

REGULAR MEETING OF THE COMMON COUNCIL  
JUNE 14, 2023  
7:00 PM

PRESENT: Mayor Sandra Magiera  
Council Members: John Hill, Kylee Johnson, Barry Smith,  
Michael Reed, Janet Koch  
City Clerk: Tracy Chamberlain  
City Comptroller: Robert Earley  
Grant Writer: Sandra Brundage  
Fire Chief: Tom Sturdevant  
Code Enforcement Office: Brandon Smith  
Police Commission Member: Robert Kennedy  
Police Sergeant: Tustin Swift  
Police Sergeant: Tina Darling  
Library Manager: Jennifer Stickles  
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.

Moved by Johnson and seconded by Reed:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of May 24, 2023 and the special meeting of May 24, 2023.

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

Moved by Smith and seconded by Johnson:

RESOLVED: That we hereby authorize the City Clerk to solicit for bids for the replacement of the Municipal Building overhead garage doors and Municipal Building windows, to be funded by the US Department of Energy Grant for Energy Efficiency.

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

Moved by Koch and seconded by Hill:

RESOLVED: That we hereby approve the Change Orders of Dynasty Construction for the Police Department construction project in the amount of \$3,455.00 for General Construction and \$2,175.00 for Plumbing and to extend the contract end date to July 31, 2023.

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

REGULAR MEETING OF THE COMMON COUNCIL  
JUNE 14, 2023  
PAGE TWO

Moved by Reed and seconded by Koch:

RESOLVED: That we hereby approve appoint Philip A. Niziol, Salamanca, NY to the position of Part-Time Recreation Attendant at the Salamanca Youth Center, at a rate of \$14.48 per hour, effective June 26, 2023.

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

Moved by Hill and seconded by Johnson:

RESOLVED: That we hereby authorize the City to submit a USDOT Safe Street and Roads 4 All grant application for funds of \$150,000.00 for the planning and development of the reconstruction of Center Street from the railroad tracks north to the City line, with the City responsible for a 20% match of \$30,000.00, and authorize the Mayor to sign required documents.

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

Moved by Smith and seconded by Johnson:

RESOLVED: That we hereby authorize Empire Animal Rescue Society (EARS) and Dr. Graf to hold a Mobile Spay/Neuter Clinic on June 16, 2023 at the rear of the City Municipal Building.

Council Member Smith noted it is a trial run for EARS. This will be for their own animals and they hope to hold possible future clinics for the public.

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

Moved by Hill and seconded by Koch:

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

LIBRARY BOARD OF TRUSTEES

Appointment of Gina Matteson, Salamanca, NY, to fill the unexpired term of Linda Rychcik, who resigned, beginning June 15, 2023 and ending January 31, 2024.

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

REGULAR MEETING OF THE COMMON COUNCIL  
JUNE 14, 2023  
PAGE THREE

Moved by Koch and seconded by Smith:

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

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

Nays: None

Moved by Johnson and seconded by Hill:

RESOLVED: That we hereby authorize the City Clerk to advertise for the position of part time Dog Caretaker, to be paid the current hourly minimum wage as needed, not to exceed 20 hours per week. This is to assist the City Dog Control Officer in care of dogs seized for the required five-day hold and will require to receive the rabies vaccination.

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

Nays: None

Under Communications from the Mayor and Council:

- Council Member Koch congratulated Firefighter Daniel Owens on his retirement for the Salamanca Fire Department.
- Council Member Smith stated that there are 506 participants signed up for the City Clean-up. There have been 56 donations with the Seneca Nation of Indians donating for 25 participants.
- Mayor Magiera stated the High School Seniors parade will be on Wednesday, June 21, 2023 at 5:30 PM.
- Code Enforcement Officer Brandon Smith noted that there will be a Fire Department 100 Year Anniversary event held at the Fire Station on Saturday, July 22, 2023 starting at 1:00 PM. They plan to have an open house of the Fire Station with historical information.

Moved by Koch 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, Fire Chief and Dog Control Officer for the month of May 2023 are hereby accepted and filed.

| Vendor<br>Number | Vendor Name                 | Payment<br>Date | Payment<br>Amount | Number |
|------------------|-----------------------------|-----------------|-------------------|--------|
| 1097             | BREEZELINE                  | 05/29/2023      | 225.18            | 1782   |
| 0199             | CYNTHIA A. FRANKLIN         | 05/29/2023      | 34.79             | 1783   |
| 1236             | FULLY INVOLVED LEATHERWORKS | 05/29/2023      | 125.88            | 1784   |
| 0624             | STAYER GREENHOUSE LLC       | 05/29/2023      | 522.00            | 1785   |

REGULAR MEETING OF THE COMMON COUNCIL  
JUNE 14, 2023  
PAGE FOUR

|      |                                         |            |           |      |
|------|-----------------------------------------|------------|-----------|------|
| 0371 | CALE BENJAMIN                           | 05/31/2023 | 39.43     | 1786 |
| 0926 | DYLAN DAVIS                             | 05/31/2023 | 171.00    | 1787 |
| 0598 | EAGLE RADIO TECHNOLOGIES                | 05/31/2023 | 1,262.56  | 1788 |
| 0122 | ELAN FINANCIAL SERVICES                 | 05/31/2023 | 38.16     | 1789 |
| 0560 | EMERLING FORD, INC                      | 05/31/2023 | 3,059.76  | 1790 |
| 0193 | GALLS PARENT HOLDINGS, LLC              | 05/31/2023 | 388.07    | 1791 |
| 0619 | INCIDENT RESPONSE & MITIGATION SERICES  | 05/31/2023 | 225.04    | 1792 |
| 0831 | METROPOLITAN TELECOMMUNICATIONS         | 05/31/2023 | 2,443.55  | 1793 |
| 0248 | NATIONAL FUEL                           | 05/31/2023 | 2,721.59  | 1794 |
| 0526 | PATROLPC                                | 05/31/2023 | 4,828.26  | 1795 |
| 1023 | RANDOLPH AUTO SUPPLY                    | 05/31/2023 | 23.04     | 1796 |
| 1026 | SALAMANCA FIREFIGHTERS LOCAL 2501       | 05/31/2023 | 298.00    | 1797 |
| 0765 | SEWING TECHNOLOGY UNIFORM INC           | 05/31/2023 | 99.99     | 1798 |
| 1064 | TOLLS BY MAIL PAYMENT PROCESSING CENTER | 05/31/2023 | 4.22      | 1799 |
| 0774 | URBAN AUTO CENTER                       | 05/31/2023 | 186.59    | 1800 |
| 0814 | AIR CLEANING SYSTEMS, INC.              | 06/02/2023 | 3,199.00  | 1801 |
| 0092 | CHAUTAUQUA BRICK CO., INC               | 06/06/2023 | 194.19    | 1802 |
| 1171 | COURTNEY JAMES                          | 06/06/2023 | 156.00    | 1803 |
| 1033 | MAC TRUCK PARTS                         | 06/06/2023 | 952.75    | 1804 |
| 0958 | RENAISSANCE                             | 06/06/2023 | 266.67    | 1805 |
| 0557 | PRO-FLEX ADMINISTRATORS LLC             | 06/09/2023 | 295.20    | 1806 |
| 1046 | SANDRA MAGIERA                          | 06/09/2023 | 112.50    | 1807 |
| 0240 | SCHUBERT ENTERPRISES, LLC               | 06/09/2023 | 69.92     | 1808 |
| 0778 | BRADFORD PUBLISHING COMPANY             | 06/14/2023 | 329.24    | 1809 |
| 0186 | CASELLA WASTE SYSTEMS, INC.             | 06/14/2023 | 93.40     | 1810 |
| 0218 | CITY OF SALAMANCA BPU                   | 06/14/2023 | 10,136.36 | 1811 |
| 0200 | EMPIRE ANIMAL RESCUE SOCIETY            | 06/14/2023 | 3,447.38  | 1812 |
| 0167 | FERGUSON PRINTING                       | 06/14/2023 | 35.00     | 1813 |
| 0709 | HODGSON RUSS, LLP                       | 06/14/2023 | 7,992.00  | 1814 |
| 1105 | JAMES B SCHWAB CO                       | 06/14/2023 | 249.91    | 1815 |
| 1237 | JOELLE COOPER                           | 06/14/2023 | 9,000.00  | 1816 |
| 1045 | LAWLEY BENEFITS CONSULTING              | 06/14/2023 | 1,500.00  | 1817 |
| 0604 | LISA CARPENTER                          | 06/14/2023 | 100.00    | 1818 |
| 0286 | MICHAEL FOREMAN                         | 06/14/2023 | 135.59    | 1819 |
| 0931 | RICOH USA (PO BOX 41564)                | 06/14/2023 | 104.63    | 1820 |
| 0361 | ROBERT ELLIS                            | 06/14/2023 | 100.00    | 1821 |
| 0646 | SANDRA L. BRUNDAGE                      | 06/14/2023 | 75.99     | 1822 |
| 1059 | STAPLES CONTRACT & COMMERCIAL           | 06/14/2023 | 1,197.81  | 1823 |
| 0370 | STAPLES CREDIT PLAN                     | 06/14/2023 | 32.98     | 1824 |
| 0166 | TYLER TECHNOLOGIES, INC.                | 06/14/2023 | 373.61    | 1825 |
| 0912 | U.S. BANK EQUIPMENT FINANCE             | 06/14/2023 | 119.13    | 1826 |
| 0429 | VALPRO SANITARY SUPPLIES, INC.          | 06/14/2023 | 311.40    | 1827 |
| 0367 | VERIZON WIRELESS                        | 06/14/2023 | 947.22    | 1828 |
| 0243 | WILLIAM HUNT                            | 06/14/2023 | 100.00    | 1829 |

REGULAR MEETING OF THE COMMON COUNCIL  
JUNE 14, 2023  
PAGE FIVE

|      |                                              |            |          |      |
|------|----------------------------------------------|------------|----------|------|
| 0415 | ADAM'S SERVICES, LLC                         | 06/14/2023 | 175.00   | 1830 |
| 0432 | BEICHNER WASTE SERVICES, INC.                | 06/14/2023 | 157.66   | 1831 |
| 0116 | BKG TRUCK REPAIR LLC                         | 06/14/2023 | 11.90    | 1832 |
| 0915 | BLUE COLLAR WORKWEAR                         | 06/14/2023 | 42.12    | 1833 |
| 0571 | CYNCON EQUIPMENT, INC                        | 06/14/2023 | 8,841.83 | 1834 |
| 0434 | D & J'S LAWN SERVICE & SNOWPLOWING           | 06/14/2023 | 315.00   | 1835 |
| 0900 | DECKER TREE SERVICE                          | 06/14/2023 | 4,500.00 | 1836 |
| 0560 | EMERLING FORD, INC                           | 06/14/2023 | 33.47    | 1837 |
| 0237 | FASTENAL COMPANY                             | 06/14/2023 | 689.44   | 1838 |
| 1007 | FSC SYSTEMS, LLC                             | 06/14/2023 | 384.00   | 1839 |
| 0164 | GRAINGER                                     | 06/14/2023 | 181.40   | 1840 |
| 0277 | JAMESTOWN MACADAM, INC                       | 06/14/2023 | 712.89   | 1841 |
| 0683 | LANDPRO EQUIPMENT LLC                        | 06/14/2023 | 85.68    | 1842 |
| 0568 | NEW ENTERPRISE STONE & LIME CO., INC         | 06/14/2023 | 8,970.60 | 1843 |
| 1023 | RANDOLPH AUTO SUPPLY                         | 06/14/2023 | 655.82   | 1844 |
| 1233 | SAWMILL CREEK OUTDOORS, LLC                  | 06/14/2023 | 2,900.00 | 1845 |
| 0624 | STAYER GREENHOUSE LLC                        | 06/14/2023 | 280.50   | 1846 |
| 1081 | SUPERIOR AUTO SUPPLY INC                     | 06/14/2023 | 345.35   | 1847 |
| 0491 | UNIFIRST CORPORATION                         | 06/14/2023 | 825.58   | 1848 |
| 0783 | VALLEY FAB AND EQUIPMENT INC                 | 06/14/2023 | 9,450.00 | 1849 |
| 0098 | WORTH W SMITH                                | 06/14/2023 | 208.25   | 1850 |
| 0278 | AIRGAS USA, LLC                              | 06/14/2023 | 109.07   | 1851 |
| 1202 | AMERICAN HEART ASSOCIATION                   | 06/14/2023 | 158.00   | 1852 |
| 0581 | BOUND TREE MEDICAL, INC.                     | 06/14/2023 | 1,211.10 | 1853 |
| 0192 | CATTARAUGUS COUNTY HEALTH DEPARTMENT         | 06/14/2023 | 10.00    | 1854 |
| 0349 | CATTARAUGUS CO. OFFICE OF EMERGENCY SERVICES | 06/14/2023 | 46.20    | 1855 |
| 0383 | FLEETPRIDE                                   | 06/14/2023 | 738.81   | 1856 |
| 0074 | GORMAN ENTERPRISES                           | 06/14/2023 | 552.59   | 1857 |
| 0065 | HULL ELECTRIC, INC                           | 06/14/2023 | 238.00   | 1858 |
| 0742 | MUNICIPAL EMERGENCY SVCS                     | 06/14/2023 | 478.34   | 1859 |
| 0633 | OCCUSTAR INC.                                | 06/14/2023 | 5,008.00 | 1860 |
| 1069 | TIM HAYNOSKI                                 | 06/14/2023 | 315.00   | 1861 |
| 0098 | WORTH W SMITH                                | 06/14/2023 | 211.12   | 1862 |
| 0807 | ZOLL MEDICAL CORPORATION                     | 06/14/2023 | 3,619.00 | 1863 |
| 0697 | EMERLING CHRYSLER DODGE JEEP RAM             | 06/14/2023 | 94.32    | 1864 |
| 0738 | INSCALE ARCHITECTS                           | 06/14/2023 | 1,012.50 | 1865 |
| 0765 | SEWING TECHNOLOGY UNIFORM INC                | 06/14/2023 | 484.92   | 1866 |
| 0575 | SHERWIN-WILLIAMS                             | 06/14/2023 | 94.20    | 1867 |

Special Accounts

| Check # | Date     | Account Name                                 | Amount   |
|---------|----------|----------------------------------------------|----------|
| 1004    | 6/6/2023 | Special Activities-Youth Center – Pepsi Cola | \$459.05 |

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

Nays: None

REGULAR MEETING OF THE COMMON COUNCIL  
JUNE 14, 2023  
PAGE SIX

Public Discussion:

- Police Sergeant Tustin Swift asked about the location of the EARS spay/neuter clinic. He noted there will be Court on the same day and is concerned with parking. It was explained that the location will further to the East from the court parking area.
- City resident Tisha Seeley asked about the Central Avenue property which a trailer was installed with a Marijuana dispensary business. Council Member Koch explained that a commercial building will be installed, however the process takes time to design and get approval. There was discussion regarding the concern with the look of the business and the appeal to underage children attending school in the area. Planning Commission Chairman Lindley Pryor explained some of the Zoning Law requirements. He noted that the driveway approaches will need to be approved by the City, the Cattaraugus County Planning Board and the NYS Department of Transportation (due to the property being located on Route 219). He also stated the City Planning Commission will oversee the plans for the location of the building, structure, lighting and signage. It was noted that New York State and the Seneca Nation of Indians regulations for marijuana businesses have not been finalized. Therefore, there is no legal charges to be placed for the courts to proceed **\*\*on any dispensary**. Resident Adam Hasley is concerned with illegal sales to minors and how this can be enforced **\*\*in the City**. Code Enforcement Officer Smith noted that there is concern, from a medics' perspective, with the ingredients in the products being sold **\*\*in the City**. After discussion Mayor Magiera stated unfortunately the City's hands are tied, however, she will contact the SNI for information on their regulations **\*\*concerning dispensaries in the City**.

Work Session:

At this time the Council held a work session with City Court Judge Matthew Swenson. There was discussion regarding the current process for property code violations, such as letters, ticketing, court dates, pre-trial conferences and adjournments for more time to remedy. Some individuals do not appear and it is difficult to serve non-residents.

Judge Swenson noted that the Court can process code violations, however, he suggests have a prosecutor on the City's behalf. This would allow Code Enforcement Officers to be witnesses to the issues. If the individual defaults and the City has proof of the issues the Court can order a fine, sentence or civil judgement. He noted some municipalities have criminal charges applied.

REGULAR MEETING OF THE COMMON COUNCIL  
JUNE 14, 2023  
PAGE SEVEN

City Attorney Jeffrey Swiatek explained some of the options for the City, such as collecting fines or penalties by including them on a tax bill, a judicial judgement and if not resolved it could be attached to the property as a lien. Unfortunately, with the Native tax exemptions the fees often cannot be added to a tax bill.

It was asked that City Attorney Swiatek look into the possibility of the City taking ownership of properties due to health violations and have structures demolished.

There was some discussion regarding structure issues with a few of the properties to be auctioned by the City on June 17, 2023.

It was decided to schedule court dates on Wednesdays and have City Attorney Swiatek attend as prosecutor.

Moved by Koch and seconded by Smith:

RESOLVED: That the Mayor and Council enter into executive session for the purpose of discussing the employment history of a particular employee and collecting bargaining agreement negotiations under the provisions of the State's Open Meetings Law.

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

Moved by Koch and seconded by Smith:

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

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

Moved by Koch and seconded by Johnson:

RESOLVED: That the Collective Bargaining Agreement Memorandum between the City of Salamanca and AFSCE, N.Y., Council 66, Local 1304-C (City of Salamanca Department of Public Works Employees' Union) effective April 1, 2023 through March 31, 2026, is hereby approved.

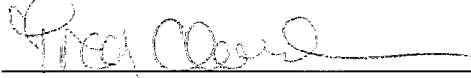
Adopted Ayes: Hill, Johnson, Smith, Reed, Koch  
Nays: None

REGULAR MEETING OF THE COMMON COUNCIL  
JUNE 14, 2023  
PAGE EIGHT

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby adjourn – 9:37 PM.

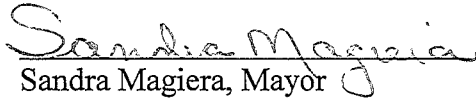
Carried.



Tracy Chamberlain, City Clerk

Dated: June 21, 2023

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



Sandra Magiera, Mayor

Dated: June 23 2023