

REGULAR MEETING OF THE COMMON COUNCIL
OCTOBER 13, 2021
7:00 PM

PRESENT: Mayor Sandra Magiera
Council Members: John Hill, Kylee Johnson, Barry Smith,
Paul Myers, Janet Koch
City Clerk: Tracy Chamberlain
Grant Writer/Youth Bureau Director: Sandra Brundage
VIA PHONE: City Attorney: Jeffrey Swiatek

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 former Council Member Edward (E.J.) Riley.

CLD TO ORDER
PLEDGE
MOM OF SIL FOR
EJ RILEY

Moved by Smith and seconded by Myers:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of September 22, 2021 and special meeting of September 22, 2021.

APRVL OF MINS
OF 9/22/21 &
SPEC MTG 9/22/
21

Council Member Koch noted corrections as follows:

- Remove City Comptroller from attendance at the special meeting of September 22, 2021.
- Change look to looked in the statement "Council Member Koch noted that when the five-year agreement ends in 2024 options should be looked at."
- She asked that the resolution for the American Rescue Funds of \$40,000 for lost court fees, be verified that this is the correct.

WARD 5 KOCH REQ
CORRs ON MINS
9/22/21& VERIFY
AMER RESCUE
FUNDS \$40000
FOR COURT FEES

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

Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby approve authorizing the cancellation of the second regular monthly meetings for November 24, 2021 and December 22, 2021 due to the Thanksgiving and Christmas holidays.

RESOL TO AUTH
CANCLTN OF 2nd
MONTHLY COUNCIL
MEETGS 11/24/21
12/22/21

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

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby amend any current promotional appointments to have a probationary term of not less than eight weeks nor more that twenty-six weeks, in accordance with the Cattaraugus County Rules of Classified Service.

RESOL TO AMEND
ANY CURR PROMOT
APPTS TO HAVE
PROBY TERM OF
8 WKS TO 26WKS
PER CATT CO
RULES OF CLASS-
IFIED SERVICE

Council Member Koch asked that the wording "and future" be removed as that will be decided at the time of any future appointments.

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

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Moved by Hill and seconded by Koch:

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

BOARD OF ASSESSMENT REVIEW

Reappointment of William Hunt, Salamanca, NY, to a five year term beginning on October 13, 2021 and ending September 30, 2024.

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

Moved by Johnson and seconded by Smith:

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 Hill:

RESOLVED: That we hereby adopt the City of Salamanca Drug Free Workplace Policy effective October 13, 2021.

Council Member Smith asked the City Attorney if there should be more than just the Mayor for enforcement of the policy. Attorney Swiatek noted that the Mayor is available on a day to day basis and can then delegate to a department head or human resource when one is appointed.

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

Moved by Hill and seconded by Johnson:

RESOLVED: That we hereby authorize the City Clerk to advertise for a Part-time Human Resource Specialist for twenty (20) hours per week, with a salary of between \$25,000 and \$30,000 annually.

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

Under Communications from the Mayor and Council:

- At this time the Mayor and Council discussed the local opt-out for cannabis retail dispensaries or on-site consumption licenses in the City.

RESOL TO APV
MAYOR'S APT:

BD OF ASSESSMENT
REVIEW- WILLIAM
HUNT, 10/13
2021--09/30/24

RESOL TO WAIVE
AGENDA

RESOL TO ADPT
SALAMA CITY
DRUG FREE WORK
PLACE POLICY
EFF 10/13/21

MAYOR TO REMN
ENFORCER OF
POLICY PER
CITY ATTY

RESOL TO AUTH
CITY CLK TO
ADVERTISE FOR
PT HUMAN RE-
SOURCE SPEC
20 hpw, SALY
BETW \$25000&
\$30000ANUALLY

COMMUNICATIONS

COUNCIL & MAYOR
DISC OPTOUT
FOR CANNABIS
RETAIL IN CITY

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Council Member Smith noted if the City chooses to opt-out of sales, the City would not receive a portion of any tax revenue generated. Council Member Johnson noted that if it is not offered in the City, residents will still buy it outside the City. Council Member Hill has mixed feelings and is concerned with the number of businesses but doesn't want the City to lose out. Council Member Smith noted he has spoken with many people and only one was not in favor of the businesses. Council Member Koch stated she met with the City Attorney. She noted the City would not get tax revenue and there are already businesses open. Currently the sales are cash only that could cause robberies and more work for the Police. Who is going to regulate the laws, Salamanca Police, Cattaraugus County Sheriff or a drug enforcement agent. She does not know how she would vote on opting-out. She noted the City can opt-out now and in the future allow it, but if the City allows it now, cannot opt-out after December 31, 2021. She asked if the City opts-out can Native Americans or the Seneca Nation of Indians open businesses. The City will need to know how to establish regulations for businesses that open up prior to December 31, 2021. Mayor Magiera noted that some of the surrounding municipalities are trying to decide what to do. However, those municipalities would benefit from the sales tax revenue that the City would not. Council Member Hill feels it may be best to opt-out now. There was discussion on holding a public hearing. Council Member Koch asked that the City Attorney look into what the City will do with regard to open businesses if no action is taken by December 31, 2021 deadline. City Attorney Swiatek noted that the law does not address what to do if a business opens up prior to the deadline. If the City opts-out, this is to request that the Cannabis Control Board (CCB) prohibit the establishment of retail dispensaries or on-site consumption operations. It is unclear if the CCB will grandfather the businesses that open prior to opt-out deadline. In regard to timing, the City would adopt a resolution for a local law to opt-out, which would be subject to a permissive referendum, which allows the voters could circulate a petition and force a public vote of the matter. The City would have more time if the referendum is allowed after the December 31, 2021 deadline. He suggests adopting a local law by mid-November. Mayor Magiera stated a decision does not need be made today and a public hearing should be scheduled. It was decided to hold the public hearing on the day of the Council meeting Wednesday, October 27, 2021. There was some discussion regarding the businesses that are currently open and what the Seneca Nation of Indians (SNI) intentions are regarding sales on the reservation. Council Member Myers stated he understands that the SNI is not backing the currently open businesses. Mayor Magiera stated a Police Department representative can be asked to attend. Carmen Vecchiarella stated what he understands is as long as the product is grown on a Federally recognized sovereign reservation and supplied to the shops on the reservation, it is legal. Other interstate companies cannot ship it into NYS legally. He feels NYS will take quite a while to create the licensing process. He asked if the City opts-out will the businesses be told they can not operate. Attorney Swiatek stated he could provide that opinion next week.

(DISCUSSION OF
OPT-OUT POLICY
BY MAYOR &
COUNCIL) and
ALSO RESIDENTS

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Resident Holly Jimerson asked is there are zoning laws that prohibit businesses in houses. It was explained that there are neighborhood/business districts in the City in which the business would be allowed. The locations can be looked into. She is concerned with the content of the product. She feels the Mayor and Council need to look out for the constituents.

Council Member Hill stated that once the Attorney has an opinion, the Council can act and if needed the Police can enforce the regulations.

Resident Diane Beaver stated she hopes the Council takes the time to come up with something clear on what to allow and what is the best for the community. She noted because everyone is doing it does not mean it is the right thing to do.

- Council Member Smith asked Tim Jackson of the Town of Salamanca to provide information on a project he is pursuing. Mr. Jackson stated he has purchased a building just outside the City that he would like to put an urgent care facility in. He has been in contact with area medical facilities that may be interested. There are petitions available in area businesses to show support of the project.

- Council Member Koch noted that the BPU General Manager recently provided an email with information on unpaid utilities for some properties. He stated the unpaid utilities must be paid in order for new owners to get services. She asked that the City Clerk and City Comptroller work with the General Manager on the unpaid utilities when property is transferred.

- Council Member Hill noted the Falling Leaves Festival Committee did a great job and the Festival was very well done.

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 Fire Chief, City Clerk, City Judge, and City Comptroller for the month of September 2021 are hereby accepted and filed.

DISCN CONT

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 SUPV TIM
 JACKSON
 GAVE INFO
 ON MEDICAL
 FACILITY
 HE WOULD
 LIKE

BPU MGR REQ
 PAYMT OF
 BACK UTIL
 WHEN TRANSF
 OF PROP IS
 REQ

RESOL TO
 PAY BILLS &
 ACPT CERTAI
 DPT REPORTS
 FOR SEPT

--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT----
9/24/2021	CHECK	061963	CITY OF SALAMANCA PAYROLL ACCO	48,496.42CR
9/24/2021	CHECK	061964	CITY OF SALAMANCA PAYROLL ACCO	7,779.32CR
9/23/2021	CHECK	061965	SANDRA L. BRUNDAGE	79.00CR
9/23/2021	CHECK	061966	TUSTIN SWIFT	182.60CR
9/27/2021	CHECK	061967	MAD PROPERTY MANAGEMENT	1,150.00CR
9/29/2021	CHECK	061968	SALAMANCA PUBLIC LIBRARY	50,000.00CR
10/01/2021	CHECK	061969	CITY OF SALAMANCA PAYROLL ACCO	83,759.22CR
10/01/2021	CHECK	061970	CITY OF SALAMANCA PAYROLL ACCO	6,194.39CR
10/04/2021	CHECK	061971	DENNIS BROWN	140.00CR

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10/04/2021	CHECK	061972	HOUSE OF STEEL	939.00CR
10/05/2021	CHECK	061973	JAMIE DECK	86.36CR
10/08/2021	CHECK	061974	CITY OF SALAMANCA PAYROLL ACCO	77,278.32CR
10/08/2021	CHECK	061975	CITY OF SALAMANCA PAYROLL ACCO	5,694.52CR
10/08/2021	CHECK	061976	ALSTAR EMS/TRAINING CENTER	100.00CR
10/08/2021	CHECK	061977	NED FENTON INSURANCE AGENCY	30.96CR
10/08/2021	CHECK	061978	BLUE CROSS/BLUE SHIELD OF WNY	1,970.00CR
10/08/2021	CHECK	061979	BLUE CROSS/BLUE SHIELD OF WNY	42,141.16CR
10/08/2021	CHECK	061980	DELTA DENTAL OF NEW YORK, INC.	1,486.34CR
10/08/2021	CHECK	061981	RENAISSANCE	180.41CR
10/08/2021	CHECK	061982	VISION SERVICE PLAN-(NR)	545.19CR
10/08/2021	CHECK	061983	BLUE CROSS/BLUE SHIELD OF WNY	1,970.00CR
10/08/2021	CHECK	061984	BLUE CROSS/BLUE SHIELD OF WNY	39,670.01CR
10/08/2021	CHECK	061985	DELTA DENTAL OF NEW YORK, INC.	1,072.23CR
10/08/2021	CHECK	061986	RENAISSANCE	188.12CR
10/08/2021	CHECK	061987	VISION SERVICE PLAN-(NR)	558.47CR
10/13/2021	CHECK	061988	ROBERT CARPENTER	159.99CR
10/13/2021	CHECK	061989	SANDRA L. BRUNDAGE	74.99CR
10/13/2021	CHECK	061990	TOM STURDEVANT	26.99CR
10/13/2021	CHECK	061991	ZACHARY PETRICHKO	19.00CR
10/13/2021	CHECK	061992	CITY OF SALAMANCA BPU	91,289.00CR
10/15/2021	CHECK	061993	ADAM'S SERVICES, LLC	150.00CR
10/15/2021	CHECK	061994	AIRGAS USA, LLC	134.50CR
10/15/2021	CHECK	061995	ATLANTIC BROADBAND	343.08CR
10/15/2021	CHECK	061996	AUSTIN LOCKSMITH & SECURITY, I	1,848.90CR
10/15/2021	CHECK	061997	BEICHER WASTE SERVICES, INC.	150.15CR
10/15/2021	CHECK	061998	BERNARD P. DONEGAN, INC.	778.00CR
10/15/2021	CHECK	061999	BLUE COLLAR WORKWEAR	245.00CR
10/15/2021	CHECK	062000	BRADFORD PUBLISHING COMPANY	28.58CR
10/15/2021	CHECK	062001	CASELLA WASTE SYSTEMS, INC.	80.00CR
10/15/2021	CHECK	062002	CDW GOVERNMENT	3,390.00CR
10/15/2021	CHECK	062003	CITY OF SALAMANCA BPU	18,455.79CR
10/15/2021	CHECK	062004	VOID CHECK	0.00
10/15/2021	CHECK	062005	COYOTE PERFORMANCE PRODUCTS	107.00CR
10/15/2021	CHECK	062006	DALE WYMER THE PHONE GUY	75.00CR

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10/15/2021	CHECK	062007	EMERLING FORD, INC	77.28CR
10/15/2021	CHECK	062008	FIVE STAR BANK	32,468.16CR
10/15/2021	CHECK	062009	GANOUNG'S FIRE PROTECTION, INC	370.00CR
10/15/2021	CHECK	062010	GERNATT ASPHALT	957.91CR
10/15/2021	CHECK	062011	GRAINGER	137.52CR
10/15/2021	CHECK	062012	HENRY H. HILL INC.	27.46CR
10/15/2021	CHECK	062013	HODGSON RUSS, LLP	9,066.00CR
10/15/2021	CHECK	062014	HTI RECYCLING LLC	1,453.31CR
10/15/2021	CHECK	062015	JAMES B SCHWAB CO., INC	191.16CR
10/15/2021	CHECK	062016	JAMESTOWN MACADAM, INC	1,477.34CR
10/15/2021	CHECK	062017	KROLL LLC	1,350.00CR
10/15/2021	CHECK	062018	LANDPRO EQUIPMENT LLC	97.23CR
10/15/2021	CHECK	062019	MAD PROPERTY MANAGEMENT	1,150.00CR
10/15/2021	CHECK	062020	NATIONAL FUEL	520.75CR
10/15/2021	CHECK	062021	NOCO ENERGY CORP.	26,216.86CR
10/15/2021	CHECK	062022	PRO-FLEX ADMINISTRATORS LLC	300.00CR
10/15/2021	CHECK	062023	QUADIENT FINANCE USA, INC	2,000.00CR
10/15/2021	CHECK	062024	RANDOLPH AUTO SUPPLY	1,485.59CR
10/15/2021	CHECK	062025	VOID CHECK	0.00
10/15/2021	CHECK	062026	RICOH USA	104.63CR
10/15/2021	CHECK	062027	STAPLES CONTRACT & COMMERCIAL	533.05CR
10/15/2021	CHECK	062028	STAPLES CREDIT PLAN	198.48CR
10/15/2021	CHECK	062029	THE PAPER FACTORY	32.19CR
10/15/2021	CHECK	062030	TREMCO/WEATHERPROOFING TECHNOL	1,485.00CR
10/15/2021	CHECK	062031	UNIFIRST CORPORATION	1,092.05CR
10/15/2021	CHECK	062032	URBAN ENGINEERS OF NEW YORK, D	2,585.78CR
10/15/2021	CHECK	062033	VALPRO SANITARY SUPPLIES, INC.	84.02CR
10/15/2021	CHECK	062034	VERIZON WIRELESS	876.45CR
10/15/2021	CHECK	062035	WORTH W SMITH	237.71CR
10/15/2021	CHECK	062036	AIRGAS USA, LLC	77.21CR
10/15/2021	CHECK	062037	AUTOZONE, INC.	296.02CR
10/15/2021	CHECK	062038	BOUND TREE MEDICAL, INC.	635.02CR
10/15/2021	CHECK	062039	BRMC/OCCUPATIONAL HEALTH SYSTE	702.00CR
10/15/2021	CHECK	062040	CATTARAUGUS COUNTY EMS	39.60CR
10/15/2021	CHECK	062041	CONWAY SHIELD	256.88CR

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10/15/2021	CHECK	062042	ELLCOTTVILLE PHARMACY, INC.	165.00CR
10/15/2021	CHECK	062043	EMERGENCY SERVICE MARKETING CO	710.00CR
10/15/2021	CHECK	062044	GREAT VALLEY BUILDERS SUPPLY	336.83CR
10/15/2021	CHECK	062045	INCIDENT RESPONSE & MITIGATION	82.00CR
10/15/2021	CHECK	062046	JOHN SIXT & SON INC.	132.93CR
10/15/2021	CHECK	062047	ROCK-N-RESCUE/J.E. WEINEL, INC	214.66CR
10/15/2021	CHECK	062048	SYMBOLARTS	111.95CR
10/15/2021	CHECK	062049	TIM HAYNOSKI	200.00CR
10/15/2021	CHECK	062050	TOLLS BY MAIL PAYMENT PROCESSI	2.14CR
10/15/2021	CHECK	062051	WORTH W SMITH	323.28CR
10/15/2021	CHECK	062052	BARMORE & SELLSTROM	1,802.64CR
10/15/2021	CHECK	062053	EMERLING FORD, INC	261.18CR
10/15/2021	CHECK	062054	RANDOLPH AUTO SUPPLY	291.48CR
10/15/2021	CHECK	062055	THE PAPER FACTORY	50.56CR

Special Accounts - 10/13/2021

Check #	Date	Account Name	Amount
328	9/30/2021	Pooled Cash- Sala. FLF-Schubert Enterprises	316.00
329	9/30/2021	Pooled Cash-Sala. FLF-Zimmer Media LLC	300.00
330	9/30/2021	Pooled Cash-Sala. FLF-American Amusement Rentals	10,500.00
331	9/30/2021	Pooled Cash-Sala FLF-Alan Dowdy	600.00
332	9/30/2021	Pooled Cash-Sala FLF-Gabriele Giuffre	350.00
333	9/30/2021	Pooled Cash-Sala FLF-Eric Jones	700.00
334	9/30/2021	Pooled Cash-Sala FLF-Paul Antonio Magic	700.00
335	9/30/2021	Pooled Cash-Sala FLF-James Gardner	700.00
336	9/30/2021	Pooled Cash-SalaFLF-Joe Winship	850.00
337	9/30/2021	Pooled Cash-Sala FLF-Jamie Smith	1,200.00
338	9/30/2021	Pooled Cash-Sala FLF-The Hootz	2,500.00
339	9/30/2021	Pooled Cash-Sala FLF-The Hitmen	1,500.00
340	9/30/2021	Pooled Cash-Sala FLF-The Marilla Fireman's Band	800.00
341	9/30/2021	Pooled Cash-Sala FLF-North Coast Brass Co.	1,200.00
342	9/30/2021	Pooled Cash-Sala FLF-The Hamburg Kingsmen	1,500.00
343	9/30/2021	Pooled Cash-Sala FLF-Dick O'Dell 23 Skidoo	500.00
void 344			

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

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Public Discussion:

- Resident John Prebis stated there are no speed limit signs on the Elm Street where he lives. He noted there is a lot of vehicles traffic that is speeding. Mayor Magiera stated she received a message and asked the DPW Superintendent check on this. They found there are no signs on Elm Street and New Street and will work to get the signs installed as soon as possible.
- Tim Jackson noted that if the Council choose to opt-out for the cannabis sales, the voters could circulate a petition and force a public vote of the matter.

PUBLIC DISC

ELM ST SPEED
LIMIT SIGN
NEEDED, AND
ON NEW ST

CANNABIS
SALES MAY BE
PETITIONED
BY VOTERS

EXEC SESN

Moved by Johnson and seconded by Hill:

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 and fifty minutes in executive session.

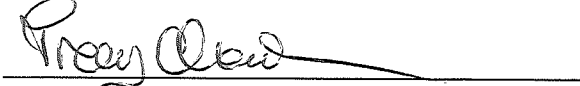
RECONVENE

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

Moved by Smith and seconded by Myers:

RESOLVED: That we hereby adjourn – 9:42 PM.
Carried.

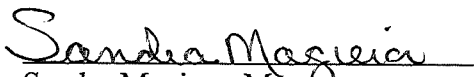
ADJOURN



Tracy Chamberlain, City Clerk

Dated: October 18, 2021

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



Sandra Magiera, Mayor

Dated: 10-24-2021