

REGULAR MEETING OF THE COMMON COUNCIL
NOVEMBER 10, 2021
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: Kathleen Sarver
City Assessor: Cynthia Franklin
Grant Writer/Youth Bureau Director: Sandra Brundage

Mayor Magiera called the meeting to order at 7:00 PM. After the Pledge of Allegiance, Mayor Magiera asked for a moment of silence in memory of Clay (Butch) Talbot.

At this time Salamanca City Central School District Superintendent Robert Briedenstein gave a presentation regarding a special school vote on December 14, 2021 in regard to property purchases. He explained the properties are along Hoy Street and would be used for future development at Veteran's Park.

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 October 27, 2021.

Council Member Koch suggested Susan Whitcomb sign the minutes being that she attended the meeting in place of Clerk Chamberlain.

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

Mr. Luke Malecki of Drescher & Malecki LLP, Buffalo, NY presented the annual audit of the City for fiscal year April 1, 2020 to March 31, 2021. In answer to a question from Council Member Koch, Mr. Malecki noted that if the City does not receive funds from NYS, under a standard year of expenditures, it could continue for approximately two and half years.

Moved by Smith and seconded by Myers:

RESOLVED: That we hereby confirm the Cattaraugus County Living Arts Association (CCLAA) sublease of 12 Main Street to John Miller be extended for five years.

Council Member Koch asked to confirm that the utilities are paid by the tenant. She also stated she does not like the idea that there is not an increase in rent over the five years and that a decision was needed in a short amount of time.

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

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Moved by Hill and seconded by Johnson:

RESOLVED: That we hereby approve the Minority and Women Owned Business Enterprises Policy Statement.

Such policy statement is attached to and made part of these minutes. It was noted that the officer would be the Mayor until a Human Resource Specialist is appointed.

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

Moved by Hill and seconded by Koch:

RESOLVED: That we hereby approve the Americans With Disabilities Act Policy to include the Grievance Procedure.

Such policy is attached to and made part of these minutes. It was noted that the City Clerk is appointed as the ADA Coordinator.

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

Moved by Smith and seconded by Hill:

RESOLVED: That we hereby authorize the sale of 143 River Street (#73.017-5-17) to Robert and Jamie Kennedy, for a purchase price of \$500.00, with the purchaser to pay the cost of consent for the Seneca Nation Indian Lease Assignment and all recording costs to record the deed and related paperwork with Cattaraugus County.

Council Member Koch stated she feels all City properties should be listed for sale at the next auction, to get the word out to the public, rather than sell properties when individually requested. She noted there were taxes owed of \$3,182 for this property. She feels this sale should be put on hold and listed when the auction is held.

Assessor Franklin noted a procedure for the selling of City owned properties needs to be established and followed.

Council Member Hill stated when contacted about this sale he researched if this could be done. It has been done this way in the past and it is legal to do. This offer is from the adjacent property owner and he feels it should be sold to them.

Council Member Smith noted he spoke with the City Attorney who stated it is legal to sell the properties as long as it has been advertised for sale to the public at least once. He feels this property sale should be considered and it would go on the tax roll.

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He noted the City would no longer pay the Indian Lease and insurance. He feels any property the City can sell and generate revenue, puts the City ahead.

Council Member Koch feels the public is not aware that properties are available.

Assessor Franklin noted the procedure for the selling of City owned properties is very confusing to explain to interested individuals. She would like to see the procedure established and for it to be fair for everyone. She noted she has nothing against this proposed sale.

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

Moved by Hill and seconded by Johnson:

RESOLVED: That the following appointment by the Mayor is hereby approved:

LIBRARY BOARD OF TRUSTEES

Appointment of Linda Rychcik, Salamanca, NY, to fill the unexpired term of Gina Valent beginning on November 11, 2021 and ending January 31, 2024.

Appointment of Cheryl Cole, Salamanca, NY, to fill the unexpired term of Brad Sande beginning on November 11, 2021 and ending January 31, 2022.

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

Moved by Koch and seconded by Johnson:

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

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

Moved by Koch and seconded by Myers:

BE IT RESOLVED, that the Common Council of the City of Salamanca hereby declines to exercise its local opt-out option under Cannabis Law § 131 with regard to licensure and establishment of a retail dispensary license and/or on-site consumption license authorizing the retail sale of adult-use cannabis to cannabis consumers within the jurisdiction of the City, and accordingly the Common Council will not request that the cannabis control board prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the City; and

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BE IT FURTHER RESOLVED, that the Common Council recognizes that the licensure and establishment of a retail dispensary license and/or on-site consumption license authorizing the retail sale of adult-use cannabis within the jurisdiction of the City must comply with all applicable provisions of the Cannabis Law, as well as with any local laws and regulations adopted by the Common Council governing the time, place and manner of the operation of licensed adult-use cannabis retail dispensaries and/or on-site consumption sites.

Council Member Koch noted that the public was told at the last meeting that the Council would vote on the local opt-out option.

Council Member Hill stated he understood a resolution is not needed unless opting-out. He noted he is sorry he missed the public hearing at the last meeting. He feels this resolution is not necessary and would like to speak with the attorney before voting.

Council Member Koch asks that remaining Council committed to the community to back this with their vote.

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

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby approve the amendment to the contract between Hunt Engineers and the City for professional services for the CDBG BPU water study, in order to comply with the provisions of the CDBG grant administration manual.

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

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby authorize the Rental Property Energy Efficiency Services Agreement between the City and NYSERDA for the NY Residential Existing Homes Program for the EmPower New York and Assisted Home Performance with ENERGY STAR Program Projects for 18 Main Street and further authorizing the Mayor to sign such agreement, as approved by the City Attorney.

City Clerk Chamberlain stated that the unit would qualify if the resident is low income. If approved the program could provide energy efficiency products, such as hot water heating, lighting, or window weatherization.

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

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Under Communications from the Mayor and Council:

- Council Member Koch asked when the tax auction can be held. Comptroller Sarver stated the properties that are delinquent would need to be transferred to the City. The Attorney will need to prepare paperwork and advise when an auction can be held. Comptroller Sarver and the Attorney are concerned with not being able to evict property owners or renters. Mayor Magiera noted that the court filing cannot be done until after January 15, 2022. Council Member Koch asked that the Attorney be available for the December Council meeting to discuss establishing a procedure prior to holding an auction.

Moved by Hill and seconded by Johnson:

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 Judge, and City Comptroller for the month of October 2021 are hereby accepted and filed.

--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	---AMOUNT---
10/29/2021	CHECK	062109	CITY OF SALAMANCA PAYROLL ACCO	83,613.98CR
10/29/2021	CHECK	062110	CITY OF SALAMANCA PAYROLL ACCO	6,383.39CR
10/29/2021	CHECK	062111	CATTARAUGUS COUNTY	84,964.26CR
11/05/2021	CHECK	062112	CITY OF SALAMANCA PAYROLL ACCO	77,595.03CR
11/05/2021	CHECK	062113	CITY OF SALAMANCA PAYROLL ACCO	5,719.93CR
11/04/2021	CHECK	062114	NIAGARA COUNTY	500.00CR
11/09/2021	CHECK	062115	CHAUTAUQUA BRICK CO., INC	501.30CR
11/09/2021	CHECK	062116	CHRIS CAMPBELL	45.00CR
11/09/2021	CHECK	062117	MAC TRUCK PARTS	222.01CR
11/09/2021	CHECK	062118	SANDRA L. BRUNDAGE	74.99CR
11/09/2021	CHECK	062119	VERIZON WIRELESS	870.86CR
11/12/2021	CHECK	062120	BEICHER WASTE SERVICES, INC.	150.15CR
11/12/2021	CHECK	062121	BERNARD P. DONEGAN, INC.	3,140.00CR
11/12/2021	CHECK	062122	BRADFORD PUBLISHING COMPANY	546.02CR
11/12/2021	CHECK	062123	CATTARAUGUS COUNTY DPW	1,391.15CR
11/12/2021	CHECK	062124	CITY OF SALAMANCA BPU	18,829.99CR
11/12/2021	CHECK	062125	VOID CHECK	0.00
11/12/2021	CHECK	062126	CNY POMEROY APPRAISERS, INC	1,900.00CR
11/12/2021	CHECK	062127	COYOTE PERFORMANCE PRODUCTS	356.16CR

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11/12/2021	CHECK	062128	EMERLING CHRYSLER DODGE JEEP R	22.20CR
11/12/2021	CHECK	062129	EMPIRE ANIMAL RESCUE SOCIETY	3,492.00CR
11/12/2021	CHECK	062130	FASTENAL COMPANY	225.65CR
11/12/2021	CHECK	062131	GERNATT ASPHALT	12,810.02CR
11/12/2021	CHECK	062132	GRAINGER	317.18CR
11/12/2021	CHECK	062133	HENRY H. HILL INC.	41.57CR
11/12/2021	CHECK	062134	HODGSON RUSS, LLP	5,078.50CR
11/12/2021	CHECK	062135	LANDPRO EQUIPMENT LLC	12.45CR
11/12/2021	CHECK	062136	NEW ENTERPRISE STONE & LIME CO	3,050.88CR
11/12/2021	CHECK	062137	PRO-FLEX ADMINISTRATORS LLC	308.00CR
11/12/2021	CHECK	062138	RANDOLPH AUTO SUPPLY	1,514.43CR
11/12/2021	CHECK	062139	VOID CHECK	0.00
11/12/2021	CHECK	062140	RICOH USA	104.63CR
11/12/2021	CHECK	062141	RICOH USA, INC.	83.80CR
11/12/2021	CHECK	062142	SHERWIN-WILLIAMS	209.95CR
11/12/2021	CHECK	062143	STAPLES CONTRACT & COMMERCIAL	838.55CR
11/12/2021	CHECK	062144	THE PAPER FACTORY	23.99CR
11/12/2021	CHECK	062145	THE PUMP DOCTOR	103.07CR
11/12/2021	CHECK	062146	UNIFIRST CORPORATION	393.50CR
11/12/2021	CHECK	062147	VALPRO SANITARY SUPPLIES, INC.	606.65CR
11/12/2021	CHECK	062148	WORTH W SMITH	111.26CR
11/12/2021	CHECK	062149	AIRGAS USA, LLC	145.73CR
11/12/2021	CHECK	062150	AUTO ZONE, INC	30.27CR
11/12/2021	CHECK	062151	BOYLE'S MOTOR SALES INC.	55.00CR
11/12/2021	CHECK	062152	INCIDENT RESPONSE & MITIGATION	542.91CR
11/12/2021	CHECK	062153	JOHN SIXT & SON INC.	97.57CR
11/12/2021	CHECK	062154	LONG ACRES, INC.	2,522.00CR
11/12/2021	CHECK	062155	MUNICIPAL EMERGENCY SVCS	345.50CR
11/12/2021	CHECK	062156	SYMBOLARTS	250.00CR
11/12/2021	CHECK	062157	TOLLS BY MAIL PAYMENT PROCESSI	17.85CR
11/12/2021	CHECK	062158	WORTH W SMITH	370.16CR
11/12/2021	CHECK	062159	VOID CHECK	0.00
11/12/2021	CHECK	062160	EMERLING FORD, INC	129.96CR
11/12/2021	CHECK	062161	FEDERAL EASTERN INTERNATIONAL	959.04CR

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11/12/2021	CHECK	062162	GALLS, LLC.	324.22CR
11/12/2021	CHECK	062163	INCIDENT RESPONSE & MITIGATION	200.00CR
11/12/2021	CHECK	062164	RANDOLPH AUTO SUPPLY	150.57CR
11/12/2021	CHECK	062165	THE PAPER FACTORY	257.43CR

Special Accounts - 11/10/2021

Check #	Date	Account Name	Amount
352	11/9/2021	POOLED CASH - FLF - BEICHNER WASTE SERVICES INC	440.00

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

Public Discussion:

- Grant Writer Brundage noted that a grant was submitted for reimbursement of cost of police officer bullet proof vests. The Fire Department is researching at apply for a FEMA grant to replace Jaws of Life.
- Resident Holly Jimerson asked for information on the tax auction process.

Moved by Hill and seconded by Johnson:

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.

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

Moved by Myers and seconded by Smith:

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

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

The Council would like to hold a special meeting on December 8, 2021 prior to the Board of Public Works meeting for interviews.

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Moved by Hill and seconded by Koch:

RESOLVED: That we hereby adjourn – 9:00 PM.

Carried.



Tracy Chamberlain, City Clerk

Dated: November 19, 2021

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

Sandra Magiera, Mayor

Dated: _____, 2021

Minority & Women Owned Business Enterprises
M/WBE-EEO POLICY STATEMENT
City of Salamanca

The City of Salamanca is an Equal Opportunity Employer. The City of Salamanca will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age disability or marital status. The City will further ensure that minority group members and women are afforded equal employment opportunities without discrimination.

The City of Salamanca has designated the Community Development Program Coordinator as Women Minority Business Enterprise Officer (M/WBE Officer). It shall be the duty of the M/WBE Officer to observe, on behalf of the City, the laws and policies set by New York State relating to minority and women-owned business enterprises.

The M/WBE Officer shall have the following duties:

1. To encourage and assist contractors in their efforts to increase participation by minority and women-owned business enterprises.
2. To prepare and update periodically a directory of certified minority and women-owned business enterprises.
3. The M/WBE Officer may provide assistance to certified businesses as well as applicants to ensure that such businesses benefit, as needed, from contract that the City of Salamanca will bid out.
4. The M/WBE Officer shall encourage contractors to include with respect to state and federal contracts for the acquisition, construction, demolition, replacement, major repair or renovation or real property. The Officer will ensure that contractors make a good faith effort to solicit active participation by enterprises identified in the directory of certified businesses provided to the contractors by the City of Salamanca. No provisions in this policy shall be binding upon the City of Salamanca in the performance of the contractors' work that are unrelated, separate or distinct from the State and Federal funded projects. Nothing in this policy shall authorize the M/WBE Officer to impose any requirements on a contractor or subcontractor except with state and federal funded projects.
5. Where it appears that a contractor cannot, after a good faith effort, comply with the minority and women-owned business enterprise participation, the contractor may file a written application with the City of Salamanca requesting a partial or total waiver of such requirements set forth in a particular state or federal contract. In turn, the City of Salamanca will file the same with the state or federal agency explaining the efforts undertaken by the both the City and its

contractor(s) to obtain required minority and women-owned business enterprise participation.

For purposes of determining the City's contractor good faith effort to comply with the requirements of this policy or to be entitled to a waiver from the State, the City shall consider:

- A. Whether the City and the Contractor have advertised in general circulation media, and
- B. Whether or not minority or women-owned businesses, which have been solicited by the City and the Contractor, exhibited interest in submitting proposals for a particular project by attending a pre-bid conference.

AMERICANS WITH DISABILITIES ACT POLICY

The City of Salamanca, in compliance with state and federal laws and regulations that include the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability in access to, or in the administration of, its programs, services, activities and benefits for the public. In accordance with these laws, the City will make reasonable modifications to programs, policies and procedures to ensure that people with disabilities are afforded access. The ADA does not require that the City take any action which would fundamentally alter the nature of its programs, services or activities or impose an undue financial or administrative burden.

Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Salamanca.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

ADA Coordinator

City of Salamanca

225 Wildwood Ave.

Salamanca, NY 14779

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Salamanca and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or her designee does not satisfactorily resolve the issue, the complainant and or her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or her designee.

Within 15 calendar days after receipt of the appeal, the agency head or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the City of Salamanca for at least three (3) years.