

**Auburn City Council
Regular Meeting
Thursday, February 9, 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:

- Acting City Manager, Jennifer Haines
- City Clerk, Chuck Mason
- Corporation Counsel, Stacy Tamborinno
- Police Chief, James Slayton
- Superintendent of Public Works, Mike Talbot
- Director of Municipal Utilities, Seth Jensen
- Fire Chief, Mark Fritz
- Senior Planner, Tiffany Beebee

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 –

Public notice from the Cayuga County Health Department:

Lead is a toxic metal that when disturbed can cause harmful effects, especially in children. Cayuga County has many older homes. This means there is a chance that your children may have been exposed to lead through lead paint, soil or other household sources.

If you reside in an older home or apartment, are pregnant and/or have children under 7 years old, you are eligible for a FREE home lead risk assessment. During an assessment, we will test chipping and peeling paint for lead and teach you how to protect yourself and your children from being exposed to lead.

Any household that schedules an assessment in the month of January will be entered in a drawing to win a HEPA vacuum and other household cleaning supplies!

Call the Cayuga County Health Department today to schedule your free home lead risk assessment. (315) 253-1560

Ceremonial Presentations – none

Public to be heard –

PUBLIC HEARING FOR SECTIONS OF CHAPTER 213 OF THE AUBURN CITY CODE ENTITLED "NUISANCES" Mayor Quill opened the Public hearing. The following individuals spoke on the topic: Christine DeChick, Pimm Avenue; David Cloburn, 216 Richards Street in Rochester; Robert Nightengale, 6495 Beechtree Road; David Tully owner of I'm Stuck at 9 E. Genesee Street.

PUBLIC HEARING FOR THE 2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN Mayor Quill opened the Public hearing. The following individuals spoke on the topic: Jenna Powers 7 Peacock Street spoke to support the Skatepark plans; Margaret Libratore, 61 Havens Avenue spoke to promote Pickle Ball courts in City Parks; Mike Italiano spoke to promote Pickle Ball courts in City Parks; David Tully owner of I'm Stuck at 9 E. Genesee Street spoke regarding parks and recreation.

Approval of Meeting Minutes – none

Reports of City Officials

City Manager's Report –

Reports from members of Council –

Matters to Come Before Council

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

B. Ordinances –

ORDINANCE #1 OF 2023

**AMENDING SECTIONS OF CHAPTER 213 OF THE
AUBURN CITY CODE ENTITLED "NUISANCES"**

By Councilor Giannettino

February 16, 2023

WHEREAS, On February 27, 1997, the City Council of the City of Auburn by Ordinance No. 10 of 1997 adopted as Chapter 213 of the Auburn City Code entitled “Nuisances,” pursuant to New York State Municipal Home Rule Law Section 10(1)(ii)(a)(11); and

WHEREAS, on May 27, 2004, the Auburn City Council by Ordinance No. 7 of 2004, added section 213-3 of the Nuisance Chapter Auburn City Code entitled “Definitions”; and

WHEREAS, on November 3, 2005, by Ordinance No. 15 of 2005, and on October 7, 2010, by Ordinance No. 11 of 2010 the Auburn City Council by Ordinance No. 7 of 2004, added to the subsection of section 213-3 entitled “Public Nuisance”; and

WHEREAS, the City Council of the City of Auburn acknowledges that it is appropriate for certain forms of commerce to be regulated by licensure; and

WHEREAS, the City Council of the City of Auburn recognizes that operating a business subject to federal, state, and local licensure absent the same can create uncertainty and confusion among the public so as to be detrimental to the health, safety and welfare of the people of the City of Auburn; and

WHEREAS, it is necessary for the purposes of efficiency, clarity and public safety to discourage such unlawful behavior; and

WHEREAS, Ordinance No. 1 of 2023, attached hereto and incorporated herein, proposes to update Chapter 213 of the City Code to achieve such goals by adding the Operation of Unlicensed Business” to the definition of “Public Nuisance” as defined in Section 213-3; and

WHEREAS, the passage of Ordinance No. 1 of 2023, 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 February 9, 2023, concerning and the enactment of Ordinance No. 1 of 2023.

NOW, THEREFORE, BE IT ENACTED that the Auburn City Council does hereby repeal the following sections of Ordinance No. 10 of 1997, which was originally passed as Chapter “Nuisances.”

1. Section 213-3

and,

BE IT FURTHER ENACTED that the Auburn City Council does hereby adopt Ordinance No. 1 of 2023 attached and incorporated herein, which replaces the following Sections of Chapter 213 of the Auburn City Code entitled “Nuisances”:

1. Section 213-3

and,

BE IT FURTHER ENACTED that the foregoing repeal and adoption shall take effect immediately.

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	

CHAPTER 213 NUISANCES

§213-13 DEFINITIONS: PUBLIC NUISANCE.

D. Miscellaneous:

(1) Suffering or permitting the premises to become disorderly, including suffering or permitting fighting or lewdness.

(2) Operating a business at the premises in a manner which causes it to be a source of disruption for the neighborhood and/or a focal point of police attention.

(3) Activities which result in numerous police investigations within a six-month period of time.
[Added 10-7-2010 by Ord. No. 11-2010]

(4) Permitting situations or conditions which allow rodents, insects and other vermin to live on or in real property and/or failing to take reasonable actions to abate, eliminate and/or exterminate rodents, insects, and other vermin when the landowner, occupant or user of such real property becomes aware or should have known of the existence of such rodents, insects and vermin infestation. It is the intention of this section to declare rodent, insect, and vermin infestation as a public nuisance and to take whatever actions are permitted to declare those persons responsible for the infestation, including but not limited to occupants, owners, or any other entity occupying said real property.

(5) Operating an Unlicensed Business: Operating a business for which a license is required by federal, state or local government without having obtained such a license, or, if such license was initially obtained but has since been revoked or lapsed, operating a business in the absence of such required license.

FIRST READING - BOND ORDINANCE #2 OF 2023

AMENDING AND RESTATING BOND ORDINANCE NUMBER 6 OF
2021, ADOPTED BY THE CITY COUNCIL ON APRIL 22, 2021 TO
INCREASE THE TOTAL ISSUANCE AUTHORIZATION FROM
\$36,000,000 TO \$84,000,000 SERIAL BONDS TO FINANCE THE
COST OF IMPROVEMENTS TO AND EQUIPMENT FOR THE CITY
WASTEWATER TREATMENT PLANT

WHEREAS, the City of Auburn, Cayuga County, New York (the “City”), desires to amend and restate Bond Ordinance Number 6 of 2021 heretofore adopted by City Council on April 22, 2021, entitled, “AUTHORIZING THE ISSUANCE OF \$36,000,000 SERIAL BONDS TO FINANCE THE COST OF

IMPROVEMENTS TO AND EQUIPMENT FOR THE CITY WASTEWATER TREATMENT PLANT” (the “Original Ordinance”), to increase the authorized therein from \$36,000,000 to \$84,000,000.

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 reconstruction and improvement of the City’s Wastewater Treatment Plant and sewer system including, but not limited to, the construction of a new biosolids dryer and sludge handling facility, construction of a new digester and storage building at the Wastewater Treatment Plant, replacement of manholes and sewer lines, the acquisition and installation of original furnishings, equipment, machinery or apparatus required, costs of surveys, maps, plans and environmental, engineering, feasibility and other design studies, at an estimated maximum cost of \$84,000,000 and to issue an aggregate \$84,000,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$84,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$84,000,000 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 object or purpose described in Section 1 is forty (40) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(3)(l) 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 Sewer 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. The City Comptroller, as Chief Fiscal Officer of the City, is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the City.

Section 15. 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 16. This Ordinance is not subject to a mandatory or permissive referendum.

Section 17. 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 18. This Ordinance shall take effect immediately upon its adoption.

C. Local Laws – none

D. Resolutions –

APPOINTMENT RESOLUTION #18 OF 2023

COUNCIL RESOLUTION #20 OF 2023

**AUTHORIZING THE AUBURN FIRE DEPARTMENT TO APPLY FOR A FEDERAL
EMERGENCY MANAGEMENT AGENCY (FEMA) ASSISTANCE TO FIREFIGHTERS
GRANT (AFG) FOR LIVE FIRE TRAINING.**

February 9, 2023

By Councilor Giannettino

WHEREAS, the City of Auburn Fire Department has the opportunity to apply for funding through the FEMA Assistance to Firefighters Grant program (the “FEMA AFG”), which would be used to conduct Live Fire Training for all Uniform Personnel; and

WHEREAS, four Live Fire Training Sessions would be conducted utilizing Auburn Fire Department Fire Instructors, one session for each Auburn Fire Department Platoon (shift); and

WHEREAS, this FEMA Assistance to Firefighters Grant will cover the cost of overtime, fringe benefits and all supplies associated with the four training sessions; and

WHEREAS, the City of Auburn Fire Department, is interested in applying for FEMA AFG funding to cover the cost of \$45,285 for the Live Fire Training for all its Uniform Personnel; and

WHEREAS, this FEMA AFG application will, if awarded, cover up to 90% of the Live Fire Training, requiring the City of Auburn to match 10% or \$4,528.50 in general funds; and

WHEREAS, the current City of Auburn Fire Department budget does not contain sufficient funds to cover the costs associated with the Live Fire Training, it is necessary to apply for funding assistance from the FEMA AFG program.

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

1. That the Auburn Fire Chief is authorized to execute any and all forms or applications necessary to complete the grant application;
2. That the Mayor, or authorized representative, upon notice of the funding award, is authorized to execute a FEMA AFG contract and any reimbursement forms or other necessary documents to complete the project;
3. That the City Comptroller’s Office is authorized and directed to create a city expense and revenue capital account to track project finances; and

4. This resolution takes effect immediately upon its approval and adoption.

Seconded by Councilor Kent

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

E. Staff or Vendor Presentations –

- **2023-2024 Community Development Block Grant (CDBG) Action Plan - Renee Jensen, Senior Planner and Tiffany Beebee, Senior Planner**
- **Sewer Rate Presentation - Seth Jensen, Director of Municipal Utilities**

TABLED ITEMS - none

OTHER BUSINESS –

Councilor Kent thanked the City Clerk for adding to the city website information from the NYS Department of Public Service Public Notice regarding Virtual and In-Person Public Forums Set Regarding NYSEG Billing Errors. ALBANY — The New York State Department of Public Service (DPS) and the DPS Consumer Advocate, will hold a virtual public forum on Tuesday, January 31, and in-person public forums on Wednesday, February 1, Tuesday, February 7, and Wednesday, February 8, 2023, to receive public comments regarding alleged delayed or erroneous billing, delayed or inaccurate meter reading, and customer service problems affecting customers of New York State Electric & Gas Corporation (NYSEG) and/or Rochester Gas & Electric Corporation (RG&E) (the companies). Comments submitted will become part of the official record for this matter.

Second Public to be Heard. David Steigerwald, Seward Avenue spoke to voice his disapproval of the legalization of cannabis and that drugs are a significant problem.

Auburn City Council Meeting, February 9, 2023

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 due to attorney client privilege.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:44 p.m. Executive session adjourned at 8:00 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:01 p.m..

Minutes submitted by: Chuck Mason, City Clerk