Kent

January 19, 2023

WHEREAS, on January 19, 2023, the City Council of the City of Auburn passed Council Resolution No. 4 of 2023, 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, equipment, and miscellaneous items with an estimated value of \$1,000 or more be approved by City Council; and

WHEREAS, there is an extensive list of City owned surplus miscellaneous parts and other items, which have outlived their useful life or are no longer necessary or useful to the City; and

WHEREAS, it is in the best interest of the City to dispose of the various list of City owned surplus miscellaneous parts and other items, 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 miscellaneous parts and other items in accordance with the 2023 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: Items to be sold at public Auction

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Financial Resolution #11 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 20th day of January, 2023.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

APPOINTMENT RESOLUTION #15 OF 2023

APPOINTING A MEMBER OF THE CIVIL SERVICE COMMISSION

By Councilor Locastro

January 19, 2023

WHEREAS, the Auburn City Charter, Section C-10A in part requires that three (3) Civil Service Commissioners shall be appointed by the City Council; and

WHEREAS, a current member of the Commission has an expired term of service and will need to be reappointed to the City of Auburn Civil Service Commission; and

WHEREAS, the Auburn City Council is desirous of appointing Ms. Christina Tomasso of Auburn, New York to be appointed as a Civil Service Commissioner for the City of Auburn for a term beginning immediately upon adoption of this resolution and lasting until June 1, 2027.

NOW, THEREFORE, BE IT RESOLVED that Christina Tomasso of Auburn, New York is hereby appointed as a Civil Service Commissioner of the City of Auburn to a term of office effective immediately and lasting through June 1, 2027.

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	

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January 2023, including Appointment Resolution #15 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 19th day of January 2023.

A handwritten signature in black ink, appearing to be 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

Council Resolution #16 of 2023

**REQUESTING GOVERNOR HOCHUL TO ADOPT, DEVELOP, AND IMPLEMENT A
TOTAL MAXIMUM DAILY LOAD COMPREHENSIVE WATERSHED CLEAN-UP
PLAN FOR OWASCO LAKE**

By Councilor Cuddy

January 19, 2023

WHEREAS, Owasco Lake serves as the drinking water source for 45,000 people in the City of Auburn, the Villages of Cayuga, Port Byron and Weedsport; the Towns of Aurelius, Brutus, Fleming, Throop, Mentz, Montezuma, Owasco, Sennett and Springport; the Cayuga County Water Authority and the NYS Thruway Authority; and

WHEREAS, in 1974 Congress enacted into law the Safe Drinking Water Act, which requires the United States Environmental Protection Agency (EPA) to determine the level of contaminants in drinking water at which no adverse health effects are likely to occur; and

WHEREAS, New York has classified Owasco Lake as a Class AA(T) impaired waterbody and Owasco Inlet, Upper and tributary as a Class C(T) waterbody; and

WHEREAS, pursuant to section 303(d) of the Clean Water Act, States must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect Impaired Waterbodies; and

WHEREAS, while Owasco Lake has been on the 303(d) list for nutrient loading, a TMDL has never been developed, adopted nor implemented for Owasco Lake; and

WHEREAS, in 2016 the New York State Department of Environmental Conservation (DEC) inexplicably changed the 303(d) regulatory status of Owasco Lake to a non-priority waterbody pursuant to Section 3b by requiring further verification of the lake's obvious, on-going water quality impairment and did not require a TMDL to curtail HABs in the lake that threaten public drinking water; and

WHEREAS, in late September and early October 2016 elevated levels of a microcystins, derived from harmful algal blooms (HABs), were detected in the treated and finished drinking water drawn from Owasco Lake and supplied to the public making Owasco lake the first lake in New York State to have had microcystin levels detected in its finished drinking water; and

WHEREAS, Auburn City Council Resolution #156 of 2016 requested the New York State Governor and Legislature to develop, adopt, and implement a Total Maximum Daily Load

(TMDL) to urgently respond to Owasco Lake's HABs as a drinking water public health crisis; and

WHEREAS, over the subsequent months in 2017, groups of concerned citizens raised awareness and advocated for Owasco Lake with a petition that had over three thousand hand written signatures requesting the Governor to implement a TMDL to protect Owasco Lake; and

WHEREAS, in 2017, 2018, 2019, 2020, 2021 and 2022 Owasco Lake was repeatedly polluted by massive HABs that closed beaches, impaired the best uses of the lake and contaminate the raw water supplied from the lake with microcystins; and

WHEREAS, Auburn City Council Resolution 16 of 2022 again requested that the Governor develop, adopt, and implement without further delay a TMDL comprehensive watershed clean-up plan for Owasco Lake and that the DEC's draft 2022 303(d) Impaired Waterbody Registry be changed to classify Owasco Lake accordingly; and

WHEREAS, it is clear that since 2016 due to HABs Owasco Lake does not support its best uses as both a drinking water supply and primary contact recreation; and

WHEREAS, on December 13, 2022, the Cayuga County Health Department received disinfection byproduct sample results from the City of Auburn for the fourth quarter of 2022 and it was determined that at a testing location the locational running annual average (LRAA) for total trihalomethanes (THMs), a group of disinfection byproducts, was calculated to be 81 parts per billion (ppb) a level that exceeds the standard set by the United States Environmental Protection Agency of 80 parts per billion (ppb) for this contaminant; and

WHEREAS, disinfection efforts now pose another threat to public health providing the latest evidence that the health of Owasco Lake needs to be urgently addressed; and

WHEREAS, on December 20, 2022, the Cayuga County Board of Health has notified Governor Hochul of this current crisis; and

WHEREAS, the Auburn City Council believes that the TMDL is a vital component of State action required to protect Owasco Lake and we also identify the State's immediate approval of the Owasco Lake Watershed Rules and Regulations, implementation of recently approved Owasco Lake 9 Element Plan for Phosphorus Reduction, the reclassification of Owasco lake streams and tributaries and the finalization of the Owasco Lake Drinking Water Source Protection Plan as State actions equally and vitally important.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council hereby requests that the Governor and State Legislature direct the NYS DEC to protect Owasco Lake by developing, adopting, and implementing a TMDL for the impaired waterbody; and

BE IT FURTHER RESOLVED that the Auburn City Council also requests that the expense of a TMDL come at no cost to the City of Auburn, since our taxpayers should not bear the financial

burden of treating their water to eliminate pollution hazards that they did not generate and which New York State failed to resolve as required by law; and

BE IT FURTHER RESOLVED that the City Clerk shall forward certified copies of this Resolution to the Governor, State Senator Rachel May and Assemblyman John Lemondes.

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		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Council Resolution #16 of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 19th day of January, 2023.



Charles Mason, Clerk
City of Auburn, Cayuga County, New York

Council Resolution #17 of 2023

**REQUESTING GOVERNOR HOCHUL AND OUR STATE REPRESENTATIVES TO
IMMEDIATELY EXPEDITE THE STATE APPROVAL OF PROPOSED CHANGES TO
THE OWASCO LAKE WATERSHED RULES AND REGULATIONS**

By Councilor Kent

January 19, 2023

WHEREAS, Owasco Lake, serves as the drinking water source for 45,000 people in the City of Auburn, the Villages of Cayuga, Port Byron and Weedsport; the Towns of Aurelius, Brutus, Fleming, Throop, Mentz, Montezuma, Owasco, Sennett and Springport; the Cayuga County Water Authority and the Thruway Authority; and

WHEREAS, Owasco Lake has been threatened in recent decades by conditions which have led to the declining health of the lake's water quality; and

WHEREAS, in late September and early October 2016 elevated levels of a microcystins, derived from harmful algal blooms (HABs), was detected in the treated, finished drinking water drawn from Owasco Lake and supplied to the public; and

WHEREAS, Owasco Lake was the first lake in New York State to have had such high microcystin levels detected in finished drinking water; and

WHEREAS, the City of Auburn is downstream of the pollution and thus at the mercy of NYS agencies that are required by law to provide final approval of the rules, regulations, statutes, and mechanisms, necessary to protect Owasco Lake; and

WHEREAS, the current set of Owasco Lake Watershed Rules and Regulations were adopted in 1984; and

WHEREAS, a cooperative partnership by the City of Auburn, the Town of Owasco and Cayuga County, to work with the Owasco Lake Watershed Management Council, to inspect, monitor, test, and, when necessary, treat the waters of the watershed, in order to protect the Owasco Lake exists; and

WHEREAS, in 2017, as a part of the continued efforts to protect water quality, the City of Auburn, the Town of Owasco and Cayuga County passed resolutions endorsing a project to update and revise the 1984 Owasco Lake Watershed Rules and Regulations; and

WHEREAS, in October 2020, approximately four (4) years after the HABs were first detected in Owasco Lake, and following a three (3) year thoughtful, transparent, evidence-based citizen engagement process, inclusive of all stakeholders, a final draft of the revised Owasco Lake

Watershed Rules and Regulations was transmitted to the City Council of Auburn, the Town Board of Owasco, Cayuga County, the stakeholders of Owasco Lake, and the general public for review, consideration and final support; and

WHEREAS, on October 29, 2020, the Auburn City Council and the Owasco Town Board voted to express their support for the adoption of the revised Owasco Lake Watershed Rules and Regulations; and

WHEREAS, in December 2020 the Cayuga County Health Department formally transmitted the final proposed Owasco Lake Watershed Rules and Regulations to the New York State Department of Health; and

WHEREAS, in the year 2021 the response and communication from State government about the review and approval of the proposed changes to the Owasco Lake Watershed Rules and Regulations was minimal; and

WHEREAS, in the year 2022 a State Interagency Workgroup that included local representatives has been meeting to review the proposed changes to the Owasco Lake Watershed Rules and Regulations and the process originally intended to complete the review by the end of 2022, however, the State Interagency Workgroup has not met since November 4, 2022 and the current timeline for completion is undetermined; and

WHEREAS, year-by-year, Owasco Lake has continued to degrade and in 2017, 2018, 2019, 2020, 2021 and 2022 Owasco Lake was repeatedly polluted by massive HABs that closed beaches, impaired the best uses of the lake and contaminated raw water supplied from the lake with microcystins; and

WHEREAS, on December 13, 2022, the Cayuga County Health Department received disinfection byproduct sample results from the City of Auburn for the fourth quarter of 2022 and it was determined that at a testing location the locational running annual average (LRAA) for total trihalomethanes (THMs), a group of disinfection byproducts, was calculated to be 81 parts per billion (ppb) a level that exceeds the standard set by the United States Environmental Protection Agency of 80 parts per billion (ppb) for this contaminant; and

WHEREAS, on December 20, 2022, the Cayuga County Board of Health has notified Governor Hochul of this current crisis and expressed its grave concern that NYS DOH has not yet completed their review of the proposed update to the Owasco Watershed Rules and Regulations; and

WHEREAS, on December 27, 2022 Chairman David Gould on behalf of the Cayuga County Legislature notified Governor Hochul of this current crisis and expressed grave concern that

NYS DOH has not yet completed their review of the proposed update to the Owasco Watershed Rules and Regulations; and

WHEREAS, the Auburn City Council believes that the State's immediate approval of the Owasco Lake Watershed Rules and Regulations is a vital component of State action required to protect Owasco Lake; and, we also identify, the development and implementation of a Federal EPA required Total Maximum Daily Load (TMDL) Comprehensive Watershed Clean-up Plan for Owasco Lake; implementation of recently approved Owasco Lake 9 Element Plan for Phosphorus Reduction, the reclassification of Owasco Lake streams and tributaries and the finalization of the Owasco Lake Drinking Water Source Protection Plan as State actions equally and vitally important to addressing the declining health of Owasco Lake.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council hereby requests that the Governor and State Legislature take immediate action to expedite and finalize the approval of the proposed changes to the Owasco Watershed Rules and Regulations; and

BE IT FURTHER RESOLVED that the City Clerk shall forward certified copies of this Resolution to the Governor, State Senator Rachel May and Assemblyman John Lemondes.

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		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 19th day of January, 2023, including the Council Resolution # of 2023 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 19th day of January, 2023.

A handwritten signature in black ink, appearing to read 'CM', is written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

E. Staff or Vendor Presentations – none

TABLED ITEMS - none

OTHER BUSINESS –

Second Public to be Heard.

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:

- One matter 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 7:28 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:29 p.m..

Minutes submitted by: Chuck Mason, City Clerk