

REGULAR MEETING OF THE COMMON COUNCIL
OCTOBER 27, 2021
7:00 PM

PRESENT: Mayor Sandra Magiera
Council Members: Kylee Johnson, Barry Smith, Paul Myers,
Janet Koch
Account Clerk/Typist: Susan Whitcomb
City Comptroller: Kathleen Sarver
Police Chief: Jamie Deck
Grant Writer/Youth Bureau Director: Sandra Brundage

ABSENT: Council Member John Hill

Mayor Magiera called the meeting to order at 7:00 PM. After the Pledge of Allegiance, Mayor Magiera asked for a moment of silence.

At 7:00 the Public Hearing was opened regarding the New York State Marijuana Regulation & Taxation Act (MRTA).

There were several business owners present at the hearing to speak in favor of opting in for the adult-use cannabis retail dispensaries or on-site consumption licenses to be allowed to locate within the City. Local businessmen and women who spoke favorably with the opt-in decision were Carmen Vecchiarella, Sandra Hill, Lane Hoag, Gordon Brown, Jack Redeye, Gary Sanden, Jody Clark, and Robert Kennedy, all stressed the City's need to grow in several areas, and noted the City should take advantage of our location near the State Park, along the River, and near the Casino.

The general feelings were that dispensaries would contribute to the fiscal well-being of the City, although being on a Native American Reservation negates taxation for some business owners. It was also felt that increases in jobs, building repair to older business fronts, and establishment of new buildings and store fronts would take place with opting in. It was pointed out that we may see an increase in populations as businesses were allowed to open, an increase in housing options, and commercial sales.

Other good effects of establishing marijuana dispensaries would be that if the business was native owned, the contributions to the City would be seen in various indirect contributions, both financial and otherwise. As pointed out by Jack Redeye and Gary Sanden, the money aspect would be felt indirectly such as contributions by these businesses to youth programs, or by opening up the possibility of new property purchases for residences for employees who may not be native and could therefore contribute to the tax base. It would also increase consumer needs of food and clothing to enhance our local businesses.

There were some residents who were very concerned with enforcement of where dispensaries would be located, who would be enforcing local regulations, the purity of the product being sold, and especially how accessible product would be to our community's

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underage communities, as voiced by Betty Yuhas, Holly Jimerson, Sheldon Smith, and Diane Beaver. Mayor Magiera explained that the City is zoned for commercial and zoned for residential, so enforcement would be from that aspect currently, but we are also waiting on the New York State to develop a plan for regulation and enforcement. Chief Deck encouraged residents to call the police if something looked suspicious. Mayor Magiera added that sales would be regulated with similar restrictions as alcohol and tobacco: no sales under age 21, and restricted distances from schools and places of worship, and required ID. But she again noted we are waiting on New York State to define these regulations.

There were residents who also stressed that the marijuana supplied to the dispensaries underwent strict lab testing before they were allowed to be sold to the public. This included the medicinal type as well as the type sold for recreational use, as verified by Jack Redeye, Stacy French, Sandra Hill and Tammy Bias.

One other favorable factor was the opinion that opting-in would lead to regulation and open the door to more good outcomes rather than “bad” as voiced by Robert Kennedy, and Jody Clark. Bringing customers in to Salamanca could then lead to them spending money in other businesses in town also, or otherwise investing in what the City has to offer.

When questioned by Holly Jimerson on the time frame for this process, the Mayor and Council stated they would have to reach a decision on the opt-in/opt-out policy by the next Council meeting on November 10, 2021, in order to have time to proceed with any necessary local law and have it in place by December 31, 2021.

Those members of the Common Council in attendance were directly asked by the residents how they felt they would vote on the opt-in/opt-out issue, and they each voiced they would be in favor of the sales of marijuana in dispensaries. Council Member Koch offered a thank you to the new dispensaries opening up, to the newcomers who would be working there and patronizing these new businesses, and stated that enhancing and investing in what the City has to offer would be difficult to pass up.

The Public Hearing was closed at 8:10 PM by the Mayor, after no other persons wished to be heard.

Moved by Smith and seconded by Koch:

RESOLVED: That we hereby approve and dispense with reading the minutes of the last regular Council meeting of October 13, 2021 and the special Meeting of October 18, 2021.

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

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Moved by Myers and seconded by Smith:

RESOLVED: We hereby move Agenda Item #4 to the end of the meeting to be included in executive session.

Adopted Ayes: Johnson, Smith, Myers, Koch

Nays: None

Under Communications from the Mayor and Council:

- Council Member Koch asked the City Comptroller about the status of the requested Tax Auction. Comptroller Sarver explained the payments of taxes are due 10/31/2021, at which time they may proceed with setting a date.
- Council Member Koch noted that it has been noticed that several street signs have been replaced incorrectly and that the DPW Superintendent Robert Carpenter will be addressing this issue.
- Council Member Koch would like to follow up on the business permit issue at the corner of Washington Street and Center Street.
- Council Member Koch asked the status of the Library in not being a part of the City, in which case City services such as plowing the parking lot should be discontinued. The Mayor advised the Library Board of Trustees will be holding on any decision until December 31, 2021, and that she will be attending the next Library Board meeting on November 5, 2021.

Moved by Koch and seconded by Myers:

RESOLVED: That the bills be paid as warranted and recommended by the appropriate Commissions and/or Department Heads, The City Comptroller and City Clerk and that the reports of the Dog Control Officer and the Police Chief for the month of September 2021 are hereby accepted and filed.

---DATE---	---TYPE---	NUMBER	-----DESCRIPTION-----	-----AMOUNT-----
10/15/2021	CHECK	062056	CITY OF SALAMANCA PAYROLL ACCO	76,916.15CR
10/15/2021	CHECK	062057	CITY OF SALAMANCA PAYROLL ACCO	5,666.81CR
10/22/2021	CHECK	062058	CITY OF SALAMANCA PAYROLL ACCO	80,477.09CR
10/22/2021	CHECK	062059	CITY OF SALAMANCA PAYROLL ACCO	5,939.20CR
10/22/2021	CHECK	062060	CARDMEMBER SERVICE	1,549.64CR
10/22/2021	CHECK	062061	CYNTHIA A. FRANKLIN	54.88CR
10/22/2021	CHECK	062062	RYAN GREY	17.09CR
10/29/2021	CHECK	062063	ATLANTIC BROADBAND	208.14CR
10/29/2021	CHECK	062064	CATT. CO. REAL PROPERTY SERVIC	1,200.00CR
10/29/2021	CHECK	062065	CHAUTAUQUA COUNTY HUMANE SOCIE	1,130.00CR

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10/29/2021	CHECK	062066	EMERLING CHRYSLER DODGE JEEP R	264.99CR
10/29/2021	CHECK	062067	FASTENAL COMPANY	50.11CR
10/29/2021	CHECK	062068	GRAINGER	21.04CR
10/29/2021	CHECK	062069	JAMES B SCHWAB CO., INC	65.98CR
10/29/2021	CHECK	062070	JAMESTOWN MACADAM, INC	1,092.00CR
10/29/2021	CHECK	062071	LANDPRO EQUIPMENT LLC	125.51CR
10/29/2021	CHECK	062072	LAWLEY BENEFITS CONSULTING	1,500.00CR
10/29/2021	CHECK	062073	M.I.S. OF AMERICA, INC.	193.50CR
10/29/2021	CHECK	062074	MAD PROPERTY MANAGEMENT	1,150.00CR
10/29/2021	CHECK	062075	METROPOLITAN TELECOMMUNICATION	1,781.14CR
10/29/2021	CHECK	062076	MICHAEL FOREMAN	25.76CR
10/29/2021	CHECK	062077	NATIONAL FUEL	661.99CR
10/29/2021	CHECK	062078	NEW ENTERPRISE STONE & LIME CO	4,068.00CR
10/29/2021	CHECK	062079	NYS ASSOCIATION OF CITY AND VI	50.00CR
10/29/2021	CHECK	062080	OLEAN TIMES HERALD	37.50CR
10/29/2021	CHECK	062081	PERKINS LLC	917.23CR
10/29/2021	CHECK	062082	QUADIENT LEASING USA, INC.	251.77CR
10/29/2021	CHECK	062083	SCHINDLER ELEVATOR CORPORATION	2,564.52CR
10/29/2021	CHECK	062084	SCOTT J COLLINS	1,459.00CR
10/29/2021	CHECK	062085	STAPLES CREDIT PLAN	50.00CR
10/29/2021	CHECK	062086	THE PAPER FACTORY	66.00CR
10/29/2021	CHECK	062087	THE PUMP DOCTOR	720.00CR
10/29/2021	CHECK	062088	TWIN TIERS OVERHEAD DOORS, INC	4,948.38CR
10/29/2021	CHECK	062089	TYLER TECHNOLOGIES, INC.	395.58CR
10/29/2021	CHECK	062090	U.S. BANK EQUIPMENT FINANCE	59.82CR
10/29/2021	CHECK	062091	UNIFIRST CORPORATION	63.82CR
10/29/2021	CHECK	062092	URBAN ENGINEERS OF NEW YORK, D	29,757.31CR
10/29/2021	CHECK	062093	VALPRO SANITARY SUPPLIES, INC.	1,137.90CR
10/29/2021	CHECK	062094	AUTOZONE, INC.	340.50CR
10/29/2021	CHECK	062095	BOUND TREE MEDICAL, INC.	115.74CR
10/29/2021	CHECK	062096	BREATHING AIR RESOURCES	1,073.18CR
10/29/2021	CHECK	062097	CATTARAUGUS COUNTY EMS	4,604.60CR
10/29/2021	CHECK	062098	INCIDENT RESPONSE & MITIGATION	182.00CR
10/29/2021	CHECK	062099	RANDOLPH AUTO SUPPLY	133.40CR

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10/29/2021 CHECK	062100	ZOLL MEDICAL CORPORATION	865.10CR
10/29/2021 CHECK	062101	CENTER FOR EDUCATION & EMPLOYM	278.00CR
10/29/2021 CHECK	062102	DEMPSEY CLUB, P.B.A.	150.00CR
10/29/2021 CHECK	062103	GALLS, LLC.	105.24CR
10/29/2021 CHECK	062104	INCIDENT RESPONSE & MITIGATION	626.94CR
10/29/2021 CHECK	062105	RANDOLPH AUTO SUPPLY	174.74CR
10/29/2021 CHECK	062106	THE PAPER FACTORY	35.88CR
10/29/2021 CHECK	062107	WATCH GUARD	1,060.00CR
10/29/2021 CHECK	062108	WORTH W SMITH	154.31CR

Special Accounts - 10/27/2021

Chk #	Date	Account Name	Amount
345	10/14/2021	Pooled Cash - Sala FLF-Ross Ledsome	194.38
346	10/14/2021	Pooled Cash - Sala FLF-Zuech's Environmental Service	1,380.00
347	10/14/2021	Pooled Cash - Sala FLF - Donna Raahauge	48.60
348	10/14/2021	Pooled Cash - Sala FLF - Sports Locker	320.60
349	10/14/2021	Pooled Cash - Sala FLF - The Post Journal	272.00
350	10/14/2021	Pooled Cash - Youth Ctr Special Activ-Pepsi Cola	249.69
351	10/18/2021	Pooled Cash - Sala FLF - Schubert Enterprises, LLC	150.00

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

Under Public Discussion

Resident Holly Jimerson requested information on the procedure steps of the tax auction process and was advised that the properties are published in the paper, with the payments due by October 31, 2021, at which time the Council will set a date for the auction. There will be no Tax Certificates, just the Tax Auction as decided by Council. The meetings and the auction are open to the public.

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

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Moved by Johnson and seconded by Myers:

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

Police Chief Deck was invited to stay.

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

Moved by Johnson and seconded by Koch:

RESOLVED: That the Mayor and Council reconvene after approximately three minutes in executive session.

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

Moved by Johnson and seconded by Koch:

RESOLVED: That we hereby approve the recommendation from the Police Commission regarding the following personnel:

- Authorize the hiring of Michael J. O'Sullivan, Hamburg, NY, as Full-Time Police Officer, with a salary in accordance with the current union contract, pending medical clearance from Civil Service.
- Authorize the move of Cale Benjamin from the title of Sergeant to Full-Time Police Officer (Patrolman) effective October 23, 2021.
- Authorize the move of William Hunt from the title of Officer in charge to Full-Time Police Officer (Patrolman), effective October 23, 2021.
- Authorize the appointment of John Sandy as Sergeant from the Civil Service eligible list, with six months' probation, effective October 23, 2021.
- Authorize the appointment of Zachary Petrichko as Sergeant, from the Civil Service eligible list, with six months' probation, effective October 23, 2021.

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

Moved by Johnson and seconded by Myers:

RESOLVED: That we hereby adjourn – 8:30 PM
Carried.

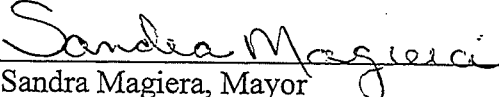


Tracy Chamberlain, City Clerk

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THE ABOVE RESOLUTIONS, AS ADOPTED BY THE COMMON COUNCIL, ARE
HEREBY APPROVED.


Sandra Magiera, Mayor

Dated: Nov. 5th, 2021