

Auburn City Council Meeting, August 3, 2023

**Auburn City Council
Regular Meeting
Thursday, August 3, 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 Michael D. 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
- Police Chief, James Slayton
- Fire Chief, Mark Fritz
- City Engineer, William Lupien
- Director of Planning and Economic Development, Jenny Haines
- Senior Planner, Tiffany Beebee

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 – summer event calendar events were read.

Ceremonial Presentations – none

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

Approval of Meeting Minutes –

July 20, 2023 Council Meeting Minutes

Motion to approve the July 20, 2023 minutes by Councilor Kent, seconded by Councilor Locastro.

Motion to approve carried 4-0.

Auburn City Council Meeting, August 3, 2023

Reports of City Officials

City Manager's Report – none

Reports from members of Council – none

Matters to Come Before Council

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

B. Ordinances – none

C. Local Laws – none

D. Resolutions –

**COUNCIL RESOLUTION #81 Of 2023
APPROVING THE SUBMISSION OF THE 2023 ANNUAL ACTION PLAN AMENDMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

By Councilor Giannettino

August 3, 2023

WHEREAS, The City of Auburn is an Entitlement Community for the Community Development Block Grant (CDBG) Program and is required to submit a Five-Year Consolidated Plan with an annual statement of objectives and uses of the CDBG Entitlement Program funds; and

WHEREAS, The City of Auburn has prepared the 2023 Annual Action Plan Amendment outlining the community development activities, objectives, and budget; and

WHEREAS, The City of Auburn held one public hearing on July 20, 2023 during the public comment period; and

WHEREAS, The City of Auburn published the Notice of Annual Action Plan Amendment on July 1, 2023 to start the local comment period; and

WHEREAS, all comments received during the Annual Action Plan Amendment local comment period including the public hearing will be included as part of the 2023 Annual Action Plan Amendment; and

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

Auburn City Council Meeting, August 3, 2023

1. The City Council does hereby approve the 2023 Annual Action Plan Amendment; and
2. The City Council does hereby authorize the Mayor to sign the Application for Federal Assistance and submit the amended 2023 Annual Action Plan to the U.S. Department of Housing and Urban Development to complete the objectives of the amended 2023 Annual Action Plan; and
3. The City Council does hereby authorize and direct the Mayor to sign the Funding Approval / Agreement with the U.S. Department of Housing and Urban Development necessary to further the objectives of the amended 2023 Annual Action Plan and all related subrecipient and other agreements necessary to further the objectives of the Annual Action Plan; and
4. The City Council does hereby authorize the City Comptroller's Office to recognize grant revenue and appropriate funding into the correct departmental budget.

Seconded by Councilor Locastro

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

COUNCIL RESOLUTION #82 OF 2023

AUTHORIZING SETTLEMENT OF THE REAL PROPERTY TAX ASSESSMENT PROCEEDINGS, RITE AID CORPORATION AND WALGREEN CO ET AL, v. BOARD OF ASSESSMENT REVIEW OF THE CITY OF AUBURN ET AL., CONCERNING PARCELS OF REAL PROPERTY LOCATED AT 314 GENESEE STREET, 47 EAST GENESEE STREET AND 153 GRANT AVE

By Councilor Kent

August 3, 2023

Auburn City Council Meeting, August 3, 2023

WHEREAS, for the tax years of 2014 through 2023 the Petitioners, Walgreens Co. and Rite Aid Corporation commenced proceedings challenging the property tax assessment of parcels of real property located at 314 Genesee Street, 47 East Genesee Street and 153 Grant Avenue in the City of Auburn, Auburn City School District, Cayuga County, designated as the “Properties”; and

WHEREAS, Corporation Counsel Nathan J. Garland Esq., appeared in the foregoing proceedings on behalf of the City of Auburn and Kevin MacLeod, Esq. appeared and intervened in these proceedings on behalf of Cayuga County; and, attorney Katherine E. Gavett, Esq., appeared and intervened in these proceedings on behalf of the Auburn Enlarged City School District; and

WHEREAS, after extensive settlement negotiations, the Parties and their attorneys have agreed that a settlement as outlined in the attached proposed Stipulation of Settlement and Judicial Order would be in the best interests of all parties and would avoid further litigation expense; and

WHEREAS, the Auburn City School District Board of Education and the Cayuga County legislature have already approved, or will soon approve, the proposed settlement as outlined in the attached; and

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize Corporation Counsel Nathan J. Garland to execute the attached Stipulation of Settlement and Judicial Order, wherein the tax assessment of the property owned by the Petitioner shall be adjusted as set forth therein, and (2) refunds shall issue in the amount set forth therein.

Seconded by Councilor Locastro

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

AWARD RESOLUTION #83 OF 2023

AWARDING A BID TO PURCHASE A CHLORINE DIOXIDE GENERATOR

By Councilor Giannettino August 3, 2023

Auburn City Council Meeting, August 3, 2023

WHEREAS, the City of Auburn Department of Municipal Utilities has been reviewing opportunities to reduce the formation of disinfection byproducts in the finished water supply; and

WHEREAS, the City currently uses Sodium Hypochlorite for zebra mussel control at the raw water intake as well as the primary disinfectant prior to potable water distribution to end customers in accordance with New York State Department of Health requirements; and

WHEREAS, the use of sodium hypochlorite when in contact with organic matter in the raw and finished drinking water supply results in the formation of disinfection byproducts; and

WHEREAS, in December of 2022 the City of Auburn was in violation of the NYSDOH and USEPA's threshold for measurement of disinfection byproducts for the first time; and

WHEREAS, one option that has proved successful in reducing the formation of disinfection byproducts for other water purveyors in the Finger Lakes region is to use an alternative disinfectant, Chlorine Dioxide, instead of Sodium Hypochlorite; and

WHEREAS, the City Staff has held multiple meetings with Department of Health Staff, Professional Engineering Firms specializing in water treatment, and neighboring communities who use this disinfectant for both zebra mussel control as well as a primary disinfectant; and

WHEREAS, City Staff is recommending the use of Chlorine Dioxide at the upper pumpstation for zebra mussel control; and

WHEREAS, it was necessary for the City of Auburn to competitively bid the supply, installation support, and long-term maintenance associated with use of a Chlorine Dioxide Generator; and

WHEREAS, on June 8, 2023 the City of Auburn opened bids for the acquisition of a new Chlorine Dioxide Generator and the following bid was received:

1. International Dioxide, Inc. \$95,445.00 North Kingstown, RI; and

WHEREAS, this award includes the supply of one (1) Chlorine Dioxide Generator, the initial supply of required chemicals, installation and training, 3 years of annual maintenance and service, one (1) year of spare parts, one (1) spare motive water pump, and one (1) spare solution pump; and

WHEREAS, it is necessary that the Auburn City Council award the Chlorine Dioxide Generator to the lowest responsible bidder, namely, International Dioxide, Inc., which has submitted a low bid of \$95,445.00;

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award the purchase of a Chlorine Dioxide Generator to International Dioxide, Inc., the lowest responsible bidder in the amount of \$95,445.00; and

BE IT FURTHER RESOLVED that the cost of the Resolution in the amount of \$95,445.00 is to be charged to the Zebra Mussel/Upper Pump Station Capital Acct. #HF 8330 440 JL; and

Auburn City Council Meeting, August 3, 2023

BE IT FURTHER RESOLVED that the Mayor is authorized to sign any and all documents necessary in reference to the award of this bid.

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		

GRANT ACCEPTANCE RESOLUTION #84 OF 2023

AUTHORIZING GRANT FUNDING FROM THE UNITED STATES TENNIS ASSOCIATION (USTA -EASTERN) FOR SUMMER TENNIS PROGRAMMING

By Councilor Giannettino

August 3, 2023

WHEREAS, the City of Auburn owns and operates several City parks which provide quality recreational opportunities to persons of all ages; and

WHEREAS, several of our parks include tennis courts for youth and adult recreation; and

WHEREAS, the Auburn community has a long tradition of the sport of tennis being offered in our City parks; and

WHEREAS, the United States Tennis Association (USTA-Eastern) offered a grant program to promote the sport of tennis named the Growing Tennis Together (GTT) grant, and the City of Auburn submitted an application for this grant to support summer tennis in our community; and

WHEREAS, the City has been notified that it has been awarded the Growing Tennis Together grant in the amount of \$2,850 from the USTA-Eastern Regional Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn that the Mayor, or his named designee, on behalf of the City of Auburn, is hereby authorized and directed to accept these grant funds in an amount not to exceed \$2,850 for summer tennis programming in our City parks; and

BE IT FURTHER RESOLVED that the Comptroller is authorized to accept these funds into the Gifts and Donations account A99.2705 to be used for summer tennis programming in our City parks.

Auburn City Council Meeting, August 3, 2023

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		

E. Staff or Vendor Presentations –

TABLED ITEMS - none

OTHER BUSINESS – 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 under attorney client privilege due to potential litigation.

The motion to enter executive session carried 4-0. The Council entered Executive Session at 5:21 p.m. Executive session adjourned at 7:00 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:01 p.m..

Minutes submitted by: Chuck Mason, City Clerk