

REGULAR MEETING OF THE COMMON COUNCIL
OCTOBER 25, 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
Police Sergeant: Tina Darling

Mayor Magiera called the meeting to order at 7:12 PM. After the Pledge of Allegiance, Mayor Magiera asked for a moment of silence.

Item #2 - Presentation of the annual audit of the City for fiscal year April 1, 2021 to March 31, 2022 by Drescher and Malecki LLP, was withdrawn.

Moved by Hill and seconded by Johnson:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of October 11, 2023.

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

Moved by Koch and seconded by Reed:

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

A LOCAL LAW AMENDING THE ZONING LAW OF THE CITY OF SALAMANCA, NEW YORK TO CHANGE THE USE DISTRICT CLASSIFICATION OF 73 CENTRAL AVENUE, S.B.L. No. 73.073-4-3, FROM R1 SINGLE FAMILY RESIDENTIAL TO B3 NEIGHBORHOOD COMMERCIAL USE DISTRICT

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 73 Central Avenue, Tax Map No. 73.073-4-3 (the "Property") from R1 Single Family Residential to B3 Neighborhood Commercial Use District; and

WHEREAS, the reason for the recommended change is the request of the Planning Commission, and that it is consistent with current character of the neighborhood which contains both residential and business related structures; and

WHEREAS, a legal description of the Property is attached as Schedule A; and

WHEREAS, a copy of portion of the County Tax Map page showing the Property is attached as Schedule B; and

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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.

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 73 Central Avenue, Tax Map No. 73.073-4-3 is changed from R1 Single Family Residential to B3 Neighborhood Commercial Use District.

This local law shall become effective upon its filing with the Secretary of State pursuant to the provisions of the Municipal Home Rule Law.

BE IT FURTHER RESOLVED: That we hereby refer this proposed local law to the Cattaraugus County Planning Board to amend the Zoning Law of the City, and

BE IT FURTHER RESOLVED: That the Common Council wishes to declare Lead Agency and conduct a coordinated State Environmental Quality Review (SEQR) of the proposal.

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

Moved by Smith and seconded by Johnson:

RESOLVED: That we hereby appoint Donnalyn Nuernberger, Franklinville, NY as full-time Assessor's Aide from the Cattaraugus County eligible list, in the Assessment/ Planning/Zoning/Code Enforcement Office, effective October 30, 2023, at a wage of \$42,000.00 annually, at 35 hours per week, with up to fifty-two weeks probation, and in accordance with the Non-Union Employee Benefits, and

BE IT FURTHER RESOLVED: That the appointment includes the following terms:

- Planning, Zoning and Code Enforcement are included in the position's duties.
- Appointed as full-time City Assessor after a minimum of six months of successful training under the City's current Assessor, Cindi Franklin.
- Successfully complete all NYS-required courses in order to become a certified Assessor with the State.
- Required to apply for certification as Assessor with NYS after three years of uninterrupted experience acting in the role of appointed Assessor with the City.

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

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Moved by Reed and seconded by Hill:

RESOLVED: That we hereby appoint Hannah Poling, Salamanca, NY as Part-time Recreation Attendant at the Salamanca Youth Center, at an hourly rate of \$14.48, up to 20 hours per week, effective October 26, 2023.

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

Moved by Johnson and seconded by Smith:

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

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

Moved by Koch and seconded by Hill:

RESOLVED: That we hereby approve the cancellation of the regular Common Council meeting of November 22, 2023, due to the Thanksgiving holiday, and further reschedule the meeting to be held on November 29, 2023, and

BE IT FURTHER RESOLVED: That we hereby approve the cancellation of the regular Common Council meeting of December 27, 2023, due to the Christmas holiday.

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

Communications from the Mayor and Council:

- Mayor Magiera reminded everyone that on Halloween, October 31st, the Trunk-or-Treat will be held during Trick-or-Treat hours of 6:00 –8:00 PM. Also, the Parade at 5:00 PM, starting at the Dudley and ending at the Ray Evan Seneca Theater, where judging will take place.
- Mayor Magiera noted that the Youth Board has a meeting October 24th, where Markie Phillips read a nice letter thanking Director Brundage.
- Council Member Koch thanked Code Enforcement Officer William Porter for the updated monthly report.
- Council Member Smith reminded everyone to vote for the amended City Charter on Election Day, November 7, 2023.
- Council Member Koch asked that the two public hearings for the re-zoning requests be held at the next meeting of November 8, 2023.

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Moved by Reed and seconded by Koch:

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, Fire Chief and City Judge for the month of September 2023 is hereby accepted and filed.

Vendor Number	Vendor Name	Payment Date	Payment Amount	Number
1071	PETTY CASH- CITY OF SALAMANCA	10/19/2023	431.00	2452
1238	AMAZON CAPTIAL SERVICES	10/20/2023	39.96	2453
1357	BRI PARENT INC	10/20/2023	266.50	2454
0371	CALE BENJAMIN	10/20/2023	39.30	2455
0186	CASELLA WASTE SYSTEMS, INC.	10/20/2023	93.40	2456
1354	ED SCHULTZ	10/20/2023	25.00	2457
0122	ELAN FINANCIAL SERVICES	10/20/2023	13.00	2458
0122	ELAN FINANCIAL SERVICES	10/20/2023	35.00	2459
0193	GALLS PARENT HOLDINGS, LLC	10/20/2023	386.01	2460
0183	GANOUNG'S FIRE PROTECTION, INC.	10/20/2023	60.00	2461
0065	HULL ELECTRIC, INC	10/20/2023	385.21	2462
0198	JAMIE DECK	10/20/2023	48.92	2463
1045	LAWLEY BENEFITS CONSULTING	10/20/2023	1,500.00	2464
1359	NADINE PRINTUP	10/20/2023	25.00	2465
1320	POSITIVE CONCEPTS, INC	10/20/2023	165.60	2466
1134	PROFESSIONAL AMBULANCE BILLING LLC	10/20/2023	2,318.30	2467
1360	ROOD COMPANY	10/20/2023	350.00	2468
1059	STAPLES CONTRACT & COMMERCIAL	10/20/2023	397.22	2469
0285	TINA DARLING	10/20/2023	320.93	2470
0412	TOM STURDEVANT	10/20/2023	121.52	2471
0912	U.S. BANK EQUIPMENT FINANCE	10/20/2023	119.13	2472
0429	VALPRO SANITARY SUPPLIES, INC.	10/20/2023	450.00	2473
0243	WILLIAM HUNT	10/20/2023	463.67	2474
1048	WITMER PUBLIC SAFETY GROUP, INC	10/20/2023	48.00	2475
0581	BOUND TREE MEDICAL, INC.	10/24/2023	102.99	2476
0808	BURT YOUNG SALES CENTER	10/24/2023	1,600.00	2477
0742	MUNICIPAL EMERGENCY SVCS	10/24/2023	7,426.88	2478
1023	RANDOLPH AUTO SUPPLY	10/24/2023	161.52	2479
0412	TOM STURDEVANT	10/24/2023	320.00	2480
1207	AHLSTROM SCHAEFFER ELECTRIC	10/25/2023	19,710.60	2481
1023	RANDOLPH AUTO SUPPLY	10/25/2023	6.47	2482
0765	SEWING TECHNOLOGY UNIFORM INC	10/25/2023	256.98	2483
1216	STONEY HOLLOW TIRE	10/25/2023	717.10	2484
1035	ULINE	10/25/2023	86.44	2485
1097	BREEZELINE	10/25/2023	131.47	2486
0849	BV MOBILE SHREDDING	10/25/2023	597.00	2487
1105	JAMES B SCHWAB CO	10/25/2023	23.67	2488
0831	METROPOLITAN TELECOMMUNICATIONS	10/25/2023	2,384.14	2489

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0638	RANDOLPH VETERINARY CLINIC	10/25/2023	68.00	2490
0570	SCOTT J COLLINS	10/25/2023	1,459.00	2491
0414	SOUTHERN TIER WEST REGIONAL	10/25/2023	1,200.00	2492
0340	THE PAPER FACTORY	10/25/2023	289.95	2493
1211	ASCENDANCE TRUCKS PENNSYLVANIA	10/25/2023	3,456.77	2494
0915	BLUE COLLAR WORKWEAR	10/25/2023	247.70	2495
1012	CATTARAUGUS COUNTY DPW	10/25/2023	308.00	2496
0237	FASTENAL COMPANY	10/25/2023	258.35	2497
0164	GRAINGER	10/25/2023	318.76	2498
1084	LANGFORD TESTING & CONSULTING LLC	10/25/2023	1,100.00	2499
0515	NOCO ENERGY CORP.	10/25/2023	19,749.72	2500
0937	SOUTHWORTH-MILTON, INC	10/25/2023	406.23	2501
0491	UNIFIRST CORPORATION	10/25/2023	135.04	2502

Special Revenue

Date	Account Name	Amount	Check #
10/13/2023	Special Revenue- Board of Education (Taxes State Park Ave)	\$153.79	1603

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

Nays: None

Public Discussion:

- Grant Writer Brundage noted that she and Mayor attended a meeting with NYS Regional Economic Development Council (REDC) regarding the Main Street development grant.
- Grant Writer Brundage noted she is continuing to work with HUNT Engineers on the WIIA grant for the Water Plant relocation upgrade.
- Grant Writer Brundage noted that new Youth Bureau Director Phillips will be applying for Ralph C. Wilson Foundation grant funds to replace the playground equipment at the Youth Center site. Mayor Magiera asked that funds be requested to rebuild an ice pond warming hut and improve the pond area from the Ralph Wilson Foundation.

Moved by Smith and seconded by Reed:

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

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

Nays: None

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Moved by Johnson 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

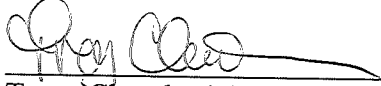
Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby approve the attached buyout for Sandra Brundage, who is leaving the position of Youth Bureau Director and authorize the Mayor to sign such agreement.

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

Moved by Johnson and seconded by Hill:

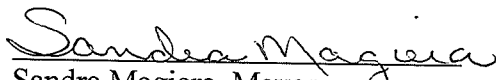
RESOLVED: That we hereby adjourn – 8:10 PM.
Carried.



Tracy Chamberlain, City Clerk

Dated: October 31, 2023

THE ABOVE RESOLUTIONS, AS ADOPTED BY THE COMMON COUNCIL,
AND LOCAL LAW #4 FOR 2023, ARE HEREBY APPROVED.



Sandra Magiera, Mayor

Dated: November 3, 2023

Schedule A

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate in the City of Salamanca, County of Cattaraugus and State of New York, bounded and described as follows: Commencing at the northeast corner of a lot conveyed by Karl Koch, Sr. and wife to Karl Koch, Jr. and wife by deed recorded in Liber 207 of Deeds at Page 505 and in the westerly bounds of Central Avenue, formerly Avenue A.; thence westerly along the northerly bounds of Karl Koch, Sr. and wife's land, two hundred twenty seven and ten twelfths ($227\frac{10}{12}$) feet to lands of one Conrath; thence northerly along said Conrath's line and Karl Koch, Sr. and wife's westerly bounds, fifty two and one half ($52\frac{1}{2}$) feet to a point fifty feet northerly at right angles from the last described boundary; thence easterly parallel with first described boundary, two hundred ten and one-half ($210\frac{1}{2}$) feet to the westerly bounds of Central Avenue; thence southerly along the westerly bounds of Central Avenue, fifty (50) feet to the place of beginning, more or less.

ALSO, ALL THAT TRACT OR PARCEL OF LAND, adjacent to the above described premises and lying northerly thereof, bounded and described as follows: Commencing in the west bounds of Central Avenue at a point 144 feet southerly as measured along the west bounds of Central Avenue from the south bounds of East State Street running thence westerly along the south bounds of premises owned by Mabel N. Swanson, 188.69 feet to a point in the east bounds of Conrath Avenue; running thence southerly and along the east bounds of Conrath Avenue, 61.85 feet; running thence east, 209.4 feet to the west bounds of Central Avenue; running thence northerly along the west bounds of Central Avenue, 50 feet to the place of beginning.

SUBJECT to the rights of the Seneca Nation of Indians and to the payment of annual Indian Lease rent under Lease No. **CS-00239**, which the grantee(s) by execution hereof, hereby assume(s) and agree(s) to comply with the tenant's obligations thereunder pursuant to the provision of Section 19.1 (2) of the Lease.

Schedule B



Mayor Magiera and Common Council Members,

As you are aware, I have resigned from my Position as Youth Bureau Director. I will continue to be the City's Grant Administrator , until such time as my contract ends- in December.

As a full time, 20-year employee, I accumulated quite a bit of benefit time. Bob Earley and I compiled the following as benefit time to date :

- Holidays: 56 Hours
- Vacation: 216.81 plus time earned for October
- Personal Time: 37.5 Hours
- Comp Time: 36 Hours – plus time earned in October
- Sick Time: 1500 hours (this can't be cashed out but I would be happy to donate it back for someone else to use.

I would like to request that the City use these benefit hours/days/time to continue to pay me on a weekly basis, until such time as the benefit time is exhausted. (Roughly 9 weeks)

If you should have any questions or concerns, please do not hesitate to contact me.

Sandi Brundage _____ *Sandiah Brundage*

Mayor Magiera _____ *Sandra S. Magiera*

Council President _____ *Janet L. Koch*

Comptroller _____ *Robert P. Cherry*