

REGULAR MEETING OF THE COMMON COUNCIL
JUNE 9, 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
City Comptroller: Kathleen Sarver
Acting Police Chief: Jamie Deck
Code Enforcement Officer: Brandon Smith
BPU Manager: Dennis Hensel
Police Commission Members: Lane Hoag, Robert Kennedy

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

At this time the Public Hearing on the proposed Local Law for 2021 which will amend the Zoning Law of the City to change the Use District Classification of 231 Broad Street TM# 73.078-2-20 from R1 Single Family Residential to B3 Neighborhood Commercial Use District was opened.

Property owner Sandra Hill stated that John Marino has a land contract for the property. He would like to put a gift shop in the house at 231 Broad Street.

John Marino stated that the house is next to the pizzeria he owns. They will share the parking lot and additional outdoor seating is being installed behind 231 Broad Street. The gift shop would be open year-round. He will not be applying for a liquor license at this time. He is planning on putting a fence up between the house neighboring derelict property at 239 Broad Street. If he pursues a liquor license in the future he would close the fencing. The inside of the house is being remodeled some. Time frame to open will most likely be mid-July with operating hours no later than the pizzeria's. The outdoor seating would be closed by late October, early November.

Mayor Magiera asked if the ice cream sales will be moved from Marino's over to the house. Mr. Marino noted that they will not relocate the ice cream. The back of the house could be used for the table servers to serve the customers at the back, however no food will be prepared in the house. The signage will be very limited.

Council Member Koch read the Planning Commission minutes stating "They would sell ice cream, fudge, knickknacks, etc." Mr. Marino again stated he would not rule it out, but not for the next few years. He noted the location where the ice cream is now is in a great spot. Council Member Smith noted the Planning Commission included that statement in case he is going to move it in the future.

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Police Commission Member Lane Hoag asked if the property at 239 Broad Street can be addressed. He noted that the Seneca Nation was pursuing taking an abandoned property in the City and wondered if they might do that same with that one. Council Member Hill stated that the Code Enforcement Officer has sent correspondence to the current owner.

Council member Smith said thank you for believing in Salamanca, wanting to expand and bring other people in. It is a good sign that the City is heading in a direction it needs to go.

Council Member Koch asked if the Council could amend the resolution approving the adoption of the Local Law, at some point in the meeting, to include the six-foot fence. The reason being that the Cattaraugus County Planning Board suggested that the City require a six-foot fence to protect the adjacent residential lot. City Clerk Chamberlain suggested another resolution, rather than amending the first one, since the suggestion came after the first resolution was passed. Code Enforcement Officer Smith noted that this could be a condition of the permit. He would make sure it will be included in the City Planning Commission approval. Mr. Marino asked about the specific permit requirements for a fence. Code Enforcement Officer Smith reviewed the requirements. The Council will waive this meeting agenda to consider a resolution to require a fence be installed between the properties.

With no others wishing to be heard, the public hearing was closed at 7:15 PM.

At the time of 7:16, the Public Hearing was opened on the City of Salamanca's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2021 CDBG CV program year.

Grant Writer Brundage discussed the need to renovate the Police Department to become COVID compliant. This would be to create better space and widen spaces to for future potential issues with respect to emergencies. The City would like to submit a grant in the amount of \$500,000.00 for renovations to the Police Department. She noted there are a lot of people in that space and due to COVID restrictions every employee, visitor, Police Officer and prisoner had to pass through the Police Department for entrance to the building.

Council Member Koch stated that this was discussed at a prior Council meeting, noting that if the grant funds are not approved that the City cannot do the project due to the cost. Police Commission Member Hoag stated at that meeting it was also noted if there was some additional cost above the \$500,000.00 that the City would consider covering the balance. He also noted that the Police Department lost space due to the building of the new court room and offices.

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Carmen Vecchiarella asked how the City lost the space to the court. He noted that Cattaraugus County was asked by the NYS Unified Court to renovate the County facility and they did not agree to it. Police Commissioner Hoag noted that he had met with City Mayor Pond at the time and gave recommendations to change the plans so the Police Department would not lose space. The suggested changes were not made. He stated Mayor Pond said the Unified Court said this is how it has to be. He felt the tenant cannot tell the landlord how to renovate. Council Member Koch asked if the City could stop renting the facility to the Court. It was noted that the Court does not pay rent and the City paid the cost of the renovations. Council Member Koch suggested that the City Attorney look at what options the City has to eliminate the Court from City Hall. Mr. Vecchiarella stated he recalled being told that if the City chose to remove the Court, the City would not receive court fees. City Comptroller Sarver noted that City received \$750 for the month of May 2021. Council Member Koch noted that she came up with an averaged about \$1,400 per month. She asked to waive the agenda to ask the Attorney to look into options. She also stated that if the grant is received for renovations, the Courtroom area could be used for other things. Council Member Hill noted if this could not be used for court then the City would have to transport to possible the Little Valley Courthouse and is it going to be worth it if the cost is more than \$1,400 per month. Police Chief Deck agreed that they would have to transport all over and it could cost more, with the amount of arrests. Council Member Hill noted that this is something to think about and talk about. Council Member Koch stated that the Attorney could give them the options. Mr. Hoag asked where it is written that the Court does not have to pay rent and to start there. Council Member Koch noted that with a resolution the Council can keep after it. If not, next year there will be the same conversation.

Resident Jodi Clark asked if other projects were considered and what were they. Grant Writer Brundage stated that the request has to be for a COVID related project. She reviewed the eligible activities: Improving Air Quality, Environmental Improvements in Housing for Safe Shelter, Conversion of Underutilized Buildings for Affordable Housing, Vaccine Outreach and Awareness, Wi-fi Connectivity for Underserved Communities, Support Mental Health Services, or Special Projects. Grant Writer Brundage explained that the City would not qualify for these activities, therefore the renovations were the most qualified. They have also looked at data regarding COVID outbreaks in jailhouse facilities.

With no others wishing to be heard, the public hearing was closed at 7:35 PM.

Moved by Smith and seconded by Hill:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of May 26, 2021.

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

Nays: None

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Old Business:

Moved by Hill and seconded by Johnson:

RESOLVED: That we hereby bring the old business to the table.

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

Nays: None

Moved by Hill and seconded by Myers:

RESOLVED: That we hereby approve the use of a Police Department vehicle by the On-Call Police Investigator.

Council Member Hill stated he would like to grant this vehicle for the On-Call Investigator to use. He noted one big reason is that the Police Department has made a lot of changes in the last couple months. The new Acting Police Chief requested this for the Department. Council Member Hill would like to show the Chief some support by granting this.

Council Member Koch stated she still agrees with the Attorney's opinion and due to the insurance liability, she is not in favor of this.

Council Member Myers stated he understands the liability issue. He also worked in the investigator position and would have liked the option; therefore, he is for this.

Council Member Smith noted he spoke with some people regarding liability and found another town, after going to Court, was liable for the cost of a personal vehicle. He also noted after observing the Police Investigator he was impressed with his professionalism and quick response. He has been back and forth on his decision and would say yes at this time. In answer to a question from Council Member Koch, Council Member Smith noted that the City Attorney would advise to say no.

Police Commission Member Hoag stated the Officer is on-call and should be in a City vehicle. He stated the City Attorney just provides an opinion and he hopes this passes.

Adopted Ayes: Hill, Johnson, Smith, Myers

Nays: Koch

Moved by Myers and seconded by Johnson:

RESOLVED: That we hereby approve the contract agreement with Urban Engineers, Buffalo, NY for engineering work on the Main Street Bridge project, as recommended by the City Attorney.

It was noted that this is for this specific project only and the City Attorney recommended adding a section regarding insurance.

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

Nays: None

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Moved by Johnson and seconded by Hill:

RESOLVED: That we hereby appoint Brandon Smith, Little Valley, NY, to the position of Assistant Fire Chief as Code Enforcement Officer, with one-year probation and in accordance with the terms of the current union contract, effective June 12, 2021, as recommended by the Fire Commission.

Council Member Koch asked that when the one-year probation is completed that the Council make the permanent appointment, upon the recommendation of the Fire Commission.

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

Moved by Koch and seconded by Myers:

RESOLVED: That we hereby appoint Owen Reed, Salamanca, NY, as Department of Public Works Part-Time Seasonal Laborer effective June 7, 2021 for 30 hours per week at \$13.00 per hour.

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

Moved by Hill and seconded by Johnson:

RESOLVED: That we hereby authorize submitting an application for the 2020 Consolidation Funding Application under the DEC/EFC Engineering Planning Grant Program for the City of Salamanca Inflow and Infiltration Evaluation in the amount of \$30,000.00, with matching funds in the amount of \$3,000.00 from the City and \$3,000.00 from the BPU.

Grant Writer Brundage noted that this was applied for last year and was rejected. There will be a meeting to discuss the reason to help with future applications.

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

There was some discussion regarding the bids received from garbage pick-up companies for the City Clean-up to be held the week of July 12, 2021. Such bids received on June 9, 2021 are attached to and made part of these minutes. It was a consensus that freon items and televisions/computers will be allowed with no charge to the participants. It was noted that the flyer will be distributed to area business and included with utility bills. There was some discussion regarding the budgeted amounts.

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Moved by Koch and seconded by Smith:

RESOLVED: That we hereby accept the low bid for garbage pick-up of Beichner Waste Services, Sinclairville, NY for \$225 per ton, \$40 per freon item and \$20 per television/computer, for the City Clean-up to be held the week of July 12, 2021.

BE IT FURTHER RESOLVED: That the fee for participants will be \$40.00 per household, with Freon items and televisions/computers being allowed at no additional charge.

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

There was discussion regarding the sale of City owned property. Council Member Smith is asking the that the Council consider options to sell unused City owned properties. There was discussion regarding the evictions of residents in two of the City owned properties that were the former owners. One of the residents has offered a payment plan to reimburse the City the taxes owed and property transfer fees to remain in the house and take back ownership. After some discussion the consensus was to not accept the payment plan offer.

Council Member Koch asked for clarification on back taxes for a property that shows 2020 paid and 2019 still owed. Comptroller Sarver explained that there have been times when a current bill is brought in and the office does not realize there are delinquent taxes. She noted she would have to review the information prepared by her staff, in order to answer. Council Member Koch stated she wants any information provided to her verified by the Comptroller before given to her. There was some discussion regarding the tax foreclosure process. Comptroller Sarver noted the Council will need to pass a resolution with a date that the foreclosures should start.

Council Member Koch noted that she would like to see the tax-sale certificate process started again also. There was some discussion on the tax sale certificate process.

Moved by Koch 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

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Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby authorize to start discussion regarding possible funding for the Salamanca Public Library through a collaboration with the Salamanca City Central School District, Salamanca Public Library and the City of Salamanca.

Mayor Magiera explained there was discussion at budget time regarding the Library combining with the SCCSD. Meetings will be held to see what can be done.

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

Moved by Johnson and seconded by Koch:

RESOLVED: That we hereby authorize the City Clerk to issue a Fireworks Permit to the Seneca Gaming Commission and Pyrotecnico, New Castle, PA for a fireworks display to be held on July 4, 2021 at 9:30 PM, with a rain date of July 5, 2021.

It was noted the proper proof of liability insurance and proof of a Federal Explosives License/Permit has been submitted to the City Clerk and the Police Chief, Fire Chief and Building Code Inspector have approved the site.

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

Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby amend the authorization to change the Zoning Use District Classification for 231 Broad Street, Salamanca, to include the requirement of installing a six-foot fence between 231 and 239 Broad Street, in accordance with the City Building Code, as recommendation by the Cattaraugus County Planning Board.

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

Moved by Koch and seconded by Myers:

RESOLVED: That we hereby request the City Attorney to look into the options of the Court Room or a portion of the Court Room converting back to the City.

It was noted that any renovations would be at the City's cost. Jodi Clark suggested that if the court is required to remain in City Hall could a rent fee be charged. Council Member Koch stated the Attorney should look at all options.

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

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Moved by Koch and seconded by Myers:

RESOLVED: That we hereby request the City Attorney to start eviction proceedings on the residents of 117 Wilson Street and 338 East State Street, as soon as possible. Such properties were transferred to the City in November 2020 for taxes owed.

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

Moved by Koch and seconded by Smith:

RESOLVED: That we hereby proceed with the tax auction and foreclosure process for properties owing two years or more and authorize the City Comptroller start the process on July 1, 2021.

It was noted this would be to notify and publish the delinquent tax list, then transfer the unpaid properties to the City and hold the auction to sell these properties, along with the properties taken in November 2020.

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

A motion was made by Council Member Koch to hold the tax sale certificate auction on December 31, 2021, for properties with one year of delinquent taxes. Comptroller Sarver explained that she will need more staff to prepare for this and it will be a nightmare. There was no second for the motion.

Under Communications from the Mayor and Council:

- Mayor Magiera is working with the SCCSD to hold a parade for the graduating Senior Class. She asks that the Council Members prepare notes with words of wisdom to be distributed to the graduates. They are working on a date for the parade.
- Council Member Smith thanked the Salamanca Fire Department for all the help with his father-in-law, Joseph Giblin, who recently passed away.
- Council Member Koch stated that she was contacted by the Kill Buck Fire Department regarding a training they held on a Friday using a hydrant on School Street in Kill Buck. They used approximately 4000 gallons of water and rather than discarding the water, they used it in an Ellicott Street residents pool, who gave a donation. For approximately one hour Erie Tobacco was without water and could not operate the plant. The BPU had to bring someone out on-call and has now billed the KB Fire Dept. for the water that should have been scheduled and gone through a meter. Council Member Koch is concerned that the KB Fire Dept. may not provide volunteers for traffic control etc. if asked to pay the BPU.

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Council Member Myers explained some of what transpired and that KB Fire Dept. knows the procedure for tapping a hydrant. A BPU representative attending the KB Fire Dept. meeting and they have agreed to pay the bill. Council Member Myers also stated the KB Fire Dept's work is appreciated.

- It was noted that there will be a Falling Leaves Festival meeting to decide whether to hold the festival this year.

Moved by Myers and seconded by Smith:

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 and City Judge for the month of May 2021 are hereby accepted and filed.

--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT----
5/28/2021	CHECK	061475	CITY OF SALAMANCA PAYROLL ACCO	75,375.63CR
6/04/2021	CHECK	061476	CITY OF SALAMANCA PAYROLL ACCO	71,730.11CR
6/08/2021	CHECK	061477	CHAUTAUQUA BRICK CO., INC	713.02CR
6/08/2021	CHECK	061478	CORE LOGIC	636.58CR
6/08/2021	CHECK	061479	CYNTHIA A. FRANKLIN	18.92CR
6/08/2021	CHECK	061480	JEFFREY WALKER	100.00CR
6/08/2021	CHECK	061481	LERETA, LLC	967.60CR
6/08/2021	CHECK	061482	LISA CARPENTER	100.00CR
6/08/2021	CHECK	061483	WILLIAM HUNT	100.00CR
6/11/2021	CHECK	061484	ADAM'S SERVICES, LLC	150.00CR
6/11/2021	CHECK	061485	BARMORE & SELLSTROM	2,280.00CR
6/11/2021	CHECK	061486	BERNARD P. DONEGAN, INC.	787.50CR
6/11/2021	CHECK	061487	BLUE COLLAR WORKWEAR	68.48CR
6/11/2021	CHECK	061488	BRADFORD PUBLISHING COMPANY	102.10CR
6/11/2021	CHECK	061489	CASELLA WASTE SYSTEMS, INC.	80.00CR
6/11/2021	CHECK	061490	CATTARAUGUS COUNTY DPW	332.50CR
6/11/2021	CHECK	061491	CITY OF SALAMANCA BPU	19,251.53CR
6/11/2021	CHECK	061492	VOID CHECK	0.00
6/11/2021	CHECK	061493	D & J'S LAWN SERVICE & SNOW PL	760.00CR
6/11/2021	CHECK	061494	DECKER TREE SERVICE	3,500.00CR
6/11/2021	CHECK	061495	FASTENAL COMPANY	92.33CR
6/11/2021	CHECK	061496	GERNATT ASPHALT	1,774.43CR

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6/11/2021 CHECK	061497	GRAINGER	323.98CR
6/11/2021 CHECK	061498	HENRY H. HILL INC.	420.12CR
6/11/2021 CHECK	061499	JAMESTOWN MACADAM, INC	123.54CR
6/11/2021 CHECK	061500	LANDPRO EQUIPMENT LLC	889.12CR
6/11/2021 CHECK	061501	MAD PROPERTY MANAGEMENT	1,150.00CR
6/11/2021 CHECK	061502	NATIONAL FUEL	2,098.35CR
6/11/2021 CHECK	061503	NEW ENTERPRISE STONE & LIME CO	5,955.99CR
6/11/2021 CHECK	061504	NOLLOTH THOMPSON AGENCY INC	3,000.00CR
6/11/2021 CHECK	061505	PROFESSIONAL AMBULANCE BILLING	2,392.72CR
6/11/2021 CHECK	061506	RANDOLPH AUTO SUPPLY	808.21CR
6/11/2021 CHECK	061507	VOID CHECK	0.00
6/11/2021 CHECK	061508	SOUTHERN TIER GLASS & WINDOW,	175.00CR
6/11/2021 CHECK	061509	STAPLES CONTRACT & COMMERCIAL	256.59CR
6/11/2021 CHECK	061510	SUIT-KOTE CORPORATION	546.00CR
6/11/2021 CHECK	061511	THE PAPER FACTORY	24.98CR
6/11/2021 CHECK	061512	TYLER TECHNOLOGIES, INC.	840.00CR
6/11/2021 CHECK	061513	UNIFIRST CORPORATION	616.47CR
6/11/2021 CHECK	061514	VERIZON WIRELESS	828.73CR
6/11/2021 CHECK	061515	AIRGAS USA, LLC	46.20CR
6/11/2021 CHECK	061516	AUTO ZONE, INC	135.85CR
6/11/2021 CHECK	061517	BOUND TREE MEDICAL, INC.	731.07CR
6/11/2021 CHECK	061518	BOYLE'S MOTOR SALES INC.	167.48CR
6/11/2021 CHECK	061519	BREATHING AIR RESOURCES	564.00CR
6/11/2021 CHECK	061520	CATTARAUGUS COUNTY OFFICE OF E.	20.00CR
6/11/2021 CHECK	061521	CHURCHVILLE FIRE EQUIPMENT COR.	886.00CR
6/11/2021 CHECK	061522	FIRE SERVICE SAFETY TESTING IN	824.10CR
6/11/2021 CHECK	061523	GALLS, LLC.	62.86CR
6/11/2021 CHECK	061524	PORTVILLE TRUCK & AUTO REPAIR,	23.13CR
6/11/2021 CHECK	061525	RANDOLPH AUTO SUPPLY	89.00CR
6/11/2021 CHECK	061526	SALAMANCA FIREFIGHTERS LOCAL 2	160.00CR
6/11/2021 CHECK	061527	TWIN TIERS OUTERWEAR	229.98CR
6/11/2021 CHECK	061528	VALPRO SANITARY SUPPLIES, INC.	123.20CR
6/11/2021 CHECK	061529	WITMER PUBLIC SAFETY GROUP, IN	2.72CR

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6/11/2021 CHECK	061530	ZOLL MEDICAL CORPORATION	1,301.48CR
3/31/2021 CHECK	061531	PROFESSIONAL AMBULANCE BILLING	2,350.85CR
3/31/2021 CHECK	061532	MOTOROLA SOLUTIONS, INC.	2,737.43CR
3/31/2021 CHECK	061533	PATRICK STEFFAN	142.54CR

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

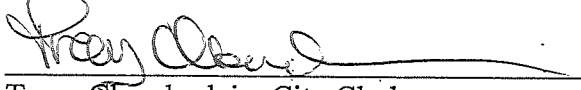
Public Discussion:

- Carmen Vecchiarella noted that there is a man hole on East State Street that is down quite a few inches. He asked that these be addressed.
- Lane Hoag noted that the water run off on the top of North Main Street at West State Street needs to be addressed. The Council noted they would like this issue to be looked into and resolved.
- Council Member Koch stated that she spoke with Fire Chief Tom Sturdevant regarding the concern with building permits. He explained that the Assessor's Office staff does handle issuing building permits. There are three Officers trained in code enforcement that can assist, however they were all off on the day there was a question.

Moved by Hill and seconded by Koch:

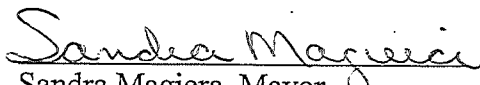
RESOLVED: That we hereby adjourn – 8:51 PM.

Carried.


Tracy Chamberlain, City Clerk

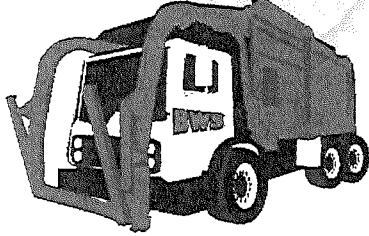
Dated: June 14, 2021

THE ABOVE RESOLUTIONS AND LOCAL LAW # 2 FOR 2021, AS ADOPTED
BY THE COMMON COUNCIL, ARE HEREBY APPROVED.


Sandra Magiera, Mayor

Dated: July 7, 2021

BEICHNER
WASTE SERVICES



Clean, Safe and Friendly Service

*5786 Route 380 * Sinclairville, N.Y. 14782 * 716-962-6041*

City of Salamanca

Clean up days bid

Attn: Tracy Chamberlain, City Clerk

225 Wildwood Ave

Salamanca, NY 14779

June 8, 2021

On behalf of Beichner Waste Services, Inc., I am pleased to submit a quote for the City of Salamanca Cleanup days bid as follows:

Trash: \$225.00 per ton

Freon Appliances: \$40.00 each

Televisions or Computer Equipment: \$20.00 each

Thank you for the opportunity.

A handwritten signature in cursive script that reads "Lori Zandrowicz". The signature is written in black ink and is positioned above the printed name and title.

Lori Zandrowicz, Secretary

Beichner Waste Services, Inc.

225 Homer Street
Olean, NY 14760

(877) 372-6905
(716) 372-9252 fax



June 4, 2021

RE: Bid for Clean Up

Thank you for the opportunity to bid on your annual clean up. Casella is proud of the relationship we have enjoyed with the City of Salamanca over the last years and hope to continue serving your community. We have reviewed the specifications and submit the following prices for the requested services as follows:

Cost per ton MSW (includes labor, trucking and disposal)	\$230.00 per ton
Appliances containing Freon	\$165.00 per ton
E-Waste (televisions, computer, electronic waste)	\$955.00 per ton

Please contact to discuss any questions or concerns. We look forward to working with the City to serve your collection and disposal needs. Thank you for considering Casella Waste Management.

Respectfully,

A handwritten signature in black ink, appearing to read "Douglas Dunn", is written over a horizontal line.

Douglas Dunn

Market Area Manager