

**Auburn City Council
Regular Meeting
Thursday, April 6, 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. Councilor Ginny Kent, Councilor Jimmy Giannettino, Councilor Terry Cuddy, Councilor Tim Locastro and Mayor Quill were present.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Corporation Counsel, Nate Garland
- Comptroller, Rachel Jacobs
- Director of Planning and Economic Development, Jennifer Haines
- Police Chief, James Slayton
- Deputy Police Chief, Roger Anthony
- Fire Chief, Mark Fritz
- Superintendent of Public Works, Mike Talbot
- Assistant Comptroller, Theresa Adams
- Grants Coordinator, Onea Kloster

Pledge of Allegiance to the Flag – Mayor Quill led the Pledge of Allegiance.

Moment of Silent Prayer or Reflection – Mayor Quill asked for a moment of silent prayer.

Public Announcements –

Ceremonial Presentations –

WHEREAS, autism is a lifelong neurological disorder, research demonstrates that jobs & activities that encourage independence can increase daily skills and reduce autism symptoms; and,

WHEREAS, autism affects each individual in different ways, and can range from very mild to severe, it knows no racial, ethnic or social boundaries and affects young and old alike; and,

WHEREAS, in 2018, approximately 1 in 59 children were diagnosed as being on the autism spectrum. Boys are more likely to be diagnosed with autism than girls.; and

WHEREAS, Children with autism disorders are most likely to suffer from gastrointestinal disorders than other children, also more than half of children with autism have chronic sleep disorders. It's estimated that the cost of caring for the services required (including the diet) for autism can be \$196 billion per year for adults and \$66 billion per year for children; and

WHEREAS, People with autism spectrum disorders can help to make a change in the world — all they need to be successful is treatment and support from their environment — just take people like Tim Burton, Charles Darwin, Bill Gates, and Albert Einstein as an example; and

WHEREAS, our understanding of autism has grown tremendously since it was first diagnosed, there is no known cure for autism. Accurate, early diagnosis and the resulting appropriate education and intervention are vital to the future growth and development of the individual; and,

WHEREAS, there is a need for continued research into this disorder, hope currently lies in a broad spectrum of treatments, and in an informed public and community committed to providing support and service to individuals diagnosed with Autism Spectrum Disorders; and,

NOW THEREFORE, I, Michael D. Quill, Mayor of the City of Auburn, New York, on behalf of the City Council and the Citizens of Auburn, do hereby proclaim April 2023, as

AUTISM ACCEPTANCE MONTH

and encourage our citizens and visitors to take part in the annual observance of Autism Acceptance Month in the hope that it will lead to a better understanding of the disorder.

**In witness whereof I have hereunto set
my hand and caused the seal of the City
of Auburn to be affixed this Sixth day of
April 2023.**

Michael D. Quill, Mayor
City of Auburn, New York

Mayor Quill presented the proclamation to Christina Van Ditto of Soul & Mind Evolution who spoke to the City Council.

WHEREAS, Roger Anthony began his career as an Officer with the Auburn Police Department on January 2, 1997; and

WHEREAS, Deputy Chief Anthony promoted to the rank of Sergeant on April 25, 2008; and

WHEREAS, three years later, Deputy Chief Anthony attained the rank of Lieutenant on September 18, 2011; and

WHEREAS, on September 1, 2016, Roger Anthony achieved his final promotion to Deputy Chief and continued his years of committed service to the Auburn Police department; and

WHEREAS, Deputy Chief Anthony is retiring from the Auburn Police Department at the end of April for a total of 26 years of dedicated service.

WHEREAS, the Residents of the City of Auburn are extremely grateful to him and sincerely appreciate his career of service to the people of Auburn. His contributions to the Auburn Police Department, the City of Auburn, and our community, leaves behind a void that will be hard to fill.

NOW THEREFORE, I, Michael D. Quill, Mayor of the City of Auburn, New York, on behalf of the members of City Council, all employees of the City, and the Citizens of Auburn, do hereby proclaim April 22, 2023 be designated as

ROGER ANTHONY DAY

in the City of Auburn, and show appreciation to Deputy Chief Anthony for his loyal and dedicated service. I further extend my personal best wishes upon his retirement and for continued success in life's pursuits.

In witness whereof I have hereunto set my hand and caused the seal of the City of Auburn to be affixed this Sixth day of April 2023.

**Michael D. Quill, Mayor
Auburn, New York**

Mayor Quill presented the proclamation to Deputy Chief Roger Anthony and thanked him for his many years of service to the people of Auburn.

Public to be heard – The City Clerk read the rules for the Public to be Heard. Dr. Walt Aikman spoke and thanked the members of City Council for their service and encouraged them to support the Department of Public works proposed annual budget which includes funding for the urban forestry program.

Approval of Meeting Minutes –
March 16, 2023 Council Meeting Minutes

Motion to approve the March 16, 2023 minutes by Councilor Kent, seconded by Councilor Giannettino.
Motion to approve carried 5-0.

March 23, 2023 Council Meeting Minutes

Motion to approve the March 16, 2023 minutes by Councilor Cuddy, seconded by Councilor Giannettino. Motion to approve carried 5-0.

Reports of City Officials

City Manager's Report –

- The City of Auburn is currently accepting bids for residential building demolition. Bids are due back April 13.
- We are also advertising for bids for the 2023 Road Program. Bids are due back April 11.
- Earlier this week City Hall had to close for the day on Monday, April 3, 2023 due to a NYSEG power line fire that occurred under South Street in front of the City Hall building.

Reports from members of Council –

Matters to Come Before Council

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

B. Ordinances – none

C. Local Laws – none

D. Resolutions –

COUNCIL RESOLUTION #33 OF 2023

AUTHORIZING THE CITY OF AUBURN TO SETTLE CLAIMS AGAINST VARIOUS NATIONAL PHARMACIES AND OPIOID MANUFACTURERS, AND ENTER INTO A STATEWIDE SHARING AGREEMENT TO MAXIMIZE AND EXPEDITE THE SAME

By Councilor Locastro

April 6, 2023

WHEREAS, five additional proposed national settlements have been reached pertaining to pharmacies CVS, Walgreens, Walmart, and manufacturers Teva and Allergan which provide for up to \$20 billion in additional funding, depending on participation levels. They also require changes in corporate behavior to address the issues raised in the litigation.; and

WHEREAS, the City of Auburn has been harmed by the above-referenced corporations in their roles as pharmacies and manufacturers of opiates in the various and sundry ways concomitant to the Opioid Epidemic; and

WHEREAS, the settlement and sharing agreement negotiated by the City’s attorneys will provide some remedy to those harms; and

WHEREAS, to access those remedies in their entirety, the City must formally accept the settlement and enter into a statewide sharing agreement; and

NOW, THEREFORE, BE IT RESOLVED that Mayor Michael Quill and Corporation Counsel Nate Garland are authorized to execute the required legal documents to achieve such an outcome.

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		

**AGREEMENT RESOLUTION #34 of 2023
AUTHORIZING A SPECIAL COUNSEL AGREEMENT FOR LEGAL REPRESENTATION IN
ADVOCATING FOR THE ADOPTION OF THE OWASCO LAKE WATERSHED RULES AND
REGULATIONS**

By Councilor Giannettino

April 6, 2023

WHEREAS, Owasco Lake is the source of public water supply for the City of Auburn, the Town of Owasco, and approximately forty-five thousand water users within Cayuga County; and

WHEREAS, the water quality of Owasco Lake is directly impacted by its watershed, which includes the lake, its tributaries, and all watercourses tributary thereto, and comprises approximately 205-square miles over Cayuga, Onondaga and Tompkins counties; and

WHEREAS, in 1984, pursuant to Public Health Law Section 1100, the New York State Department of Health adopted Title 10 of the New York Codes, Rules and Regulations, Section 104.1, which is commonly referred to as the Owasco Lake Watershed Rules and Regulations (the “Watershed Rules and Regulations”); and

WHEREAS, since 1984, the lands within the Owasco Lake Watershed have witnessed cumulative changes in land use and development; and

WHEREAS, concomitant to these changes of land use, Owasco Lake showed its first detectable levels of toxins associated with harmful blue-green algae blooms in its raw and finished (treated) water; and

WHEREAS, a revision of the Watershed Rules and Regulations was necessary to address this threat to the health and safety of the residents of the City of Auburn, Town of Owasco and the various Towns to which drinking water originating in Owasco Lake is provided;

WHEREAS, over a period of three years, a community-based process wherein a wide variety of stakeholders worked together with staff representatives to hold eight (8) Steering Committee meetings, five (5) public meetings, and more than ten (10) staff meetings, in a coordinated effort to create and recommend a revised draft of the Owasco Lake Watershed Rules and Regulations;

WHEREAS, in October 2020, approximately four (4) years after the first harmful blue-green algae blooms were detected in Owasco Lake, a final draft of the revised Owasco Lake Watershed Rules and Regulations (“Consensus-Based Rules and Regulations”) was transmitted to the City Council of Auburn, the Town Board of Owasco, Cayuga County, the public stakeholders, and the general public for review, consideration and support

WHEREAS, the Auburn City Council did by Resolution No. 103 of 2020 request that the New York State Department of Health repeal the existing 1984 Owasco Lake Watershed Rules and Regulations, which are cited in 10 New York Codes, Rules and Regulations, Section 104.1, and replace the same with the Consensus-Based Rules and Regulations; and,

WHEREAS, for reasons known and unknown, the Consensus-Based Owasco Lake Watershed Rules and Regulations have not yet been adopted; and

WHEREAS, the rulemaking process by which regulations are promulgated is a specialized and complex area of law; and

WHEREAS, the law office Earthjustice has an unapparelled record of fighting for clean water and a healthier environment on behalf of their clients; and

WHEREAS, the attorneys at Earthjustice have expertise in these specialized areas of law; and

WHEREAS, Earthjustice has agreed to advocate for the passage of the Consensus-Based Rules and Regulations on behalf of the City of Auburn and Town of Owasco on a *Pro Bono* basis; and

WHEREAS, the City of Auburn desires to have the Consensus-Based Rules and Regulations adopted as submitted and retain Earthjustice by the Retainer Agreement, attached hereto and incorporated herein, to advocate for the same on its behalf; and

WHEREAS, City staff recommends that the Mayor be authorized to execute the Retainer Agreement.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Auburn hereby authorizes the execution of a Retainer Agreement with Earthjustice; and,

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign any and all documents necessary to carry out this Resolution.

Seconded by Kent

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

**LAND SALE RESOLUTION #35 OF 2023
AUTHORIZING THE SALE OF
REAL PROPERTY KNOWN AS 56 FRANCES STREET**

By Councilor Locastro

April 6, 2023

WHEREAS, on June 23, 2022, the City of Auburn acquired title to the real property commonly known as 56 Frances Street (the “Property”) by tax foreclosure; and

WHEREAS, the Property consists of two single-family homes, and is located in a residential neighborhood; and

WHEREAS, in order to improve the residential neighborhood and in keeping with the City’s Comprehensive Plan, the westernmost of the two homes will be demolished; and

WHEREAS, a Purchase Offer and Sale Contract has been proposed by Amy L. Bingham, which is attached hereto and incorporated herein, for the purchase of the Property at a price of Forty-five Thousand Dollars (\$45,000); and

WHEREAS, the purchase price being offered is above the fair market value for the Property and Ms. Bingham intends to reside in the Property and make it her home; and

WHEREAS, the Property is a surplus parcel and not needed for City purposes.

NOW, THEREFORE, BE IT RESOLVED that the City of Auburn does hereby approve the Purchase Offer and Sale Contract from Ms. Amy L. Bingham, which is incorporated herein, for the sale

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of 56 Frances Street, for the sum of \$45,000, subject to the terms and conditions set forth therein and, also, subject to the following;

- (1) That the City provide only a Quit Claim Deed to the buyer at closing;
- (2) That the buyers be responsible for payment of all title and closing costs necessary to close the transaction;
- (3) upon staff recommendations, a reverter clause will be in the deed requiring that the property obtain a Certificate of Occupancy within a year; and,

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the Purchase Offer and Sale Contract together with any and all documents in order to finalize the closing of this sale and direct staff to record the sale proceeds into revenue account A99.2660 - Sale of Real Property.

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	

**LAND SALE RESOLUTION #36 OF 2023
AUTHORIZING THE SALE OF
REAL PROPERTY KNOWN AS 1-15 PULASKI STREET**

By Councilor Cuddy

April 6, 2023

WHEREAS, on January 10, 1969, the City of Auburn acquired title to real property commonly known as 1-15 Pulaski Street (the "Property") by tax foreclosure; and

WHEREAS, the Property consists of 8.56 acres of vacant land, and is located in an industrial neighborhood; and

WHEREAS, the proposed purchaser, MDI Truck, desires to purchase a wooded, sloping portion consisting of two of these acres in order to expand their current facility located on Chase Street Extension; and

WHEREAS, a Purchase Offer and Sale Contract has been proposed by MDI Truck, which is attached hereto and incorporated herein, for the purchase of the Property at a price of Two Thousand Dollars (\$2,000); and

WHEREAS, the purchase price being offered is above the fair market value for the Property; and

WHEREAS, the developability of the remainder of the Property is not impacted by the proposed sale; and

WHEREAS, the Property is a surplus parcel and not needed for City purposes.

NOW, THEREFORE, BE IT RESOLVED that the City of Auburn does hereby approve the Purchase Offer and Sale Contract from MDI Truck, which is incorporated herein, for the sale 1-15 Pulaski Street, for the sum of \$2,000, subject to the terms and conditions set forth therein and, also, subject to the following;

- (1) That the City provide only a Quit Claim Deed to the buyer at closing;
- (2) That the buyers be responsible for payment of all title and closing costs necessary to close the transaction;
- (3) upon staff recommendations, a reverter clause will be in the deed requiring that the property obtain a Certificate of Occupancy within two years; and,

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the Purchase Offer and Sale Contract together with any and all documents in order to finalize the closing of this sale and direct staff to record the sale proceeds into revenue account A99.2660 - Sale of Real Property.

Seconded by Councilor Kent

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

**GRANT ACCEPTANCE RESOLUTION #37 OF 2023
AUTHORIZING THE ACCEPTANCE OF CERTIFIED LOCAL GOVERNMENT GRANT
FUNDING FOR THE 2023 NY STATEWIDE PRESERVATION CONFERENCE**

By Councilor Kent

April 6, 2023

WHEREAS, the NY Statewide Preservation Conference will be held in Auburn for the first time; and

WHEREAS, The City of Auburn applied to the Certified Local Government Program for support of conference expenses; and

WHEREAS, as a result of the application to the Certified Local Government Program, the City of Auburn has been awarded a grant in the sum of \$25,000.00; and

WHEREAS, the Mayor of the City of Auburn must be authorized to accept the grant funding and execute all necessary documents in connection therewith prior to commencing the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Auburn, New York, hereby accepts grant funding from the Certified Local Government Program in the amount of \$25,000 for the 2023 NY Statewide Preservation Conference; and

BE IT FURTHER RESOLVED that the City Comptroller is authorized to recognize grant revenue in the amount of \$25,000.00 in A99.359, and to appropriate the funds into the Special Event Fees account, A7270.450; and

BE IT FURTHER RESOLVED that the Mayor of the City of Auburn, or a designated representative, is authorized to execute the grant contract and all other documents necessary for the acceptance of the grant, and otherwise act on all matters related to the grant.

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	

E. Staff or Vendor Presentations –

Preliminary 2023 -2024 City Budget presented to the City Council by the City Manager and City Comptroller

The following 2023 – 2024 City Department Budgets were presented:

- Office of the City Manager 2023-2024 Budget Presentation - Jeff Dygert, City Manager
- Public Works Department 2023 – 2024 Budget Presentation - Mike Talbot, Superintendent of Public Works
- Planning, Economic Development and Code Enforcement 2023 – 2024 Budget Presentation - Jenny Haines, Director of Planning and Economic Development

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- Auburn Police Department 2023-2024 Budget Presentation - James Slayton, Chief of Police
- Corporation Counsel Department 2023-2024 Budget Presentation - Nate Garland, Corporation Counsel

TABLED ITEMS - none

OTHER BUSINESS –

Councilor Cuddy discussed upcoming Tennis programming for the spring and summer months and let the Council members know he was working on trying to apply for a grant with the United States Tennis association.

Councilor Giannettino discussed a decision made by the Cayuga County Legislature to not fund a monitoring program routinely used in recent years to track water data of Owasco Lake.

Second Public to be Heard. None

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 made confidential pertaining to the employment history of a particular individual.
- One matter pertaining to collective bargaining.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:59 p.m. Executive session adjourned at 7:39 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:40 p.m..

Minutes submitted by: Chuck Mason, City Clerk