

## **Auburn City Council Meeting, May 25, 2023**

**Auburn City Council  
Regular Meeting  
Thursday, May 25, 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 and Mayor Michael D. Quill were present. Councilor Tim Locastro was excused.

**The following City Staff was present for the meeting:**

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Corporation Counsel, Nate Garland
- 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 Public To Be Heard and the following individuals spoke: Ms. Edith Love of Franklin Street spoke regarding matters she has experienced at her home on Franklin Street. Justin Huffman of the Huffman Law Firm spoke representing Grillo Properties and Petco opposed to the proposed Local Law #1 of 2023.

**Approval of Meeting Minutes** –

May 11, 2023 Council Meeting Minutes

## **Auburn City Council Meeting, May 25, 2023**

Motion to approve the May 11, 2023 minutes by Councilor Giannettino, seconded by Councilor Cuddy.  
Motion to approve carried 4-0.

### **Reports of City Officials**

#### **City Manager's Report –**

- The City is accepting RFPs for the design, construction administration, and construction inspection of the City Court Expansion Project.
- We are also accepting bids for a Chlorine Dioxide Chemical Generator; bids are due June 8.
- The city of Auburn Civil Service Office has announced the following exams:
  - Police Officer – Entry Level Exam Sept. 9, must sign up by Aug. 10
  - Senior Payroll Clerk – Exam July 15, must sign up by June 15
  - Keyboard Specialist – Exam Aug 26, must sign up by July 28
- Another recent city project has received recognition. The State Street Public Plaza project was recently recognized by the NY Upstate American Society of Landscape Architects with an Honor of Excellence Award in the Built Design category; and the NYS American Institute of Architects Excelsior Awards Program recognized the project with a Merit award in the new construction category. Thank you and congratulations to our staff, and our contracted architects, engineers, and construction contractors.
- Earlier this week we were notified of two project funding awards from NYS.
  - The 22 East Genesee St. project has been awarded \$1.12 million towards the renovation of that property into a mixed-use commercial/residential space.
  - The Restore NY Communities program selected the 151 Orchard St. or Bombardier project as a winning Special Project and allocated \$8.5 million towards putting the property back into productive use. Mayor Quill and staff have consistently pushed to repurpose the vacant facility. The recent purchase of the property by Alstom as part of a much larger corporate acquisition has provided an opportunity for the city to have much more productive dialog regarding the future of the facility. The cooperation of Alstom, coupled with this funding from NYS, a very active local commercial realty market, and the combined efforts of city staff, CEDA staff, and CNYREDC provide us with the best opportunity in years to return 151 Orchard St to productive use. The funding also provides the city with a seat at the table and voice in the process of identifying the best new use and owner for the property. This will continue to be a project that involves a number of agencies and must take into consideration the impact of the neighborhood and the entire city.

#### **Reports from members of Council –**

### **Matters to Come Before Council**

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

#### **B. Ordinances – FIRST READING**

June 1, 2023

**BOND ORDINANCE #7 OF 2023**

**AUTHORIZING THE ISSUANCE OF \$1,500,000 SERIAL BONDS  
TO FINANCE THE COST OF IMPROVEMENTS TO THE CITY  
SEWER AND WATER SYSTEMS**

**BE IT ORDAINED** by the 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 various capital projects described below (each, a "Project") at an aggregate estimated maximum cost of \$1,500,000, the estimated maximum cost of each Project being as follows:

(a) Sewer System Improvements: The reconstruction and improvement of the City's sewer system including, but not limited to, the City's sewer main improvements project, 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 \$1,000,000 and to issue an aggregate \$1,000,000 in serial bonds pursuant to the provisions of the Local Finance Law to finance the estimated costs of the aforesaid object or purpose.

(b) Water Main Replacements: The reconstruction and improvement of the City's water supply and distribution system, including, but not limited to, the replacement of City-wide water mains, hydrants and valves, whether or not including buildings, land or rights in land, original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, at an estimated maximum cost of \$500,000 and to issue an aggregate \$500,000 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 \$1,500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of the issuance of \$1,500,000 in serial bonds (the "Bonds") of the City authorized to be issued pursuant to this Ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes described in Section 1 are as follows:

<u>Section 1 Subparagraph</u>	<u>Period of Probable Usefulness (Years)</u>	<u>Local Finance Law Section 11.00(a) Paragraph</u>
(a) Sewer System Improvements	40	4
(b) Water Main Improvements	40	1

## **Auburn City Council Meeting, May 25, 2023**

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 a 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 and Water Funds. 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

## **Auburn City Council Meeting, May 25, 2023**

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 and all 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.

**Auburn City Council Meeting, May 25, 2023**

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

Section 17. The City 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 – FIRST READING**

**LOCAL LAW #1 OF 2023**

**AMENDING SECTIONS OF THE “HOUSING STANDARDS” CHAPTER OF THE AUBURN CITY CODE**

By Councilor \_\_\_\_\_

June 15, 2023

**WHEREAS**, On March 28, 1991, by Local Law No. 2 of 1991, the City Council of the City of Auburn adopted Ch. 27 of the 1991 Code of the City of Auburn entitled “Housing Standards”; and

**WHEREAS**, Section 182-75 of the Housing Standards chapter provides direction for judicial review of governmental acts made thereunder; and

**WHEREAS**, it is optimal for the purposes of efficiency, clarity and certainty that the Housing Standards Chapter and provide an avenue for grievances to be heard administratively; and

**WHEREAS**, the City of Auburn Nuisance Abatement Committee meets regularly, holds administrative hearings and maintains general subject matter jurisdiction over housing matters; and

**WHEREAS**, Local Law No. 1 of 2023, attached hereto and incorporated herein, proposes to update Chapter 182 of the City Code to achieve such goals by adding an administrative appellate process to the Housing Standards Chapter and placing the same within the purview of the Nuisance Abatement Committee; and

**NOW, THEREFORE, BE IT ENACTED** that the Auburn City Council does hereby repeal the following sections of Local Law No. 2 of 1991, “Housing Standards”

1. Section 182-75

and,

**Auburn City Council Meeting, May 25, 2023**

**BE IT FURTHER ENACTED** that the Auburn City Council does hereby adopt Local Law No. 1 of 2023 attached and incorporated herein, which replaces the following Sections of Chapter 182 of the Auburn City Code entitled “Housing Standards”:

1. Section 182-75

and,

**BE IT FURTHER ENACTED** that the foregoing repeal and adoption shall take effect upon its filing with the New York Secretary of State.

Seconded by Councilor \_\_\_\_\_

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

§ 182-75 **Administrative and Judicial review.**

- a) Any person or persons jointly or severally aggrieved by any final order **or administrative fee issued or imposed** by the Housing Code Inspector may ~~seek to have such order reviewed by the Supreme Court in the manner prescribed by Article 78 of the Civil Practice Law and Rules and as otherwise provided for in the laws of the State of New York~~ **seek an administrative review of the same before the Nuisance Abatement Committee.**
- b) The aggrieved party shall initiate an administrative review by submitting a written request for administrative review to the Office of the City Manager along with a copy of the order or fee notice seeking to be appealed from within 14 days of receipt of the same.
- c) The Nuisance Abatement Committee shall meet on a quarterly basis to hear appeals, at which time the aggrieved party or their counsel shall be granted the opportunity to present arguments on his or her own behalf to the Nuisance Abatement Committee.
- d) Pursuant to the City Code of Auburn section §213-5 the Nuisance Abatement Committee shall possess the authority to make a determination as to reverse, modify, or affirm the final order or administratively imposed fee of the Housing Code Inspector.
- e) Any person or persons jointly or severally aggrieved by any final order of the Nuisance Abatement Committee shall be deemed as exhausting all available administrative remedies and may seek to have such order reviewed by the Supreme Court in the manner prescribed by Article 78 of the Civil Practice Law and Rules and as otherwise provided for in the laws of the State of New York.

**D. Resolutions – None**

**E. Staff or Vendor Presentations –**

- **Monthly Bar Graph Reports for April 2023 - Jeff Dygert, City Manager**

**TABLED ITEMS - none**

**OTHER BUSINESS – none**



## **Auburn City Council Meeting, May 25, 2023**

### **Second Public to be Heard. none**

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

- Four separate matters pertaining to the sale or acquisition of real property.
- One matter pertaining to the employment history of a particular individual.
- One matter made confidential under attorney and client privilege.

The motion to enter executive session carried 4-0. The Council entered Executive Session at 5:32 pm p.m. Executive session adjourned at 7:29 p.m.

**ADJOURNMENT:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:30 p.m..

Minutes submitted by: Chuck Mason, City Clerk