

REGULAR MEETING OF THE COMMON COUNCIL
SEPTEMBER 27, 2023
7:00 PM

PRESENT: Mayor Sandra Magiera
Council Members: John Hill, Kylee Johnson, Barry Smith,
Michael Reed, Janet Koch
City Clerk: Tracy Chamberlain
Grant Writer: Sandra Brundage
Human Resource Trainee: Elizabeth Downie

Mayor Magiera called the meeting to order at 7:01 PM. After the Pledge of Allegiance, Mayor Magiera asked for a moment of silence for Secretary Glenda Taylor who recently lost her mother-in-law and a good friend.

At this time the Public Hearing on the Downtown Revitalization Initiative (DRI) Round 7 and NY Forward (NYF) Round 2 grant applications that the City of Salamanca is submitting, for the Main Street Corridor, was opened.

Grant Writer Brundage stated "There were workshops held in the spring regarding downtown revitalization. This public hearing is the first step in applying for the grant funds for the Ray Evans Seneca Theater and 123 Main Street, the former Weast Agency building. The grant funds are up to \$4,500,000 for downtown projects."

With no persons wishing to be heard, the public hearing was closed at 7:03 PM.

Moved by Reed and seconded by Hill:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of September 13, 2023 and the special meeting of September 13, 2023.

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

Moved by Smith and seconded by Johnson:

RESOLVED: That the following Local Law for 2023 is hereby adopted:

A LOCAL LAW AMENDING THE CHARTER OF THE CITY OF SALAMANCA,
NEW YORK, WITH REGARD TO THE RESIDENCY OF CITY OFFICERS.

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.

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Section 2.

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law to provide for an exemption from residency requirements for City Officers through action of the Common Council.

Section 3.

Title II, Section 11, of the City Charter of the City of Salamanca is hereby amended by adding the following:

“The Common Council may waive or modify any residency requirement established by this Charter for any appointed City Officer to the extent permitted by law.”

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.

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

Moved by Koch and seconded by Reed:

RESOLVED: That we hereby accept the resignation of Kailee Redeye as Part-time Dog Caretaker, effective September 20, 2023

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

Moved by Hill and seconded by Smith:

RESOLVED: That we hereby confirm the appointment of Greg Mitchell, Salamanca, NY as DPW Part-time Laborer, effective September 20, 2023, at 30 hours per week with a wage of \$17.20 per hour.

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

Moved by Koch and seconded by Hill:

RESOLVED: That we hereby appoint Cody Nelson, Cattaraugus, NY, as Provisional Part-time Dispatcher, effective September 29, 2023, with a wage of \$21.00 per hour, contingent on being reachable on a Civil Service list.

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

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Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby approve the amended Military Leave Policy.
Such policy is attached and made part of these minutes.

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

Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby accept the quote of Inscale Architects, Warren, PA for the design and oversite of a new records archive storage space, in the amount of \$16,500.00. Such quote is attached to and made part of these minutes.

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

Moved by Smith and seconded by Johnson:

WHEREAS New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [define in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative and contract basis;

WHEREAS the City of Salamanca wished to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the City of Salamanca wishes to satisfy the safety and liquidity need of their funds;

NOW, THEREFORE, it is hereby resolved as follows:

That Robert P. Earley, City Comptroller of the City of Salamanca is hereby authorized to participate in the New York Cooperative Liquid Assets NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated March 28, 2019.

Council Member Reed noted the Comptroller stated there was an investment that matured. Mayor Magiera stated a CD matured and was reinvested in where funds are available if needed.

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

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Moved by Johnson and seconded by Hill:

A BOND RESOLUTION, DATED SEPTEMBER 27, 2023, OF THE COMMON COUNCIL OF THE CITY OF SALAMANCA, CATTARAUGUS COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ACQUISITION OF A FIRE-FIGHTING VEHICLE AND APPARATUS, AT AN ESTIMATED MAXIMUM COST OF \$800,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$800,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY COMPTROLLER.

WHEREAS, the City Common Council has identified a need for the acquisition of a fire-fighting vehicle and apparatus.

NOW THEREFORE, BE IT RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake the acquisition of a fire-fighting vehicle and apparatus, including all preliminary costs and necessary equipment, warranties and other such costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$800,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$800,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such acquisition is to be paid by the levy and collection of taxes on all the taxable real property in the City to pay the principal of such bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 27 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 20 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

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SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will exceed five years.

SECTION 6. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00 and Section 164.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the City Comptroller, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the City Comptroller, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the City's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The City Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to

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Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The City Comptroller is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The City Comptroller is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with City officials and the City's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the City Clerk.

SECTION 13. The City hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 14. In the absence or unavailability of the City Comptroller, the Deputy Comptroller is hereby specifically authorized to exercise the powers delegated to the City Comptroller in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this resolution were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

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SECTION 16. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in a newspaper having a general circulation in the City, and hereby designated as the official newspaper of the City for such publication.

SECTION 17. This resolution is effective immediately.

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

Moved by Johnson and seconded by Koch:

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

INDUSTRIAL DEVELOPMENT AGENCY / SALA AREA DEVELOPMENT CORP.

Appointment of Matthew Proctor, Salamanca, NY, to fill the indefinite term of Thomas Cole, who resigned, beginning on September 28, 2023.

SALAMANCA YOUTH BOARD

Appointment of Mitchell Schnauffer, Salamanca, NY, as Youth Representative beginning on September 27, 2023 and ending upon graduation in June of 2024.

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

Communications from the Mayor and Council:

- Mayor Magiera noted the officers from the Fire Department will be traveling to see the new truck before it is shipped to the City.
- Council Member Smith thanked everyone for coming to the playground ribbon cutting. He noted he has seen kids on both new playgrounds and heard a lot of good things. He thanked the Council for supporting the project.
- Council Member Smith noted that the paving of Center Street looks nice.
- Council Member Hill stated he was sorry he missed the playground ribbon cutting and Center Street does look good.
- Council Member Koch clarified that Center Street from the City line south to the railroad tracks is not a State road. She thanked Youth Bureau Director Brundage for organizing the playground ribbon cutting. She stated it is awesome that every ward now has an updated playground. She also noted the decorating at City Hall looks very nice. Mayor Magiera stated she and her family worked on it little by little.

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- Council Member Smith noted the City Hall new overhead doors and window look good. There was some discussion regarding the possible replacement of the window blinds.
- Mayor Magiera noted that Sarah Phearsdorf of Southern Tier West has been assisting with the records retention and has removed a lot of records. She noted that Ms. Phearsdorf is doing a really good job at organizing what she has done.
- Mayor Magiera reminded everyone of the Falling Leaves Festival this weekend.
- Mayor Magiera is working on trunk-or-treat to be held Halloween at Jefferson Street Park.
- The Council received the attached letter of resignation from Youth Bureau Director Brundage to be effective November 2, 2023. The Council thanked her for the years of working with the kids. Director Brundage noted that every administration has been very supportive of the youth programs and twenty years went quick. Mayor Magiera noted she will go from working with the kids, to work for the kids. Council Member Koch thanked her for not only doing her position by also helped with the many different hats.
- Mayor Magiera stated an individual called to express concern with the Front Avenue no-parking signs have been installed. The individual felt there was abuse of power. The Mayor explained the process of a proposed ordinance and invited the individual to attend the meeting. The individual stated they will be moving from that house. Council Member Koch noted that if there is a concern it should be brought to the Council. It was noted that this request was considered by the Police Chief, Police Commission and the Council.

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 Police Chief and Dog Control Officer for the month of August 2023 is hereby accepted and filed.

Vendor Number	Vendor Name	Payment Date	Payment Amount	Number
1332	U.S. DEPARTMENT OF THE TREASURY	09/18/2023	15,197.05	2315
0494	AMCHAR WHOLESALE INC.	09/20/2023	818.10	2316
1097	BREEZELINE	09/20/2023	131.47	2317
0595	DRESCHER & MALECKI LLP	09/20/2023	11,490.00	2318
1330	HOME DEPOT CREDIT CARD SERVICES	09/20/2023	409.26	2319
0656	HTI RECYCLING LLC	09/20/2023	541.07	2320
1105	JAMES B SCHWAB CO	09/20/2023	85.02	2321

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0404	MOTOROLA SOLUTIONS, INC.	09/20/2023	62,658.00	2322
1333	PLYLER ENTRY SYSTEM	09/20/2023	150.00	2323
1023	RANDOLPH AUTO SUPPLY	09/20/2023	366.68	2324
0931	RICOH USA (PO BOX 41564)	09/20/2023	57.89	2325
0499	TWIN TIERS OUTERWEAR	09/20/2023	335.95	2326
1331	TYLER SMITH	09/20/2023	28.00	2327
0098	WORTH W SMITH	09/20/2023	12.99	2328
1238	AMAZON CAPTIAL SERVICES	09/27/2023	104.80	2329
0555	AURORA ELECTRONICS	09/27/2023	250.00	2330
1097	BREEZELINE	09/27/2023	231.16	2331
0192	CATTARAUGUS COUNTY HEALTH DEPART	09/27/2023	1,056.16	2332
0199	CYNTHIA A. FRANKLIN	09/27/2023	35.37	2333
1105	JAMES B SCHWAB CO	09/27/2023	40.85	2334
0831	METROPOLITAN TELECOMMUNICATIONS	09/27/2023	2,263.67	2335
0248	NATIONAL FUEL	09/27/2023	17.30	2336
0454	NYS ASSOCIATION OF CITY & VILLAGE CLERKS	09/27/2023	50.00	2337
1134	PROFESSIONAL AMBULANCE BILLING LLC	09/27/2023	2,561.23	2338
1046	SANDRA MAGIERA	09/27/2023	102.44	2339
0570	SCOTT J COLLINS	09/27/2023	1,459.00	2340
1238	AMAZON CAPTIAL SERVICES	09/27/2023	213.16	2341
0326	AUSTIN LOCKSMITH, INC	09/27/2023	10.50	2342
0915	BLUE COLLAR WORKWEAR	09/27/2023	280.00	2343
0900	DECKER TREE SERVICE	09/27/2023	2,400.00	2344
0560	EMERLING FORD, INC	09/27/2023	68.31	2345
0237	FASTENAL COMPANY	09/27/2023	69.90	2346
0164	GRAINGER	09/27/2023	107.10	2347
0277	JAMESTOWN MACADAM, INC	09/27/2023	1,613.50	2348
0683	LANDPRO EQUIPMENT LLC	09/27/2023	8.95	2349
0248	NATIONAL FUEL	09/27/2023	258.99	2350
0568	NEW ENTERPRISE STONE & LIME CO., INC	09/27/2023	12,747.96	2351
0230	PERKINS LLC	09/27/2023	300.00	2352
1233	SAWMILL CREEK OUTDOORS, LLC	09/27/2023	1,450.00	2353
0575	SHERWIN-WILLIAMS	09/27/2023	31.40	2354
0469	STRATE WELDING SUPPLY CO., INC.	09/27/2023	142.98	2355
0491	UNIFIRST CORPORATION	09/27/2023	135.04	2356
0429	VALPRO SANITARY SUPPLIES, INC.	09/27/2023	173.00	2357
0297	VERMEER SALES & SERVICE, INC.	09/27/2023	735.88	2358
0031	CATTARAUGUS COUNTY EMS	09/27/2023	4,872.73	2359
0065	HULL ELECTRIC, INC	09/27/2023	2,934.70	2360
1023	RANDOLPH AUTO SUPPLY	09/27/2023	133.75	2361
0181	TRAVIS WHITEHOUSE	09/27/2023	251.79	2362
0499	TWIN TIERS OUTERWEAR	09/27/2023	221.85	2363
0807	ZOLL MEDICAL CORPORATION	09/27/2023	1,914.00	2364
0494	AMCHAR WHOLESALE INC.	09/27/2023	1,048.80	2365

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0598	EAGLE RADIO TECHNOLOGIES	09/27/2023	282.50	2366
0122	ELAN FINANCIAL SERVICES	09/27/2023	164.20	2367
0560	EMERLING FORD, INC	09/27/2023	2,281.60	2368
0193	GALLS PARENT HOLDINGS, LLC	09/27/2023	556.04	2369
0183	GANOUNG'S FIRE PROTECTION, INC.	09/27/2023	39.00	2370
0685	LINSTAR	09/27/2023	12.80	2371
1023	RANDOLPH AUTO SUPPLY	09/27/2023	55.80	2372
0765	SEWING TECHNOLOGY UNIFORM INC	09/27/2023	670.95	2373
0340	THE PAPER FACTORY	09/27/2023	2,999.15	2374
0499	TWIN TIERS OUTERWEAR	09/27/2023	605.00	2375

Special Accounts

Date	Account Name	Amount	Check #
9/20/2023	Capital Projects Fund- Plyler Entry Systems	\$41,024.57	1002

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

Public Discussion:

- Grant Writer Brundage stated the new Police Department addition ribbon cutting will be held on Wednesday, October 11, 2023 at 11:00 AM.

Moved by Reed and seconded by Smith:

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

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

Moved by Johnson and seconded by Smith:

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

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

Moved by Koch and seconded by Reed:

RESOLVED: That the we hereby accept the resignation of Sandra Brundage as Youth Bureau Director effective November 2, 2023.

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

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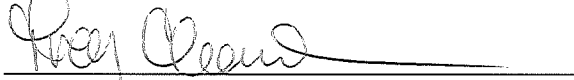
Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby appoint Markie (Mohr) Phillips, Salamanca, NY, as Provisional Youth Bureau Director at a wage of \$58,000.00 annually, to be prorated, effective November 3, 2023, contingent on taking the test and being reachable on the Civil Service list, according to the Non-Union Benefits Rules.

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

Moved by Reed and seconded by Koch:

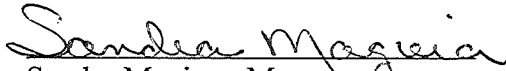
RESOLVED: That we hereby adjourn – 8:32 PM.
Carried.



Tracy Chamberlain, City Clerk

Dated: October 3, 2023

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



Sandra Magiera, Mayor

Dated: October 10, 2023

CITY OF SALAMANCA

MILITARY LEAVE POLICY

Adopted October 26, 2022

Revised on August 10, 2023, September 27, 2023

Military Leave of Absence Policy

The City of Salamanca (the "City") is committed to protecting the job rights of employees absent from work for purposes of military service in compliance with the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (hereafter "USERRA"), applicable New York State laws, and/or regulations. Throughout this policy, the terms "year" and "calendar year" are defined as the 12-month period between January 1 to December 31.

I. Non-Discrimination

The City strictly prohibits all forms of discrimination on the basis of that person's membership in, or obligation to perform service for, any of the uniformed services of the United States. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy.

Any employee who believes that he or she has been subjected to discrimination in violation of this policy should immediately contact the Human Resources (HR) Department.

II. Eligibility

All employees are eligible for military service leave if they are absent from work because of eligible military service. Eligible military service means certain types of service in the following branches of the United States military:

1. Armed Forces (Army, Navy, Marine Corps, Air Force, Coast Guard);
2. Reserve service in Army, Navy, Marine Corps, Air Force or Coast Guard;
3. Army National Guard or Air National Guard;
4. Commissioned corps of the Public Health Service;
5. Any other category of persons designated by the President in the time of national emergency or war.

Such military service includes leaves of absence for the following types of military service:

1. Active duty;
2. Active duty for training;
3. Initial active duty for training;
4. Inactive duty training;
5. Full-time National Guard duty;
6. Funeral honors duty performed by National Guard or Reserve members;

7. Time spent being examined to determine fitness to perform such service;
8. Duty performed by intermittent disaster response personnel for the Public Health Service and approved training to prepare for this service;
9. Service as an intermittent disaster response appointee of the National Disaster Medical System when employees are:
 - Activated under federal authority; or
 - Attending authorized training in support of a federal mission.

Subject to certain exceptions under the law, these benefits are generally limited to five years of leave of absence.

III. Notice

An employee must give at least thirty (30) days' notice to their manager, supervisor or Department Head prior to the leave effective date unless doing so is precluded by military necessity or circumstances under which the giving of notice is impracticable or unreasonable. In those cases, the employee is expected to provide as much advance notice of military service as possible.

Written notice of absence for military service is preferred, but not required under the law or this policy. The employee should submit a copy of his or her military orders, training notice, or order to active duty, along with a Request for Leave of Absence Form, to the HR Department prior to the leave effective date.

IV. Benefits while on an Approved Military Leave

a. Compensation

Every public officer or employee will be paid his or her regular salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty, not to exceed a total of 30 days or 22 working days, whichever is greater, in any one calendar year and not to exceed 30 days or 22 working days, whichever is greater, in any one continuous period of such absence. See N.Y. Military Law §242(5)(a).

Employees on temporary or extended military leave may, at their option, use accrued paid vacation or personal leave during their military service leave of absence. However, such vacation or personal leave days may not be used to extend the initial 30-day period in which the employee's health insurance will continue on the same basis as an active employee in accordance with Section IV(b) of this policy.

All employees are entitled to military leave without pay for a period not to exceed five (5) years while employed by the City.

b. Health Benefits

During the first thirty (30) days of military duty, the employee's health insurance coverage will continue in effect on the same basis as an active employee at the applicable contribute rate.

Employees whose military duty continues after thirty (30) calendar days may elect to continue employer-sponsored health insurance coverage for the employee and covered dependents for up to 24 months by paying the full cost of such coverage (i.e. 100% of the premium and any associated fees). Employees must elect coverage and will be billed directly on a monthly basis for the benefits continued during the leave. Employees must make the required payments to the HR Department in a timely manner to ensure continued coverage.

c. *Paid Time Off Accruals*

Employees will not accrue vacation, personal leave or sick leave while on military leave of absence status.

d. *Pension and/or Retirement System*

Pension plans that are tied to seniority are given separate, detailed treatment under applicable federal and state military leave law. To that end:

- a reemployed person must be treated as not having incurred a break in service with the City maintaining a pension plan;
- military service must be considered service with the City for vesting and benefit accrual purposes;
- The City is liable for funding any obligation of the plan to provide required benefits;
- The reemployed person is entitled to any accrued benefits contingent upon employee contributions only to the extent that the person repays the employee contributions.

Payments of contributions may be made at any time during military duty or within five years after the termination of military service. The employee or his or her beneficiary is entitled to the benefits of the retirement or pension system, with the exception of accidental disability retirement and accidental death benefits.

V. Reemployment

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

- *Less than 91 days of military service* – reinstated to a position that the employee would have attained if employment had not been interrupted by military service; or, if found not qualified for such position after reasonable efforts by the City, in the position in which the employee had been employed prior to military service.
- *More than 90 days and less than 5 years of military service* – reinstated to a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or, if proved not qualified after reasonable efforts by the City, in the position the employee left, or a position of like seniority, status and pay, provided the employee is qualified to perform the duties of the position. If the employee is not qualified to perform the duties of the position, his or her pre-service position, or a like position, after reasonable efforts by the City, the employee will be reemployed in another position that is the nearest approximation to the position the employee would have attained if they had not taken a military leave.

Employee with a service-connected disability – If an employee has a disability incurred in, or aggravated during, the period of military service, the City will make reasonable efforts to accommodate that disability and to help the employee become qualified to perform the duties of his or her reemployment position. If after reasonable accommodation efforts by the City, the employee is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in another position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts. Alternatively, if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

a. *Application for Reemployment*

Upon completing military service, an employee must notify the City of his or her intent to return to the employment position by either (1) reporting to work or (2) submitting a timely application for reemployment, depending upon his or her length of service, as follows:

- ***If service is less than 31 days*** (or for a period of any length for the purpose of taking a fitness examination) - the employee must report to the City at the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service, and the expiration of eight hours after a time allowing for safe transportation back to the employee's residence.
- ***If service is for 31 days or more but less than 181 days*** - the employee must submit an application for reemployment with HR no later than 14 days following the completion of service.
- ***If service is over 180 days*** - the employee must submit an application for reemployment with HR no later than 90 days following the completion of service.

If the employee is hospitalized or convalescing from a military service-connected injury - the employee must report to or submit an application for reemployment with HR at the end of the period necessary for recovering from the illness or injury. However, this period may not exceed two years following completion of service.

A copy of the City's "Application for Reemployment" is readily available in the HR Department.

b. *Exceptions to Reemployment*

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is generally not entitled to reemployment as described above if any of the following conditions exist:

- The City's circumstances have so changed as to make reemployment impossible or unreasonable;
- Assisting the employee in becoming qualified for reemployment would pose an undue hardship upon the City; or
- The employee's employment prior to the military service was for a brief, non-recurrent period and there was no reasonable expectation that the employment would continue indefinitely or for a significant period.

c. *General Benefits Upon Reemployment*

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward eligibility for Family Medical Leave Act ("FMLA") leave.

Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment depending upon the employee's length of military service.

d. *Documentation*

Employees are required to provide the HR Department with a copy of their military discharge documentation, along with their application for reemployment, to establish the timeliness of the application, the duration of the military service, and honorable discharge from the military service, as applicable.

Revised: 8/10/2023; 9/27/2023

**CITY OF SALAMANCA
MILITARY LEAVE POLICY**

Adopted October 26, 2022
Revision Adopted August 10, 2023; September 27, 2023

I hereby certify that I have received a copy of, and am required to comply with, the City of Salamanca's Military Leave Policy.

Employee Signature

Date

Print Name

September 27, 2023

Ms. Sandra Magiera

Mayor

City of Salamanca

Dear Ms. Magiera,

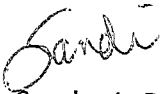
I have enjoyed the past 20 years as the Director of the Salamanca Youth Bureau. As the Director, I have had the chance to work with so many amazing young people over this time span, many of whom now bring their children to the Youth Center. I truly appreciate all that you and the Youth Board, City of Salamanca Elected Officials, my coworkers, and the residents of Salamanca have taught me.

It is with a bit of sadness that I must resign from my position , effective today, September 26th, 2023. My last day working as the Youth Bureau Director will be Thursday, November 2, 2023.

I have been offered and accepted a new position at the Salamanca City Central School District, where I will begin my employment on Monday, November 13, 2023.

Thank you for the past 20 years. I wish you all the best in your future and know that you will choose a new Director who will move the Youth Bureau even further for our children in Salamanca.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra", written in dark ink.

Sandra L. Brundage