

REGULAR MEETING OF THE COMMON COUNCIL
NOVEMBER 8, 2023
7:00 PM

PRESENT: Mayor Sandra Magiera
Council Members: John Hill, Kylee Johnson,
Barry Smith, Michael Reed
City Clerk: Tracy Chamberlain
Police Chief: Jamie Deck
ABSENT: Council Member Janet Koch

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 a proposed Local Law for 2023 which will amend the Zoning Law of the City to change the Use District Classification of 501 Broad Street TM# 73.078-1-1.1 from R1 Single Family Residential to B3 Neighborhood Commercial Use District. Note: This is the public hearing before the Mayor that is required before the final adoption of any Local Law and in accordance with the New York State Environmental Quality Review Act for the action of amending the Zoning Law was opened.

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

At this time the Public Hearing on a proposed Local Law for 2023 which will amend the Zoning Law of the City to change the Use District Classification of 73 Central Avenue TM# 73.073-4-3 from R1 Single Family Residential to B3 Neighborhood Commercial Use District. Note: This is the public hearing before the Mayor that is required before the final adoption of any Local Law and in accordance with the New York State Environmental Quality Review Act for the action of amending the Zoning Law was opened.

Resident Thomas Budzinski stated he feels this was done under the table. He noted they purchased properties, had them rezoned commercial and are now asking to expand their commercial property. He asked if it is known what they plan to do and if they will be held to what they propose.

Council Member Reed stated there will be a Planning Commission meeting held on November 9, 2023. The property owner is to present what they propose to do with the property that is zoned commercial. The Planning Commission can make requirements before approving the final plans.

Mr. Budzinski noted that there was supposed to be only one driveway off Central Avenue, however they added one on East State Street. Mayor Magiera noted that curb cuts are to be approved by the State, Nation and City. She also noted that the City Planning approves the building plans, however, the City has no control over what businesses go in the building.

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Council Member Reed stated that he understands that they may or may not take down the house on at 73 Central Avenue.

Resident Sandra Stahlman-Sampson stated she lives across the street from these properties. She stated "I feel the City leaders have failed us residents of the east end, not protecting us, and doing what is not best for our homes and Prospect School. Three dispensaries are within two blocks of the school. I don't like that and I don't think any parent or grandparent in this City likes that. That's what our kids see going to school and leaving school. I don't want our kids thinking "This is what we do when we grow up." My husband and I have worked for years on our home inside and outside. We are very proud of the way the house looks. Now we smell the marijuana from the neighbors and the business across the street. The people walking by the houses look like they have not had a shower, sometimes they act normal and other times you know what they have been up to. Do you realize the effects of marijuana and what it does to the human brain? I know some of them don't have much to begin with. The house at 73 Central Avenue is very nice, very rentable. She wishes the City could work with the Seneca Nation more. Seneca Mothers Against Drug Dealers (SMADD) are really involved in this and want the City to be cleaned up. I think the City should be one to help them out."

Mayor Magiera noted she does meet with the Seneca Nation and they have all the control over the dispensaries. She meets with the SNI quite often.

Mrs. Stahlman-Sampson stated the only people who are benefiting from this, are the ones that own them and are backing them. She stated she has no respect for anyone who thinks this is okay in our town.

Mr. Budzinski stated the renters were told they can stay in the house on a month to month basis.

Council Member Hill stated that he voted against this project. He asked if there was going to be a dispensary and they stated they did not know, and then the first thing they did was installed the dispensary. He noted he is not in favor of it and voted no.

Resident Mary Budzinski stated "I live right next door. My brother mentioned the lovely neighbors she had. They took wonderful care of the property. Since they moved out, nothing has been done, the lawn has not been mowed the leaves have not been taken care of. I am totally against this drug business. I feel it was totally unfair of our Ward 5 Alderwoman not to have come to our neighborhood and ask our opinion. She stated, according to the newspaper, this is going to be wonderful for our City. How is this wonderful for the City? The City or the Seneca Nation doesn't own any of this, it is private individuals that are putting money in their pockets. I can't believe how they are letting neighborhoods be torn down. We had a neighborhood that tried to keep up, for what? Our properties are worth nothing. Who wants to buy a home next to a drug business? Friends that lived here and now come back and can't believe how horrible the City looks. No one takes pride in their homes."

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Mayor Magiera stated that most homes are rental properties not homeowners.

Council Member Smith stated that the Planning Commission can require stuff but does not know how they can enforce some things.

Council Member Reed stated the marijuana is a NYS issue and has been taken advantage by the natives. There is no way that the City can stop it, because it is legal. It is the same as cigarette smoking. He noted that the small sheds are going away and centralized to the main thruways.

Council Member Smith noted he originally voted no due to the safety. He asked that they come back tomorrow night to the Planning meeting. Ms. Budzinski asked if the City could require a fence. Council Member Smith noted that the site plan will be presented and the fencing and lighting would be discussed at the Planning meeting.

Council Member Reed suggested the neighborhood put pressure on at the Planning meeting. He hopes that jobs will be created with these businesses. He noted part of the reason the City has gotten to the point it is, is because the kids grow up and move away. There are mainly only the School and the Nation jobs. Most factories and railroads are gone. He suggested voicing concerns at the Planning meeting tomorrow. He hopes that meeting will address concerns.

Ms. Budzinski noted that if events happen, there is no one to help them. Council Member Smith stated that the noise ordinance can be enforced through the Police Department. Clerk Chamberlain noted there is no permit needed for someone to hold an event on private property.

Resident Kevin Onuffer asked if the properties are changed to business would his property taxes stay the same. Clerk Chamberlain noted that the assessed value of the homes will not change, unless a reevaluation of the City is done.

Council Member Smith noted that this hearing is for the public to voice if they are for or against something. Clerk Chamberlain noted this hearing is about the rezoning of the house, not regarding the lots to be built on. She noted the Cattaraugus County Planning Board reviews and gives their opinion. After that the City will finish the paperwork to go to NYS, which the Mayor will need to approve. Parcels are combined annually in March. She noted that if this is not approved the house lot would stay residential; the house could be taken down but not built on commercially.

With no persons wishing to be heard, the public hearing was closed at 7:30 PM.

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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 25, 2023 and the special meeting of October 25, 2023.

Adopted Ayes: Hill, Johnson, Smith, Reed

Nays: None

Moved by Johnson and seconded by Hill:

RESOLVED: That we hereby accept the quote of Dynasty Construction, Corry, PA for the installation of flooring in the Police Department (old building offices), in the amount of \$16,050.00.

Such quote and map are attached to and made part of these minutes.

Police Chief Deck thanked the Council for approving this final piece of the department upgrade projects.

Adopted Ayes: Hill, Johnson, Smith, Reed

Nays: None

Moved by Smith and seconded by Hill:

RESOLVED: That we hereby accept the quote of CDW-G LLC, Chicago, IL, for the purchase of seven (7) new Lenovo ThinkCentre desktop computers, fifteen (15) new monitors and one HP LaserJet printer in the total amount of \$11,040.88.

Such quotes are attached to and made part of these minutes. It is noted these are to be used in the Police Department and Assessors office.

Adopted Ayes: Hill, Johnson, Smith, Reed

Nays: None

Moved by Hill and seconded by Smith:

RESOLVED: That we hereby authorize the City to apply for Cattaraugus County Group B Tourism Promotion grant funds to offset the cost of advertising and promotion of the Salamanca Falling Leaves Festival.

Mayor Magiera noted the City received \$1,000.00 from this grant funding last year. They hope to receive it again to help with the cost of advertising.

Adopted Ayes: Hill, Johnson, Smith, Reed

Nays: None

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Moved by Johnson and seconded by Hill:

RESOLVED: That we hereby authorize the City Clerk to advertise for part time Dog Caretaker at minimum wage for up to 20 hours per week, as needed.

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

Moved by Reed and seconded by Smith:

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

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

Moved by Johnson and seconded by Smith:

WHEREAS, a full time employee of the City is expected to be absent from work due to a non-occupational personal illness or disability for which medical documentation satisfactory to the City is submitted as required, after having exhausted all available sick leave credits; and

WHEREAS, the City is authorized to adopt rules and regulations with respect to the granting of sick leave with pay; and

WHEREAS, other full time union and non-union employees desire to contribute their accumulated sick leave, personal leave, vacation and/or compensatory time to a sick leave bank for use by their fellow employee who will be caused to exhaust his or her accumulated time; and

WHEREAS, the program of leave donation will continue until the employee is authorized to return to work by his or her attending physician.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Full time union and non-union co-employees may contribute accumulated sick leave, personal leave, vacation time and/or compensatory time to a sick leave bank for use by a fellow full time employee who must be absent from work due to a non-occupational personal illness or disability for which medical documentation satisfactory to the City is submitted, after having exhausted all available sick leave credits.

2. Contributions of accumulated time by co-employees shall be on an hourly basis and the identity of the donors and the benefited employee shall be kept in confidence. While using time from the sick leave bank the benefited employee will be paid equal to his or her regular rate of pay.

3. The City Comptroller shall maintain a record of the donations to and distributions from the sick leave bank.

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4. The program provided for in this Resolution shall expire when the benefited employee returns to full time employment following authorization by his or her attending physician.

This resolution shall take effect immediately.

Adopted Ayes: Johnson, Smith, Reed

Abstain: Hill

Nays: None

Moved by Reed and seconded by Hill:

WHEREAS, by reason of immunity from Real Property Taxes of the Seneca Nation of Indians, it is necessary for the City Assessor to identify and verify such immunity and remove such properly immune property owners from the Indian Lease Roll.

WHEREAS, in preparing the 2024 Indian Lease Roll property has continued to change ownership or change exemption status on property already owned and now there is a need to cancel such Bills, and

WHEREAS, the following is a list of Indian Lease Bills that need to be cancelled.

NOW THEREFORE BE IT RESOLVED: that upon the action of the Common Council, the City Comptroller is authorized and directed to cancel the below list of Bills.

Cancellation - Indian Lease - 2019

Acct No.	Tax Map Number	Location	From	To	Lease Bill No.	Lease Tax Amt
00774	73.080-2-9	141 Clinton St	Theodore Hartman	Sydney Watt	359	\$270.73
01460	73.070-6-11	82 Hancock St	City of Salamanca	Michael Smith	718	\$565.00
01886	73.079-3-18	16 Main St	Joseph Caruso	Joshua Becker	916	\$441.40
02652	73.071-5-17	92 East State St	Marcelene Nephew	Changed Exempt Status	1304	\$235.42
02923	73.079-5-1	11 Summit St	Carmen Vecchiarella	Marcelene Nephew	1479	\$632.69
						\$2,145.24

Cancellation - Indian Lease - 2020

Acct No.	Tax Map Number	Location	From	To	Lease Bill No.	Lease Tax Amt
00687	73.065-8-32	56 Cleveland Ave	John & Kelly Denicola	Changed Exempt Status	0	\$199.34
01095	73.080-5-5	40 Fairmount Av	Shelia Kettle	Changed Exempt Status	516	\$235.37
01166	73.079-9-24	84 Fawn Ave	John & Kelly Denicola	Changed Exempt Status	0	\$583.55
						\$1,018.26

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Cancellation - Indian Lease - 2021

Acct	Tax Map					Lease	Lease
No.	Number	Location	From			Bill No.	Tax Amt
00186	73.079-2-31	Lot Broad St	Joshua Becker	Parkside Rentals		115	\$1,140.59
00687	73.065-8-32	56 Cleveland Ave	John & Kelly Denicola	Changed Exempt Status		302	\$199.34
01166	73.079-9-24	84 Fawn Ave	John & Kelly Denicola	Changed Exempt Status		554	\$583.55
01421	73.073-1-35	434 Rochester St 34 Gravel Pit Rd	Paula Creeley	Robert Gordon		690	\$432.23
							<u>\$2,355.71</u>

Cancellation - Indian Lease - 2023

Acct	Tax Map					Lease	Lease
No.	Number	Location	From			Bill No.	Tax Amt
02666	73.072-2-6	Lot East State St	City of Salamanca	Christina Becker		1265	\$218.68
02850	73.062-1-32	Lot West State St	City of Salamanca	Natasha Miller		1390	\$218.68
02851	73.062-1-33	Lot West State St	City of Salamanca	Natasha Miller		1391	\$207.17
02860	73.062-1-43	Lot West State St	City of Salamanca	Marjory & Clarence Newark		1393	\$184.15
03405	82.023-2-19	117 Wilson St	City of Salamanca	Bryce Jimerson		1714	\$161.13
							<u>\$989.81</u>

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

Moved by Hill and seconded by Johnson:

RESOLVED: That we hereby accept the quote of Century Carpet, Salamanca, NY, for the purchase and installation of new window blinds in the amount of \$8,673.89.

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

Communications from the Mayor and Council:

- Mayor Magiera thanked the Police Department, Fire Department and SNI Marshalls for help with the Halloween Parade and Trunk-or-Treat, which had a large number attending and ran out of candy.
- Mayor Magiera noted that there has been a lot of work on records storage organization over the last month. She thanks the staff and appreciates everyone that helps at City Hall. She noted Sarah Phearsdorf from Southern Tier West has been a big help on this project.

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- Council Member Smith stated a tent was found on the river bank/island near the Clinton Street bridge, which was removed. He asked that the City Attorney prepare an Ordinance to prohibit camping on City property, and would like it to include the BPU properties. There was discussion regarding the homeless and drug activity in the City.
- Council Member Smith noted that the active shooter drill, held at the Salamanca City School District, went well.
- Council Member Smith also noted that SCCSD Business teacher Susan Schnauffer thanked City Assessor Cynthia Franklin for providing a presentation for students.

Moved by Johnson and seconded by Reed:

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 Comptroller and City Judge for the month of October 2023 is hereby accepted and filed.

Vendor Number	Vendor Name	Payment Date	Payment Amount	Number
1362	ASAP GLASS OF OLEAN	11/02/2023	68,425.50	2503
0326	AUSTIN LOCKSMITH, INC	11/02/2023	325.00	2504
1097	BREEZELINE	11/02/2023	231.99	2505
0080	CATTARAUGUS COUNTY CLERK	11/02/2023	1,698.00	2506
0681	IRVIN ROBINSON III	11/02/2023	35.00	2507
0198	JAMIE DECK	11/02/2023	55.05	2508
0384	SALAMANCA PUBLIC LIBRARY	11/02/2023	53,411.50	2509
0646	SANDRA L. BRUNDAGE	11/02/2023	89.08	2510
0400	SENECA NATION OF INDIANS	11/02/2023	2,310.00	2511
0412	TOM STURDEVANT	11/02/2023	124.94	2512
0893	UPMC HEALTH SERVICES	11/02/2023	480.00	2513
0429	VALPRO SANITARY SUPPLIES, INC.	11/02/2023	215.00	2514
0915	BLUE COLLAR WORKWEAR	11/08/2023	109.00	2515
0407	JOHN SIXT & SON INC.	11/08/2023	177.38	2516
1069	TIM HAYNOSKI	11/08/2023	125.00	2517
0429	VALPRO SANITARY SUPPLIES, INC.	11/08/2023	116.15	2518
0465	DALE WYMER THE PHONE GUY	11/08/2023	1,091.00	2519
0407	JOHN SIXT & SON INC.	11/08/2023	276.12	2520
1333	PLYLER ENTRY SYSTEM	11/08/2023	1,750.00	2521
1023	RANDOLPH AUTO SUPPLY	11/08/2023	186.60	2522
0931	RICOH USA (PO BOX 41564)	11/08/2023	57.89	2523
0776	RICOH USA, INC. (PO BOX 827577)	11/08/2023	51.62	2524
0765	SEWING TECHNOLOGY UNIFORM INC	11/08/2023	774.00	2525

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1216	STONE HOLLOW TIRE	11/08/2023	399.80	2526
1064	TOLLS BY MAIL PAYMENT PROCESSING CTR	11/08/2023	9.44	2527
1035	ULINE	11/08/2023	556.32	2528
0429	VALPRO SANITARY SUPPLIES, INC.	11/08/2023	432.65	2529
0755	VSP GRAPHIC GROUP	11/08/2023	2,500.00	2530
0098	WORTH W SMITH	11/08/2023	86.71	2531
0545	AIRLINE HYDRAULICS CORPORATION	11/08/2023	266.56	2532
1238	AMAZON CAPTIAL SERVICES	11/08/2023	151.37	2533
0326	AUSTIN LOCKSMITH, INC	11/08/2023	6.50	2534
0055	BOYLE'S MOTOR SALES INC.	11/08/2023	196.34	2535
0543	COYOTE PERFORMANCE PRODUCTS	11/08/2023	70.62	2536
1363	INTEGRATED FIRE PROTECTION LLC	11/08/2023	401.00	2537
0129	JOE JOHNSON EQUIPMENT LLC	11/08/2023	2,655.17	2538
0248	NATIONAL FUEL	11/08/2023	1,891.73	2539
0230	PERKINS LLC	11/08/2023	263.40	2540
1023	RANDOLPH AUTO SUPPLY	11/08/2023	857.96	2541
0996	SCHINDLER ELEVATOR CORPORATION	11/08/2023	2,948.63	2542
1081	SUPERIOR AUTO SUPPLY INC	11/08/2023	945.69	2543
0014	THE PUMP DOCTOR	11/08/2023	55.58	2544
0491	UNIFIRST CORPORATION	11/08/2023	323.40	2545
1234	UPSTATE EQUIPMENT	11/08/2023	1,051.23	2546
0429	VALPRO SANITARY SUPPLIES, INC.	11/08/2023	372.05	2547
0098	WORTH W SMITH	11/08/2023	112.95	2548
1238	AMAZON CAPTIAL SERVICES	11/08/2023	30.98	2549
0778	BRADFORD PUBLISHING COMPANY	11/08/2023	102.32	2550
0218	CITY OF SALAMANCA BPU	11/08/2023	9,282.99	2551
0200	EMPIRE ANIMAL RESCUE SOCIETY	11/08/2023	7,778.75	2552
1205	HIGHMARK BCBSWNY (MEDICARE 286543)	11/08/2023	1,206.00	2553
9014	HUNT ENGINEERS PC	11/08/2023	2,829.26	2554
0738	INSCALE ARCHITECTS	11/08/2023	2,475.00	2555
1105	JAMES B SCHWAB CO	11/08/2023	46.98	2556
0248	NATIONAL FUEL	11/08/2023	92.04	2557
0356	NYS ASSESSORS' ASSOCIATION/IAO DUES	11/08/2023	125.00	2558
0958	RENAISSANCE	11/08/2023	260.51	2559
0776	RICOH USA, INC. (PO BOX 827577)	11/08/2023	230.56	2560
0570	SCOTT J COLLINS	11/08/2023	289.00	2561
0414	SOUTHERN TIER WEST REGIONAL	11/08/2023	20.00	2562
1059	STAPLES CONTRACT & COMMERCIAL	11/08/2023	686.77	2563
0166	TYLER TECHNOLOGIES, INC.	11/08/2023	4,044.50	2564
0367	VERIZON WIRELESS	11/08/2023	981.69	2565

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

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Public Discussion:

- Kellen Quigley noted that the Halloween parade with well, however he suggested to consider holding the event on a Sunday afternoon to get more attendance.
- Council Member Smith thanked everyone for voting for the new City Charter.

Moved by Johnson and seconded by Hill:

RESOLVED: That we hereby adjourn – 7:55 PM.

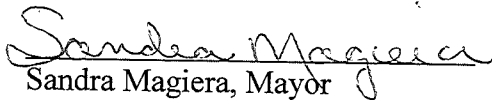
Carried.



Tracy Chamberlain, City Clerk

Dated: November 14, 2023

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



Sandra Magiera, Mayor

Dated: November 27, 2023