

Auburn City Council Meeting, September 14, 2023

**Auburn City Council
Regular Meeting
Thursday, September 14, 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. Mayor Quill and Councilor Ginny Kent, Councilor Jimmy Giannettino, Councilor Terry Cuddy and Councilor Tim Locastro 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, Jim Slayton

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 –

The next meeting of the City Nuisance Abatement Committee will be held on Wednesday, September 19, 2023 at 9 a.m, and the meeting will be held in Council Chambers, Memorial City Hall, 24 South Street.

Ceremonial Presentations – none

Public to be heard: The City Clerk read the rules for Public To Be Heard and the following individuals spoke:

Dr. Walt Aikman spoke to support the resolution requesting a TMDL Comprehensive Clean-up Plan for Owasco Lake and commended the City staff responsible for writing the grant application for the USDA Urban Forestry Disadvantaged Communities Initiative which it was announced that the City of Auburn received.

Approval of Meeting Minutes –

September 7, 2023 Council Meeting Minutes

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Motion to approve the September 7, 2023 minutes by Councilor Kent, seconded by Councilor Giannettino. Motion to approve carried 5-0.

Reports of City Officials

City Manager's Report –

- The City of Auburn would like to remind the public that the downtown parking program, including on-street, parking lot, and parking garage programs will be changing October 1st. The Downtown BID is helping us spread the word to downtown businesses and our parking enforcement officers will also be distributing educational materials. Staff will present City Council with an update at the Sept. 28 Council meeting.
- City staff will also be providing Council with a brief history and update on our Code Enforcement program, Nuisance Abatement Committee, and neighborhood initiatives at the Sept. 28 Council meeting.
- This week city staff participated in a county-wide municipal shared services planning meeting hosted by Cayuga County. Each year every county in NYS is required to submit a shared services plan to NYS. These plans outline potential projects to be undertaken between municipal entities, creating collaborations that ultimately save tax payer funds. Successfully completed projects are eligible for partial reimbursement from NYS as an additional incentive to participate.
- Today we received notice of award from the USDA for our grant application to their Urban Forestry Disadvantaged Communities Initiative. The award for \$945,000 will cover the cost of an expanded tree program administered over 5 years that will address about 75% of the geographic area of the city based on federal criteria. The grant will help to cover personnel costs, some contract services, and the purchase of a variety of trees. Over the course of the five years, we expect to replace and or add approximately 1150 new trees. We are looking to grow our partnership with the students of the Auburn Enlarged School District. We'd like to thank US Senator Chuck Schumer's office for their advocacy, as well as our city grants staff, and our city tree crew.
- The Auburn Police Department wrapped up the final pieces of their accreditation process this morning. After several years of planning and implementation, the department will now wait for a final determination, expected sometime in December. The Law Enforcement Agency Accreditation Program is voluntary and designed to improve an agency's effectiveness, efficiency and professionalism; promote training and foster public confidence in law enforcement
- Discussion on property known as the Hunter Dinerant. The City Manager made a presentation (see attached). The staff is in the process of preparing a request for proposals (RFP) pertaining to the sale of the diner and that RFP will be released to the public within the next few weeks.

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 #88 OF 2023

REQUESTING THAT THE GOVERNOR, STATE REPRESENTATIVES AND FEDERAL REPRESENTATIVES DEVELOP, ADOPT, IMPLEMENT AND FUND A TOTAL MAXIMUM DAILY LOAD (TDML) COMPREHENSIVE WATERSHED CLEAN-UP PLAN FOR OWASCO LAKE

WHEREAS, the City of Auburn and the Town of Owasco rely on Owasco Lake as the source of drinking water for 45,000 people; and

WHEREAS, in late September and early October 2016 harmful algal blooms (HABs) engulfed Owasco Lake and released highly toxic microcystins that were detected in the treated drinking water supplied to the public; and

WHEREAS, the level of toxic microcystins detected in drinking water supplied from Owasco Lake nearly exceeded the .3 ppb of microcystins, a Health Advisory Guideline that would have required New York State health authorities to prohibit public consumption of drinking water supplied from Owasco Lake; and

WHEREAS, in 2017, 2018, 2019, 2020, 2021, 2022 and again this year, 2023, Owasco Lake was and has been repeatedly polluted by massive HABs that closed beaches, impaired the best uses of the lake and contaminated water supplied from the lake for drinking water with microcystins; and

WHEREAS, the U. S. Environmental Protection Agency (EPA) is legally mandated to enforce the U. S. Clean Water Act and the Safe Drinking Water Act in order to safeguard the public from contaminants in drinking water that cause adverse health effects; and

WHEREAS, the New York State Department of Environmental Conservation (DEC) has been delegated authority by EPA to enforce the Clean Water Act in order to safeguard public health from contaminants in drinking water; and

WHEREAS, on November 2, 2021, New York voters approved the New York Ballot Proposal 2, the Environmental Rights Amendment, which added a right of clean water, clean air and a healthful environment to the New York State Constitution's Bill of Rights; and

WHEREAS, pursuant to section 303(d) of the Clean Water Act, DEC shall list waterbodies impaired from their "best usages" and require development and implementation of a Total Maximum Daily Load (TMDL) comprehensive watershed clean-up plan in order to reduce the input of the specific pollutant(s) in order to restore and protect Impaired Waterbodies; and

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WHEREAS, New York's 303(d) Registry of Impaired Waterbodies includes hundreds of lakes, rivers and bays impaired by HABs and mandates adoption and implementation of TMDL plans to curtail phosphorus, nitrogen and other nutrients in storm water and agricultural run-off that can cause HABs; and

WHEREAS, in 2016, the Auburn City Council passed Council Resolution #156 of 2016, requesting that New York State follow the law and develop, adopt, and implement a TMDL for Owasco Lake without further delay; and

WHEREAS, New York's 303(d) Registry of Impaired Waterbodies is required by federal law to be updated every two years yet at the date of this resolution New York is using the 2018 303(d) Registry of Impaired waterbodies, and despite having public comment for the 2020 and 2022 updates, the State DEC has not updated the list in 2020 or 2022; and

WHEREAS, since the initial Harmful Algal Bloom outbreak of 2016 Owasco Lake has experienced continued annual significant HAB outbreaks and testing for microcystins in the raw water supply has seen high detections of microcystin levels annually testing as high as 17.7 micrograms per Liter in 2022 and this recent data is not factored in to the 2018 New York 303(d) Registry of Impaired Waterbodies.

NOW THEREFORE BE IT RESOLVED that the Auburn City Council does hereby request that the Governor, our NYS representatives and our Federal representatives develop, adopt, implement and provide full funding for implementation, without further delay, a TMDL comprehensive watershed clean-up plan for Owasco Lake and that the DEC's draft 2022 303(d) Impaired Waterbody Registry be finalized to classify Owasco Lake accordingly; and

BE IT FURTHER RESOLVED that the City Clerk forward certified copies of this Resolution to the Governor, the Commissioner of the DOH, the Commissioner of the DEC, Senator Rachel May, Assemblyman John Lemondes, Senator Charles Schumer, Senator Kirsten Gillibrand and Representative Claudia Tenney.

	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 –

- Ash Tree Update - Mike Talbot, Superintendent Department of Public Works and Rich Seamons, City Arborist

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TABLED ITEMS – none

Second Public to be Heard: Tim Lattimore of 63 South Street spoke regarding the 9-11-2001 memorial ceremony and Owasco Lake Watershed.

OTHER BUSINESS –

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

- Two matters made confidential under attorney client privilege.
- Matters pertaining to the sale or lease of real property.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:13 p.m. Executive session adjourned at 7:35 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 7:36 p.m..

Minutes submitted by: Chuck Mason, City Clerk

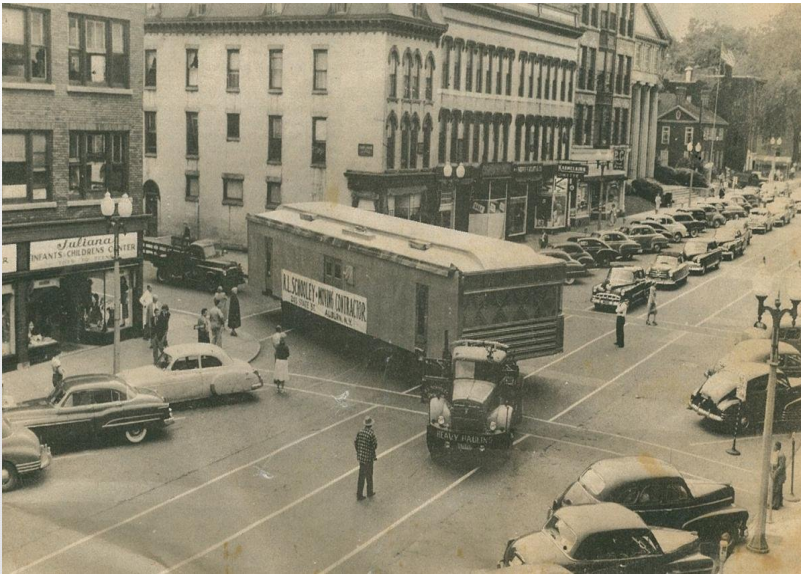
Hunter's Dinerant

Update on the history, current situation, and future plan for the iconic diner.

Photo from Auburn Downtown BID

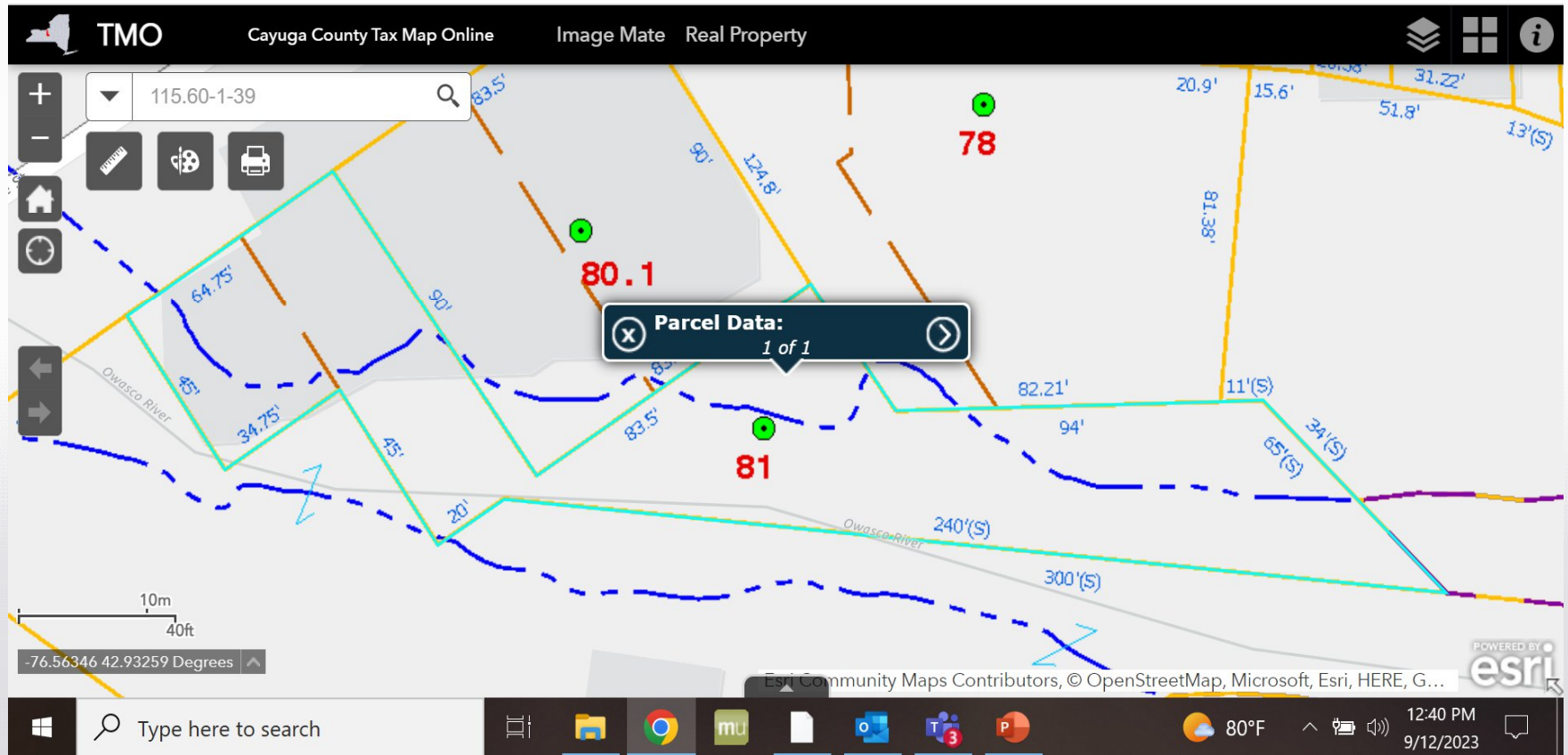


Hunter's Dinerant



- Delivered and placed in current location in 1951

- Photo from Citizen Newspaper



Hunter's Dinerant



- Facing financial and structural challenges

- Photo by City of Auburn Engineering Dept.



Hunter's Dinerant Finances/Taxes

- \$68,603 in back taxes dating back to 2015
- Tax repayment plan defaulted
- City makes County and School district whole
- Total City taxes owed \$31,208
- Total School taxes owed \$21,869
- Total County taxes owed \$9,846

Hunter's Dinerant Structural Issues



Hunter's Dinerant Relationship with Bridge



Hunter's Dinerant Impact on River Flow



- Supporting piers exist in the waterway
- Piers collect debris and restrict flow
- Presence of the structure impacts our dam hazard level and requires a higher level of compliance at a higher cost



Hunter's Dinerant Considerations

- General building condition
- Impact on adjacent building
- Safety of public sidewalk
- Impact on dam safety requirements
- Relationship and impact on bridge
- Historic and cultural value



Hunter's Dinerant Considerations

- City to issue an RFP
- Seeks to find a new owner for the building but not the property w/ preference to relocating in Auburn
- Will require removal of the diner trailer
- Should include the removal of the site-built wood structure
- Removal of the supporting structure



Hunter's Dinerant Considerations

- City responsibilities
- Extend guardrail/railing the entire length of the bridge
- Remove concrete piers from river bed



Hunter's Dinerant

- Feedback?