

Auburn City Council Meeting, March 21, 2024

**Auburn City Council
Regular Meeting
Thursday, March 21, 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 Terry Cuddy and Councilor Christina Calarco were present. Councilor Rhoda Overstreet-Wilson was excused.

The following City Staff was present for the meeting:

- City Manager, Jeff Dygert
- City Clerk, Chuck Mason
- Assistant Corporation Counsel, Tim Brennan
- Police Chief, Jim Slayton
- Comptroller, Mary Beth Leeson
- City Engineering Office: Scott McIntyre
- Assistant to the Mayor and City Council, Rhonda Miller

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 Budget preparation webpage has been added to the City website and can be located at this link: www.auburnny.gov/budget

Planning is underway for the Summer Recreation Program for Children in the City's parks. Information of the Summer of 2023 program was sent by email to the members of City Council for their review, as well as, the information can be found at the City website page: www.auburnny.gov/summerrec If members of City Council have any input for the Summer 2024 program they are asked to provide that to the City Manager and the Director of Public Works.

The northeast United States will experience a solar eclipse on Monday, April 8, 2024 and in Auburn the eclipse will reach totality at 3:22 pm. The City of Auburn is pleased to announce that Falcon Park will

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host 'Eclipse Fest' on April 8, 2024, when the "Great North American Eclipse" will make its way through 13 US states from southwest to northeast. The City of Auburn, NY will experience a total eclipse at 3:22 p.m., which will be the first visible in the area since 1925. Don't miss out on this once-in-a-lifetime experience, as the next one won't happen until 2144!

Join the Auburn Doubledays and the City of Auburn for a family-friendly viewing experience at Falcon Park, 130 N. Division Street in Auburn. You won't want to miss the one and only "Falcon Park Eclipse Fest"! Bring your family and friends to watch the eclipse safely on the field with mascots Abner Doubleday and Casey the Falcon.

Eclipse viewing glasses are being provided courtesy of the Cayuga County Office of Tourism. If you would like to pick-up a free pair of eclipse viewing glasses before the event you may do so during normal business hours at the NYS Equal Rights Heritage Center, 25 South Street, Auburn. Download the NASA eclipse viewing safety sheet [here](#).

Here are some of the fun things planned for the afternoon:

- Local radio station Classic Hits 99.3 morning DJ Lisa Cruz will be broadcasting live from the event;
- There will be children's sports activities on the field, science activities by Lily Donaldson, research assistant at NASA's Goddard Institute for Space Studies and activities by the 4H Club of the Cornell Cooperative Extension of Cayuga County;
- The Doubledays will have their concession stand open to sell refreshments. Mascots Abner Doubleday and Casey the Falcon will be on the field;
- Auburn Wegmans will be bringing a celebratory Eclipse Cake that will be sliced and shared with attendees;
- A limited number of souvenir Falcon Park Eclipse Fest posters will be available; and
- Admission is free!

Event Info Recap:

- What: historic, one-time event 'Falcon Park Eclipse Fest'
- When: Monday, April 8, 2024 from 2 – 4 p.m.
- Where: Falcon Park, 130 N. Division Street, Auburn
- Info: www.auburnny.gov/eclipsefest
- Media contact: Chuck Mason, City Clerk, City of Auburn, NY cmason@auburnny.gov or phone 315-255-4101.
- For more information on Falcon Park Eclipse Fest contact Brian Rhodes at brhodes@auburnny.gov or phone at 315-255-2489
- For more information on solar eclipse events in Cayuga County visit: <https://www.tourcayuga.com/total-solar-eclipse/>

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Ceremonial Presentations – none

Public to be heard: The City Clerk read the rules for Public To Be Heard. The following individuals spoke: Andrew Bishop spoke regarding topics pertaining to Owasco Lake.

Approval of Meeting Minutes –

March 7, 2024 Council Meeting Minutes

Motion to approve the March 7, 2024 minutes by Councilor Kent, seconded by Councilor Calarco.

Motion to approve carried 4-0.

Reports of City Officials

City Manager's Report – none

Reports from members of Council –

Councilor Kent and Mayor Giannettino brought up a deconstruction resolution that has been discussed by Council in the past. They would like to bring that to a future Council meeting agenda.

Matters to Come Before Council -

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

B. Ordinances – none

C. Local Laws – none

D. Resolutions –

FINANCIAL RESOLUTION #36 OF 2024 AUTHORIZING VARIOUS OPERATING AND CAPITAL BUDGET TRANSFERS FOR FY 2023-2024

By Councilor Kent

March 21, 2024

WHEREAS, the City of Auburn staff is requesting various operating and non-operating budget transfers for the 2023-2024 fiscal year as outlined in attachment A; and,

WHEREAS, fund balance is being requested to cover certain shortfalls.

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

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1. That the Auburn City Council does hereby authorize the transfers in Attachment A for the 2023-2024 fiscal year; and,
2. That this resolution shall take effect immediately upon its adoption.

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		

Attachment A 23-24 FY					
Amount		Account to		Account From	Purpose
4,120.00	A5110.460	Travel, Training, Prof Dev	A7270.150	Special Events - Overtime	CDL Incentive
9,700.00	AL8161.440	Services	AL8161.482	Vehicle Maint/Repair	Electrical Work
20,000.00	A1620.440	Services	A1990.455	Contingency	building repair 24 South St
4,000.00	A1620.440	Services	A909	Fund Balance	wrap up capital projects
25,000.00	A4540.482	Vehicle Maintenance	A 909	Fund Balance	transmission repairs
1,945.40	A1410.130	Temporary & Part Time	A1410.440	Services	
24,500.00	A3510.440	Services	A 909	Fund Balance	Animal Control Contract
5,500.00	A1210.440	Services	A 909	Fund Balance	New council letterhead, cards, etc
55,000.00	A9040.824	Supplemental Ben - Dis Fire	A909	Fund Balance	Additional Medical Claims
75,000.00	A9040.823	207 (c) Police	A909	Fund Balance	Additional Medical Claims
Amount		Increase		Increase	Purpose
2,641.95	A99.19891	Human Rights Fees	A1420.417	Human Right Commission	Funds Received

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AWARD RESOLUTION #37 OF 2024

CLOSING MULTIPLE CAPITAL PROJECTS

By Councilor Cuddy

March 21, 2024

WHEREAS, the City of Auburn authorized various Capital Project Funds to make improvements to equipment and facilities; and

WHEREAS, the GASB and GAAP Best Practices recommends the official closing of Capital Projects by the Governing Body, and

WHEREAS, the attached Capital Projects are determined to be complete and now should be officially closed with the disposition of unexpended balances approved;

NOW, THEREFORE IT BE RESOLVED, that the Auburn City Council recommends closure of the following capital projects:

South St Metcalf to City Line
North Division Street Bridge
State Street Bridge
2020 Sidewalk Program
2020-2021 City Hall Building upgrades
2020 Lake Ave Bridge
Urban Forestry Inventory
2021 DPW & Fire Vehicles
Small Business Recovery ARPA
South Street Reconstruction – Water
Water Purification
South Street Water
Wholesale Sewer Meter project

AND BE IT FURTHER RESOLVED, that the Auburn City Comptroller is authorized to transfer funds as per the attached schedule.

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		

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COUNCIL RESOLUTION #38 OF 2024

**ADOPTING THE FY 2024-2028
CAPITAL IMPROVEMENT & RECOVERY PLAN**

By Councilor Cuddy

March 21, 2024

WHEREAS, the City of Auburn, New York is authorized and empowered under the New York General Municipal Law- Article 5- §99-G to “undertake the planning and execution of a capital program”; and

WHEREAS, the Auburn City Council desires to implement a Capital Improvement Program (CIP) to provide for the maintenance and improvement of public infrastructure in support of the City’s vision and goals outlined in the City Comprehensive Plan and other adopted planning documents; and

WHEREAS, the City of Auburn is a recipient of State & Local Fiscal Recovery Funding (SLFRF) under the Federal American Rescue Plan Act and to be in compliance with the SLFRF program a Recovery Plan report will be incorporated as part of the annual Capital Improvement Plan through December 31, 2026; and

WHEREAS, the Auburn City Council wishes to adopt and approve the Capital Improvement & Recovery Plan for Fiscal Years 2024 through 2028 to ensure that the City achieves its desired outcomes for a prosperous and sustainable community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUBURN, NEW YORK:

1. That the City hereby adopts and enacts the FY 2024 through 2028 Capital Improvement & Recovery Plan; and
2. That this Resolution shall take effect immediately upon its adoption.

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		

GRANT RESOLUTION #39 OF 2024

**AUTHORIZING AN APPLICATION TO THE NORTHERN BORDER
REGIONAL COMMISSION FOR PUBLIC TRANSPORTATION
INFRASTRUCTURE IMPROVEMENTS**

By Councilor Calarco

March 21, 2024

WHEREAS, the City of Auburn is responsible for the maintenance of the local highway and bridge transportation system comprised of nearly 194-miles of highways and rights-of-way as well as six (6) bridges over the Owasco River; and

WHEREAS, the City of Auburn recognizes that the existing Lake Avenue Bridge requires rehabilitation to prolong its service life so that it may continue providing safe bridge crossing over the Owasco River for nearly 10,000 daily vehicular and pedestrian users as well as related regional economic development; and

WHEREAS, the rehabilitation of the Lake Avenue Bridge is partially funded through the NYS DOT Bridge NY program PIN#375693 with a local cost share estimated at \$4,050,000; and

WHEREAS, the 2024 Northern Border Regional Commission (NBRC) has released a request for proposals under the Program that would focus on public transportation infrastructure projects that deliver a critical service and support investment in downtown Auburn; and

WHEREAS, since Cayuga County has been designated an economically distressed community by the NBRC, the City of Auburn is eligible for 80% funding assistance and 20% local match with a cap of \$1,000,000 grant funds towards infrastructure projects; and

WHEREAS, the City of Auburn intends to apply for NBRC funding assistance in the amount of \$1,000,000 with a required minimum match of 20% non-federal funds to fund the rehabilitation of the Lake Avenue Bridge.

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

1. That the Director of Capital Projects is authorized to apply for, accept and expend grant funds from the 2024 Northern Border Regional Commission (NBRC) in the amount of \$1,000,000 in funding assistance towards a total estimated project cost of \$8,950,000; and
2. That the Director of Capital Projects is authorized to sign all NBRC quarterly reports, reimbursement requests and related documents for the project; and
3. That the City Comptroller is authorized to recognize the federal grant funding in Revenue Account HA99 280 KW and provide the required 20% grant funding match in the amount of \$250,000 from the project expense account HA 5110 440 KW; and
4. That this resolution shall take effect immediately upon its adoption.

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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		

AWARD RESOLUTION #40 OF 2024

**AUTHORIZING THE AWARD OF THE LINCOLN STREET PARKING GARAGE
ELEVATOR PROJECT**

By Councilor Cuddy

March 21, 2024

WHEREAS, the existing elevator in the Lincoln Street parking garage has a broken hydraulic pump jack, which renders the elevator inoperable; and,

WHEREAS, it is necessary to replace the hydraulic pump jack system and then to perform a thorough examination of the repaired elevator to ensure that it conforms to current safety requirements; and,

WHEREAS, the Lincoln Street Parking Garage Elevator Project was scoped by city staff, bids were let out on January 31, 2024, opened on February 27, 2024, and the following bid was received:

1. Bison Elevator Services, Inc. \$ 85,000.00
Buffalo, New York

WHEREAS the City of Auburn is proposing to hire Bison Elevator Services, Inc. to replace the existing municipal parking garage elevator hydraulic pump jack system making it operable.

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

1. That the Auburn City Council does hereby approve the award for the repair bid to Bison Elevator Services, Inc., for the Lincoln Street Parking Garage Elevator project in the total aggregate amount of \$85,000 to be charged to Capitol Account #: HA1622-440-MA.
2. That the Mayor of the City of Auburn is authorized to execute any and all documents in reference to the award of this bid.

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

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		

**LAND SALE RESOLUTION #41 OF 2024
AUTHORIZING THE SALE OF A PORTION OF
REAL PROPERTY KNOWN AS OFF PULASKI STREET**

By Councilor Cuddy

March 21, 2024

WHEREAS, on January 10, 1969, the City of Auburn acquired title to the real property commonly known as Off Pulaski Street, formerly known as 1-15 Pulaski Street (the “Property”), by tax foreclosure; and

WHEREAS, the Property consists of 6.76 acres of vacant land, and is located in an industrial neighborhood; and

WHEREAS, MDI Truck desires to purchase a five (5) acre portion of the lot to utilize for a future expansion; and

WHEREAS, MDI Truck has proposed a cash Purchase Offer and Sale Contract, which is attached hereto and incorporated herein, for the purchase of a portion of the Property at a purchase price of Five Thousand Dollars (\$5,000.00); 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 MDI Truck, which is incorporated herein, for the sale of Off Pulaski Street, formerly known as 1-15 Pulaski Street, for the sum of \$5,000.00, 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;

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.

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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		

**LAND SALE RESOLUTION #42 OF 2024
AUTHORIZING THE SALE OF A PORTION OF
REAL PROPERTY KNOWN AS OFF PULASKI STREET**

By Councilor Kent

March 21, 2024

WHEREAS, on January 10, 1969, the City of Auburn acquired title to the real property commonly known as Off Pulaski Street, formerly known as 1-15 Pulaski Street (the “Property”), by tax foreclosure; and

WHEREAS, the Property consists of 6.76 acres of vacant land, and is located in an industrial neighborhood; and

WHEREAS, Bo-Mer Plastics, LLC desires to purchase an approximately 1.5 acre portion of the lot to utilize for a future expansion; and

WHEREAS, Bo-Mer Plastics, LLC has proposed a cash Purchase Offer and Sale Contract, which is attached hereto and incorporated herein, for the purchase of a portion of the Property at a purchase price of One Thousand Eight Hundred Dollars (\$1,800.00); 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 Bo-Mer Plastics, LLC, which is incorporated herein, for the sale of Off Pulaski Street, formerly known as 1-15 Pulaski Street, for the sum of \$1,800.00, 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;

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.

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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		

**LAND SALE RESOLUTION #43 OF 2024
AUTHORIZING THE SALE OF
REAL PROPERTY KNOWN AS 65-67 KEARNEY AVENUE REAR**

By Councilor Cuddy

March 21, 2024

WHEREAS, on January 24, 2003, the City of Auburn acquired title to the real property commonly known as 65-67 Kearney Avenue Rear (the “Property”) by tax foreclosure; and

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

WHEREAS, on March 5, 2024, the City listed the Property for sale with the Real Estate Agency, as its real estate broker; and

WHEREAS, William E. Woodworth, Sheen Moshaty and Robert A. Faynor have 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 Thirty-Five Thousand Dollars (\$35,000.00); and

WHEREAS, William E. Woodworth, Sheen Moshaty and Robert A. Faynor have represented that they intend to utilize the lot to provide additional acreage to their existing properties;

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 William E. Woodworth, Sheen Moshaty and Robert A. Raynor,

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which is incorporated herein, for the sale of 65-67 Kearney Avenue Rear, for the sum of \$35,000.00, 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;

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 Calarco

	Ayes	Noes	Excused
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 – none

TABLED ITEMS – none

OTHER BUSINESS –

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

- One matter made confidential by federal law under attorney client privilege.
- Two matters pertaining to the sale, lease or acquisition of real property.

The motion to enter executive session carried 5-0. The Council entered Executive Session at 6:19 p.m. Executive session adjourned at 6:58 p.m.

7pm, Mayor Giannettino re-opened the public portion of the meeting. -with guest Assemblyman John Lemondes. Topic: City Budget Revenue, Establishing a Hotel and Short Term Rental Occupancy Tax for the City of Auburn - presentation by Chuck Mason, City Clerk followed by the opportunity for public questions and comment. Assemblyman Lemondes spoke and discussed the process and that he wanted to hear from the public their thoughts on the topic. He said people could contact his office with their thoughts over the

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next few days and weeks. Mayor Giannettino opened the public to be heard to allow residents to speak. The following individuals spoke:

- Mr. David Pappert, 260 E. Genesee Street, Auburn. Not in favor of the occupancy tax.
- Mr. Andrew Cuddy, 1485 Turnpike Road, Town of Throop. Not in favor of the Occupancy tax.
- Mr. Eric Ridley, Town Supervisor of Throop and sits on the Executive Committee of the NYS Hospitality and Tourism Association and is the organizations immediate past chair. Not in favor of the Occupancy tax.
- Dale Bush, Standart Woods, has no opinion on the tax but does believe the required government process is burdensome and he believes in smaller government and thinks it should be more efficient.

ADJOURNMENT: By unanimous vote the Council adjourned the meeting. The meeting was adjourned at 8:03 p.m..

Minutes submitted by: Chuck Mason, City Clerk