

Auburn City Council Meeting, July 20, 2023

**Auburn City Council
Regular Meeting
Thursday, July 20, 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
- Superintendent of Public Works, Mike Talbot
- Director of Municipal Utilities, Seth Jensen
- Director of Capital Projects and Grants, Christina Selvek
- Senior Planner, Tiffany Beebee
- Recycling Enforcement Officer, Jeremy Hutson

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 –

Notice is hereby given that the Auburn City Council has called a public hearing to be held on Thursday, July 13, 2023 beginning at 5:00 p.m. regarding Local Law #1 of 2023 Amending Sections of the "Housing Standards" Chapter of the Auburn City Code. This public hearing will be held during the regular City Council meeting in the Council Chambers at Memorial City Hall, 24 South Street, first floor, Auburn, NY 13021. Mayor Quill opened the Public Hearing. There were no speakers.

Ceremonial Presentations – none

Public to be heard: The City Clerk read the rules for Public To Be Heard and there were no speakers.

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Approval of Meeting Minutes –

July 6, 2023 Council Meeting Minutes

Motion to approve the July 6, 2023 minutes by Councilor Locastro, seconded by Councilor Giannettino.

Motion to approve carried 5-0.

Reports of City Officials

City Manager's Report –

- 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
 - Keyboard Specialist – Exam Aug 26, must sign up by July 28
- Various city staff met today to discuss potential sites for a future police station. We are very early on in the process but feel it is important to continue to work through the development of a plan.
- Work on the Waste Water Treatment Plant is progressing along. Demolition of obsolete structures has been accomplished and site work is underway.

Reports from members of Council –

Matters to Come Before Council

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

B. Ordinances – none

C. Local Laws –

LOCAL LAW #1 OF 2023

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

By Councilor Giannettino

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

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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,

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 Cuddy

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

§ 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.**

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D. Resolutions –

GRANT ACCEPTANCE RESOLUTION #75 OF 2023

AUTHORIZING ACCEPTANCE OF A GRANT FOR A LEAD SERVICE LINE INVENTORY

By Councilor Cuddy

July 20, 2023

WHEREAS, the City of Auburn’s water system serves approximately 26,866 Auburn residents with around 8,800 service connections; and

WHEREAS, in August 2022 the City of Auburn applied for the 2022 Bipartisan Infrastructure Law Lead Service Line Replacement funding through the Drinking Water State Revolving Fund for funding for a Lead Service Line Inventory; and

WHEREAS, the project will identify and locate all the unknown lead service lines in the city and use this information to create a lead service line inventory; and

WHEREAS, as a result of the application to the New York State (NYS) Department of Health (DOH), the City of Auburn has been awarded a grant in the sum of \$917,988.00; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Auburn, hereby accepts grant funding from the NYS DOH in the amount of \$917,988 for the Lead Service Line Inventory; and

BE IT FURTHER RESOLVED that the City Comptroller is authorized to recognize grant revenue in the amount of \$917,988 to revenue account HF99.280.LSL and to appropriate the funds into the Lead Service Line Replacement Project, capital account No. HF8340.440.LSL; 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 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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GRANT RESOLUTION #76 OF 2023

**AUTHORIZING A NON-AGRICULTURAL NONPOINT SOURCE PLANNING GRANT
APPLICATION TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION**

By Councilor Kent

July 20, 2023

WHEREAS, in May 2023, the Office of the Governor of New York announced the availability of water quality grant funding for non-agricultural and nonpoint source planning projects; and

WHEREAS, through the New York Consolidated Funding Application (CFA) the Department of Environmental Conservation (NYS DEC) has released request for proposals for non-agricultural and nonpoint source planning projects, for which municipalities are eligible to apply; and

WHEREAS, the Department of Municipal Utilities proposes to submit a grant application for a Subwatershed Comprehensive Stream Corridor Assessment Project, a subset category of the non-agricultural and nonpoint source grant program; and

WHEREAS, if awarded, the grant will provide for a focused assessment of the Owasco Lake Subwatershed which contains Veness and Sucker Brooks to identify long-term stream monitoring points, identification of stream stabilization opportunities, riparian buffer acquisition, and cost estimating for implementation of said projects focusing on phosphorus reduction as outlined in the Owasco Lake 9 Element Plan, Drinking Water Source Protection Plan, and Harmful Algal Bloom Action Plan for Owasco Lake; and

WHEREAS, the proposed project is estimated to cost of \$85,000 with a proposed \$10,000 local minimum match, consisting of funds from the Water Fund; and

WHEREAS, since the City of Auburn does not currently have the funding to pay for 100% of the Owasco Lake Subwatershed Comprehensive Stream Corridor Assessment, it is necessary to obtain New York State grant funding assistance from the Non-Agricultural Nonpoint Planning Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York:

1. That the Mayor, or Director of Municipal Utilities, is authorized to submit a Non-Agricultural Nonpoint Planning Grant application to NYS DEC in the amount not to exceed \$85,000 in total project costs; and
2. That if awarded Grant funds, the Mayor or appointed designee is authorized to accept the grant funds and sign any and all agreements, documents and reimbursements in association with the grant project; and
3. That if awarded Grant funds, the City Comptroller is authorized to create the capital project budget for the Owasco Lake Subwatershed Comprehensive Stream Corridor Assessment by the State

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Grant amount of \$75,000 with the remaining \$10,000 local match amount being transferred from Water Fund Balance to the new capital account; and

4. That this resolution shall take effect immediately upon its adoption.

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	

AWARD RESOLUTION #77 OF 2023 AWARDING A CONTRACT FOR A DEFERRED COMPENSATION PROVIDER FOR THE CITY OF AUBURN

By Councilor Kent

July 20, 2023

WHEREAS, the City of Auburn Deferred Compensation Plan has been provided administrative services by International Capital Market Association (ICMA), with Mission Square Retirement serving as the financial organization and ICMA Trust company serving as a trustee; and these services expired July 6, 2023; and

WHEREAS, on February 14, 2023, the City of Auburn advertised a Request for Proposals (RFP) for a Deferred Compensation Plan and on March 17, 2023, the City received 8 (eight) responses to the RFP and on May 23, 2023 and May 24, 2023, the top five providers were interviewed; and

WHEREAS, the specialized nature of the financial services industry requires that several entities be engaged to fully provide an appropriate level of service for a deferred compensation plan; and

WHEREAS, the City of Auburn has gone through a competitive RFP process and chosen to select Genesee Capital Advisors as the independent financial professionals providing education to City of Auburn Deferred Compensation Plan participants, Empower Retirement, LLC for administrative services and plan provider, Great-West Life & Annuity Insurance Company of New York (Empower) as a financial organization, and Empower Trust Company serving as a trustee for a five (5) year period; and

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WHEREAS, the City of Auburn wishes to enter into a contract with Genesee Capital Advisors and Empower Retirement, LLC as the plan administrator, Great-West Life & Annuity Insurance Company of New York as a financial organization, and Great West Trust Company, LLC as Trustee for the City of Auburn Deferred Compensation Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award a contract to Empower Retirement, LLC as the plan administrator, Great-West Life & Annuity Insurance Company of New York as a financial organization, and Great West Trust Company, LLC as Trustee for deferred compensation services for the City of Auburn employees to commence on or about October 1, 2023; and

BE IT FURTHER RESOLVED that the Comptroller or appointed designee, is authorized to sign the initial agreement and all related documents to carry out the purposes of this Resolution.

Seconded by 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 #78 OF 2023

RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF AUBURN AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL-CIO

By Councilor Giannettino

July 20, 2023

WHEREAS, the City of Auburn and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO (the "Union") have previously entered into a Collective Bargaining Agreement which expired on June 30, 2023; and

WHEREAS, the City and the Union have been engaged in extensive negotiations in order to allow the parties to enter into a new Collective Bargaining Agreement, and the items of that new Agreement have been agreed upon; and

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WHEREAS, it is necessary that the Auburn City Council ratify the terms of the new Collective Bargaining Agreement; and

WHEREAS, the new Agreement remains materially the same as the prior Agreement with the exception of the revised material items set forth in the Agreement by and Between the City of Auburn and the Union and is attached hereto and incorporated herein as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby ratify the terms set forth in the negotiated Collective Bargaining Agreement and does further authorize the Mayor, City Manager, Corporation Counsel, Superintendent of Public Works, Director of Municipal Utilities and Director of Planning and Economic Development to execute the Agreement with the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO.

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 #79 OF 2023

ADOPTING A SENIOR MANAGEMENT PERSONNEL POLICY

By Councilor Cuddy

July 20, 2023

WHEREAS, on January 20, 2020, the Auburn City Council passed Council Resolution #24 of 2020, which approved the Senior Management Personnel Policy (the “Policy”) in order to provide fair and competitive benefits to Senior Management Employees, who are not otherwise represented by Collective Bargaining Agreements; and

WHEREAS, an updated Policy, which is attached hereto and incorporated herein, includes revisions relating to health insurance, wages, longevity, residency, holidays, and related verbiage; and

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby affirm and adopt the Senior Management Personnel Policy, which is attached hereto and made a part of this Resolution; and

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BE IT FURTHER RESOLVED that the Mayor, or approved designee, of the City of Auburn, is hereby authorized to execute the Senior Management Personnel Policy on behalf of the City of Auburn; and

BE IT FURTHER RESOLVED, that the Senior Management Personnel Policy shall be effective as of July 1, 2023.

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 #80 OF 2023

AUTHORIZING AN AGREEMENT WITH MEDEX BILLING INC. TO PROVIDE MEDICAL BILLING SERVICES FOR THE CITY OF AUBURN AMBULANCE SERVICE

By Councilor Giannettino

July 20, 2023

WHEREAS, on April 11, 2023, the City of Auburn issued a Request for Proposals for Ambulance Billing Service; and

WHEREAS, on May 12, 2023, the City received proposals from six (6) medical billing companies; and

WHEREAS, a committee was formed to review and score the proposals against the criteria outlined in the RFP; and

WHEREAS, MedEx Billing Inc. of LeRoy, NY was recommended as the highest ranked company to provide medical billing services for the City of Auburn Ambulance Service; and

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WHEREAS, on June 22, 2023, Auburn City Council carried and adopted Award Resolution #67 of 2023, awarding a contract to MedEx Billing Inc. of LeRoy, NY for Medical Billing Services for the City of Auburn Ambulance Service; and

WHEREAS, it is now necessary for the City and MedEx Billing Inc. to enter into an Agreement for Medical Billing Services, which is attached hereto and incorporated herein; and

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize the agreement between the City of Auburn and MedEx Billing Inc. of LeRoy, NY for Medical Billing Services for the City of Auburn Ambulance Service; and

BE IT FURTHER RESOLVED that the Mayor, or appointed designee, is authorized to sign the agreement and all other documents relating to the agreement on behalf of the City of Auburn.

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	

E. Staff or Vendor Presentations –

Community Development Block Grant (CDBG) Program Year 2023 Annual Action Plan Amendment – Tiffany Beebee, Senior Planner

The CDBG Five Year Consolidated Plan and subsequent Annual Action Plans provide the framework for funding priority projects. However, a change in funding for a project that constitutes twenty-percent (20%) or more requires a substantial amendment. To provide this funding to the community in a timely manner, the City will be amending the 2023 Annual Action Plan. This document is a substantial amendment that provides information on projects and activities that will be completed with PY 2023 funding previously allocated to Parks, Playgrounds, and Public Facilities. This Action Plan was adopted by City Council on February 16, 2023. The proposed project is supported by the goals within the 2020 Five- Year Consolidated Annual Action Plan. The amount of funding to be moved from the Home Access Program, Microenterprise Program, and the Parks budget line to Sewer Line Repair is up to \$93,000. The Microenterprise Program has been on pause as new initiatives are being introduced to the community such as the SBDC Fast Track to Business. The Home Access Program is delayed in expending the 2022 grant funds. It was agreed upon to issue an extension on the 2022 grant funds and to re-program the 2023 funds. The parks budget line had excess funds after receiving additional grants for Casey Park Skate Park. The funds dedicated to Casey Park Skate Park are not affected by this amendment: A thirty (30) day public comment period on the substantial amendment was initiated on

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July 1, 2023. A public hearing will be held on July 20, 2023 at 5 pm at City Council. The public comment period will conclude on July 31, 2023 at 4 pm. Citizens may provide comments to the Office of Planning and Economic Development via email to tbeebee@auburnny.gov or in writing to: City of Auburn Office of Planning and Economic Development Attn: CDBG 24 South Street Auburn, NY 13021 To obtain a copy of the Annual Action Plan and Five Year Consolidated Plan please visit the Office of Planning and Economic Development website at <http://www.auburnny.gov>.

Sewer Line Repair \$93,000

Total project cost

- Up to \$93,000 moved from the Home Access Program, Microenterprise Program, Parks. It is anticipated to complete rehab work on Chapman Av.

Closing Statement: The 2023 proposed Annual Action Plan Amendments will shift funds from the Home Access Program, Microenterprise Program, and Parks budget lines to Sewer Line Repair.

For more information or to submit comments on the proposed amendments, please contact:

City of Auburn

Office of Planning & Economic Development

Jennifer Haines, Director

24 South Street

Auburn, NY 13021

(p) 315-255-4115

TABLED ITEMS - none

OTHER BUSINESS – none

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 5:52 p.m..

Minutes submitted by: Chuck Mason, City Clerk