

SPECIAL MEETING OF THE COMMON COUNCIL
FEBRUARY 9, 2022
4:30 PM

PRESENT: Mayor Sandra Magiera
Council Members: John Hill, Kylee Johnson, Barry Smith
Paul Myers, Janet Koch
City Attorney: Jeffrey Swiatek
City Clerk: Tracy Chamberlain
Fire Chief: Tom Sturdevant
Assistant Fire Chief: Brandon Smith

The meeting was called to order at 4:30 PM.

At this time City Attorney Jeff Swiatek reviewed the issues with the Volunteer Fire Department garage bay lease. He noted through wording of the lease it would have expired in 2014. It also states the lease could have been terminated if the Volunteers stopped providing firematic services, which they did cease doing, or in breach of the lease. However, he is not aware of any communications to terminate the lease or charge rent. He also noted that the lease states any movables not taken with 30 become the property of the City. This could possible include the fire truck that was recently sold. Therefore, the City could request the truck or the proceeds from the sale of the truck.

Attorney Swiatek also noted the Volunteer Department is incorporated as a Charitable Organization. He explained the requirements of a non-active volunteer company, including distributing their assets to charitable purposes as under the supervision of the NYS Attorney General.

There was some discussion regarding the 2% insurance fire tax funds that are split between the Paid Fire Union, the Volunteers, and Exempt (retired) Volunteers.

After the discussion it was a consensus of the Council to have the City Attorney prepare a letter requesting to return the truck or the proceeds from the sale of the truck. Also to notify them that because they no longer provide firematic services they will no longer receive any proceeds from the 2% fire tax funds and the City is undertaking a review of the funds previously provided to them. It was noted that they should have the right to remove the mementos and transfer items of value to the City.

Attorney Swiatek reviewed the issues going on with the William Putman of PC Construction Systems, who was approved to do the Fire Dept restroom project. Mr. Putman did not start the work within the timeline established in the contract. Mr. Putman explained that there was paperwork that delayed the starting however, he still intends to do the work. After discussion it was decided to amend the contract to include specific milestones. It was noted that a notice for bids will be published and those bids can be used if Mr. Putman is unable to complete the work. The resolution for the regular meeting on this date will be state the Attorney is to notify PC Construction of an amendment to the contract and authorize the City Clerk to advertise for contingent bids.

SPECIAL MEETING OF THE COMMON COUNCIL
FEBRUARY 9, 2022
PAGE TWO

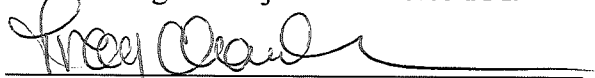
Attorney Swiatek stated that he has spoken with the Salamanca Public Library's attorney regarding the Memorandum of Understanding. He reviewed the changes they have requested. The Council can accept the MOU at the regular meeting on this date.

Council Member Koch stated she would like to back off on the request to pursue the cannabis dispensaries on residential properties. Mayor Magiera noted she has attended Webinars held by the Board of Cannabis Control. She has submitted questions but has not received a response. There was a statement made on the webinar that there are no legal dispensaries in NYS, other than for medical marijuana. They discourage purchasing from the dispensaries that are operating due to not having the product testing. The regulations are expected to be established in the spring, then there will be 60 days for public comment and another six months before licensing will be finalized. They also noted that municipalities cannot create laws that would suppress such businesses, only control hours of operation. The laws are to be enforced by NYS. Council Member Hill feels the State will not take action on the reservation and that the City should stay out of enforcement. Mayor Magiera noted that there are projects the City and SNI will be working on and do not want to ruin that relationship. Council Member Koch again noted that she feels the City should step back from this battle. There was a consensus of the Council to hold off on any action due to unclear regulations.

There was discussion regarding Special Use Permits received for dispensary businesses on residential lots. It was noted that accessory buildings are not permitted on vacant residential lots, they are required to have a residence on the parcel. It was suggested to send a letter noting the permit would not be processed due to unclear regulations and return the permit fees. Council Member Koch asked what the process would be to change the law to allow accessory/business buildings on residential lots. Clerk Chamberlain noted the Planning Commission and Zoning Commission should review the suggested changes and recommend the Council amend the Zoning Law by Local Law. Council Member Koch asked that the Assessor be asked to look into amending the Zoning Law. It was noted that any structures are subject to the building code regulation.

There was discussion regarding the tax foreclosure process, including tax sale certificates and tax foreclosure auctions. Attorney Swiatek noted that the Charter revisions do not fit well or define the different options. There was some discussion regarding the procedures. It was decided the Attorney, Mayor, Clerk and Comptroller will meet to discuss amending the Charter to be more clear. Clerk Chamberlain will work on the auction of properties currently owned by the City.

The meeting was adjourned at 6:05 PM.



Tracy Chamberlain, City Clerk

Dated: February 15, 2022