

REGULAR MEETING OF THE COMMON COUNCIL
DECEMBER 14, 2022
7:00 PM

PRESENT: Mayor Sandra Magiera
Council Members: John Hill, Kylee Johnson, Barry Smith,
Paul Myers, Janet Koch
City Clerk: Tracy Chamberlain
City Comptroller: Robert Earley
Human Resource Specialist: William Hernandez
Grant Writer: Sandra Brundage
Police Chief: Jamie Deck
BPU General Manager: Dennis Hensel
BPU Electric Supervisor: Jeffrey Pond Jr.

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

Moved by Smith and seconded by Johnson:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of November 30, 2022.

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

Moved by Myers and seconded by Smith:

A LOCAL LAW AMENDING THE CHARTER OF THE CITY OF SALAMANCA, NEW YORK, TO PROVIDE THAT THE BOARD OF PUBLIC UTILITIES SHALL HAVE THE SOLE AUTHORITY TO APPOINT, HIRE, REMOVE AND SET THE COMPENSATION OF ALL BOARD OF PUBLIC UTILITIES EMPLOYEES UNLESS SPECIFICALLY PROVIDED OTHERWISE BY LAW.

BE IT ENACTED by the Common Council of the City of Salamanca as follows:

Section 1.

That this Local Law shall be deemed to supersede any inconsistent provisions in the City Charter.

Section 2.

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law in order to provide that the Board of Public Utilities shall have the sole authority to appoint, hire, remove and set the compensation of all Board of Public Utilities Employees, unless specifically provided otherwise by law.

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Section 3.

Title IV, Section 47 of the City Charter of the City of Salamanca is hereby amended by deleting the following:

“Notwithstanding any provision of this Act to the contrary, and unless otherwise specifically provided by a general law, the Common Council shall appoint, hire, remove and set the compensation of all City officers and employees. In any case where a Board or Commission exercises oversight with respect to a department, such Board or Commission may submit a recommendation to the Common Council during the Common Council’s consideration of an appointment of an officer or employee in such department.”

Title IV, Section 47 of the City Charter of the City of Salamanca is hereby further amended by adding the following:

“Notwithstanding any provision of this Act to the contrary, and unless otherwise specifically provided by a general law, the Common Council shall appoint, hire, remove and set the compensation of all City officers and employees, except that this provision shall not apply to the employees of the Board of Public Utilities, for whom the Board of Public Utilities shall appoint, hire, remove and set the compensation of all such employees. In any case where a Board or Commission exercises oversight with respect to a department, such Board or Commission may submit a recommendation to the Common Council during the Common Council’s consideration of an appointment of an officer or employee in such department.”

Section 4.

This Local Law shall become effective upon its filing with the Secretary of State pursuant to the provisions of the Municipal Home Rule Law.

Council Member Johnson stated there is a question on the wording being added to Section 3. There is concern regarding the possible increase in the BPU Board member compensation. Council Member Myers noted that this is to allow the BPU to continue to have the power to hire, remove and set compensation for employees. It was noted the second sentence to be added in Title IV, Section 47, is intended for all such Boards and Commission, other than the BPU.

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

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Moved by Johnson and seconded by Hill:

RESOLVED: That we hereby approve the agreement between the City and the Seneca EMS for Advanced Life Support (ALS) and Mutual Aid for Seneca EMS to respond and provide ALS and Mutual Aid services upon request, as approved by the City Attorney.

It was noted that this allows the Seneca EMS to bill insurance companies and they will not be billing the City.

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

At this time Council Member Myers left the meeting.

Moved by Smith and seconded by Koch:

RESOLVED: That we hereby authorize the renewal of the agreement for the City of Olean Community Development, Olean Area Transit System bus services within the City of Salamanca for June 1, 2022 through May 31, 2023 in the amount of \$2,751.18, and further authorize the Mayor to sign such agreement.

It was noted Olean Community Development received a grant that reduced the City's cost originally budgeted at \$15,000.

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

Moved by Johnson and seconded by Koch:

RESOLVED: That we hereby authorize the continuation of the wage increase to Sandra Brundage, Youth Bureau Director, for grant writing and administrative services provided to the City, effective December 9, 2022.

Council Member Koch noted with the amount of grants received this is worth it.

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

Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby waive the agenda rule to consider other items.

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

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Moved by Hill and seconded by Smith:

RESOLVED: That we hereby request Civil Service to canvas the list for a full-time Dispatcher in the Police Department at a wage of \$18.00 - \$20.00 per hour, based on experience.

Council Member Hill noted the department has been losing Police Officers. This will help free up Officers for patrol rather than being at the dispatch station.

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

Moved by Hill and seconded by Koch:

RESOLVED: That we hereby approve the request for a three-month extension for the Empire State Development Restore NY grant for the Main Street Nies Block renovations.

It was noted the grant end date is to be December 31, 2022. There is a payment request to be submitted that will be processed past that date.

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

Moved by Koch and seconded by Johnson:

A LOCAL LAW AMENDING THE ZONING LAW OF THE CITY OF SALAMANCA, NY TO CHANGE THE USE DISTRICT CLASSIFICATION OF 486 EAST STATE STREET, S.B.L. No. 73.073-4-1, FROM R1 SINGLE FAMILY RESIDENTIAL TO B3 NEIGHBORHOOD COMMERCIAL USE DISTRICT

WHEREAS, the City of Salamanca Planning Commission has recommended that the Zoning Law of the City of Salamanca be amended to change the use district classification of 486 East State Street, Tax Map No. 73.073-4-1 (the "Property") from R1 Single Family Residential to B3 Neighborhood Commercial Use District; and

WHEREAS, the reason for the recommended change is the request of the current owner, and that it is consistent with current character of the neighborhood which contains both residential and business related structures; and

WHEREAS, a legal description of the Property is attached as **Schedule A**; and

WHEREAS, a copy of portion of the County Tax Map page showing the Property is attached as **Schedule B**; and

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WHEREAS, the Common Council has determined that the changes in Zoning use classification as recommended by the Planning Commission are appropriate and in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ENACTED, as follows:

Section 1. ARTICLE 3- ESTABLISHMENT OF DISTRICTS, Section 3.3 Zoning Map of the City of Salamanca is hereby amended as follows:

The Classification of the Zoning Use District of premises located at 486 East State Street, Tax Map No. 73.073-4-1 is changed from R1 Single Family Residential to B3 Neighborhood Commercial Use District.

Section 2. This local law shall become effective upon its filing with the Secretary of State pursuant to the provisions of the Municipal Home Rule Law.

Council Member Hill apologized to Jake Clark, noting he was basing his decision on the type of business that may be there. He has since changed his mind.

Mr. Clark thanked the Council for the help in moving the project forward.

Council Member Smith noted he spoke with some people and with the additional neighboring property is more satisfied with the safety.

Council Member Koch thanked Mr. Clark for investing in the property.

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

Communications:

- Mayor Magiera noted there was concern with this year's Silver Bells parade. She stated the organization handling the event should request street closings and should notify the Police Department to assist.
- Mayor Magiera wished everyone Merry Christmas.

Moved by Johnson and seconded by Koch:

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 City Clerk, City Comptroller, Fire Chief, Police Chief and City Judge for the month of November 2022 are hereby accepted and filed.

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Number	Vendor Name	Payment Date	Payment Type	Payment Amount	Number
GF-GENERAL FUND BANK CODE					
	BLUE CROSS/BLUE SHIELD OF WNY	12/05/2022	Regular	1,170.00	1125
	DELTA DENTAL OF NEW YORK, INC.	12/05/2022	Regular	1,919.07	1126
	HIGHMARK BCBSWNY	12/05/2022	Regular	49,215.03	1127
	RENAISSANCE	12/05/2022	Regular	187.61	1128
	VISION SERVICE PLAN-(NR)	12/05/2022	Regular	600.97	1129
	CARDMEMBER SERVICE	12/06/2022	Regular	3,737.86	1130
	SOUTHERN TIER HEALTH CARE SYSTEM	12/06/2022	Regular	700.00	1131
	VERIZON WIRELESS	12/06/2022	Regular	919.12	1132
	NY STATE & LOCAL EMPLOYEE'S RETIREMENT S	12/07/2022	Regular	666,993.00	1133
	NY STATE & LOCAL EMPLOYEE'S RETIREMENT'S	12/07/2022	Regular	321,940.00	1134
	QUADIENT FINANCE USA, INC	12/09/2022	Regular	2,069.65	1135
	RICOH USA	12/12/2022	Regular	109.86	1137
	CARDMEMBER SERVICE	12/12/2022	Regular	203.59	1138
	KOSINSKI, ROBERT	12/09/2022	Regular	15.00	1139
	MAC TRUCK PARTS	12/09/2022	Regular	170.80	1140
	SANDRA L. BRUNDAGE	12/09/2022	Regular	74.99	1141
	BEICHER WASTE SERVICES, INC.	12/16/2022	Regular	150.15	1142
	BERNARD P. DONEGAN, INC.	12/16/2022	Regular	195.00	1143
	BLUE COLLAR WORKWEAR	12/16/2022	Regular	542.98	1144
	BOYLE'S MOTOR SALES INC.	12/16/2022	Regular	1,057.25	1145
	BRADFORD PUBLISHING COMPANY	12/16/2022	Regular	419.80	1146
	BREEZELINE	12/16/2022	Regular	165.93	1147
	CASELLA WASTE SYSTEMS, INC.	12/16/2022	Regular	85.60	1148
	CATTARAUGUS COUNTY DPW	12/16/2022	Regular	200.34	1149
	CHEMUNG SUPPLY CORP	12/16/2022	Regular	840.00	1150
	CITY OF SALAMANCA BPU	12/16/2022	Regular	11,646.42	1151
	CNY POMEROY APPRAISERS, INC	12/16/2022	Regular	1,950.00	1152
	EMERLING FORD, INC	12/16/2022	Regular	216.00	1153
	FASTENAL COMPANY	12/16/2022	Regular	17.50	1154
	FLEXLUME	12/16/2022	Regular	2,510.00	1155
	FRED SARADIN	12/16/2022	Regular	487.50	1156
	FSC SYSTEMS, LLC	12/16/2022	Regular	276.00	1157
	GRAINGER	12/16/2022	Regular	126.12	1158
	JOE JOHNSON EQUIPMENT	12/16/2022	Regular	1,355.68	1159
	KENWORTH NORTHEAST GROUP INC	12/16/2022	Regular	31.86	1160
	KURK FUEL COMPANY	12/16/2022	Regular	12,058.21	1161
	LANDPRO EQUIPMENT LLC	12/16/2022	Regular	65.44	1162
	LAWLEY BENEFITS CONSULTING	12/16/2022	Regular	1,500.00	1163
	PLUMBMASTER	12/16/2022	Regular	689.81	1164
	RANDOLPH AUTO SUPPLY	12/16/2022	Regular	1,818.57	1165
	Void	12/16/2022	Regular	0.00	1166
	SOUTHWORTH-MILTON, INC	12/16/2022	Regular	105.40	1167
	STAPLES CONTRACT & COMMERCIAL	12/16/2022	Regular	661.62	1168
	SUPERIOR AUTO SUPPLY INC	12/16/2022	Regular	980.85	1169
	TYLER TECHNOLOGIES, INC.	12/16/2022	Regular	398.39	1170
	U & S SERVICES INC	12/16/2022	Regular	610.00	1171
	U.S. BANK EQUIPMENT FINANCE	12/16/2022	Regular	119.13	1172
	UNIFIRST CORPORATION	12/16/2022	Regular	149.25	1173
	URBAN AUTO CENTER	12/16/2022	Regular	99.95	1174
	WILSON TREE SERVICE	12/16/2022	Regular	3,200.00	1175
	WORTH W SMITH	12/16/2022	Regular	73.35	1176

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ACME BUSINESS MACHINES	12/16/2022	Regular	60.55	1177
CATTARAUGUS COUNTY EMS	12/16/2022	Regular	20.00	1178
CHAUTAUQUA BRICK CO., INC	12/16/2022	Regular	2.61	1179
DIVAL SAFETY & SUPPLIES FOR LIFE	12/16/2022	Regular	494.00	1180
ESO SOLUTIONS, INC.	12/16/2022	Regular	4,800.00	1181
SOUTHERN TIER ELECTRIC SUPPLY INC	12/16/2022	Regular	442.01	1182
WORTH W SMITH	12/16/2022	Regular	109.28	1183
CATTARAUGUS COUNTY DPW	12/16/2022	Regular	646.90	1184
DARYLLS CAR AUDIO	12/16/2022	Regular	325.00	1185
INCIDENT RESPONSE & MITIGATION SERVICES,	12/16/2022	Regular	109.98	1186
RANDOLPH AUTO SUPPLY	12/16/2022	Regular	202.80	1187
RICOH USA	12/16/2022	Regular	57.89	1188
SEWING TECHNOLOGY UNIFORM INC	12/16/2022	Regular	650.82	1189
TOLLS BY MAIL PAYMENT PROCESSING CENTER	12/16/2022	Regular	27.66	1190
WORTH W SMITH	12/16/2022	Regular	50.01	1191

Special Accounts

Check #	Date	Account Name	Amount
383	12/5/2022	Pooled Cash – FLF -Beichner Waste Service	\$440.00
1002	12/7/2022	CDBG -Police Renovations Grant- Inscale Architects	\$1,012.50
384	12/7/2022	VOID	\$0.00
385	12/13/2022	Pooled Cash – Sala Youth Center -Pepsi Cola	\$355.20

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

Moved by Hill and seconded by Smith:

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

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

Moved by Johnson and seconded by Koch:

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

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

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Moved by Koch and seconded by Smith:

RESOLVED: That we hereby request Sergeant Dennis Brown to resign or be terminated.

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

Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby uphold the termination of Police Officer Brandon Snyder.

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

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby appoint Tina Darling as Sergeant effective November 19, 2022 in accordance with the current Union Contract.

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

There was some discussion regarding the City Comptroller's Office open positions. There was a consensus of the Council to advertise the position for Full-time Junior Account at a wage of \$30,000 to \$40,000. Applications should be submitted by December 22, 2022 to possibly interview on December 28, 2022.

Moved by Johnson and seconded by Koch:

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

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

Moved by Smith and seconded by Koch:

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

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

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Moved by Smith and seconded by Johnson:

RESOLVED: That we hereby adjourn – 8:46 PM.

Carried.

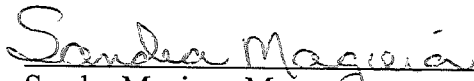
ADJOURN



Tracy Chamberlain, City Clerk

Dated: December 20, 2022

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


Sandra Magiera, Mayor

Dated: December 23, 2022