

Auburn City Council Meeting, April 27, 2023

**Auburn City Council
Regular Meeting
Thursday, April 27, 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 Tim Locastro and Mayor Quill were present. Councilor Terry Cuddy was excused.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Corporation Counsel, Nate Garland
- Comptroller, Rachel Jacobs
- Police Chief, James Slayton
- Fire Chief, Mark Fritz
- Assistant Comptroller, Theresa Adams

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 – The City Clerk read the rules for the Public to be Heard. Andrew Bishop and Zach Ciapello spoke.

Approval of Meeting Minutes –

April 13, 2023 Council Meeting Minutes

Motion to approve the April 13, 2023 minutes by Councilor Giannettino, seconded by Councilor Kent.

Motion to approve carried 4-0.

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Reports of City Officials

City Manager's Report –

- This week, crews began working on permanent patches along city streets where excavation work was necessary during the winter months. Crews are also working on some curbing and sidewalks in advance of the next road program.
- Staff is ready to go with a Council Resolution for this year's road program, however we are waiting on the adoption of the NYS Budget to ensure funding remains at the anticipated level.
- This week staff met with representatives from the Rochester Association of Realtors. They had viewed Jenny Haines' presentation on the Housing Committee and were motivated to meet and offer their services and experience as we continue to pursue housing opportunities.

Reports from members of Council –

Matters to Come Before Council

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

B. Ordinances – FIRST READING of Bond Ordinance #5 of 2023.

BOND ORDINANCE #5 OF 2023

AUTHORIZING THE ISSUANCE OF \$11,049,500 SERIAL BONDS TO
FINANCE THE COST OF IMPROVEMENTS TO COMBINED SEWER
OVERFLOW TREATMENT FACILITIES AND SEWER SEPARATION
PROJECTS

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 and/or reconstruction of the City's Combined Sewer Overflow (CSO) Treatment Facilities and sewer collection and separation system including, but not limited to, the rehabilitation of CSO buildings, 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 \$22,099,000 and to issue an aggregate \$11,049,500 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 \$22,099,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$11,049,500 in serial bonds (the "Bonds") of the City; and by the expenditure of \$11,049,500 grant-in-aid monies to be received from the New York State Environmental Facilities Corporation authorized to be issued pursuant to this Ordinance.

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Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific class of objects or purpose described in Section 1 is forty (40) years pursuant to subdivision 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

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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 such 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.

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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 and be published in official newspaper of the City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

C. Local Laws – none

D. Resolutions – none

E. Staff or Vendor Presentations –

- **Student Statistics on Overdoses in our Area - BOCES Criminal Justice Class**
- **Final Balanced Budget Based on Council Input and Revised Revenue Estimates**
- **Monthly Bar Graph Reports for March 2023 - Jeff Dygert, City Manager**

TABLED ITEMS - none

OTHER BUSINESS –

Second Public to be Heard. None

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

- Two matters made confidential due to the sale or lease of real property.
- One matter pertaining to the employment history of a particular individual.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 5:52 p.m. Executive session adjourned at 6:59 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:00 p.m..

Minutes submitted by: Chuck Mason, City Clerk