

REGULAR MEETING OF THE COMMON COUNCIL
JANUARY 11, 2023
7:00 PM

PRESENT: Mayor Sandra Magiera- Via phone
Council Members: John Hill, Kylee Johnson, Barry Smith
Michael Reed, Janet Koch
City Clerk: Tracy Chamberlain
Grant Writer/Youth Bureau Director: Sandra Brundage
Police Commission Members: Robert Kennedy,
Lane Hoag, Heather Jackson

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

Moved by Johnson and seconded by Hill:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of December 28, 2022 and the special meeting of January 5, 2023.

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

No action was taken on the two items under Old Business.

AT THIS TIME, THE REORGANIZATION OF THE COMMON COUNCIL FOR 2023 WAS HELD, AS FOLLOWS:

Moved by Hill and seconded by Koch:

RESOLVED: That Janet Koch is hereby nominated for Council President for the year 2023.

Moved by Smith and seconded by Johnson:

RESOLVED: That Kylee Johnson is hereby nominated for Council President for the year 2023.

There were no other nominations.

Moved by Smith and seconded by Hill:

RESOLVED: That the nominations for Council President are hereby closed.

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

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Moved by Hill and seconded by Koch:

RESOLVED: That one vote is hereby cast for Janet Koch as Council President for 2023.

Council Member Reed stated that he is new member and expressed appreciation for the support. He plans to do his part to help the City. He stated he spoke with members and past members of the Council who noted the Members that have had the most time in office are usually appointed as Council President. Therefore, he will vote for Janet Koch.

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

Moved by Smith and seconded by Johnson:

RESOLVED: That one vote is hereby cast for Kylee Johnson as Council President for 2023.

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

Moved by Hill and seconded by Smith:

RESOLVED: That the regular Common Council meetings will be held on the second and fourth Wednesday of each month at 7:00 PM in the courtroom area of the City Municipal Building, and

WHEREAS, the City of Salamanca Common Council designates the City's official depositories at the reorganizational meeting each year, and

WHEREAS, the City of Salamanca has governmental type funds which consist of the following:

1. General Fund
2. Capital Projects Fund (as needed)
3. Special Revenue Fund

WHEREAS, the City of Salamanca has a fiduciary fund which consists of the Trust and Agency Fund, and

WHEREAS, the City of Salamanca has a Special Revenue Fund which consists of processing and issuing checks for the City's Community Development projects, and City's Special Grant Fund, and

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WHEREAS, the City of Salamanca collects County Taxes and such funds are deposited into Cattaraugus County controlled account, and

WHEREAS, the City of Salamanca has, through past practice and statutory provision, established that certain persons are authorized to sign for certain types of checks and to withdraw for cash in time deposit accounts, and

WHEREAS, the City of Salamanca maintains user accounts for “online banking” with Cattaraugus County Bank, Five Star Bank, and Community Bank, N.A. for the purpose of monitoring checking, savings and money market account balances, printing reports, and transfer of funds, with manual documentation of such transactions authorized by two signatories on file with the appropriate bank, and

WHEREAS, signatures for new, renewals and withdrawals of Certificates of Deposits will be directed from the policy of the Cattaraugus County Bank, Five Star Bank, and Community Bank, N.A., and

WHEREAS, signatures of the Mayor, City Comptroller and City Clerk are required on transfer of funds from the Special Revenue Fund to the General Fund, once the need has been established. All three signatures shall be required.

NOW, THEREFORE BE IT RESOLVED, that the City of Salamanca formally designates the persons authorized to handle the funds of the City in such a manner as to comply with the Laws of the State of New York and in compliance with the New York State Comptroller’s financial guidelines. They are as follows:

A. GOVERNMENTAL FUNDS

1. General Fund

Checks: Two of the following person’s signatures are required: Mayor, City Comptroller or City Clerk. Cash In Time Deposit: Two (2) signatures of the following are required for withdrawals: Mayor, City Comptroller or City Clerk.

2. Capital Projects Fund

Checks: Two of the following person’s signatures are required: Mayor, City Comptroller, or City Clerk. Cash In Time Deposit: Two (2) signatures of the following are required for withdrawals: Mayor, City Comptroller or City Clerk.

3. Special Revenue Fund

Checks: Two of the following person’s signatures are required: Mayor, City Clerk or City Comptroller.

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4. Handling of Small Cities Block Grant Funds are to be known as City-Community Development.
(The following procedure starts after Common Council action and all contracts are signed for the project(s).)

PROCEDURE FOR SMALL CITIES GRANT FUNDS:

- a. The bills are to be submitted to the Mayor or the Architect/Clerk of the Works for their approval.
- b. The person who has the most direct knowledge of the project will approve the bills.
 - i.e. The Consultant and Architect bills are to be approved by Mayor, Contractors bills approved by Architect/Clerk of the Works.
- c. Payment is made in accordance with terms of contract. Including the electronic formal drawdown request.
- d. Once the funds are wired into the Community Development Account, the City Comptroller's Office will process payment in a timely manner.
- e. The paid vouchers will then be given to the Consultant for completing the accounting cycle.

B. FIDUCIARY FUND

1. Trust and Agency Fund Checks:
 - a. The City payroll account requires the signatures of the Mayor and City Comptroller which are automatic signatures printed on checks.
 - b. The other payroll-related accounts require one signature or as noted of Mayor, City Clerk, or City Comptroller or set up for electronic transfer of funds for the following:
 - i. State Retirement System (for electronic wire)
 - ii. Federal Tax Payments (for electronic wire)
 - iii. NYS Tax Payments (for electronic wire)
 - iv. Payroll Electronic (for electronic wire)
 - c. The Guaranty & Bid Deposit Account, Tax Redemption Account, the Pooled Cash Account and the Cash Trust & Agency Account require two of the following signatures: Mayor, City Clerk or City Comptroller.

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C. PROPRIETARY TYPE FUNDS:

Board of Public Utilities – Electric, Water and Sewer Accounts.

Checks: Two of the following signatures are required: General Manager, Business Office Manager and Account Clerk Typist with seniority.

Cash In Time Deposits: Two signatures of the following are required for withdrawals: General Manager, Business office Manager and Account Clerk Typist with seniority.

Signatures for new, renewals and withdrawals of Certificates of Deposits will be directed from the policy of the Cattaraugus County Bank, Five Star Bank, and Community Bank, N.A.

Certified copies of this Resolution shall be provided to the three banks.

D. CASH IN TIME DEPOSIT:

The Special Youth Center Building Trust and other Youth Center Trust Account requires two (2) of the following signatures: Mayor, City Clerk or City Comptroller for withdrawals.

The Ambulance Memorial Trust Funds requires two (2) of the following signatures: Mayor, City Clerk or City Comptroller for withdrawals.

This shall take effect immediately, and

BE IT FURTHER RESOLVED: That the Mayor, City Clerk and City Comptroller are hereby authorized to sign checks ahead of time where discounts may be saved or penalties may be avoided by paying them on time, and

BE IT FURTHER RESOLVED: That the Salamanca Press and the Olean Times Herald are hereby designated as the official newspapers and WPIG is hereby designated as the official radio station for the City, and

BE IT FURTHER RESOLVED: That the Common Council shall conduct its business in such a way that order is maintained at all times and any of our citizens attending these meeting shall be fully aware of what is taking place here. Therefore:

1. Any Council member having the floor shall be entitled to its privileges for a reasonable length of time and shall not be interrupted by another member or any member of the audience until he has finished speaking.

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2. The Mayor or any Council member may recognize anyone from the audience and that person may speak for a reasonable length of time only on the specific agenda item being considered at the time.
3. In fairness to anyone in the audience and to the representatives of the press, the Mayor, any member of the Council or the Clerk thereof shall speak in a voice loud enough to be heard by all present.
4. When the Clerk takes the roll of any resolution or other matters requiring a vote, she shall call the Council member's names by ward numerically (1 to 5) and slowly to leave no room for error. At the conclusion of such a vote, the Clerk shall announce the results of the vote and declare whether the question was carried or defeated.
5. Business conducted at all official meetings of the Common Council shall be governed by Roberts Rules of Order, where applicable, with the exception of the above rules.
6. In all cases, an abstention shall be considered as no vote at all, and

WHEREAS: It is the responsibility of the City Clerk to prepare and distribute the Agenda for the Regular Meetings of the Common Council on the Friday before the Common Council meetings, and

WHEREAS: All agenda items (including all back up material) must be submitted to the City Clerk by noon on the Thursday before the regular meeting of the Common Council. The only exception is when Friday falls on a scheduled city holiday. In that case, items must be submitted on Wednesday before the Common Council meeting, and

WHEREAS: An item not appearing on the agenda (such items should be city matters which need to be addressed immediately and cannot wait until the next meeting) can be considered by the Common Council after a majority of the Common Council votes to waive the agenda rule to consider such item, and

WHEREAS: When an agenda item is recommended by a City Commission or Board, the sponsor shall automatically be the Council members who sit on the Board or Commission. Note: This sponsorship only means that the legislative member has agreed that the item will appear on the agenda for consideration and the sponsor can still vote no on the agenda item, and

WHEREAS: All other agenda items (not recommended by a Board or Commission) will be sponsored by the member (s) of the legislative body (Mayor or Council member (s)) who first contacts the City Clerk with a request to place the item on the agenda, and

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WHEREAS: Only the sponsor of the agenda item may withdraw the item from the agenda, and under no circumstances can the sponsor of the agenda item be changed without the sponsor's permission, and

RESOLVED: That this policy shall become part of the Rules of Order for Council Meetings which are considered at the reorganizational meeting in January of each year.

This resolution shall take effect immediately.

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

Moved by Koch and seconded by Hill:

WHEREAS, pursuant to the City of Salamanca-Seneca Nation of Indians Settlement Act of 1990, Section D (2) (c) of Technical Document No. 3, the annual budget of the Joint Leasing Commission is subject to approval by the Seneca Nation of Indians and the City of Salamanca, and

WHEREAS, the Joint Leasing Commission has submitted a budget which is for budget year 2023 in the amount of \$10,000.00, and

WHEREAS, the Seneca Nation of Indians has approved a budget appropriation of \$5,000.00, and the City of Salamanca is also approving a budget appropriation of \$5,000.00 because such budget requires total revenues to be paid fifty percent by the Seneca Nation of Indians and fifty percent by the City of Salamanca. Any further budget appropriations will need the approval of the City of Salamanca and the Seneca Nation of Indians, and a revised budget must be submitted at such time, and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Joint Leasing Commission Budget in the amount of \$10,000.00, as approved by the Seneca Nation of Indians, is hereby approved by the Common Council of the City of Salamanca.
2. That the payment of \$5,000.00 to be made to the Joint Leasing Commission is hereby authorized for the JLC Budget year of 1/1/2023 – 12/31/2023.
3. This resolution shall take effect immediately.

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

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Moved by Smith and seconded by Hill:

RESOLVED: That we hereby approve application for Archives Local Government Records Management Improvement (LGRMI) grant funds in the amount of \$75,000.00 for the completion of a new records room.

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

Moved by Koch and seconded by Reed:

RESOLVED: That we hereby approve an application for NY Department of Transportation BRIDGENY-Western New York grant funds up to \$1.5 Million for the replacement of the Front Avenue Culvert at Titus Creek.

Grant Writer Brundage noted this does not require matching funds from the City. In answer to a question she noted that this is Federal funding that NYS DOT will take the lead and it should cover 100% of culvert replacement.

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

Moved by Hill and seconded by Smith:

RESOLVED: That we hereby approve a renewal agreement between the NYS Unified Court System and the City of Salamanca for the period commencing on April 1, 2022 through March 31, 2023 (reimbursement for Court Security) and further authorize the Mayor and the Police Chief to sign such agreement.

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

Mayor Magiera made the following appointments:

Mayor's Representative on Community Action Board (Mayor's Appointment Only)

Appointment of Sandra Magiera, for a two year term beginning on January 11, 2023 and ending December 31, 2024.

SALAMANCA HOUSING AUTHORITY (Mayor's Appointment Only)

Reappointment of Janet L. Koch, Salamanca, NY, for a two year term beginning on January 11, 2023 and ending December 31, 2024.

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Moved by Johnson and seconded by Koch:

RESOLVED: That the following appointments by the Mayor are hereby approved:

CATTARAUGUS COUNTY LIVING ARTS ASSOCIATION (Theater)

Appointment of Sandra Magiera, Salamanca, NY, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

CITY REPRESENTATIVE FOR THE CATTARAUGUS COUNTY BOARD OF HEALTH

Reappointment of Kathryn Cooney Thrush, Salamanca, NY, for a five year term beginning on January 11, 2023 and ending December 31, 2028.

CIVIL DEFENSE

Appointment of Fire Chief Tom Sturdevant, Salamanca, NY, for a two year term beginning on January 11, 2023 and ending December 31, 2024.

BOARD OF ETHICS

Appointment of Kylee Johnson, Salamanca, NY, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

FAIR HOUSING OFFICER

Appointment of John Hill, Salamanca, NY, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

FIRE COMMISSION

Reappointment of Kylee Johnson, Salamanca, NY, as Chairperson, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

Reappointment of Brad Harrington, Salamanca, NY, for a two year term beginning on February 1, 2023 and ending January 31, 2025.

Reappointment of Robert Gible, Salamanca, NY, for a two year term beginning on February 1, 2023 and ending January 31, 2025.

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INDUSTRIAL DEVELOPMENT AGENCY / SALA AREA DEVELOPMENT CORP.

Reappointment of John Hill, Salamanca, NY, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

LIBRARY BOARD OF TRUSTEES

Appointment of Sandra Magiera, Salamanca, NY, as Council liaison with no voting power, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

Reappointment of Timothy Baird, Salamanca, NY, for a five year term beginning February 1, 2023 and ending January 31, 2028.

PLANNING COMMISSION

Reappointment of Barry Smith, Salamanca, NY, as Council liaison with no voting power, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

Reappointment of Brandon Smith, Salamanca, NY, for a two year term as alternate, beginning on January 11, 2023 and ending December 31, 2024.

POLICE COMMISSION

Appointment of Janet Koch, Salamanca, NY, as Chairperson, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

BOARD OF PUBLIC UTILITIES

Appointment of Michael Reed, Salamanca, NY, as Chairperson, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

Appointment of Paul Myers, Salamanca, NY, to fill the unexpired term of Edward Dry, beginning on January 11, 2023 and ending January 31, 2025.

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BOARD OF PUBLIC WORKS

Appointment of John Hill, Salamanca, NY, as Chairperson, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

Appointment of Sandra Magiera, Salamanca, NY, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

Appointment of Kylee Johnson, Salamanca, NY, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

Appointment of Barry Smith, Salamanca, NY, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

Appointment of Michael Reed, Salamanca, NY, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

Appointment of, Janet Koch, Salamanca, NY, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

RECREATION COMMISSION

Reappointment of Barry Smith, Salamanca, NY, as Chairman, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

Reappointment of Kylee Johnson, Salamanca, NY, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

Reappointment of Ronald Smith, Salamanca, NY, for a three year term, beginning on February 1, 2023 and ending January 31, 2026

SALAMANCA YOUTH BOARD

Appointment of Michael Reed, Salamanca, NY, for a term commensurate with his elected term beginning on January 11, 2023 and ending December 31, 2024.

Reappointment of Sandra Magiera, Salamanca, NY, for a term commensurate with her elected term beginning on January 11, 2023 and ending December 31, 2024.

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ZONING BOARD OF APPEALS

Reappointment of Laurie Hunt, Salamanca, NY, for a three year term, beginning on February 1, 2023 and ending January 31, 2026.

Reappointment of Tina Becker, Salamanca, NY, for a three year term, beginning on February 1, 2023 and ending January 31, 2026.

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

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 Hill and seconded by Koch:

RESOLVED: That we hereby refer a proposed local law to the Cattaraugus County Planning Board to amend the Zoning Law of the City to change the Use District Classification of 486 East State St. TM# 73.073-4-1 from R1 Single Family Residential to B3 Neighborhood Commercial Use District. Such proposed local law is recommended by the City Planning Commission and was approved by the Common Council during the meeting of December 14, 2022, 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, and

BE IT FURTHER RESOLVED: That the City Clerk is hereby authorized to properly advertise for a public hearing on such local law to be held at the Council meeting on January 25, 2023 at 7:00 PM.

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

Under Communications from the Mayor and Council:

- Council Member Koch thanked the Council for appointing her as Council President.
- Council Member Smith thanked the Planning Commission and Zoning Board for having the joint meeting and hopes to have more meetings.

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Moved by Hill 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 report of the City Clerk and Fire Chief for the month of December 2022, are hereby accepted and filed.

Vendor Number	Vendor Name	Payment Date	Payment Amount	Check #
1038	RIVER PLACE SALAMANCA LLC	12/30/2022	139617.15	1228
1188	FRED SARADIN	12/30/2022	450	1229
0248	NATIONAL FUEL	12/30/2022	3480.47	1230
0070	BLUE CROSS/BLUE SHIELD OF WNY	01/03/2023	1206	1231
1119	HIGHMARK BCBSWNY	01/03/2023	51835.39	1232
0367	VERIZON WIRELESS	01/03/2023	901.87	1233
0646	SANDRA L. BRUNDAGE	01/13/2023	74.99	1234
0958	RENAISSANCE	01/13/2023	185.04	1235
0326	AUSTIN LOCKSMITH & SECURITY, INC	01/13/2023	215	1236
0432	BEICHNER WASTE SERVICES, INC.	01/13/2023	157.66	1237
0778	BRADFORD PUBLISHING COMPANY	01/13/2023	1013.8	1238
1097	BREEZELINE	01/13/2023	354.07	1239
0565	CAPPELLINO CHEVROLET	01/13/2023	450.5	1240
0464	CASE INFORMATION SERVICES	01/13/2023	450	1241
1012	CATTARAUGUS COUNTY DPW	01/13/2023	15	1242
0121	CHEMUNG SUPPLY CORP	01/13/2023	711	1243
0218	CITY OF SALAMANCA BPU	01/13/2023	12889.92	1244
0543	COYOTE PERFORMANCE PRODUCTS	01/13/2023	243.98	1245
0900	DECKER TREE SERVICE	01/13/2023	1700	1246
0560	EMERLING FORD, INC	01/13/2023	11.73	1247
0237	FASTENAL COMPANY	01/13/2023	316.85	1248
0167	FERGUSON PRINTING	01/13/2023	170	1249
0164	GRAINGER	01/13/2023	181.88	1250
0709	HODGSON RUSS, LLP	01/13/2023	9349.3	1251
1105	JAMES B SCHWAB CO	01/13/2023	76.93	1252
1091	KURK FUEL COMPANY	01/13/2023	12694.54	1253
1084	LANGFORD TESTING & CONSULTING LLC	01/13/2023	110	1254
1033	MAC TRUCK PARTS	01/13/2023	646.13	1255
0248	NATIONAL FUEL	01/13/2023	640.23	1256
1206	NEW YORK LABOR LAW POSTER SERVICE	01/13/2023	268.5	1257
0515	NOCO ENERGY CORP.	01/13/2023	17155.42	1258
0158	OLEAN TIMES HERALD	01/13/2023	37.5	1259
1023	RANDOLPH AUTO SUPPLY	01/13/2023	1850.38	1260
	Void	01/13/2023	0	1261

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0931	RICOH USA	01/13/2023	99.4	1262
0379	SALAMANCA PRESS	01/13/2023	55	1263
0491	UNIFIRST CORPORATION	01/13/2023	49.75	1264
0783	VALLEY FAB AND EQUIPMENT INC	01/13/2023	482.63	1265
0429	VALPRO SANITARY SUPPLIES, INC.	01/13/2023	153.5	1266
0098	WORTH W SMITH	01/13/2023	163.23	1267
0278	AIRGAS USA, LLC	01/13/2023	260.03	1268
1202	AMERICAN HEART ASSOCIATION	01/13/2023	302	1269
0382	AUTOZONE, INC.	01/13/2023	261.53	1270
0366	BRUTE SPRING & EQUIPMENT INC.	01/13/2023	70	1271
0448	CJ LOGGING EQUIPMENT & MOTOR SPORTS	01/13/2023	430.99	1272
1194	DIVAL SAFETY & SUPPLIES FOR LIFE	01/13/2023	494	1273
0169	ELLCOTTVILLE PHARMACY, INC.	01/13/2023	240	1274
0619	INCIDENT RESPONSE & MITIGATION SERVICES, LLC	01/13/2023	36	1275
1084	LANGFORD TESTING & CONSULTING LLC	01/13/2023	1045	1276
0774	URBAN AUTO CENTER	01/13/2023	279.95	1277
0429	VALPRO SANITARY SUPPLIES, INC.	01/13/2023	122.5	1278
0098	WORTH W SMITH	01/13/2023	29.98	1279
0807	ZOLL MEDICAL CORPORATION	01/13/2023	3056.5	1280
0743	AXON ENTERPRISE, INC	01/13/2023	8880	1281
1023	RANDOLPH AUTO SUPPLY	01/13/2023	287.83	1282
0931	RICOH USA	01/13/2023	57.89	1283
0765	SEWING TECHNOLOGY UNIFORM INC	01/13/2023	476.91	1284

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

Under public discussion:

- City Resident Jodi Clark welcomed Council Member Reed. She asked what the resolution consists of stating "Adopt certain rules of order for the Council meeting and submission of the agenda items." Clerk Chamberlain read that part of the resolution.
- Police Commission Member Kennedy asked that the Council consider removing the order for police officers not to talk to the Police Commission members. He also discussed the concerns with the Police Chief and the Department. He thanked the Police Commission for their help and he will continue to do what he is doing. He congratulated Council Member Koch on being appointed Police Commission Chairman. He suggested, as a citizen and commissioner, do not let others influence you and do what you feel is right.
- Resident Joanne Hoag asked why the Police Officers are not able to talk to the Police Commission, if there is nothing to hide. She noted the Officers should be able to discuss issues in the department with the Commission.
- At this time Lane Hoag read the attached statement, resigning his position on the Police Commission effective January 11, 2023.

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- Council Member Koch thanked Mr. Hoag for his dedication to the Commission.
- Council Member Hill stated he wished Mr. Hoag had not resigned as he feels he is a main part of the Commission. He thanked the Commission for the time he was Chairman.
- Police Commission Member Jackson noted she looks forward to working with Council Member Koch. She hopes to be productive. She invited the Council Members to attend the Police Commission meetings.
- Council Member Smith thanked Mr. Hoag for lessons he has taught him. He noted they may not agree but he hopes they can work together.
- Ms. Clark discussed an incident in November 2022 which she notified the Police Department and did not believe was responded to. She is a member of the Seneca Mothers Against Drugs (SMAD). She noted there was a meeting with many City and Seneca Nation representatives. They asked for the arrests to be posted on Facebook, which has not been done. She feels the issues are getting worse.
- Commission Member Jackson feels the Council should tell the Police Officers to go to work. The officers serve the people and need to be held accountable.
- Council Member Hill noted he has been upset with things that have happened in the Police Department. He stated that the City Attorney advised that the Council and Commission addressing the officers is interfering with the Police Chief.
- Mr. Hoag stated he feels the Police Department is a reactive, but should be pro-active with more patrolling.
- Commission Member Kennedy asked if the change can be made for the officers to talk to commission members. Council Member Hill stated there are steps for the officers are to take. He noted he will see that action for the Police Department matters will go to the Commission for recommendations before the Council acts. He recommended Council Member Koch for Police Commission Chairman because she is always on top of things.
- Commission Member Jackson stated she feels the action taken by Council should be taken to the Commission for recommendations.
- Council Member Hill stated he has served for many years, he loves Salamanca, he knows it will never be what it was, but thinks we can make it better.
- Salamanca Housing Authority Housing Manager Tracy Fuller-Meek asked about dismembering of the County Drug Task Force (DTF) and what that means for the City. There was some discussion on changes being made. Council Member Koch noted Housing Manager Fuller-Meek has done a fabulous job with the Housing Authority and she will be looking into the DTF issues and hopes to get answers. There is concern that the without the DTF more activity will happen in the City and offenders will take advantage of the lack of the DTF presence. Council Member Koch feels the community should be aware of the change. It was suggested residents should call the Police about issues, if no response, document it to notify the Police Commission, but call 911 for the County Sheriff's Department.

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Moved by Johnson and seconded by Smith:

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

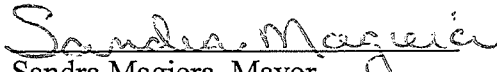
Carried.



Tracy Chamberlain, City Clerk

Dated: January 17, 2023

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



Sandra Magiera, Mayor

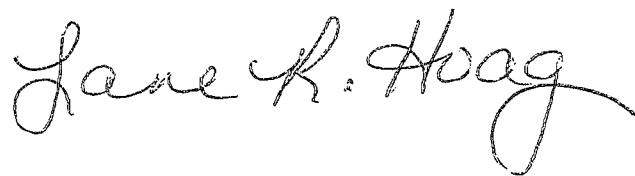
Dated: January 31, 2023

I, Lane Reed Hoag, am officially resigning my position as co-chair on the Salamanca Police Commission as of today January 11th, 2023. I have been a member on this board for over 15 years. As with the former chair of our commission, I feel that being part of this commission is embarrassing and due to politics and personal feelings the commission's hands have been tied to move forward and to fix the many issues within. The commission has brought several issues to the mayor and council over the last year or so in hopes of getting input, support, direction, or a resolution but instead go into meetings in executive session without the commission and then tell us they can't communicate about the issues we brought to them because of the executive session rules so nothing is ever resolved. The commission, the acting chief, and the council have been led to believe by the mayor that the police commission does not have the authority to oversee that the department is run correctly which prevents us from making sure the department is running correctly and that policy and procedures are being followed. This is a contradiction to the email the mayor gave to us on the scope of authority the commission has from the city attorney. The first bullet point in the attorneys email is that the commission has the authority to "direct the police chief as to the superintendence of the police department." Synonyms for the word superintendence taken from webster dictionary are conduct, direction, governance, management, oversight, supervision so I'm not sure where the mayor feels we don't have the authority. This email was written and received by the mayor in September, yet the commissions hands were still tied and all of us left in confusion. The mayor and city council members from wards 2, 3 and previous of 4 have been very unsupportive in us trying to make things right as the problems persist and worsen. I do not and will not ever understand why the mayor, Kyleigh or Barry in today's world would want or allow the dysfunction to go on.

At this point, I as well as the other members of the commission feel that the only way to correct and get honest answers to the issues within is to involve other agencies. I have reached out to the Attorney Generals Public Integrity Office as well as the Governors Office and Lemio. (Law Enforcement Misconduct Investigation Office)

I would like to thank my fellow commission members, former chairman and ward 5 alderman Janet Koch for their countless hours and dedication to this commission. I would like to thank Heather Jackson Halterman, a retired New York State Trooper who sits on the commission for offering and trying to guide and help fix the issues you know are wrong from many years of experience and not giving up on wanting to make the department better even though there is so much resistance on many levels. It has been an honor working with all of you. If you need me you all know I'm a phone call away. I'm sure well be in touch.

As far as anyone might have questions or concerns I can be reached at (716) 945-2235.

A handwritten signature in black ink that reads "Lane R. Hoag". The signature is written in a cursive, flowing style with a large, sweeping "H" and a long, trailing "g".

Magiera, Sandra

From: Swiatek, Jeffrey F. <JSwiatek@hodgsonruss.com>
Sent: Wednesday, September 28, 2022 11:51 AM
To: Magiera, Sandra
Subject: Authority of City of Salamanca Police Commission

Sandy – I have been asked to identify the scope of the authority of the City of Salamanca Police Commission. At the outset, please note that there is no provision of law that requires that the City maintain a Police Commission, or that sets forth the scope of a Police Commission's authority once established. Instead, the existence of the Police Commission, and the extent of its authority, is derived entirely from the City Charter, pursuant to which the Police Commission currently has the following principle authority:

- Direct the Police Chief as to the superintendence of the Police Department (Charter Section 108);
- Approve the payment of salaries and expenses in the Police Department, upon adoption of a warrant delivered to the City Comptroller (Charter Section 117), subject to the requirement that the warrant be approved for all expenses that constitute contractual obligations, and that all such expenses approved are within budgetary appropriations;
- Adopt bylaws for the operation of the Police Department, so long as not inconsistent with law or collective bargaining agreement (Charter Section 119); and
- Provide and maintain the Police Station and associated facilities of the Police Department, within budgetary appropriations (Charter Section 120).

I note that there is some overlap between the authority of the Police Commission and that of other City officers and entities. For instance, the Mayor possesses the concurrent "power and authority to call out and command the police," and to exercise supervision over the Police Chief (Charter Section 26). In addition, both the Mayor and Common Council have the right to review Police Department records (Charter Sections 26 and 47).

Finally, I note that, due to the most recent Charter revision, the Common Council has the sole right to "appoint, hire, remove and set the compensation of all City officers and employees," including those in the Police Department, although the Police Commission may submit recommendations regarding the appointment of any officer or employee in the Police Department (Charter Section 47).

Jeffrey F. Swiatek
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