

Auburn City Council Meeting, January 18, 2024

**Auburn City Council
Regular Meeting
Thursday, January 18, 2024 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 James N. Giannettino, Jr..

ROLL CALL – The City Clerk called the roll. Mayor Giannettino and Councilor Ginny Kent, Councilor Rhoda Overstreet-Wilson, Councilor Terry Cuddy and Councilor Christina Calarco 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
- Director of Planning and Economic Development, Jennifer Haines
- City Comptroller, Mary Beth Leeson

Pledge of Allegiance to the Flag – Mayor Giannettino led the Pledge of Allegiance.

Moment of Silent Prayer or Reflection – Mayor Giannettino asked for a moment of silent prayer.

Public Announcements –

The City of Auburn Historic Resources Review Board will not have a meeting in January due to no applications to go before the board.

Ceremonial Presentations –

Memorial Presentation for Former Member of City Council Ann E. Bunker

Mayor Giannettino opened the presentation and introduced former members of the City Council to speak. The Mayor made the following remarks:

This evening, myself, along with the members of City Council will be making a memorial presentation in honor of former City Councilor Ann E. Bunker.

Ann Bunker, who sadly passed away on November 3, 2023, was the first woman ever to be elected to the Auburn City Council.

Auburn City Council Meeting, January 18, 2024

First elected, in 1989, just four years shy of Auburn's bi-centennial, Ann went on to serve two terms as a city councilor.

During her time as an elected official Ann worked diligently to be informed on the issues, and always showed up for meetings ready to participate, prepared to govern responsibly and to make decisions that were in the best interest of the community as a whole.

She was committed to efficient and effective government and worked tirelessly to reform and realign city management. Ann was asked by then Mayor Guy Cosentino to serve on the Auburn Community Baseball board, where she oversaw the redevelopment of Falcon Park; an asset that Auburnians continue to enjoy more than 30 years later.

After leaving city government she continued to be a fierce advocate for the most vulnerable in our community. Ann was a cofounder of the Sexual Assault Victims Advocate Resource, also known as SAVAR. As an attorney she was focused on family law, specifically children.

In the weeks since her passing Ann has been remembered as many things: wife, mother, friend, advocate, trailblazer, and leader. Most importantly, she was the first, and being first in anything is never easy. Make no mistake, Ann did not have it easy.

Like all things she did, Ann took being the first seriously. She was not satisfied with simply cracking that glass ceiling, she wanted to shatter it, and shatter it she did.

Ann's courage paved the way for others to follow in her footsteps:

- Melina Carnicelli
- Gilda Brower
- Deb McCormick
- Dia Carabajal
- Ginny Kent
- Christina Calarco
- Rhoda Overstreet-Wilson

Because of her leadership, Auburn now has a female majority on the city council.

In closing I want to thank Ann's husband Bill, and her children Adam and Ben for sharing Ann with the people of Auburn. We are all better because of Ann. Thank you.

Mayor Melina Carnicelli, City Councilor Gilda Brower, City Councilor Deb McCormick and City Councilor Dia Carabajal spoke honoring the life of City Councilor Ann E. Bunker. Then, Councilors Kent, Overstreet-Wilson, Cuddy and Calarco spoke.

Mayor Giannettino, Mayor Carnicelli, City Councilor Deb McCormick and husband of Ann E. Bunker Mr. Bill Cadwallader unveiled a memorial portrait of City Councilor Ann E. Bunker that will remain permanently installed in City Council Chambers. The inscription on the memorial reads as follows:

"Ann E. Bunker made history in 1989 when she became the first woman to be elected to the City Council of Auburn, just a few years before the city's bicentennial celebration. Serving two consecutive four-year terms as a City Councilor from 1990 to 1997, she dedicated her adult life to serving her hometown. Her colleagues and clients knew her as an unwavering advocate for justice, a committed attorney, a tireless women's rights leader, and a discerning decision-maker within the municipal government. Her groundbreaking work opened the door for other women to serve in elected offices both in Auburn's City Hall and beyond."

Auburn City Council Meeting, January 18, 2024

Public to be heard: The City Clerk read the rules for Public To Be Heard. The following individuals spoke: Gwen Webber McLeod spoke to honor former City Councilor Ann E. Bunker. Jane Skowran spoke to honor former City Councilor Ann E. Bunker.

The Mayor called for a 10 minute recess.

Approval of Meeting Minutes – none

Reports of City Officials

City Manager's Report –

- City Manager and Comptroller are meeting with each department over the next two weeks to review their current budgets and anticipated needs through the end of the year as well as beginning the budget development process for next year.
- Update from Corporation Counsel Nate Garland regarding the status of the case between NYS Office of Cannabis Management and the illicit cannabis store that located at 9 E. Genesee Street in downtown Auburn. The store has been and shall continue to be closed.

Reports from members of Council –

Matters to Come Before Council

A. State Environmental Quality Review Act Resolutions (SEQR) –

B. Ordinances – none

C. Local Laws – none

D. Resolutions –

COUNCIL RESOLUTION #8 of 2024

APPROVING COUNCIL RULES AND PROCEDURES

By Councilor Cuddy

January 18, 2024

WHEREAS, Article II section 8 of the Charter of the City of Auburn states that "The Council may adopt rules governing its proceedings and provide for the enforcement thereof."; and

WHEREAS, the Council Rules and Procedures is the document which provides Council the direction to conduct Council business and meetings in an organized, consistent matter in accordance to local and state law; and

Auburn City Council Meeting, January 18, 2024

WHEREAS, the Auburn City Council has reviewed its Rules and Procedures and revised the document so that it is up to date and in adherence of local and state laws.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve the document entitled Auburn City Council Rules and Procedures, revised January 18, 2024; and

BE IT FURTHER RESOLVED that the City Clerk shall distribute copies of these updated Rules and Procedures to all members of the Council, the City Manager and all City Department heads, and that these Rules and Procedures are posted to the City Council page of the City's website; and,

BE IT FURTHER RESOLVED that these Council Rules and Procedures shall take effect immediately.

Seconded by Councilor Kent

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

COUNCIL RESOLUTION #9 OF 2024

**ADOPTING THE CITY OF AUBURN
INVESTMENT POLICY**

By Councilor Calarco

January 18, 2024

WHEREAS, New York State General Municipal Law Section 39, entitled "Investment Policies for Local Governments" states that "Each local government...shall by resolution adopt a comprehensive investment policy which details the local government's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government"; and

WHEREAS, the City of Auburn has written a policy in accordance with New York State requirements for review and adoption by the Auburn City Council;

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby adopt a policy for the City of Auburn in relation to the investment of public funds in accordance with New York State General Municipal Law § 39.

Seconded by Councilor Overstreet-Wilson

Auburn City Council Meeting, January 18, 2024

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

COUNCIL RESOLUTION #10 OF 2024

**AUTHORIZING THE ADOPTION OF A
CITY OF AUBURN PROCUREMENT AND SURPLUS POLICY**

By Councilor Calarco

January 18, 2024

WHEREAS, the City of Auburn maintains and annually adopts a Procurement and Surplus Policy, which regulates competitive bidding and public service contracts so that taxpayers may receive goods and services at the lowest reasonable prices; and

WHEREAS, New York State General Municipal Law requires municipalities to annually review their Procurement Policies in order to update the same with any new legislation which may change competitive bidding limits; and

WHEREAS, the City Comptroller has reviewed the current City of Auburn Procurement and Surplus Policy and has determined that it is compliant with the provisions of the New York General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED that the City of Auburn Procurement and Surplus Policy is hereby adopted as being compliant with New York State General Municipal Law and that all of the terms set forth in this Policy are continued and authorized in its current form.

Seconded by Councilor Kent

	Ayes	Noes
Councilor Kent	X	
Councilor Overstreet-Wilson	X	
Councilor Cuddy	X	
Councilor Calarco	X	
Mayor Giannettino	X	
Carried and Adopted	X	

Auburn City Council Meeting, January 18, 2024

FINANCIAL RESOLUTION #11 OF 2024

**ADOPTING THE 2024 CAYUGA COUNTY TAX RATE AND THE CITY OF AUBURN
SHARE OF THE CAYUGA COMMUNITY COLLEGE CHARGES**

By Councilor Kent

January 18, 2024

WHEREAS, the City of Auburn has been notified by the Cayuga County Legislature that, in accordance with a Resolution, adopted by the County Legislature on December 14, 2023, the City of Auburn's participation in the 2024 County Tax will be in the amount of \$8,506,076.46 compared to last year's amount of \$8,960,505.56, a decrease of \$454,429.10. The full amount to be raised by property taxes in the entire County is \$43,592,807, which results in the City's share of the County tax levy being 19.51%; and

WHEREAS, the Cayuga County Legislature included within its Resolution, charges to the City taxpayers for the collection of costs related to the preparation and mailing of County tax bills within the City in the amount of \$5,424.51; and

WHEREAS, the City of Auburn has been notified by the Cayuga County Legislature that, in accordance with Resolution #488 of 2023, the City of Auburn's proportionate share for the Cayuga Community College charges is the amount of \$275,491.71, which is to be added to the 2024 County Tax to be raised from the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Auburn, New York hereby adopts the 2024 County Tax Rate in the City of Auburn in the amount of \$6.796820 per \$1,000 of assessed valuation for the City's share of the County tax, and \$.219993 per \$1,000 of assessed valuation for the City's share of the Cayuga Community College charges for a total County tax rate of \$6.790306 per \$1,000, with a decrease of \$.547672 per \$1,000 over the 2023 rate; and

BE IT FURTHER RESOLVED that the Auburn City Council hereby adopts the 2024 County tax rate and authorizes the preparation of the necessary tax bills.

Seconded by Councilor Cuddy

	Ayes	Noes
Councilor Kent	X	
Councilor Overstreet-Wilson	X	
Councilor Cuddy	X	
Councilor Calarco	X	
Mayor Giannettino	X	
Carried and Adopted	X	

Auburn City Council Meeting, January 18, 2024

AGREEMENT RESOLUTION #15 OF 2024

**AUTHORIZING A LEASE AGREEMENT WITH
THE CAYUGA COUNTY CONVENTION AND VISITORS BUREAU INC. FOR USE OF THE
NEW YORK STATE EQUAL RIGHTS HERITAGE CENTER**

By Councilor Kent

January 18, 2024

WHEREAS, the New York State Equal Rights Heritage Center (the “ERHC”) is owned and operated by the City of Auburn; and

WHEREAS, the City of Auburn and the Cayuga County Convention and Visitors Bureau, Inc. (the “Tourism Office”) have negotiated the terms and conditions of a proposed lease agreement, which is attached hereto, whereby the Tourism Office will lease space at the ERHC; and

WHEREAS, pursuant to the proposed lease agreement, the Tourism Office will lease space at the ERHC for a term of five (5) years, commencing on January 1, 2024, and ending on December 31, 2028, with the option to renew for an additional five year term thereafter; and

WHEREAS, pursuant to the proposed lease agreement, the City shall receive rent in the amount of \$14,000 annually for the first two years, and \$15,000 annually for the last three years of the term of the lease.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve a Lease Agreement with the Cayuga County Convention and Visitors Bureau, Inc., whereby the City will lease space at the New York State Equal Rights Heritage Center to the Tourism Office for a term of five (5) years in exchange for rent in the amount of \$14,000 annually for the first two years of the term, and \$15,000 annually for the last three years of the term, together with all of the terms and conditions set forth in the Lease Agreement, which is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the Lease Agreement with the Cayuga County Convention and Visitors Bureau, Inc., and any and all documents necessary to carry out this Resolution.

Seconded by Councilor Cuddy

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

Auburn City Council Meeting, January 18, 2024

FINANCIAL RESOLUTION #12 OF 2024

ADOPTING THE 2024 SEYMOUR LIBRARY TAX LEVY

By Councilor Overstreet-Wilson

January 18, 2024

WHEREAS, the Seymour Public Library District comprising the City of Auburn and the Town of Owasco was created by referendum on October 14, 1992, with the subsequent addition of the Auburn School District portion of the Town of Sennett in January 1996 and the Town of Fleming in 2011; and

WHEREAS, the share of the 2024 operating budget to be raised by the City of Auburn from a local assessment against the real property within the boundaries of the municipality will be \$553,185.24; and

WHEREAS, the Library has requested the City of Auburn advance half of this amount in February 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York, that \$553,185.24 is to be levied on the 2024 City of Auburn property tax bills on a separate library tax line, and an advance in the amount of \$276,592.62 to be paid in February 2024, which will reduce the August 2024 payment.

Seconded by Councilor Kent

	Ayes	Noes
Councilor Kent	X	
Councilor Overstreet-Wilson	X	
Councilor Cuddy	X	
Councilor Calarco	X	
Mayor Giannettino	X	
Carried and Adopted	X	

COUNCIL RESOLUTION #13 OF 2024

**ADOPTING A BUDGET CALENDAR FOR THE PREPARATION OF THE
FISCAL YEAR 2024-25 CITY BUDGET**

By Councilor Cuddy

January 18, 2024

WHEREAS, the City Budget is the financial document that funds the many services provided by the local city government; and,

Auburn City Council Meeting, January 18, 2024

WHEREAS, the City’s fiscal year begins on July 1st of each year and the City Council must adopt a final City Budget by the end of June each year for the next budget year; and,

WHEREAS, adequate preparation, review, and eventual adoption of the annual City Budget is an open process that lasts several months; and,

WHEREAS, for the preparation of the Fiscal Year 2024-25 budget, the City Manager recommends the following attached budget calendar be adopted.

NOW, THEREFORE, BE IT RESOLVED that the City Council sets the attached listed dates as the official budget calendar for the preparation of the City of Auburn Fiscal Year 2024-25 Budget and that all business pertaining to the City Council called for in said calendar will be scheduled as part of regular City Council meeting agendas in accordance with the Council Rules and Procedures; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to notify the public of the dates as set forth herein and that throughout this budget preparation process, the City Clerk shall immediately make available to the public all budget related documents as they become available to the Council.

Seconded by Councilor Kent

At the recommendation of the Mayor, Councilor Cuddy made a motion to amend the Budget Calendar to have Department Head presentations to Council spread over 6 City Council meetings rather than 2 City Council Meetings. The 6 dates would be March 21, March 28, April 4, April 11, April 18, April 25. The City Manager may schedule the presentations. The motion to amend was seconded by Councilor Calarco. All 5 members voted to approve the amendment.

Motion to approve Resolution 13-2024 as amended.	Ayes	Noes
Councilor Kent	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Locastro	X	
Mayor Quill	X	
Carried and Adopted	X	

2024-25 BUDGET PREPARATION AND ADOPTION TIMELINE

Department Heads receive budget packets	February 1, 2024
Department Heads return budget packets	February 15, 2024
Comptroller compiles Department Head budgets and revenue estimates	March 15, 2024
Comptroller and Manager meet with Department Heads to justify budget requests	March 18 – 27, 2024
City Manager submits preliminary balanced budget	April 4, 2024
Department Head presentations to Council. March 21, March 28, April 4, April 11, April 18, April 25.	Presentations to be scheduled over 6 weeks.
Council input due to City Manager	April 25, 2024
Final balanced budget based on Council input and revised revenue estimates	May 2, 2024
Final Council input due to City Manager	May 16, 2024
Public Hearing on budget	May 23, 2024
Budget adoption	June 6, 2024

Auburn City Council Meeting, January 18, 2024

AWARD RESOLUTION #14 OF 2024

AWARDING A BID FOR COLLECTION SERVICES FOR MEDICAL BILLING

By Councilor Kent

January 18, 2024

WHEREAS, on June 17, 2021, the City Council passed Council Resolution #76 of 2021, reauthorizing a City of Auburn Ambulance Service; and

WHEREAS, the City of Auburn Ambulance Service receives financial support from “fee for service” medical billing; and

WHEREAS, the City of Auburn wishes to enter into a contract for professional services for collection services related to Medical Billing; and

WHEREAS, on December 27, 2023, bids were opened for Medical Billing Collection Services and the following bids were received:

- 1) Ability Recovery Services (score 75.6)
- 2) Commercial Acceptance Company (score 87)
- 3) FDR Alliance (score 75)
- 4) MMG Law Group PLLC (score 70.4)
- 5) National Recovery Agency (score 75)
- 6) RTR Financial Services (score 86.2)

WHEREAS, City staff recommends Commercial Acceptance Company, as the highest ranked medical debt collection company, to provide the above mentioned professional billing services for the City of Auburn Ambulance Service.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby award the contract for Medical Debt Collection Services to Commercial Acceptance Company to commence on or about March 1, 2024; and

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

Seconded by Councilor Calarco

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

Auburn City Council Meeting, January 18, 2024

AGREEMENT RESOLUTION #15 OF 2024

**AUTHORIZING A LEASE AGREEMENT WITH
THE CAYUGA COUNTY CONVENTION AND VISITORS BUREAU INC. FOR USE OF THE
NEW YORK STATE EQUAL RIGHTS HERITAGE CENTER**

By Councilor Kent

January 18, 2024

WHEREAS, the New York State Equal Rights Heritage Center (the “ERHC”) is owned and operated by the City of Auburn; and

WHEREAS, the City of Auburn and the Cayuga County Convention and Visitors Bureau, Inc. (the “Tourism Office”) have negotiated the terms and conditions of a proposed lease agreement, which is attached hereto, whereby the Tourism Office will lease space at the ERHC; and

WHEREAS, pursuant to the proposed lease agreement, the Tourism Office will lease space at the ERHC for a term of five (5) years, commencing on January 1, 2024, and ending on December 31, 2028, with the option to renew for an additional five year term thereafter; and

WHEREAS, pursuant to the proposed lease agreement, the City shall receive rent in the amount of \$14,000 annually for the first two years, and \$15,000 annually for the last three years of the term of the lease.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve a Lease Agreement with the Cayuga County Convention and Visitors Bureau, Inc., whereby the City will lease space at the New York State Equal Rights Heritage Center to the Tourism Office for a term of five (5) years in exchange for rent in the amount of \$14,000 annually for the first two years of the term, and \$15,000 annually for the last three years of the term, together with all of the terms and conditions set forth in the Lease Agreement, which is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the Lease Agreement with the Cayuga County Convention and Visitors Bureau, Inc., and any and all documents necessary to carry out this Resolution.

Seconded by Councilor Cuddy

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

Auburn City Council Meeting, January 18, 2024

AGREEMENT RESOLUTION #16 OF 2024

**AUTHORIZING A LEASE AGREEMENT WITH
THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR USE OF
THE NEW YORK STATE EQUAL RIGHTS HERITAGE CENTER**

By Councilor Calarco

January 18, 2024

WHEREAS, the New York State Equal Rights Heritage Center (the “ERHC”) is owned and operated by the City of Auburn; and

WHEREAS, the City of Auburn and the Downtown Business Improvement District (the “BID”) have negotiated the terms and conditions of a proposed lease agreement, which is attached hereto, whereby the BID will lease space at the ERHC; and

WHEREAS, pursuant to the proposed lease agreement, the BID will lease space at the ERHC for a term of five (5) years, commencing on January 1, 2024, and ending on December 31, 2028, with the option to renew for an additional five-year term thereafter; and

WHEREAS, pursuant to the proposed lease agreement, the City shall receive rent in the amount of \$6,000 annually for each of the five years of the lease.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby approve a Lease Agreement with the Downtown Business Improvement District, whereby the City will lease space at the New York State Equal Rights Heritage Center to the BID for a term of five (5) years in exchange for rent in the amount of \$6,000. for each year of the term, together with all of the terms and conditions set forth in the Lease Agreement, which is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the Lease Agreement with the Downtown Business Improvement District, and any and all documents necessary to carry out this Resolution.

Seconded by Councilor Kent

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

Auburn City Council Meeting, January 18, 2024

APPOINTMENT RESOLUTION #17 OF 2024

**CONFIRMING APPOINTMENTS TO THE
AUBURN INDUSTRIAL DEVELOPMENT AUTHORITY**

By Councilor Cuddy

WHEREAS, in accordance with New York State Public Authorities Law, Article 8, Title 15, Section 2304, the Mayor recommends appointments to the Auburn Industrial Development Authority (AIDA) with said appointment to be approved by City Council; and

WHEREAS, in accordance with said Public Authorities Law, AIDA Board membership must consist of a Chairman and eight (8) members, which members shall include two (2) members of the common council of the City, one (1) representative of the city school board, one (1) representative from each of the specific categories business, industry and labor, and two (2) members at large board members; and

WHEREAS, there has been one resignation from the AIDA board, from a member that served in a board position designated as representing Business and one other at large board member's term of service expired; and

WHEREAS, the Mayor is recommending current board member and Chairwoman Gwen Webber McLeod will fill the board position designated as representing Business; and

WHEREAS, the Mayor is recommending for appointment to the vacated at large positions Ms. Tessa Crawford and Ms. Karen Walter, both residing in the City of Auburn.

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council confirms that board member and Chairwoman Gwen Webber McLeod will be designated to the board position representing Business; and

BE IT FURTHER RESOLVED that the Auburn City Council confirms the appointment of Ms. Tessa Crawford and Ms. Karen Walter, both residing in the City of Auburn, NY to the at large board positions of the Auburn Industrial Development Authority Board for a term to commence immediately and last through January 31, 2026; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Seconded by Councilor Overstreet-Wilson

	Ayes	Noes
Councilor Kent	X	
Councilor Overstreet-Wilson	X	
Councilor Cuddy	X	
Councilor Calarco	X	
Mayor Giannettino	X	
Carried and Adopted	X	

Auburn City Council Meeting, January 18, 2024

**LAND SALE RESOLUTION #18 OF 2024
AUTHORIZING THE SALE OF
REAL PROPERTY KNOWN AS 125 STANDART AVENUE**

By Councilor Calarco

January 18, 2024

WHEREAS, on June 27, 2023, the City of Auburn acquired title to the real property commonly known as 125 Standart Avenue (the “Property”) by tax foreclosure; and

WHEREAS, the Property consists of a single-family home, which is located in a residential neighborhood; and

WHEREAS, Cartwright Holdings LLC has proposed a cash Purchase Offer and Sale Contract, which is attached hereto and incorporated herein, for the purchase of the Property at a purchase price of Five Thousand Dollars (\$5,000.00); and

WHEREAS, Cartwright Holdings LLC has represented that they intend to renovate and restore the Property in order to rent it; and

WHEREAS, no other competent offer, within the meaning of the City’s Land Sale Policy, has been received; and

WHEREAS, the Property is a surplus parcel and not needed for City purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn that the Purchase Offer and Sale Contract from Cartwright Holdings LLC, which is attached hereto and incorporated herein, for the sale of 125 Standart Avenue, for the sum of \$5,000.00, be approved, subject to the terms and conditions set forth therein and, also, subject to the following;

- (1) That the City provide only a Quit Claim Deed to the buyer at closing;
- (2) That the buyer be responsible for all title, survey and closing costs necessary to close the transaction;
- (3) That the buyer be required to obtain any and all permits necessary to renovate the Property within thirty (30) days from the date of closing, and that all renovations and/or construction at the Property be completed within one year from the date of closing; and
- (4) That the deed transferred to the buyer shall include a reversionary clause to provide that if the buyer fails to satisfy the conditions relating to the renovation of the Property within one year of the closing, then title and ownership of the Property shall automatically and immediately revert back to the City.

and,

Auburn City Council Meeting, January 18, 2024

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the Purchase Offer and Sale Contract together with any and all documents in order to finalize the closing of this sale and direct staff to record the sale proceeds into revenue account A99.2660 - Sale of Real Property.

Seconded by Councilor Kent

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

**LAND SALE RESOLUTION #19 OF 2024
AUTHORIZING THE SALE OF
REAL PROPERTY KNOWN AS 7 CHURCH STREET**

By Councilor Calarco

January 18, 2024

WHEREAS, on June 27, 2023, the City of Auburn acquired title to the real property commonly known as 7 Church Street (the “Property”) by tax foreclosure; and

WHEREAS, the Property consists of a vacant lot, and is located in a residential neighborhood; and

WHEREAS, David Warrick has proposed a cash Purchase Offer and Sale Contract, which is attached hereto and incorporated herein, for the purchase of the Property at a purchase price of Five Hundred Dollars (\$500.00); and

WHEREAS, no other competent offer, within the meaning of the City’s Land Sale Policy, has been received; and

WHEREAS, the Property is a surplus parcel and not needed for City purposes.

NOW, THEREFORE, BE IT RESOLVED that the City of Auburn does hereby approve the Purchase Offer and Sale Contract from David Warrick, which is incorporated herein, for the sale of 7 Church Street, for the sum of \$500.00, subject to the terms and conditions set forth therein and, also, subject to the following;

- (1) That the City provide only a Quit Claim Deed to the buyer at closing;
- (2) That the buyers be responsible for payment of all title, survey and closing costs necessary to close the transaction;

Auburn City Council Meeting, January 18, 2024

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the Purchase Offer and Sale Contract together with any and all documents in order to finalize the closing of this sale and direct staff to record the sale proceeds into revenue account A99.2660 - Sale of Real Property.

Seconded by Councilor Overstreet-Wilson

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

AGREEMENT RESOLUTION #20 OF 2024

**AUTHORIZING THE CITY OF AUBURN TO ENTER INTO AN INTERMUNICIPAL
AGREEMENT WITH THE COUNTY OF CAYUGA FOR CODE ENFORCEMENT
SERVICES.**

By Councilor Calarco

January 18, 2024

WHEREAS, the County of Cayuga (“County”) currently has a vacancy in the position of Code Enforcement Officer; and

WHEREAS, the County has certain projects within the City of Auburn which will require inspection and approval by a Code Enforcement Officer to assure that the County projects comply with the NYS Uniform Fire Prevention and Building Code; and

WHEREAS, the City of Auburn (“City”) has a fully staffed Code Enforcement Office and has offered to provide such services to the County of Cayuga for County owned facilities within the City; and

WHEREAS, Article 5–G of the New York State’s General Municipal Law (“GML”) authorizes “municipal corporations” to enter into agreements for the performance between themselves, or one for the other, of their respective functions, powers and duties on a cooperative contract basis; and

WHEREAS, the County and City are each a “municipal corporation” as that term is defined by GML §119-n(a); now therefore, be it

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby authorize the City to enter into an intermunicipal agreement with County of Cayuga for the provision of building inspection and code enforcement services for the period of January 18, 2024 through and including December 31, 2024 at a cost consistent with the assigned Code Enforcement Officer’s hourly pay rate plus Social Security Tax; and

Auburn City Council Meeting, January 18, 2024

NOW, THEREFORE, BE IT FURTHER RESOLVED the Mayor hereby is authorized to sign the agreement on behalf of the City, together with any and all documents necessary to carry out this resolution.

Seconded by Councilor Cuddy

	Ayes	Noes
Councilor Kent	X	
Councilor Overstreet-Wilson	X	
Councilor Cuddy	X	
Councilor Calarco	X	
Mayor Giannettino	X	
Carried and Adopted	X	

E. Staff or Vendor Presentations –

TABLED ITEMS – none

Second Public to be Heard: none

OTHER BUSINESS – none

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

- One matter made confidential by federal law under attorney client privilege.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:39 p.m. Executive session adjourned at 8:10 p.m.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:11 p.m..

Minutes submitted by: Chuck Mason, City Clerk

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Chuck Mason, City Clerk

DATE: January 18, 2024

RE: Council Resolution #8 City Council Rules and Procedures 2024-2025

Background:

Attached is the City Council Rules and Procedure document that was presented for Council discussion at the January 4, 2024, Council meeting.

The City Council has successfully conducted business within the parameters set within the Rules and Procedures document for several years. The revisions contained will allow for the Presiding Officer to strictly enforce the Rules and Procedures.

AUBURN CITY COUNCIL

RULES AND PROCEDURES

2024-2025



James N. Giannettino, Jr. – Mayor

Terrence R. Cuddy – City Councilor

Ginny Kent – City Councilor

Christina Calarco – City Councilor

Dr. Rhoda Overstreet-Wilson – City Councilor

Jeff Dygert – City Manager

Chuck Mason – City Clerk

Corporation Counsel – Nate Garland



City of Auburn City Council

RULES AND PROCEDURES

Pursuant to the provisions of the City Charter Article II entitled “Officers, Powers and Duties”, Section 8 thereof, entitled “Meetings of Council,” the City Council of the City of Auburn hereby adopts the following as its **“RULES AND PROCEDURES.”**

I. REGULAR MEETINGS

Meetings of the Auburn City Council shall be held in the Council Chambers at Memorial City Hall, commencing at 5:00 p.m., the first four Thursdays of each month in Council Chambers at Memorial City Hall, 24 South Street, Auburn, NY or elsewhere upon public notice five days in advance thereof by resolution approved by Council. For security purposes Memorial City Hall shall close to the public fifteen minutes following the adjournment of any City Council meeting held outside of normal business hours. The Council may adjust the meeting calendar at any time and for any reason by Council Resolution.

II. SPECIAL MEETINGS

A special meeting may be held at any time upon the consent of the majority members of the Council.

A special meeting may be called at any time by any member of the Council upon two (2) days written notice, with a stated reason therefore, shall be signed by the member formalizing the request, and shall be filed with the Office of the City Clerk to become effective. The Clerk shall be required to contact all Councilors and the City Manager to obtain majority consent for the special meeting upon receipt of said request.

III. EMERGENCY MEETINGS

Emergency meetings may be held at any time upon the request of the City Manager, the Mayor and/or a member of the City Council at any time with two (2) hours notice. A call for an emergency meeting shall be made in writing, shall be signed by the member requesting the meeting and the reason for the emergency meeting, and shall be filed with the Office of the City Clerk. The Clerk shall be responsible to contact each member of Council, the City Manager, and notify the local media.

IV. PRESIDING OFFICER

The Mayor shall assume the chair of the Presiding Officer upon his or her inauguration into office. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of Council. He or she shall vote on all questions, his or her name being called last in the voting order. In debate, he or she shall confine speakers to the question under discussion. When two (2) or more speakers arise at the same time, he or she shall name the one entitled to the floor. He or she shall decide all questions of order.

V. AGENDA

A. Regular Meetings

1. All reports, communications, proposed Local Laws, ordinances, resolutions or other matters to be submitted to the City Council, should be submitted to each member of the Council at least three (3) days prior to each Council meeting, not later than 5:00 PM that day. All documents that are going to be discussed at a public meeting are to be made available upon request or posted on the city's website at least 24 hours prior to the meeting.
2. The City Manager shall be responsible for preparation of the agenda for meetings of the City Council. All reports, communications, proposed local laws, ordinances, resolutions or other matters introduced by the Mayor or a member of Council to be acted upon or considered by the Council at a business meeting or work session shall be submitted in writing to the City Manager's Office before noon on the Friday preceding the next meeting of the Council. The City Manager shall cause the agendas and supporting materials to be published and delivered the Friday preceding the next scheduled Council meeting. Prior to publication and distribution, the final completed agenda for any Council meeting as prepared by the City Manager must receive approval for publication from the City Clerk.
3. Any new matters of City business submitted to the City Manager after the above time and day will not be considered by the Council until its next scheduled meeting. This requirement may, however, be waived by the Council by a majority of the body present to allow the introduction of the matter at the Council Meeting.
4. Each proposed legislative matter sought to be introduced by the Mayor or a member of the City Council shall first be submitted to the Corporation Counsel for approval as to its form and legality, and to insure proper integration into City law.
5. Meeting agendas will be delivered to the Council members by e-mail, unless a member of Council notifies the City Clerk that they would prefer a paper copy of the agenda. Paper copies of the agenda or any agenda item will be delivered to the member of Council via

their mailbox in the Mayor and Council office, 1st floor of Memorial City Hall. It will be the responsibility of the member of Council to pick up paper copies of agendas or agenda item documents from their mailbox in the Mayor and Council office, 1st floor of Memorial City Hall.

B. Special Meetings

For purposes of a special meeting, all relevant legislation and documents shall be presented to each member of the Council and are to be made available upon request or posted on the city's website at least 24 hours prior to the time of the special meeting.

C. Amending the Agenda

The order of any item on the agenda may be modified at the commencement of the Council meeting by any member of the City Council of those present if moved without objection by the remainder of the Council. If any member of the Council present should object, the agenda may be amended by a majority vote of the total Council.

VI. CALL TO ORDER – PRESIDING OFFICER

The Presiding Officer shall take the chair at the hour appointed for the Council meeting, and shall immediately call the Council to order. In the absence of the Mayor, the members of Council will rotate chairing the meeting with the selected member calling the Council to order and assuming the responsibilities of the Presiding Officer. Upon the arrival of the Mayor, the temporary chairperson shall relinquish the chair upon the conclusion of the business immediately before the Council. At the discretion of the Presiding Officer, a delay of up to ten (10) minutes may be allowed for a member of Council to appear who is not yet in attendance at the time of the meeting.

VII. ROLL CALL

Before proceeding with the business of the City Council, the City Clerk, or the Deputy City Clerk, shall call the roll of the members, and the names of those present shall be entered into the minutes.

VIII. ORDER OF BUSINESS

A. City Council Meetings

Regular meetings of the Council shall be classified as either a Business Meeting or a Work Session Meeting. These meetings shall be defined as the following:

1. **Business Meetings** of the Council will be held on the first and third Thursday of each month. The purpose of the Business Meeting is to focus on matters brought before the Council that require a vote of the Council.
2. **Work Session Meetings** of the Council will be held on the second and fourth Thursday of each month. The purpose of the Work Session Meeting is to focus on matters brought before the Council in the form of staff/vendor presentations about pertinent City issues or projects. While items requiring a vote of the Council should be placed on the agenda of a Business Meeting, voting may occur during a Work Session Meeting at the discretion of the City Manager with the consent of a majority of Council members.

At all Regular (Business and Work Session) Meetings of the Council, the following order of business shall be observed:

1. Roll Call
2. Pledge of Allegiance
3. Moment of Silent Prayer or Reflection
4. Public Announcements
5. Ceremonial Presentations and Proclamations
6. Public To Be Heard
7. Approval of Meeting Minutes
8. Reports of City Officials (City Manager, Councilors)
9. Matters to Come Before Council
 - a. SEQR Resolutions
 - b. Ordinances
 - c. Local Laws
 - d. Resolutions
 - e. Tabled Items
 - f. Staff/Vendor Presentations
10. Other Business From the Council
11. Adjournment

B. Special Meetings

At a special meeting of the Council, the following order of business shall be observed:

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Moment of Silent Prayer or Reflection
4. Matters before Council

5. Adjournment

C. Executive Sessions

Upon a majority vote of the total membership of the City Council, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Council may conduct an executive session for the below enumerated purposes only, provided, however, that no action by the formal vote shall be taken to appropriate public monies:

- a. matters, which will imperil the public safety, if disclosed;
- b. any matter which may disclose the identity of a law enforcement agent or informer;
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective bargaining negotiations pursuant to article fourteen of the civil service law;
- f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension or removal of a particular person or corporation;
- g. the preparation, grading or administration of examinations;
- h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof; and
- i. any matter made confidential by Federal or State law. Section 4503 of the Civil Practice Law and Rules which establishes that a confidential communication between attorney and client shall be privileged. Pursuant to this section, Council will be receiving legal advice from its attorney which fulfills the requirement provided in Section 108(3) of the Public Officers Law allowing this exemption.

Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

*(The above is taken from the New York State Public Officers Law, Article 7,
Open Meetings Law, § 105. Conduct of executive sessions.)*

IX. PETITIONS, PRESENTATIONS, PROCLAMATIONS, COMMUNICATIONS, REPORTS, LEGISLATION

A. All petitions, presentations, proclamations, communications, resolutions, ordinances, and Local Laws shall be in writing, and numbered in consecutive order with an annual

index number attached thereto. Report of City Officials and/or committee reports may be either in writing or given orally.

B. Unless by unanimous consent by the City Council, all petitions, presentations, proclamations, communications, written reports of City Officials, resolutions, ordinances, and Local Laws shall be read in their entirety at regular and special sessions of Council.

C. The Presiding Officer and/or a Councilor may, at any time, in his or her motion, refer any petition, presentation, proclamation or communication, when presented, to the City Manager or to any appropriate body of the City of Auburn, unless otherwise ordered by the Council, and shall request a report thereon at the second succeeding regular meeting of the Council unless such time to do so is extended by the Council.

D. Report of Disbursements: The Council shall receive monthly the claims list supplied by the City Manager which is made available through the Office of the City Comptroller. The City Clerk shall be responsible for posting claims lists to the City website once they are delivered to the Council.

E. In all cases where a resolution, ordinance or Local Law shall have been tabled, such legislation shall be stricken from the agenda and may not be acted upon by the Council unless it shall have been brought from the table for discussion or other action no later than the end of the third regular meeting after such legislation was tabled. Such legislation shall appear under the title of "Tabled Legislation" on each subsequent agenda of the City Council and can be resubmitted on a new agenda.

X. PROCEDURE: PUBLIC COMMENTS

A. PUBLIC TO BE HEARD

The Council shall reserve time on the Council meeting agenda for the public to be heard. This public portion of all regular meetings of the Council is open to any individual wishing to speak on issues before or involving the City Council, the City government, or on matters of general City Concern. Individuals wishing to speak before Council shall be allowed to do so subject to the following rules:

1. Speakers will be required to use the microphone situated at each podium located in the Council chambers.
2. Prior to addressing the Council, speakers first will be required to state their name, address where they reside, including municipality if they reside outside of the City of Auburn, and organization affiliation, if any.

3. Questions and comments should be addressed to the entire Council and not to individual Council members, nor to the Manager or staff.
4. Speakers shall only speak for themselves or the organization they represent. No speaker shall be allowed to speak or read a statement for another identified or anonymous individual or organization.
5. A limit of three (3) minutes will be allotted to each speaker on any given topic, each speaker will be allotted to speak just once per meeting.
6. Council members may, upon recognition of the Chair, interrupt a speaker during their remarks, but only for the purpose of clarification of information.
7. A speaker who does not need a full three (3) minutes may not yield the unused portion of their time to another person.
8. It is expected that speakers before the Council will observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Personal attacks upon any individual, any City staff, any City board or commission members, and/or any contractor working for the City will promptly be ruled out of order. When such attacks occur the Presiding Officer shall determine if the speaker's remaining time may be used or revoked.
9. The use of intemperate, abusive and defamatory language is strictly forbidden and any member of the public who uses obscene, threatening or harassing language, slander, threats of violence, personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, or religious group, gender, sexual orientation or disability status or who otherwise becomes disorderly while at a public meeting shall be removed from the Council Meeting at the discretion of the Presiding Officer and the security personnel on duty.
10. The Council in addition to, or in lieu of, oral presentations will receive written statements.
11. The Council may decide that consultants of other parties, paid or retained by the City, may be taken out of order on the agenda at any meeting they attend. It is the responsibility of the City Manager or department head to identify the consultant to the Council.
12. The Council shall not immediately address the concerns of any individual speaker until all members of the public desiring to be heard have had the opportunity to speak.
13. Once all individuals from the public desiring to be heard have spoken the Presiding Officer shall close that portion of the meeting. The Presiding Officer shall then facilitate addressing individual matters brought forth during

this public portion of the meeting with the assistance of the City Manager. Any members of Council may provide input upon recognition of the Presiding Officer.

B. PUBLIC HEARINGS

The following Rules of Procedure shall apply to any Public Hearing conducted by the City Council or any Council Committee:

1. When calling a Public Hearing to order, the Presiding Officer shall request all persons who wish to speak to file their name, address, and the name of any group they represent.
2. No persons shall be granted permission to speak more than once during the public hearing period.
3. Speakers shall be permitted to speak without interruption. Only members of Council shall be permitted, upon recognition of the Presiding Officer, to question speakers at the conclusion of their remarks and questions should be asked only for the purpose of clarification of a topic presented.
4. Regarding conduct of the speakers, the same rules as set forth for speakers participating in the Public To Be Heard portion of a regular Council meeting shall apply.
5. After all persons have had an opportunity to speak at the public hearing, the Presiding Officer shall declare the hearing closed.

C. DECORUM

1. **Council Members:** While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.
2. **Individuals:** At all times when Council is in session, no member shall be subjected to derogatory or defamatory remarks, either directly or indirectly. If this is done, or attempted to be done, any member may interrupt the speaker and ask the Presiding Officer to declare the speaker out of order. If the Presiding Officer so rules, the speaker must refrain from any continuation of the objectionable remarks. The Presiding Officer may enforce this rule, if necessary, by causing the ejection from the meeting of the offending individual member. The Chair shall request the Auburn Police Department to assist the Council in said instances.

D. OTHER

1. **All other questions relating to the orderly conduct of meetings,** regular or special, shall be decided by the Presiding Officer under Robert's Rules of Order, as revised. An appeal from the ruling may be taken by any member of Council, and in such event, the question shall be put to a vote of the Council, and a majority vote shall prevail.
2. **Addressing the Council after Motion Made:** After a motion is made by Council, no member of the general public shall address the Council without first securing the permission of the Presiding Officer to do so.
3. **Authorized to be Within Rail:** No person, except City Officials and their representatives, as well as the members of the press shall be permitted within the rail in front of the Council Chambers without the express consent of the Council.

XI. MOTIONS

A. PRECEDENCE OF MOTIONS

When a question shall be under consideration, no motion shall be received except as herein specified, which motion shall have precedence in the order named, to wit:

1. For an adjournment or recess of the Council;
2. For the previous questions;
3. To lay on the table;
4. To postpone to a day certain;
5. To amend

B. DESIGNATED MOTIONS NEITHER AMENDABLE NOR DEBATABLE

All motions for an adjournment, or recess, for the previous question, or to lay on the table shall be neither amendable nor debatable.

C. MOTION TO RECONSIDER

A motion to reconsider must be made by a member who voted with the majority on the decision of the motion or resolution proposed to be reconsidered. When a motion

to reconsider has been decided, it shall not again be submitted to the Council. The motion to reconsider must be made at the same Council Meeting wherein the initial vote took place.

D. MOVING THE “PREVIOUS QUESTION”

The “previous question” shall be as follows: “Shall the main question now be put?”, and until it is decided, shall preclude all amendment and debate. Whenever Council shall order the previous question and amendments are pending, the question shall be taken up first upon such amendments in reverse order and then upon the main question without further debate or amendment. A majority vote of those present shall be necessary for the previous question.

E. RECOGNITION BY CHAIR, REQUIRED

No member choosing to debate, to give a notice, make a motion or report, or to present a petition, or other paper, shall proceed until he or she shall have addressed the Chair and have been recognized by him or her.

F. CONDUCT WHEN QUESTION IS BEING PUT, ROLL IS BEING CALLED

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his place.

G. STATEMENT OF QUESTION PREREQUISITE TO DEBATE

No debate shall be in order until the pending question shall be stated by the Chair.

H. SPEAKING ON QUESTION

No member shall speak more than once on the same general question, without leave of the Council until every member desiring to speak on the question pending shall have spoken.

I. CALLING MEMBER TO ORDER

If any member in speaking transgresses the rule of the Council, the Presiding Officer or any other member may call to order, in which case the member so called to order shall immediately cease his or her comments until Council determines the point raised, and if the point of order be sustained, he or she shall not proceed further except in order.

J. QUESTIONS REGARDING PRIORITY OF BUSINESS

All questions relating to the priority of business, that is, the priority of one question or subject matter over another shall be decided by the Chairperson.

K. MOTION TO AMEND

1. Any agenda item may be amended by fulfilling one of the following requirements:
 - (a) By a majority vote of the members present at a regular or special meeting of the Council; or
 - (b) On the consent of the sponsors and the member who has seconded the legislation, no vote shall be required.
2. Any amendment to a resolution or ordinance may be referred, delayed or otherwise disposed of without delay or prejudice to the ordinance itself.

L. MOTION TO TABLE

A motion may be made to lay on the table any item on the agenda and at such time discussion shall cease. The City Clerk will call the roll of the Council and upon a majority vote, the item shall be tabled. Any item so tabled may be added to the agenda during a subsequent meeting if requested by any member of the Council or it may be placed on any agenda by normal procedure prior to a meeting.

M. MOTION TO “CALL FOR THE QUESTION”

In the event any member of the Council requests a “call for the question,” a Councilor who has not, as yet, spoken on the matter shall be privileged to do so, should they desire, before the vote. Councilors who have already spoken on the matter shall not be granted such a privilege.

N. ILLEGAL/IMPROPER ACTS

Any motion or resolution, which, in effect, is a violation of law, or in conflict with any existing ordinance, shall be ruled out of order.

O. **RECESS**

Any member of the Council may request a recess at any time. A request for a recess must state the length of time and must be approved by rule of the Presiding Officer, or by a majority of the Council present.

P. **ADJOURNMENT**

A motion to adjourn shall always be in order and shall be decided without debate.

XII. DELIBERATIONS OF COUNCIL

A. **Robert's Rules of Order** shall govern deliberations of the Council, except as otherwise provided for by its rules. The Robert's Rules of Order shall be the most recently revised version. The Corporation Counsel shall act as Parliamentarian for the Council.

B. **Authority of Presiding Officer on Appeal:** On every appeal, the Presiding Officer shall have the right to assign reason for his or her decision. In case of such appeal, no member shall speak more than once. The Chair shall put the question, "Shall the ruling of the Chair be sustained?", which question shall be decided by a majority of the members present.

XIII. VOTING

A. **Duty of Councilor to Vote on Question:** Every member who shall be in the room when a question is stated by the Chair shall either vote or abstain thereon unless he or she be excused, with the consent of the majority of the members present. Any member requesting to be excused from voting, may make, when his or her name is called and before the result is announced, a brief statement of the reason for making of such request, not exceeding two (2) minutes in time.

B. **Vote on Question with Several Propositions:** If a question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member to the end that a vote may be taken on each proposition, but a motion to strike out and insert a portion or portions of the legislation must be done in a manner reviewing the legislation as a whole.

C. **Ayes and Nays on Questions:** The ayes and nays shall be taken on all questions. Once a vote is called, discussion shall be limited to one (1) minute per member.

D. Voting Order: The voting order for Council members, excluding the Mayor which is addressed in Section IV, shall begin with the Councilor seated to the Mayor's immediate left and continues in a clockwise direction ending with the Councilor seated to the Mayor's immediate right.

XIV. LOCAL LAWS

A. Enactment of Local Laws

No Local Law shall be passed except by at least the majority affirmation of the total voting power of Council. On the final passage of a Local Law, the question shall be taken by ayes and nays, which shall be entered into the official record.

B. Style of Local Law

The style of the Local Law shall be "Be it enacted by the City Council of the City of Auburn as follows..."

C. Content of Local Law

Every such Local Law shall embrace only one subject. The title shall briefly refer to the subject matter.

D. Preparation of Local Law

All Local Laws shall be prepared by the Office of the Corporation Counsel.

E. Procedure – Ordinances, Local Laws and Amendments

Any new ordinance, local law or amendment to the Municipal Code of the City of Auburn shall at its first appearance on the City Council agenda be presented to City Council by the formal reading thereof by the City Clerk and may thereafter be discussed by Council but shall not be formally acted and voted upon by Council until the next regularly scheduled meeting following first appearance.

XV. COMMITTEES

A. Special Committees: The City Council may, by majority vote, at any time, appoint a special committee. Such committees may, at any time, be changed, increased or abolished as deemed appropriate, by the appointing party.

B. Referrals to Committees: All committees of the City Council and officers to whom petitions, presentations, proclamations, ordinances and resolutions be referred, shall report thereon, at such time as deemed appropriate by the Presiding Officer and/or by the City Council. The report, when received, may be adopted, returned to the committee or action thereon postponed.

XVI. MINUTES

The official minutes of each Council meeting shall be maintained in the following two forms:

1. **Digital Video Recording:** The digital video recording shall be administered, produced, stored, and maintained by the Office of the City Clerk. These video recordings shall be posted to the city website (www.auburnny.gov) by the City Clerk's office for public viewing within one week of the date of each meeting. The City Clerk's office shall maintain the archive of video recorded council meetings on the city's website, as well as, in an archive located in the City Clerk's office.

2. **Written Summary:** The written summary of minutes shall be taken at all meetings of the Council and shall be recorded by the City Clerk or Deputy City Clerk. Written minutes of meetings shall be available to the Council for review and approval within 10 days from the date of such meeting. Following approval of the written minutes by the Council and before two weeks from the date of the meeting it shall be the responsibility of the City Clerk to post a digital copy of the written minutes to the city website. The City Clerk shall also maintain an archive of approved written minutes in the City Clerk's office. The written minutes of the meeting shall incorporate the following items:

- A. Meeting date and time;
- B. Roll call of Councilors present;
- C. City Officials present;
- D. List of public speakers and description of subject discussed;
- E. A summary of communications of City officials;
- F. All legislation voted on with a record of the vote;
- G. List of all topics discussed;
- H. Any motion for Executive Session, identifying the general area or areas of the subject or subjects to be considered, and the time the session commenced and concluded; and,
- I. Record of the time the meeting commenced and concluded

XVII. REQUESTS FOR INFORMATION FROM CITY STAFF

All Councilor requests for information from City staff that cannot be obtained via the City's website should be made through the City Manager's office or through the City Clerk. Requests made outside of the weekly Council meeting should be made in writing via email and all other members of Council should be copied. The City Manager and City Clerk should generally track the amount of staff time it takes to respond to requests. Information compiled in response to a Councilor request should be provided electronically when possible. Responses to individual members of Council should be copied to all other members of Council, the Manager and the City Clerk. If at any time a member of Council does not desire to have a copy of information requested by another member of Council they should notify the other members of Council, the Manager and the City Clerk.

XVIII. ROLE OF CITY CLERK

The City Clerk shall have such powers and perform such duties as are prescribed by the Optional City Government Law, and otherwise by law, and as the Council may from time to time prescribe. It shall be the responsibility of the City Clerk to attend and record all actions taken by the City Council at weekly Council meetings. In the absence of the City Clerk it shall be the responsibility of the Deputy City Clerk to attend and record all actions taken by the City Council at weekly Council meetings. Further responsibilities of the City Clerk shall be reviewed and defined by the City Council every two years in conjunction with the review and update of the Council Rules and Procedures.

XIX. REVIEW AND APPROVAL OF COUNCIL RULES AND PROCEDURES

It shall be the responsibility of each newly seated Council to review and update this Rules and Procedures every two years. The review and update process shall be conducted within 90 days of the 1st day of January of the year following the election of new Council members. It will then be the responsibility of the entire Council, by a majority vote thereof, within 30 days of being presented with the proposed revision, to approve a resolution adopting the Rules and Procedures. In the event a Council fails to adopt a set of Rules and Procedures, the Council shall follow the most recently approved set of Rules and Procedures having been adopted by previous Councils.

XVIII. AMENDMENTS TO COUNCIL RULES AND PROCEDURES

One or more of these rules may be suspended, rescinded, amended or additional rules adopted at any time by a majority vote of the entire Council.

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Leeson, Comptroller

DATE: January 18, 2024

RE: Council Resolution #9 of 2024 Authorizing the Adoption of an Investment Policy

Background:

New York State General Municipal Law § 39, entitled “Investment Policies for Local Governments” states that “Each local government ... shall by resolution adopt a comprehensive investment policy which details the local government's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government.”

The attached policy allows the City to invest monies in a fashion that still safeguards our assets but allows a return on investment much greater than a typical money market account. Along with the City Treasurer, we are working to diversify our account structures, and are also working to maximize interest earnings.

The policy has been updated to include the changes to collateralization of deposit in accordance with the updated guidance from New York State General Municipal Law. Language has also been added relative to diversification of deposits and investments.

CITY OF AUBURN, NEW YORK
2024 PROCUREMENT AND SURPLUS POLICY

SUBJECT TO OPEN COMPETITIVE BIDDING

Purchases over \$20,000 (Aggregated Annually)

Public Work Contracts over \$35,000

1. Pursuant to New York State General Municipal Law Section 103 (GML 103) all contracts for public work involving an expenditure of more than thirty-five thousand dollars (\$35,000) and all purchase contracts involving an expenditure of more than twenty thousand dollars (\$20,000), shall be awarded through an open competitive bid process by the City Council to the lowest responsible bidder furnishing the required security after advertisement for sealed bids. Purchases of commodities, services or technology shall not be artificially divided for the purpose of avoiding competitive bidding procedures.
2. Open competitive bidding shall be achieved by publishing advertisements in the City's official newspaper and on the City's website. Such advertisement shall contain a statement of the time and place where all bids received pursuant to such notice will be publically opened and read and where the identity of all offerors will be publically disclosed. Whenever a contract is awarded to someone other than the lowest responsible offer, documentation and an explanation are required. This documentation will include an explanation of how the award will receive savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
3. Exceptions to GML 103:
 - a. *Best Value Law (Subdivision 1 – GML 103)*. Best value is defined for this purpose as a basis for awarding contracts to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors. To use this exception to GML 103 two requirements must be met:
 - i. The offeror is responsive and responsible.
 - ii. The best value determination must be made on objective and quantifiable standards that the offer optimizes quality, cost and efficiency. Written justification is required if an award is made based on best value instead of the lowest responsible bidder.
 - b. *Emergency Situations*. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the City, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let with City Manager approval. When at all possible, quotations shall be obtained for the emergency services.
 - c. *Surplus and Second-hand Items*. Surplus and second-hand supplies, material or equipment may be purchased without competitive bidding or competitive offering from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation.
 - d. *Piggybacking Law (Subdivision 16 – GML 103)*. This addition authorizes the purchase of apparatus, materials, equipment and supplies, and related installation, repair and maintenance of those items through the use of contracts let

by the United States or any agency thereof, any state or any other political subdivision or district there in given the contract was made available for use by other governmental entities. To use this exception to GML 103 three prerequisites must be met:

- i. The contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein.
 - ii. The contract must have been made available for use by other governmental entities
 - iii. The contract must have been let to the lowest responsible bidder or the basis of best value in a manner consistent with this section.
- e. *State Contracts.* Service contracts entered into through the New York State Office of General Services. In these instances, the State has already investigated and secured the lowest possible price for the municipality.
- f. *Professional Services.* Pursuant to General Municipal Law §104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the City of Auburn to solicit quotations or document the basis for not accepting the lowest bid:
- i. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category, the City Council shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include, but not be limited to, the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipality owned property; and computer software or programming services for customized programs, or services involved in substantial modifications and customizing of pre-packaged software.
- g. *Sole Source.* When the subject of a contract is controlled by a sole source so that there is no possibility of competition, and the purposes of competitive bidding would not be furthered by inviting bids, competitive bidding is not required. This exception is only applicable in limited circumstances when, in the public interest, particular goods or services are required that uniquely serve the public interest for which there is no substantial equivalent and that are, in fact, available from only one source. The mere likelihood that only one firm will bid,

however, is insufficient to justify sole source procurement. Further, the City may not artificially create a sole source situation such as by, without proper justification, tailor bid specifications to limit competition to only one bidder or brand.

NOT SUBJECT TO OPEN COMPETITIVE BIDDING

Purchases under \$20,000

Public Work Contracts under \$35,000

1. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>	<u>Method*</u>
\$1,000.00 - \$4,999.99	Verbal Quotations Written Quotations or Written Request for Proposals
\$5,000.00 - \$19,999.99	Written Quotations or Written Request for Proposals
<u>Estimated Amount of Public Work Contract</u>	<u>Method</u>
\$1,000.00 - \$4,999.99	Verbal Quotations Written Quotations or Written Request for Proposals
\$5,000.00 - \$34,999.99	Written Quotations or Written Request for Proposals

*Written includes physical paper, faxed or emailed quotes.

A good faith effort shall be made to obtain three (3) proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offer. This documentation will include an explanation of how the award will receive savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

Documentation is required for each action taken in connection with the procurement.

2. Professional Services –

- a. For all professional services with an estimated cost of \$20,000 or more the City shall go through a formal request for proposal process. A scoring matrix shall be used to evaluate the proposals; the matrix must include cost with a minimum weight of 15% unless regulations specifically restrict a discussion on cost. The matrix shall have at least three categories and no more than ten categories with each category making up no more than 40% of the weight. Cost is excluded from this 40% cap. The scoring matrix shall be included with the request for proposal document given

to potential respondents. At least three City staff shall be included to score the proposals and City staff shall make up the majority of any scoring committee. Scores shall be submitted in a sealed envelope at a time and place agreed upon by all committee members. If a committee member cannot be present, they may submit their score in a sealed envelope to the committee. A second round of scoring may be completed after interviews are held using this same process. All committee decisions shall be fully documented and all documentation retained in accordance with the City's record retention policy.

- b. For all professional services with an estimated cost under \$20,000 the City may go through a formal request for proposal or request for quote process. Quotes or a formal request for proposal are not required if the time and effort is expected to exceed the potential cost savings. If the request for proposal or request for quote process is not followed the department must document why this process was followed.
3. Energy Performance Contracts (EPC) – The City shall follow all the same evaluation procedures for an energy performance contract that it would for professional services. In addition to those procedures the savings or revenue projections should be evaluated in detail by the City Comptroller or in the absence of the City Comptroller, the City Comptroller or the City Manager's designee. Once an EPC firm is selected, the EPC shall be evaluated by an independent attorney working on the City's behalf; this may be internal or external Counsel.
4. Exceptions to City Procurement Method:
 - a. *Subject to Open Competitive Bidding.* All the same exceptions exist for purchases not subject to open competitive bidding as exist for purchases subject to open competitive bidding.
 - b. *Large Vehicle and Truck Repairs.* Large vehicle and truck repairs shall be exempt from the requirement to obtain three (3) proposals or quotations. However, a good faith effort shall be made to obtain at least two (2) proposals or quotations where feasible, taking into consideration the size of the vehicle, the difficulty (if applicable) in transporting the vehicle to obtain a proposal or quotation and the number of service providers within the City of Auburn and/or Cayuga County.
 - c. *Goods or Services under \$1,000.00.* The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such diminished contracts would be awarded based on favoritism.
 - d. *Purchase of Surplus and Second-Hand Goods.* Purchases of surplus and second hand goods may be made after a thorough analysis has been done that the second hand product will serve the City's needs as well as a comparable new product and after an analysis of that product in the market place to ensure the City is receiving the best value possible.

OTHER

1. This policy shall conform to all current and future laws enacted by New York State in relation to the procurement of goods and services.
2. The City will comply with federal provisions of 40 USC 11 (Brooks Act) for those professional services funded by BIL A/E and Locally Administered Federal Aid Projects (LAFAP) as required by those funding streams.
3. This policy shall go into effect immediately upon adoption and shall be reviewed annually.

DISPOSAL OF SURPLUS PERSONAL PROPERTY

Purpose: To ensure the highest financial benefit to the City when disposing of surplus personal property. Personal property is defined as all property other than real estate.

Policy: When an item is identified as surplus, it is no longer in use in the originating department and cannot be used elsewhere in the City. A City department head shall designate the item as surplus and then, in conjunction with the City's Finance Department, shall determine the most effective means of disposal. This surplus determination and disposal decision shall be subject to Council approval for all items expected to bring at least \$1,000 upon disposal. Items considered scrap are not subject to this policy.

Options for disposal:

- **Auction:** All surplus personal property will be sold by auction unless another method has been determined to have more financial benefit. It is noted that due to auction fees and the nature of certain surplus personal property public auction is not always the best method of disposal.
- **Sale by Broker:** At certain times, surplus personal property is specialized or not in demand all year round and therefore a broker may be used to obtain the highest financial benefit.
- **Trade-in:** If a City asset is being replaced by a new version of that asset, the department head may determine that it is more beneficial to trade the surplus personal property in on the new version.
- **Internal Sale:** With consideration of auction fees and staff time used to set up external auctions, surplus personal property that is not expected to bring at least \$500 at auction may be auctioned internally if it appears that there may be interest by City employees. All City employees shall have equal opportunity to bid on the items.

COUNCIL RESOLUTION #10 OF 2024

**AUTHORIZING THE ADOPTION OF A
CITY OF AUBURN PROCUREMENT AND SURPLUS POLICY**

By Councilor Calarco

January 18, 2024

WHEREAS, the City of Auburn maintains and annually adopts a Procurement and Surplus Policy, which regulates competitive bidding and public service contracts so that taxpayers may receive goods and services at the lowest reasonable prices; and

WHEREAS, New York State General Municipal Law requires municipalities to annually review their Procurement Policies in order to update the same with any new legislation which may change competitive bidding limits; and

WHEREAS, the City Comptroller has reviewed the current City of Auburn Procurement and Surplus Policy and has determined that it is compliant with the provisions of the New York General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED that the City of Auburn Procurement and Surplus Policy is hereby adopted as being compliant with New York State General Municipal Law and that all of the terms set forth in this Policy are continued and authorized in its current form.

Seconded by Councilor Kent

	Ayes	Noes
Councilor Kent	X	
Councilor Overstreet-Wilson	X	
Councilor Cuddy	X	
Councilor Calarco	X	
Mayor Giannettino	X	
Carried and Adopted	X	

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 18th day of January, 2024, including the Council Resolution #10 of 2024 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 19 day of January, 2024.

A handwritten signature in black ink, appearing to read 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Leeson, Comptroller

DATE: January 18, 2024

RE: Council Resolution #10 of 2024 Authorizing the Adoption of a Procurement and Surplus Policy

Background:

The City of Auburn has annually adopted and maintains a Procurement Policy regulating the requirements for competitive bidding and public service contracts to be consistent with State law in order that taxpayers may receive those goods and services at the lowest price reasonable. New York State General Municipal Law requires that a municipality annually review its Procurement Policy in order to update the policy with any new legislation which may change competitive bidding limits.

The City Comptroller's Office has reviewed the current City of Auburn Procurement Policy and has determined that it is compliant with the provisions of the New York General Municipal Law.

The City of Auburn Procurement Policy has been updated to include additional requirements with regard to procuring professional services utilizing Federal Funding. This can be found in the "other" section of the policy.

City of Auburn, New York

Investment Policy

A. SCOPE

This investment policy applies to all moneys and other financial resources available for deposit and investment by the City of Auburn, New York (City) on its own behalf or on behalf of any other entity or individual.

B. OBJECTIVES

The primary objectives of the local government's investment activities are:

- To conform with all applicable federal, state and other legal requirements
- To adequately safeguard principal
- To provide sufficient liquidity to meet all operating requirements
- To obtain a reasonable rate of return.

C. DELEGATION OF AUTHORITY

The City Council's responsibility for administration of the investment program is delegated to the Treasurer. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

D. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City to govern effectively. Investments shall be made with prudence, diligence, skill, judgment, and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived. All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

E. DIVERSIFICATION

It is the policy of the City of Auburn to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

F. INTERNAL CONTROLS

It is the policy of the City for all moneys collected by any officer or employee of the government to transfer those funds to the Treasurer within 5 days of deposit, or within the time period specified in law, whichever is shorter. The Treasurer is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

G. DESIGNATION OF DEPOSITARIES

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are banks authorized to do business in New York with preference given to banks located in Central New York.

H. SECURING DEPOSITS AND INVESTMENTS

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively “deposits”) made by officers of the City of Auburn, that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit Placement Program in accordance with law, shall be secured by:

1. A pledge of “eligible securities” with an aggregate “market value” (as provided by the GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of “eligible securities.”
2. A pledge of a pro rata portion of a pool of eligible securities, having in the aggregate a market value at least equal to the aggregate amount of deposits from all such officers within the State at the bank or trust company.
3. An “irrevocable letter of credit” issued in favor of the City of Auburn by a federal home loan bank whose commercial paper and other unsecured short term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, as security for the payment of 100 percent of the aggregate amount of deposits and the agreed-upon interest, if any.

Eligible securities used for collateralizing deposits made by officers of the City of Auburn shall be held by the depository or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or released and the events of default which will enable the local government to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the City of Auburn, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City of Auburn or the custodial bank or trust company. Whenever eligible securities deliver to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show at all times, the interest of the local government in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that the pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the custodial bank or trust company as agent of, and custodian for, the City of Auburn, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the City of Auburn with a perfected security interest in the eligible securities and to otherwise secure the local government's interest in the collateral, and may contain other provisions that the governing board deems necessary.

I. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the City Council authorizes the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America
- Obligations of the State of New York

All investment obligations shall be payable or redeemable at the option of the City within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the City within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections G and H herein. Except as may otherwise be provided in a contract with bondholders or noteholders, any moneys of the City authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the City within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested. Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

J. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the City transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size, and other factors that make the financial institution or the dealer capable and qualified to transact business with the City. The (chief fiscal officer, treasurer, or other officer having custody of money) shall evaluate the financial position and maintain a listing of proposed depositaries, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The City shall maintain a list of financial institutions and dealers approved for investment purposes, and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

K. PURCHASE OF INVESTMENTS

The Treasurer is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law and in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the City, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the City Council deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the City with a perfected interest in the securities.

The Treasurer can direct the bank or trust company to register and hold evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit or arrange for their deposit with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity. The records of the bank or trust company shall show at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a custodial agreement set forth in the General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investments are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

L. ANNUAL REVIEW AND AMENDMENTS

The City shall review this investment policy annually, and it shall have the power to amend this policy at any time.

M. DEFINITIONS

The terms “public funds,” “public deposits,” “bank,” “trust company,” “eligible securities,” “eligible surety bond,” and “eligible letter of credit” shall have the same meanings as set forth in General Municipal Law Section 10.

COUNCIL RESOLUTION #9 OF 2024

**ADOPTING THE CITY OF AUBURN
INVESTMENT POLICY**

By Councilor Calarco

January 18, 2024

WHEREAS, New York State General Municipal Law Section 39, entitled “Investment Policies for Local Governments” states that “Each local government...shall by resolution adopt a comprehensive investment policy which details the local government’s operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government”; and

WHEREAS, the City of Auburn has written a policy in accordance with New York State requirements for review and adoption by the Auburn City Council;

NOW, THEREFORE, BE IT RESOLVED that the Auburn City Council does hereby adopt a policy for the City of Auburn in relation to the investment of public funds in accordance with New York State General Municipal Law § 39.

Seconded by Councilor Overstreet-Wilson

	Ayes	Noes	Excused
Councilor Kent	X		
Councilor Overstreet-Wilson	X		
Councilor Cuddy	X		
Councilor Calarco	X		
Mayor Giannettino	X		
Carried and Adopted	X		

STATE OF NEW YORK)
) SS.:
COUNTY OF CAYUGA)

I, CHARLES MASON, Clerk of the City of Auburn, Cayuga County, New York (the “City”), DO HEREBY CERTIFY:

That I have compared the annexed abstract of the minutes of the meeting of the Council of the City (the “Council”), held on the 18th day of January, 2024, including the Council Resolution #9 of 2024 contained therein, with the original thereof on file in my office, and the attached is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this 19th day of January, 2024.

A handwritten signature in dark ink, appearing to read 'C. Mason', written over a horizontal line.

Charles Mason, Clerk
City of Auburn, Cayuga County, New York

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Leeson, Comptroller

DATE: January 18, 2024

RE: Financial Resolution #11 of 2024 Adopting the 2024 Cayuga County Tax Rate and City of Auburn Share of the Cayuga Community College Charges

Background:

The City of Auburn has been notified by the Cayuga County Legislature that the City of Auburn's participation in the 2024 County Tax will be in the amount of \$8,506,076.46, compared to last year's amount of \$8,960,505.56, an increase of \$454,429.10. The full amount to be raised by property taxes in the entire County is \$43,592,807, which produces that the City's share of the County tax levy is 19.51%.

The Cayuga County Legislature included charges to the City taxpayers for the collection of costs related to the preparation and mailing of County tax bills within the City in the amount of \$5,424.51.

In addition, the City of Auburn has been notified by the Cayuga County Legislature that the City of Auburn's proportionate share of the Cayuga Community College charges in the amount of \$275,491.71 is to be added to the 2024 County Tax to be raised from the City.

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Mary Beth Leeson, Comptroller

DATE: January 18, 2024

RE: Financial Resolution #12 of 2024 Adopting the 2024 Seymour Library Tax Levy

Background:

The Seymour Public Library District comprising the City of Auburn and the Town of Owasco was created by referendum on October 14, 1992, with the subsequent addition of the Auburn School District portion of the Town of Sennett in January 1996 and the Town of Fleming in 2011.

The share of the 2023 operating budget to be raised by the City of Auburn from a local assessment against the real property within the boundaries of the municipality will be \$553,185.24. This levy will appear as a separate library tax line on the 2023 City of Auburn property tax bills.

The Library has requested an advance in the amount of \$276,592.62 be paid in February 2024 which will reduce the August 2024 payment.

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Mark A. Fritz, Fire Chief

DATE: January 18, 2024

**SUBJECT: Award Resolution #14 of 2024 Awarding a Bid for Collection Debt Services
for the Auburn City Ambulance**

BACKGROUND:

The City of Auburn Municipal Ambulance Service began operations on November 1, 2021. As part of these operations, the City of Auburn bills Commercial Insurance, Medicare, Medicaid and private payors for service. City of Auburn staff have identified a need to pursue debt collection of its medical billing and therefore issued a request for proposals to provide this service. In November of 2023, the department issued a competitive bid for debt collection services in accordance with City of Auburn procurement requirements and the following bids were received:

- 1) Ability Recovery Services (Score 75.6)
- 2) Commercial Acceptance Company (score 87)
- 3) FDR Alliance (score 75)
- 4) MMG Law Group PLLC (score 70.4)
- 5) National Recovery Agency (score 75)
- 6) RTR Financial Services (score 86.2)

All companies who responded were scored based on the following criteria:

Criteria:			Maximum Points
Management Capabilities			20
Fee/Compensation Arrangement			25
Qualifications & Experience			25
Ability to Meet City's Needs			30
			100

Staff Recommendation

Commercial Acceptance Corporation, with a score of 87, was ranked highest, and as such, staff recommends Council award a contract to Commercial Acceptance Corporation for Medical Debt Collection Services for the City's Ambulance Service beginning on or about March 1, 2024.

Fiscal Implications:

This agreement will allow for debt collection of fees for medical care and transport services provided by the City's ambulance service.

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Chuck Mason, City Clerk

DATE: January 18, 2024

RE: Agreement Resolution #15 Authorizing a Lease Agreement with the Cayuga County Convention and Visitors Bureau for use of the NYS ERHC

Background:

The Cayuga County Convention and Visitors Bureau aka the Cayuga County Office of Tourism has located its office at the Equal Rights Heritage Center (ERHC), 25 South Street since January of 2019. The initial five-year lease between the City of Auburn and the Tourism office expired on December 31, 2023.

The attached lease agreement will allow the lease of office space at the ERHC by the tourism office to continue for the next five years between January 1, 2024 through December 31, 2028.

LEASE AGREEMENT

THIS AGREEMENT dated the 22 day of JANUARY, 2024, is by and between the **City of Auburn**, a municipal corporation, with offices at 24 South Street, Auburn, New York (the "City"), and the **Cayuga County Convention and Visitors Bureau, Inc.**, also known as the Cayuga County Office of Tourism, a non-profit corporation duly organized and existing pursuant to the laws of the State of New York, with principal offices at 25 South Street, Auburn, New York 13021, (herein called the "Tourism Office").

WHEREAS, the City owns and maintains the property known as the New York State Equal Rights Heritage Center ("ERHC") located at 25 South Street, Auburn, New York; and,

WHEREAS, the Tourism Office would like to lease space in the ERHC from the City; and

WHEREAS, the parties would like to set forth herein all of their respective duties and obligations during the term of this agreement.

NOW, therefore, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Granting Clause**: The City hereby leases to the Tourism Office, upon the terms and conditions of this Lease, the following at the ERHC: A total of 1,094 square feet of space to include 994 square feet of private offices, shared office space and shared storage on the first floor of the NYS Equal Rights Heritage Center located at 25 South Street, Auburn, New York, together with 100 square feet of shared storage space at the downtown parking garage located on Lincoln Street (collectively referred to herein as the "Leased Premises").

2. **Term**:

A. **Initial Term**: The term of this Lease shall begin on January 1, 2024, and shall continue for five (5) years with a termination date of December 31, 2028 (hereinafter the "Term").

B. **Renewals**: The parties may renew the initial Term of this Lease for an additional five (5) year term, subject to the consent and agreement of both the parties in writing. Notice of the parties' intent to renew shall be provided in writing to the other party at least ninety (90) days prior to the expiration of the initial Term.

3. **Termination**:

A. The City or Tourism Office may terminate this agreement by providing ninety (90) days written notice to the other party of said termination.

B. In the event the ERHC is totally destroyed by fire, this Agreement may be terminated at the option of the Tourism Office. In the event that the structure is partially damaged by fire to the extent that the operation of the Tourism Office facilities would be prevented for a period in excess of 90 days, then and in such event, this lease may be terminated at the option of the City or the Tourism Office.

4. **Rent:** During the first two years of the Term, in 2024 and 2025, the Tourism Office agrees to pay the City the amount of \$14,000 annually for use of the Leased Premises. During the last three years of the Term, in 2026, 2027, and 2028, the Tourism Office agrees to pay the City the amount of \$15,000 annually for use of the Leased Premises. Lease payments are to be paid in four equal installments, which shall be due on January 1, April 1, July 1 and October 1.

5. **The City shall:**

A. Provide the following within the Leased Premises:

- i. Two private offices, the first office 100 square feet and the second office 95 square feet, for exclusive use by the Tourism Office;
- ii. One shared, furnished conference room being 142 square feet, which may be reserved via calendar maintained by the building manager.
- iii. Shared workspace being 662 square feet, which shall include:
 - o a shared office pantry area;
 - o a shared office copy room; and,
 - o three work stations (cubicles) will be allotted exclusively to the Tourism Office;
- iv. All shared space will be coordinated with other building tenants by the building manager. All furnishings will be provided by the Tourism Office.
- v. Twenty-four hour access to the space leased by the Tourism Office including access to all shared areas of the ERHC.

B. Provide all utilities including, basic phone, basic internet, electric, water and sewer and the City will assume the cost for said utilities.

- i. The Tourism Office recognizes the following utilities are not provided as part of this agreement: long distance phone charges or any other phone service not within the basic phone service plan, mail machine, photocopying machine, fax machine. If the City incurs expenses with utilities not included as part of this agreement the Tourism Office will be invoiced for said utilities and payment shall be remitted within 30 days.
- ii. The parties agree that the City may request an annual review and evaluation of utility costs for the Leased Premises, which shall

include basic phone, internet, gas, electric, water and sewer. The parties intend to adjust this Lease for any unforeseen increase in utility costs, or, increases in contractual agreements the City incurs with service providers.

C. Provide Tourism Office employees parking permits to allow use of the parking areas in the upper levels of the Downtown Parking Garage located on Lincoln Street.

D. Provide the Tourism Office with access and use of a storage closet, approximately 100 square feet in size, located on the ground level of the Downtown Parking garage located on Lincoln Street.

E. Provide limited shelving storage equal to a standard 36x18x72" open cabinet for back-up of brochures and supplies in the shared storage area located in the eastern most or first volume of the ERHC. This includes a mechanical room for computer server.

F. Maintain all public portions of the building so as to provide for ingress and egress to the facilities.

G. Provide and maintain public restrooms within the ERHC facility.

H. Maintain the public portion of the ERHC in order to accommodate the schedule of the facility and as needed by the Tourism Office on other occasions as is determined to be necessary.

I. Provide general housekeeping of the private offices and shared spaces of the ERHC on at least a weekly schedule.

J. Provide security cameras throughout the ERHC that are integrated into the City of Auburn security system monitored by the Auburn Police Department.

6. **Improvements and/or Renovations:** The Leased Premises shall not be altered or changed in any manner, without first obtaining the City's written consent thereto. Any and all improvements to the Leased Premises, now or hereafter made, shall become the sole and absolute property of the City for all purposes.

7. **Insurance:** The Tourism Office shall assume full responsibility for its employees and their actions and will maintain Workers' Compensation and liability insurance as set forth herein. The Tourism Office shall purchase and maintain liability insurance with a minimum limit of one million dollars (\$1,000,000) per occurrence naming the City of Auburn as additional insured thereon.

8. **Hold Harmless:** The Tourism Office hereby releases the City from and agrees that the City shall not be liable for, and agrees to indemnify, defend, and hold the City, its officers and employees, and their respective successors or personal representatives (collectively, the "Indemnified Parties") harmless from and against any and all liability for loss or damage to

property or injury to or death of any and all persons that may be occasioned by any cause whatsoever pertaining to the Tourism Office or arising by reason of or in connection with the Leased Premises herein or the presence on, in or about the Leased Premises, or as a result of a breach by the Tourism Office of its representations or agreements contained herein, including, without limitation the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of the foregoing. The foregoing indemnities shall apply notwithstanding the fault of negligence on the part of the City, or any of its respective officers, agents, or employees, and irrespective of the breach of statutory obligation or the application of any rule of comparative or apportioned liability; except, however, that such indemnities will not be applicable with respect to willful misconduct or gross negligence on the part of the Indemnified Parties to the extent that such an indemnity would be prohibited by law.

9. **Default:** In the event that either party defaults in observing all of the terms and conditions of this agreement, the other party shall provide seven (7) days' notice to the defaulting party, in writing, to correct the default within thirty (30) days. In the event that both parties default, and the defaults are not corrected within the stated time, the other party may terminate the contract in addition to any other rights which the other party may have.

10. **Amendments or Modifications:** This Lease shall not be modified or amended, except in writing and subscribed by the appropriate parties.

11. **Assignment, Transfer or Subletting:** This agreement shall not be assigned or transferred by the parties hereto. The Tourism Office shall not sublease the space to any other parties without written consent of the City.

12. The Tourism Office agrees to work in partnership with the building manager to program the shared current event space located in the building vestibule.


13. **Entire Agreement:** This agreement constitutes the entire agreement between the parties and any modifications or amendments hereto must be in writing and signed by the parties hereto.

14. **Choice of Law:** This Lease Agreement shall be governed by the laws of New York.

15. **Execution of Counterparts:** This Agreement may be executed in several counterparts, each of which shall be an original and all of which together shall constitute by one and the same instrument.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands and seals the day and year first above written.

CAYUGA COUNTY CONVENTION AND VISITORS BUREAU, INC.

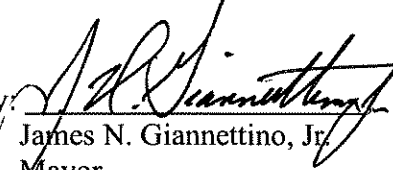
By: 

STATE OF NEW YORK)
COUNTY OF CAYUGA) SS.:

On this 23 day of Feb January, 2024, before me appeared Karen Kuhl to me known, who, being by me duly sworn, did depose and say that deponent is Chairperson of the Board of Directors of the Cayuga County Convention and Visitors Bureau, Inc., described herein and which executed the foregoing instrument and that the signed deponent signed his/her name thereto.


Notary Public or Commissioner of Deeds

CITY OF AUBURN

By: 
James N. Giannettino, Jr.
Mayor

JOHN E. BOHALL, JR.
Notary Public, State of New York
Qualified in Cayuga County
Commission No. 04BO6178070
My Commission Expires November 19, 2027

STATE OF NEW YORK)
COUNTY OF CAYUGA) SS.:

On this 22 day of JANUARY, 2024, before me appeared James N. Giannettino, Jr., to me known, who, being by me duly sworn, did depose and say that deponent is Mayor of the City of Auburn, the municipal corporation described in and which executed the foregoing instrument and that he signed his name thereto by authorization of the City Council.


Notary Public or Commissioner of Deeds

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Chuck Mason, City Clerk

DATE: January 18, 2024

**RE: Agreement Resolution #16 Authorizing a Lease Agreement with the
Downtown Business Improvement Development (BID) for use of the NYS
ERHC**

Background:

The Auburn Downtown Business Improvement District (BID) has located its office at the Equal Rights Heritage Center (ERHC), 25 South Street since January of 2019. The initial five-year lease between the City of Auburn and the BID expired on December 31, 2023.

The attached lease agreement will allow the lease of office space at the ERHC by the BID to continue for the next five years between January 1, 2024 through December 31, 2028.

LEASE AGREEMENT

THIS AGREEMENT dated the 22 day of JANUARY, 2024, is by and between the **City of Auburn**, a municipal corporation, with offices at 24 South Street, Auburn, New York (the "City"), and the **Downtown Business Improvement District**, a not-for-profit membership association, with offices at 25 South Street, Auburn, New York (the "BID").

WHEREAS, the City owns and maintains the property known as the New York State Equal Rights Heritage Center ("ERHC") located at 25 South Street, Auburn, New York; and,

WHEREAS, the BID would like to lease space in the ERHC from the City; and

WHEREAS, the parties would like to set forth herein all of their respective duties and obligations during the term of this agreement.

NOW, therefore, in exchange for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Granting Clause:** The City hereby leases to the BID, upon the terms and conditions of this Lease, 95 square feet for one private office, shared conference room space and shared storage on the first floor of the ERHC, together with shared storage space at the downtown parking garage located on Lincoln Street (collectively referred to as the "Leased Premises").

2. **Term:**

A. **Initial Term:** The term of this Lease shall begin on January 1, 2024, and shall continue for five (5) years with a termination date of December 31, 2028 (hereinafter the "Term").

B. **Renewals:** The parties may renew the initial Term of this Lease for an additional five (5) year term, subject to the consent and agreement of both the parties in writing. Notice of the parties' intent to renew shall be provided in writing to the other party at least ninety (90) days prior to the expiration of the initial Term.

3. **Termination:**

A. Either party may terminate this agreement by providing one-hundred eighty (180) days written notice to the other party of said termination.

B. In the event the ERHC is totally destroyed, this Agreement may be terminated at the option of the BID. In the event that the structure is partially damaged to the extent that the operation of the BID facilities would be prevented for a period in excess of 90 days, then and in such event, this lease may be terminated at the option of the City or the BID.

4. **Rent:**

A. The BID agrees to pay to the City the amount of \$6,000 annually for use of the Leased Premises. Lease payments are to be paid in four equal installments, which shall be due January 1, April 1, July 1 and October 1.

5. **The City shall:**

A. Provide the following within the Leased Premises:

- i. One private office being 95 square feet, for exclusive use by the BID;
- ii. One shared, furnished conference room being 142 square feet, which may be reserved via calendar maintained by the ERHC manager.
- iii. Shared workspace being 662 square feet, which shall include:
 - o a shared office pantry area;
 - o a shared office copy room; and,
 - o additional office work stations, of which one work station will be allotted exclusively to the BID;
- iv. All shared space will be coordinated with other building tenants by the building manager. Offices and work stations will be furnished by the BID.

B. Provide all utilities including, basic phone, basic internet, electric, water and sewer and the City will assume the cost for said utilities.

- i. The BID recognizes the following utilities are not provided as part of this agreement: long distance phone charges or any other phone service not within the basic phone service plan, mail machine, photocopying machine, fax machine. If the City incurs expenses with utilities not included as part of this agreement the BID will be invoiced for said utilities and payment shall be remitted within 30 days.

C. Provide BID employees parking permits to allow use of the parking areas in the upper levels of the Downtown Parking Garage located on Lincoln Street.

D. Provide the BID with access and use of a shared storage closet located on the ground level of the Downtown Parking garage located on Lincoln Street.

E. Provide limited shelving storage equal to a standard 36x18x72" open cabinet for back-up of brochures and supplies in the shared storage area located in the eastern most or first volume of the ERHC. This includes a mechanical room for computer server.

F. Maintain all public portions of the building so as to provide for ingress and egress to the facilities.

G. Provide and maintain public restrooms within the ERHC facility.

H. Maintain the public portion of the ERHC in order to accommodate the schedule of the facility and as needed by the BID on other occasions as is determined to be necessary.

I. Provide general housekeeping of the private offices and shared spaces of the ERHC on at least a weekly schedule.

J. Provide security cameras throughout the ERHC that are integrated into the City of Auburn security system monitored by the Auburn Police Department.

6. **Improvements and/or Renovations:** The Leased Premises shall not be altered or changed in any manner, without first obtaining the City's written consent thereto. Any and all improvements to the Leased Premises, now or hereafter made, shall become the sole and absolute property of the City for all purposes.

7. **Insurance:** The BID shall assume full responsibility for its employees and their actions and will maintain Workers' Compensation and liability insurance as set forth herein. The BID shall purchase and maintain liability insurance with a minimum limit of one million dollars (\$1,000,000) per occurrence naming the City of Auburn as additional insured thereon.

8. **Hold Harmless:** The BID hereby releases the City from and agrees that the City shall not be liable for, and agrees to indemnify, defend, and hold the City, its officers and employees, and their respective successors or personal representatives (collectively, the "Indemnified Parties") harmless from and against any and all liability for loss or damage to property or injury to or death of any and all persons that may be occasioned by any cause whatsoever pertaining to the BID or arising by reason of or in connection with the Leased Premises herein or the presence on, in or about the Leased Premises, or as a result of a breach by the BID of its representations or agreements contained herein, including, without limitation the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of the foregoing. The foregoing indemnities shall apply notwithstanding the fault of negligence on the part of the City, or any of its respective officers, agents, or employees, and irrespective of the breach of statutory obligation or the application of any rule of comparative or apportioned liability; except, however,

that such indemnities will not be applicable with respect to willful misconduct or gross negligence on the part of the Indemnified Parties to the extent that such an indemnity would be prohibited by law.

9. **Hold Harmless:** The City hereby releases the BID from and agrees that the BID shall not be liable for, and agrees to indemnify, defend, and hold the BID, its officers and employees, and their respective successors or personal representatives (collectively, the "Indemnified Parties") harmless from and against any and all liability for loss or damage to property or injury to or death of any and all persons that may be occasioned by any cause whatsoever pertaining to the ERHC or arising by reason of or in connection with the ERHC therein or the presence on, in or about the ERHC, or as a result of a breach by the City of its representations or agreements contained herein, including, without limitation the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of the foregoing. The foregoing indemnities shall apply notwithstanding the fault of negligence on the part of the BID, or any of its respective officers, agents, or employees, and irrespective of the breach of statutory obligation or the application of any rule of comparative or apportioned liability; except, however, that such indemnities will not be applicable with respect to willful misconduct or gross negligence on the part of the Indemnified Parties to the extent that such an indemnity would be prohibited by law.

10. **Default:** In the event that either party defaults in observing all of the terms and conditions of this agreement, the other party shall provide seven (7) days' notice to the defaulting party, in writing, to correct the default within thirty (30) days. In the event that both parties default, and the defaults are not corrected within the stated time, the other party may terminate the contract in addition to any other rights which the other party may have.

11. **Amendments or Modifications:** This Lease shall not be modified or amended, except in writing and subscribed by the appropriate parties. The parties agree that in the event that utility costs for the operation of the ERHC increase by 100% or more during the term of this lease, then the City may request an annual review and evaluation of utility costs for the Leased Premises, which shall include basic phone, internet, gas, electric, water and sewer. The parties intend to adjust this Lease for any unforeseen extreme increase in utility costs, or, increases in contractual agreements the City incurs with service providers.

12. **Assignment, Transfer or Subletting:** This agreement shall not be assigned or transferred by the parties hereto. The BID shall not sublease the space to any other parties without written consent of the City.

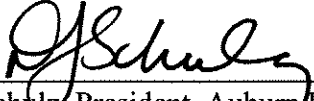
13. **Entire Agreement:** This agreement constitutes the entire agreement between the parties and any modifications or amendments hereto must be in writing and signed by the parties hereto.

14. **Choice of Law:** This Lease Agreement shall be governed by the laws of New York.

15. **Execution of Counterparts:** This Agreement may be executed in several counterparts, each of which shall be an original and all of which together shall constitute by one and the same instrument.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands and seals the day and year first above written.

AUBURN DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

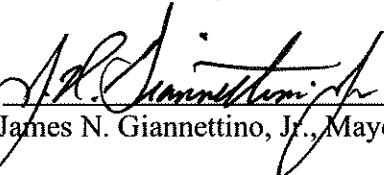
By: 
Dawn Schulz, President, Auburn Downtown BID

STATE OF NEW YORK)
COUNTY OF CAYUGA) SS.:

On this 24 day of January, 2024, before me appeared Dawn Schulz, to me known, who, being by me duly sworn, did depose and say that deponent is President of the Board of Directors of the Auburn Downtown Business Improvement District described herein and which executed the foregoing instrument and that the signed deponent signed his/her name thereto.

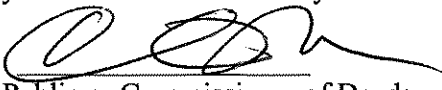

Notary Public or Commissioner of Deeds

CITY OF AUBURN, NEW YORK

By: 
James N. Giannettino, Jr., Mayor

STATE OF NEW YORK) COUNTY
OF CAYUGA) SS.:

On this 22 day of JANUARY, 2024, before me appeared James N. Giannettino, Jr., to me known, who, being by me duly sworn, did depose and say that deponent is Mayor of the City of Auburn, the municipal corporation described in and which executed the foregoing instrument and that he signed his name thereto by authorization of the City Council.


Notary Public or Commissioner of Deeds

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Chuck Mason, City Clerk

DATE: January 18, 2024

RE: Appointment Resolution #17 for Auburn Industrial Development Authority

Background:

Appointments to the board for the Auburn Industrial Development Authority are nominated by the Mayor and then need to be approved by the City Council.

In the attached resolution Mayor Giannettino is recommending reappointment of Tessa Crawford to an at large board position and appointment of Karen Walter to an at large board position. The Mayor is also recommending that board Chairwoman Gwen Webber McLeod be moved to the board position that represents the category of Business.

The terms of service will take effect immediately and the members will serve through January 31, 2026.

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Jennifer Haines, Director, Office of Planning & Economic Development

DATE: January 18, 2024

**RE: Land Sale Resolution #18 of 2024 Authorizing the Sale of Real Property
known as 125 Standart Avenue**

Background:

The City of Auburn owns 125 Standart Avenue, which was acquired on June 27, 2023, through tax foreclosure. The property consists of a single-family home which is located in a residential neighborhood.

A Purchase Offer and Sale Contract has been proposed by Cartwright Holdings LLC (Mark and Caren Cartwright) in the amount of \$5,000. They plan to rehabilitate and rent the house; rehabilitation costs are estimated at approximately \$70,000.

Recommendations

City staff recommends proceeding with the real property sale to Cartwright Holdings LLC, subject to the following conditions: (1) that the City provide only a Quit Claim Deed to the buyers at closing; (2) that the buyer is responsible for payment of all title, survey, and closing costs necessary to close this transaction; (3) that the buyer be required to obtain any and all permits necessary to renovate the Property within thirty (30) days from the date of closing, and that all renovations and/or construction at the Property be completed within one year from the date of closing; and (4) that the deed transferred to the buyer shall include a reversionary clause to provide that if the buyer fails to satisfy the conditions relating to the renovation of the Property within one year of the closing, then title and ownership of the Property shall automatically and immediately revert back to the City.

Fiscal Implications:

The sale will result in \$5,000.00 in revenue to the City, which will be recorded in Account No. A99.2660 Sale of Real Property.

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Jennifer Haines, Director, Office of Planning & Economic Development

DATE: January 18, 2024

**RE: Land Sale Resolution #19 of 2024 Authorizing the Sale of Real Property
known as 7 Church Street**

Background:

The City of Auburn owns 7 Church Street which was acquired on June 27, 2023, through tax foreclosure. The property consists of a vacant lot and is located in a residential neighborhood.

The Purchase Offer and Sale Contract has been proposed by David Warrick, an adjacent neighbor to the property, in the amount of \$500.00. Note: The City Council previously approved Land Sale Resolution #104 of 2023 to Kim Telvock, another adjacent neighbor, who subsequently withdrew her offer. Mr. Warrick will allow Ms. Telvock to utilize the lot to provide additional space for her property.

Recommendations

City staff now recommends proceeding with the real property sale to Mr. Warrick subject to the following conditions: (1) that the City provide only a Quit Claim Deed to the buyers at closing; and (2) that the buyer is responsible for payment of all title, survey and closing costs necessary to close this transaction.

Fiscal Implications:

The sale will result in \$500.00 in revenue to the City, which will be recorded in Account No. A99.2660 Sale of Real Property.

COUNCIL MEMORANDUM

**Memorial City Hall
24 South Street
Auburn, New York 13021**

TO: Honorable Mayor and Members of City Council

FROM: Nate Garland, Corporation Counsel

DATE: January 18, 2024

RE: Agreement Resolution #20 of 2024 Authorizing an Intermunicipal Agreement Between the City and County for Code Enforcement Services

Background:

Pursuant to the Executive Law, municipalities are required to administer and enforce the Building and Fire Prevention Codes, commonly referred to as the Uniform Code. In Auburn, the City Code Enforcement Office is tasked to do so in all properties within the City with two exceptions: State and County property. The Executive Law requires that those respective entities each must administer and enforce the Uniform Code on their own property and in the case of the State, property owned through its various agencies. Cayuga County currently does not have a staffed Code Enforcement Office and requires Code Enforcement services to ensure some upcoming projects on its property adhere to the Uniform Code.

The General Municipal Law allows for a municipality to enter into an intermunicipal agreement with another municipality in order to provide code enforcement services. The County has such a need, the City has a staffing capacity to provide such services, and the scope of such services is limited. As such, an intermunicipal agreement is proposed for the year 2024 wherein the City would provide code enforcement services on County property at a cost equal to the hourly rate of the assigned Code Enforcement Officer(s), plus social security tax.

Recommendations

City staff recommends entering into an intermunicipal agreement effecting the same.

Fiscal Implications:

The agreement will result in an undetermined amount in revenue to the City for services provided.