

SPECIAL MEETING OF THE COMMON COUNCIL  
AUGUST 25, 2021  
6:00 PM

PRESENT: Mayor Sandra Magiera  
Council Members: John Hill, Kylee Johnson, Barry Smith  
Paul Myers, Janet Koch  
City Clerk: Tracy Chamberlain

The meeting was called to order at 6:00 PM.

Council Member Hill stated the Council received a packet on hiring a Human Resource Officer (HRO) for the City. He noted there have been many discussions regarding this and with the recent issues with personnel he feels there is a need to hire someone. He would like to see a part-time position with a separate office and lockable cabinets for the personnel files.

Mayor Magiera noted that some personnel files are being maintained in the separate departments. She was informed that the City should have all the files in one location and have one person designated to maintain the personnel records in a locked cabinet. The files also need to have all medical documents separated. She noted that someone will need to be appointed by the Council to go through the files and be stressed that the information is to be kept confidential.

There was discussion regarding the Account Clerk/Typist hired in to be split between the Comptroller's and Clerk's offices and what human resource work is done.

Council Member Smith asked if the HR position would cover all City employees, including the Library. The City Attorney is researching what the City is legally liable for regarding the Library. There was some discussion regarding the current structure and changes the Library would like made. The Attorney would need to determine if the Library staff would also be overseen by the City HRO.

Mayor Magiera stated Civil Service provided a job description that was used by the City of Olean. They recently canvassed the list of approximately 20 applicants, for part-time and no one was interested. If there are no applicants interested then someone not on the Civil Service list could be appointed provisionally. There was some discussion regarding requirements for the position.

Council Member Smith asked to have a resolution be on the next agenda to create the Civil Service HRO position and to authorize the Mayor to collect all personnel files. Council Member Koch suggested that no copies be provided to anyone without going through the proper steps.

Council Member Koch stated she is not against hiring an HRO. However, she is upset that the Account Clerk/Typist was not hired as instructed, to do human resource work, in the Comptroller's/Clerks offices. She noted that due to so many laws the City does need an HRO.

CLD TO ORDER

DISCUSSN ON  
HIRING HRO  
FOR THE CITY

PERSONNEL  
FILES PRESENT-  
LY MAINTAINED  
IN SEP DPTS

ACT/TYP PT  
IN COMPT &  
CLK DISCUSSED

LIBR PERSONNEL  
RESPONSIBILI-  
TIES BEING  
RESEARCHED BY  
CITY ATTY

CANVASSING BY  
CIV SERV FOR  
OLEAN CITY  
PT PROVIDED  
NO INTEREST  
AMONG 20 APPS

REQ BY WARD 3  
ALDERMAN TO  
AUTH CIV SERV  
TO CREATE HRO  
POSIT AND MAY  
OR COLLECT AL  
PERSONNEL  
FILES

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There was a consensus that a resolution be on the September 8, 2021 Council agenda creating a Civil Service HRO position at 20 hours per week and to canvas the Civil Service list. Also have on the agenda a resolution to require all active personnel files be provided to the Mayor's Office by September 10, 2021 and to authorize Mayor Sandra Magiera and Sandra Brundage access to records. These records should then convert to the Human Resource Department upon hiring of an HRO.

CONSENSUS TO HAVE RESOL AT 9/8/21 CC MTG TO CREATE HRO AT CIV SERV AT 20 HR/WK AND HAVE MAYOR COLL ALL PERSONL FILE BY 9/10/21, with AUTH FOR MAYOR & SANDRA BRUNDAGE TO ACCESS THEM

Mayor Magiera also noted that Civil Service suggested the City convert payroll updates to electronic rather than paper copies. There was some discussion regarding the current process for updating Civil Service on personnel changes.

There was discussion regarding updating the Drug Free Workplace Policy to include marijuana. It was decided to have the City Attorney confirm how to insert the non-use of legalized marijuana in the policy.

DISCUSN OF DRUG FREE WORKPL POLICY TO INCLUDE MARIJUANA

Council Member Koch asked if the personnel would get both portions of the policy or only the first half. The feeling is that staff only gets the first half and the second portion is instructions for the City to follow. She also asked if five days are required for the portion stating "... are required to report the conviction, plea or sentence to HR within five days." The Attorney will need to verify if this is a requirement.

She then read the section stating "The City of Salamanca may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis..." She stated she feels there should not be a second chance. There was some discussion and decided to have the Attorney verify if changing to one chance would conflict with union contracts.

Once the information is received from the City Attorney the amended policy can be on the next Council agenda.

CITY ATTY TO PROVIDE INFORM

There was discussion regarding how the American Rescue Act funds should be dispersed. The amount received this year was \$277,024.80. This amount included the \$40,000.00 previously taken away and an additional \$1,126.42, a portion of funds not requested by some municipalities, which was divided amongst the ones that did apply. Mayor Magiera reviewed the information she had in regard to the employee portion.

DISCN OF DISBURSMENT OF AMERICAN RESCUE ACT FUNDS

After discussion it was decided to have the Comptroller provide information on which employees worked their full-time or partial hours during COVID months. It was suggested to provide \$1,000.00 to employees that worked their regular full-time hours, \$500.00 if worked less than full-time down to half of regular hours and \$250.00 if worked less than half of regular hours. Once the list of employees is reviewed, this can go on a Council agenda. There was a consensus that the remainder of the American Rescue Act funds would then be designated for specific projects.

COMPT TO PROVIDE WORK HOUR INFO TO COUNCIL

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Mayor Magiera asked if the Council would like copies of the five-year plans provided by some of the department heads. Mayor Magiera noted that the Fire Department was notified of grant funds available for repairs to the Fire Station. A request for funds application needs to be provided by Friday, August 27, 2021. Chief Tom Sturdevant worked on providing estimates. He suggested to include repairing the overhead doors, renovating an existing restroom for future use by female officers and covering costs to have an engineer provide plans for additional renovations needed. The grant award will hopefully be made soon and the Council can authorize it at the next meeting.

FIVE YEAR  
PLANS SUB-  
MITTED TO  
MAYOR BY  
VAR DPTS

Clerk Chamberlain let the Council know the youth football league clubs were told to provide cooling tubs for possible heat exhaustion. The DPW read the meters used before and after and received an estimate of \$150.00. She is waiting for more information from the football clubs to determine how the additional cost should be handled. This can be discussed at the DPW meeting.

COOLING  
TUBS REQD  
BY FOOTBL  
CLUB AND  
TO BE ADDD  
AT DPW  
MTG

Mayor Magiera explained the City Attorney is continuing to look into the recreation vehicle ordinance. Also, upon the request of Council Member Koch, the Fire Chief and Code Enforcement Officer plan to attend the Council meeting to discuss questions regarding building code issues.

ATTY RE-  
VIEWING  
RECREATNL  
VHICLE ORD

Mayor Magiera noted that the Cattaraugus County Living Art Association has some prospective renters for the two storefronts. The agreement with the City and CCLAA states it requires approval from the owner. Therefore, the Council should authorize to rental agreements.

CCLAA HAS  
PROSPECTV  
RENTERS O  
2 STORE-  
FRONTS &  
MUST BE  
APRVD BY  
CITY CNCL

The waterline has been separated at 18 Main Street. The gas line needs a pipe added in order for National Fuel to reinstall the meter.

Clerk Chamberlain stated that the Charter was converted to a Microsoft Word document that now can be amended. The next step is to incorporate all the Local Laws that have been approved since 1996. Legal guidance will need to be provided to incorporate the changes. After those are done, then the Charter Commission can begin the process to recommend any amendments. The Mayor asked the Council to provide her with suggestions to appoint to the Charter Commission.

CHARTER  
NW CONVTD  
TO WORD  
DOC AND  
PROCESS  
OF AMNDG  
CHARTER  
CAN BEGIN

Moved by Myers and seconded by Smith:

RESOLVED: That the Mayor and Council enter into executive session for the purpose of discussing a personnel matter relating to a particular corporation under the provisions of the State's Open Meetings Law.

EXECUTIVE  
SESN

Adopted Ayes: Hill, Johnson, Smith, Myers, Koch

Nays: None

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Moved by Hill and seconded by Smith:

RESOLVED: That the Mayor and Council reconvene after approximately one hour in executive session.

RECONVENE

Adopted Ayes: Hill, Johnson, Smith, Myers, Koch  
Nays: None

(no action)

No formal action was taken.

Moved by Johnson and seconded by Koch:

ADJOURN

RESOLVED: That we hereby adjourn – 8:50 PM.

Carried.



Tracy Chamberlain, City Clerk

Dated: August 31, 2021