

REGULAR MEETING OF THE COMMON COUNCIL
SEPTEMBER 25, 2019
7:00 PM

PRESENT: Mayor Michael R. Smith
Council Members: John Hill, Timothy Flanigan, Michael Lonto,
Sandra Magiera, Janet Koch
City Clerk: Tracy Chamberlain
City Attorney: Erich Weyand
City Comptroller: Kathleen Sarver
BPU General Manager: Dennis Hensel
Electric Department Supervisor: Jeffrey Pond
Water Department Supervisor: Justin Chudy
Code Enforcement Officer: Brandon Smith

Mayor Smith called the meeting to order at 7:10 PM. After the Pledge of Allegiance, Mayor Smith asked for a moment of silence and prayers for Council Member Sandra Magiera and her husband Dan Magiera.

CLD TO ORDER/
PLEDGE/MOM OF
SIL FOR S.
MAGIERA & HUSB

Moved by Lonto and seconded by Magiera:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of September 11, 2019.

APRVL OF MINS
OF 09/11/19

Adopted Ayes: Hill, Flanigan, Lonto, Magiera, Koch
Nays: None

Moved by Hill and seconded by Koch:

RESOLVED: That the following Local Law for 2019 is hereby adopted:

A LOCAL LAW AMENDING THE ZONING LAW OF THE CITY OF SALAMANCA, NEW YORK TO CHANGE THE USE DISTRICT CLASSIFICATION OF 148 CLINTON STREET, 73.080-5-1, FROM R1 SINGLE FAMILY RESIDENTIAL TO B3 NEIGHBORHOOD COMMERCIAL USE DISTRICT

RESOL TO APVE
LOCAL LAW AM-
ENDING ZONING
LAW RE 148
CLINTON ST

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 the 148 Clinton Street, Tax Map No. 73.080-5-1 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, 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.

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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 148 Clinton Street, Tax Map No. 73.080-5-1 is changed from R1 Single Family Residential to B3 Neighborhood Commercial Use District.

SECTION 2. This local law shall take effect immediately upon filing with the Secretary of State.

Council Member Hill noted the property owner is Sydney Watt. She wants to put up a commercial building, but stated it will not be a gas station or for cigarette sales. The property is currently tax exempt.

City Clerk Chamberlain noted zoning changes require a NYS Environmental Assessment Form be prepared and a Public Hearing will be held on October 9, 2019. It would then need to be referred to the Cattaraugus County Planning Board for approval.

Adopted Ayes: Hill, Flanigan, Lonto, Magiera, Koch
Nays: None

Moved by Koch and seconded by Lonto:

RESOLVED: That the following Local Law for 2019 is hereby adopted:

A LOCAL LAW TO AMEND LOCAL LAW NO. 1 FOR THE YEAR 1997, AS
SUSEQUENTLY AMENDED, OF THE CITY OF SALAMANCA TO REDUCE THE
RATE OF THE CONSUMPTION COMPONENT OF THE SEWER RENT.

A RESOL TO ADPT
LOCAL LAW DECRSG
SEWER RENT FROM
152% TO 137%

BE IT ENACTED by the Common Council of the City of Salamanca, County of Cattaraugus and State of New York as follows:

Section 1. Section II A (B)(2) of the City of Salamanca Sewer Rent Law (Local Law No.1 for 1997), and its subsequent amendments, is hereby amended to reduce the consumption component of the monthly sewer rental charge from one hundred fifty-two percent (152%) of the charge for the public water supplied to any such property to one hundred thirty seven (137%) of the charge for a public water supplied to any such property so that the amended Section II A (B)(2) shall hereby provide as follows:

“In addition to the flat monthly service charge set forth above, each property served with a potable water supply and sanitary sewer service shall also pay an amount equal to one hundred thirty-seven percent (137%) of the charge for public water supplied to any such property during the monthly billing period.”

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Section 2. All of the other sections of Local Law No.1 for the year 1997 shall remain in full force and effect.

Section 3. This local law shall become effective upon filing with the Secretary of State as provided under Section 27 of the Municipal Home Rule Law and the Sewer rates established herein shall become effective for the consumption period beginning November 1, 2019.

It was noted a Public Hearing will be held on October 9, 2019.

Adopted Ayes: Hill, Flanigan, Lonto, Magiera, Koch
Nays: None

PUBLIC HRG TO
BE 10/9/19

Moved by Flanigan and seconded by Koch:

RESOLVED: That we hereby approve the renewal of the ESI Employees Assistance Group contract for the City of Salamanca Police Department employees for the period commencing on September 1, 2019 through August 31, 2020 and further authorizing the Mayor and the Police Chief to sign such agreement.

RESOL TO APV
RENWL OF ESI
EMPS ASSIST GR-
OUP CONTRACT
FOR SPD EMPS
SEPT 1 2019
THROUGH AUG 31,
2020

Adopted Ayes: Hill, Flanigan, Lonto, Magiera, Koch
Nays: None

Moved by Flanigan and seconded by Lonto:

RESOLVED: That we hereby authorize Police Officer James Yansick and Police Officer Zachary Petrichko to attend the Street Smart Cop/Pro-Active Patrol Tactics Training to be held in, Erie, PA on October 2 and 3, 2019.

RESOL TO AUTH
POL OFR JAMES
YANSICK & POL
OFCR Z. PETRI-
CHKO TO ATND
STREET SMART
COP/PRO-ACTIVE
PATROL TACTICS
TRNG, 10/2-3/
2019

Adopted Ayes: Hill, Flanigan, Lonto, Magiera, Koch
Nays: None

Moved by Lonto and seconded by Koch:

RESOLVED: That we hereby waive the agenda for other items.

Adopted Ayes: Hill, Flanigan, Lonto, Magiera, Koch
Nays: None

RESOL TO WAIVE
AGENDA

Moved by Koch and seconded by Lonto:

RESOLVED: That we hereby authorize the Salamanca Board of Public Utilities to apply for Pre-Development Planning Grant funds through the US Department of Agriculture, for the Water Plants Phase II Feasibility Study, with the maximum grant funds of \$30,000 or up to 75% of the total project.

RESOL TO AUTH
SAL BPU TO APLY
FOR PRE-DEVL
PLANNING GRANT
FUNDS FOR WATER
PLANTS PHASE II
FEASIBILITY
STUDY \$30000
OR UP TO 75%
of TOTAL PROJ

Adopted Ayes: Hill, Flanigan, Lonto, Magiera, Koch
Nays: None

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Communications from the Mayor and Council:

- Mayor Smith noted the contractor has been working on installing the new municipal building generator. The NYS Energy Research Development Authority (NYSERDA) Grant work to the Heating and Air Conditioning is being done.
- Mayor Smith noted the annual Falling Leaves Festival will be held on October 4, 5 & 6, 2019. Comptroller Saver noted there will be 71 vendors that will be placed along Park Avenue and Jefferson Street. The rides will be in the Sycamore Street parking lot. Council Member Flanigan has requested the Seneca Nation of Indians Marshall to assist with traffic control and night patrol. Police Captain Deck has been very helpful with arranging the street closers.
- It was noted that the lighting was updated by the BPU at the Sycamore Street tennis courts, which is now being used for pickle ball.
- Council Member Lonto wanted to thank the DPW for picking up a mattress that was left along North State Street. They also have painted the gazebo at Jefferson Street Park.
- Council Member Flanigan stated the Seneca Nation of Indians President Armstrong did an excellent job at the press conference regarding the road work being done on the reservation. Mayor Smith contacted President Armstrong afterwards to thank him for the support for the City.

Moved by Lonto and seconded by Flanigan:

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 for the month of August 2019 and Police Chief for the months of July and August 2019 are hereby accepted and filed.

COMMUNICATIONS:

GENERATOR INSTL
 AND NYS ENERGY
 RESEARCH DEV AUTH
 NYSERDA GRANT WK
 BEING DONE

FALLING LEAVES
 FESTIVAL 10/4-6/
 2019

TENNIS CT ON
 SYCAMORE ST LIGH
 TING UPDATED

JEFFERSON ST PK
 GAZEBO PAINTED

CC MEMBER FLANI-
 GAN NOTED SNI
 PRES ARMSTRONG
 DID A STRONG
 PRES CONF JOB &
 THANKED HIM

RESOL TO PAY BIL
 & ACPT CERTAIN
 DPT REPORTS FOR
 JULY & AUG

DATE	TYPE	NUMBER	DESCRIPTION	AMOUNT
9/17/2019	CHECK	058987	CARDMEMBER SERVICE	150.00CR
9/17/2019	CHECK	058988	PRO-FLEX ADMINISTRATORS LLC	252.00CR
9/17/2019	CHECK	058989	SANDRA L. BRUNDAGE	72.15CR
9/20/2019	CHECK	058990	CITY OF SALAMANCA FED WITHHOLD	5,445.86CR
9/20/2019	CHECK	058991	CITY OF SALAMANCA PAYROLL ACCO	73,643.56CR
9/19/2019	CHECK	058992	CYNTHIA A. FRANKLIN	36.24CR
9/24/2019	CHECK	058993	BLUE CROSS/BLUE SHIELD OF WNY	38,954.56CR
9/24/2019	CHECK	058994	BLUE CROSS/BLUE SHIELD OF WNY	2,205.00CR
9/24/2019	CHECK	058995	DELTA DENTAL OF NEW YORK, INC.	997.69CR
9/24/2019	CHECK	058996	RENAISSANCE	177.33CR
9/24/2019	CHECK	058997	VISION SERVICE PLAN- (NR)	542.14CR

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9/25/2019	CHECK	058998	CATTARAUGUS COUNTY CLERK	321.25CR
9/25/2019	CHECK	058999	PHILLIP HOSTETLER	3,580.00CR
9/27/2019	CHECK	059000	CITY OF SALAMANCA FED WITHHOLD	5,314.62CR
9/27/2019	CHECK	059001	CITY OF SALAMANCA PAYROLL ACCO	71,890.18CR
9/27/2019	CHECK	059002	AUTOZONE	19.98CR
9/27/2019	CHECK	059003	FERGUSON PRINTING	123.00CR
9/27/2019	CHECK	059004	GANOUNG'S FIRE PROTECTION, INC	56.00CR
9/27/2019	CHECK	059005	UNITED UNIFORM CO., INC.	47.99CR
9/27/2019	CHECK	059006	WITMER PUBLIC SAFETY GROUP, IN	368.00CR
9/27/2019	CHECK	059007	WORTH W SMITH	307.81CR
9/27/2019	CHECK	059008	VOID CHECK	0.00
9/27/2019	CHECK	059009	ZOLL MEDICAL CORPORATION	327.60CR
9/27/2019	CHECK	059010	EMERLING FORD, INC	1,769.46CR
9/27/2019	CHECK	059011	GALLS, LLC.	914.02CR
9/27/2019	CHECK	059012	LINSTAR	12.80CR
9/27/2019	CHECK	059013	MIDTOWN TIRE INC.	523.36CR
9/27/2019	CHECK	059014	RANDOLPH AUTO SUPPLY	342.38CR
9/27/2019	CHECK	059015	RICHARD-CIN SIGNS & SUPPLIES	7,464.00CR
9/27/2019	CHECK	059016	SIRCHIE	175.54CR
9/27/2019	CHECK	059017	THE PAPER FACTORY	35.18CR
9/27/2019	CHECK	059018	WORTH W SMITH	36.35CR
9/27/2019	CHECK	059019	ACME BEARINGS CORP.	354.29CR
9/27/2019	CHECK	059020	ADAM'S SERVICES, LLC	280.00CR
9/27/2019	CHECK	059021	ALLIED ALARM SERVICES INC	102.00CR
9/27/2019	CHECK	059022	ATLANTIC BROADBAND	113.57CR
9/27/2019	CHECK	059023	BAHGAT & LAURITO-BAHGAT, CPAS,	50.00CR
9/27/2019	CHECK	059024	BKG TRUCK REPAIR LLC	500.00CR
9/27/2019	CHECK	059025	BOYLE'S MOTOR SALES INC.	630.80CR
9/27/2019	CHECK	059026	BRIAN YAWORSKY	233.08CR
9/27/2019	CHECK	059027	CAPPELLINO CHEVROLET	361.90CR
9/27/2019	CHECK	059028	CASELLA WASTE SYSTEMS, INC.	102.76CR
9/27/2019	CHECK	059029	CDW GOVERNMENT	1,371.02CR
9/27/2019	CHECK	059030	CITY OF SALAMANCA BPU	396.88CR

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9/27/2019	CHECK	059031	COYOTE PERFORMANCE PRODUCTS	1,215.77CR
9/27/2019	CHECK	059032	CW LAWN CARE	2,110.00CR
9/27/2019	CHECK	059033	EBERL IRON WORKS, INC.	6,615.00CR
9/27/2019	CHECK	059034	FASTENAL COMPANY	221.13CR
9/27/2019	CHECK	059035	GRAINGER	358.65CR
9/27/2019	CHECK	059036	HH RAUH CONTRACTING CO., LLC	4,100.00CR
9/27/2019	CHECK	059037	HODGSON RUSS, LLP	59.00CR
9/27/2019	CHECK	059038	J & J ABATEMENT SERVICES, LLC	44,650.00CR
9/27/2019	CHECK	059039	JAMES B SCHWAB CO., INC	46.87CR
9/27/2019	CHECK	059040	JAMESTOWN MACADAM, INC	1,290.00CR
9/27/2019	CHECK	059041	LANDPRO EQUIPMENT LLC	230.02CR
9/27/2019	CHECK	059042	LED ELECTRIC	735.00CR
9/27/2019	CHECK	059043	LOTTER & LOTTER FENCING	5,880.00CR
9/27/2019	CHECK	059044	MAILFINANCE	251.77CR
9/27/2019	CHECK	059045	METROPOLITAN TELECOMMUNICATION	1,380.96CR
9/27/2019	CHECK	059046	NATIONAL FUEL	342.03CR
9/27/2019	CHECK	059047	NOCO ENERGY CORP.	9,365.05CR
9/27/2019	CHECK	059048	NUSSBAUMER & CLARKE INC	12,762.75CR
9/27/2019	CHECK	059049	PROFESSIONAL AMBULANCE BILLING	3,629.38CR
9/27/2019	CHECK	059050	SCOTT J COLLINS	1,292.00CR
9/27/2019	CHECK	059051	SHERWIN-WILLIAMS	1,169.18CR
9/27/2019	CHECK	059052	SOUTHERN TIER ELECTRIC SUPPLY	485.98CR
9/27/2019	CHECK	059053	SOUTHWORTH-MILTON, INC	604.99CR
9/27/2019	CHECK	059054	THE PAPER FACTORY	38.93CR
9/27/2019	CHECK	059055	TWIN TIER OVERHEAD DOORS, INC.	335.25CR
9/27/2019	CHECK	059056	U & S SERVICES INC	6,800.00CR
9/27/2019	CHECK	059057	UNIFIRST CORPORATION	120.16CR
9/27/2019	CHECK	059058	VALPRO SANITARY SUPPLIES, INC.	39.65CR
9/27/2019	CHECK	059059	WORTH W SMITH	205.71CR

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Special Accounts
9/25/2019

Check #	Date	Account Name	Amount
288		VOID	
289	9/17/2019	POOLED CASH ACCOUNT -FLF color ads- Cardmember Service	625.00

Adopted Ayes: Hill, Flanigan, Lonto, Magiera, Koch
Nays: None

PUBLIC DISN:

Public Discussion:

- Resident David Shongo noted he has asked the owner of the art studio at 54 Main Street to allow him to open the studio over the Falling Leaves Festival weekend. Mr. Shongo bought the former church at 55 River Street and is renovating it to open for gatherings. He also has opened a Native American museum in the Niagara Falls Outlet mall.

DAVID SHONGO TO
WORK IN STUDIO AT
54 MAIN ST DURING
FLF

Moved by Magiera and seconded by Flanigan:

RESOLVED: That the Mayor and Council enter into executive session for the purpose of discussing a personnel matter relating to a particular person and legal matters under the provisions of the State's Open Meetings Law.

EXECUTIVE SESN

Adopted Ayes: Hunt, Flanigan, Lonto, Magiera, Koch
Nays: None

Moved by Lonto and seconded by Koch:

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

RECONVENE

Adopted Ayes: Hunt, Flanigan, Lonto, Magiera, Koch
Nays: None

No formal action was taken.

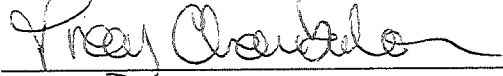
(NO ACTION)

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Moved by Magiera and seconded by Lonto:

RESOLVED: That we hereby adjourn – 7:44 PM.

Carried.



Tracy Chamberlain, City Clerk

Dated: September 26, 2019

ADJOURN

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



Michael R. Smith, Mayor

Dated: September , 2019