

## **Auburn City Council Meeting, June 1, 2023**

**Auburn City Council  
Regular Meeting  
Thursday, June 1, 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 Michael D. Quill were present.

#### **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: 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 18, 2023 Council Meeting Minutes

Motion to approve the May 18, 2023 minutes by Councilor Giannettino, seconded by Councilor Kent.  
Motion to approve carried 5-0.

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**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) –  
SEQR RESOLUTION #3 OF 2023**

**DETERMINING THAT THE PROPOSED ACTIVITIES ARE TYPE II ACTIONS  
FOR PURPOSES OF THE NEW YORK STATE ENVIRONMENTAL  
QUALITY REVIEW ACT**

By Councilor Giannettino

June 1, 2023

**WHEREAS**, the City Council of the City of Auburn, New York (the “City”) is the sponsor of various capital activities including the replacement, rehabilitation, reconstruction, repairs and improvements to existing City water mains, sewers, sewer meters and stormwater infrastructure systems that are part of the City’s water and sewer system improvement projects (the “Project”); and

**WHEREAS**, the City desires to comply with the New York State Environmental Quality Review Act (“SEQRA”), as set forth in Article 8 of the New York State Environmental Conservation Law, and the requirements of the implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”) with respect to the Project; and

**WHEREAS**, pursuant to the Regulations, the City has considered the Project in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Auburn that the Project constitutes a “Type II Action” under SEQRA because each activity falls within the ambit of one or more of the following actions included on the Type II list specified in Section 617.5 of the Regulations, and the Project is not subject to further review; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

By Councilor Kent

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

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**B. Ordinances –**

**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**

By Councilor Cuddy, seconded by Councilor Giannettino

**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.

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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

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

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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 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

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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 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.

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

**C. Local Laws –**

**D. Resolutions –**

### **BUDGET RESOLUTION #52 OF 2023**

#### **ADOPTING THE 2023-2024 CITY OF AUBURN CONSOLIDATED FEE SCHEDULE**

By Councilor Cuddy

June 1, 2023

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**WHEREAS**, the Auburn City Council annually adopts a consolidated fee schedule in June of each year; and

**WHEREAS**, the City Manager and Department Heads have reviewed the consolidated fee schedule and have determined that certain modifications need to be made; and

**WHEREAS**, the consolidated fee schedule attached hereto and incorporated herein is proposed for adoption for the 2023-2024 fiscal year.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby adopt the consolidated fee schedule attached hereto for the fiscal year 2023-2024.

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	

**BUDGET RESOLUTION #53 OF 2023  
ADOPTING THE CITY OF AUBURN BUDGET FOR THE FISCAL YEAR 2023-2024**

By Councilor Giannettino

June 1, 2023

**WHEREAS**, the City Manager has presented to the City Council a final proposed budget for the 2023-2024 fiscal year, which encompasses the various funds of the City; and

**WHEREAS**, a public hearing on this final budget was duly held on May 18, 2023; and

**WHEREAS**, the City Council wishes to adopt said recommended budget.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Auburn, New York hereby:

1. Adopts the 2023-2024 General fund budget in the amount of \$45,117,898, with the amount of \$13,752,539 to be raised by property taxes based upon the 2023-2024 taxable assessed valuation of \$1,252,129,390 which will produce a tax rate of \$10.983321 per \$1,000 of taxable assessed valuation; and

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2. Adopts the 2023-2024 BID levy in the amount of \$130,935 to be raised by special district taxes based upon the 2023-24 taxable assessed valuation of \$59,606,253, which will produce a tax rate of \$2.196664 per \$1,000 of taxable assessed valuation within the Business Improvement District (BID); and
3. Adopts the 2023-2024 Power Utility fund budget in the amount of \$1,350,848.; and
4. Adopts the 2023-2024 Combined Solid Waste fund budget in the amount of \$3,690,441; and
5. Adopts the 2023-2024 Water fund budget in the amount of \$6,422,400; and
6. Adopts the 2023-2024 Sewer fund budget in the amount of \$9,460,135.

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	

**COUNCIL RESOLUTION #54 OF 2023  
APPROVING SALARY INCREASES FOR THE  
AUBURN HOUSING AUTHORITY**

By Councilor Giannettino

June 1, 2023

**WHEREAS**, the Auburn Housing Authority by Resolution #2023-6, dated May 1, 2023, authorized salary increases for its employees and Executive Director; and

**WHEREAS**, pursuant to Public Housing Law Section 32, compensation paid by the Auburn Housing Authority is subject to approval by the City Council of the City of Auburn, New York; and

**WHEREAS**, the Auburn Housing Authority has requested approval of the salary increases.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Auburn, New York that pursuant to Public Housing Law Section 32 it does hereby approve salary increases to be paid by the Auburn Housing Authority for its employees and Executive Director, all as are more fully set forth



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in the Authority's Resolution #2023-6, a copy of which is attached hereto and made a part of this Resolution.

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	

### COUNCIL RESOLUTION #55 OF 2023

#### **AUTHORIZING A PUBLIC HEARING CONCERNING THE ENACTMENT OF A LOCAL LAW TO REPEAL AND REPLACE THE AUBURN CITY CODE CHAPTER 182 ENTITLED: HOUSING STANDARDS**

By Councilor Giannettino

June 1, 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 Thursday the 8th<sup>th</sup> day of June 2023 at 5:00 p.m. at City Council Chambers, 1<sup>st</sup> floor, Memorial City Hall, Auburn, New York concerning the enactment of local law to update Chapter 182: Housing Standards of the Auburn City Code; and,

**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 Kent

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

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**AGREEMENT RESOLUTION #56 OF 2023**

**AUTHORIZING AN AGREEMENT WITH THE  
AUBURN YMCA-WEIU FOR THE OPERATION OF THE CASEY PARK POOL**

By Councilor Giannettino

June 1, 2023

**WHEREAS**, since 2009 the City of Auburn (the “City”) and the Auburn YMCA-WEIU (the “YMCA”), have worked together to provide services at the Casey Park Pool during the summer seasons;

**WHEREAS**, this year the City of Auburn and the YMCA would like to enter into a new proposed agreement for the 2023 summer season, pursuant to the terms of the Agreement, which is attached and incorporated herein;

**WHEREAS**, under the Agreement, the YMCA will provide services, staffing and programming for the operation of the pool for the cost of \$55,860, and the City will continue to supply pool chemicals and maintain the pool and premises; and

**WHEREAS**, the term of the operation of the Casey Park Pool will run for seven (7) weeks and two (2) days, beginning on Wednesday, July 5, 2023, and will run through Friday, August 25, 2023.

**NOW, THEREFORE, BE IT RESOLVED** that the Auburn City Council does hereby approve the attached Agreement between the City and the Auburn YMCA-WEIU and shall pay for the services provided the sum of \$55,860 to be charged to account #A7143.440 for the term of this agreement; and

**BE IT FURTHER RESOLVED** that the Mayor or a designated representative is hereby authorized to sign any and all documents necessary to finalize the contract.

Seconded by Councilor Locastro

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

**GRANT ACCEPTANCE RESOLUTION #57 OF 2023**

**AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM  
S.W. METCALF AND D.E. FRENCH FOUNDATIONS FOR THE  
CASEY PARK SKATE PARK PROJECT**

By Councilor Cuddy

June 1, 2023

**WHEREAS**, the City of Auburn is constructing a poured-in-place concrete skatepark located at Casey Park, 150 North Division Street; and

**WHEREAS**, the community requested the development of a poured-in-place concrete skatepark at Casey Park; and

**WHEREAS**, the City of Auburn worked with Grindline Skateparks, Inc. to design a public poured-in-place concrete skatepark based on community input; and

**WHEREAS**, the City of Auburn applied to the S.W. Metcalf and D.E. French Foundations for funding for the construction of the poured-in-place concrete skatepark; and

**WHEREAS**, as a result of the application to the S.W. Metcalf and D.E. French Foundations, the City of Auburn has been awarded grant funding in the amounts of \$25,000 from the S.W. Metcalf Foundation and \$10,000 from the D.E. French Foundation, a total sum of \$35,000; and

**WHEREAS**, the construction and construction inspection cost of the project is \$941,344.50, with \$250,000 funded through Community Development Block Grant; \$250,000 funded through NYS Office of Parks, Recreation and Historic Preservation Environmental Protection Fund; \$40,000 through The Skatepark Project; \$216,344.50 from the American Rescue Plan Act (ARPA) funds; \$150,000 from the Emerson Foundation Grant; and \$25,000 from the S.W. Metcalf and \$10,000 from the D.E. French Foundations.

**WHEREAS**, the Mayor or a designated representative 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 BY THE CITY COUNCIL OF THE CITY OF AUBURN AS FOLLOWS:**

1. That the City Comptroller is authorized to recognize grant revenue in the amount of \$35,000 to Revenue Account No. HA99.2706.LG, and to appropriate the funds into the Casey Park Skatepark Project, Capital Account No. HA7143.440.LG; and
2. That this resolution shall take effect immediately upon its adoption.

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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	

### **AGREEMENT RESOLUTION #58 OF 2023 AUTHORIZING A SPECIAL COUNSEL AGREEMENT FOR LEGAL REPRESENTATION IN PFOA CLASS ACTION LITIGATION**

By Councilor Kent

June 1, 2023

**WHEREAS**, PFOA and PFOS are so called “forever chemicals” which can pose serious health threats if ingested; and

**WHEREAS**, the Environmental Protection Agency is in the process of promulgating rules which will set the allowable threshold of these chemicals at 4 ppt (parts per trillion). The rules contain standard monitoring, public notice, and treatment requirements. Compliance will begin three years after the rule is promulgated; and

**WHEREAS**, although the City of Auburn’s water supply is not threatened by PFOAs, due to the ubiquity and persistence of these forever chemicals, Department of Municipal Utilities staff anticipate that wastewater treatment measures above what currently exists will be necessary to comply with the forthcoming EPA rule; and

**WHEREAS**, recovery of funds through class action lawsuits against the manufacturers of these chemicals anticipates and addresses the potential costs of these additional measures; and

**WHEREAS**, Napoli Shkolnik, PLLC has the staff and capacity to carry a class action suit, having represented the City in the National Opioid Class Action; and

**WHEREAS**, Napoli Shkolnik, PLLC has agreed to advocate for the recovery of funds pursuant to class action litigation on behalf of the City of Auburn on a contingency basis; and

**WHEREAS**, the City of Auburn desires to retain Napoli Shkolnik, PLLC by the Retainer Agreement, attached hereto and incorporated herein; and

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**WHEREAS**, City staff recommends that the Mayor or a designated representative 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 Napoli Shkolnik, PLLC; and,

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

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 –**

**TABLED ITEMS - none**

**OTHER BUSINESS – none**

**Second Public to be Heard. none**

**ADJOURNMENT:** By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 5:37 p.m..

Minutes submitted by: Chuck Mason, City Clerk