

REGULAR MEETING OF THE COMMON COUNCIL
MAY 11, 2021
7:00 PM

PRESENT: Mayor Sandra Magiera
Council Members: Kylee Johnson, Barry Smith,
Paul Myers, Janet Koch
City Clerk: Tracy Chamberlain
Grant Writer/Youth Bureau Director: Sandra Brundage
City Comptroller: Kathleen Sarver
BPU General Manager: Dennis Hensel
ABSENT: Council Member John Hill

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

CLD TO ORDER
PLEDGE
MOM OF SIL

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of April 28, 2021 and special meeting of April 19, 2021 and April 28, 2021.

APRVL OF MINS
OF 04/28/21 &
SPEC MTGS 04/19/
21 & 04/28/21

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

Moved by Koch and seconded by Myers:

RESOLVED: That the following Local Law for 2021 is hereby adopted:

A LOCAL LAW AMENDING THE CHARTER OF THE CITY OF SALAMANCA, NEW YORK, TO PROVIDE THAT THE COMMON COUNCIL SHALL HAVE THE SOLE AUTHORITY TO APPOINT, HIRE, REMOVE AND SET THE COMPENSATION OF ALL CITY OFFICERS AND EMPLOYEES UNLESS SPECIFICALLY PROVIDED OTHERWISE BY LAW.

RESOL TO ADOPT
LOCAL LAW FOR
2021 (AMENDING
CHARTER TO GIVE
COUNCIL SOLE
AUTH TO APT, HIRE,
REMOVE, & SET
COMPENSATION
OF ALL CITY
OFFCRS & EMPS
UNLESS SPEC
PROVIDED BY
LAW OTHERWISE)

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.

Section 2.

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law in order to provide that the Common Council shall have the sole authority to appoint, hire, remove and set the compensation of all City Officers and Employees, unless specifically provided otherwise by law.

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Section 3.

Title II, Section 13, Subdivision b of the City Charter of the City of Salamanca is hereby amended by repealing the following:

“In all other cases where there is a chief executive officer or superintendent or chief of a department, the appointment shall be made by the commissioners of said department.”

Section 4.

Title II, Section 13, Subdivision b of the City Charter of the City of Salamanca is hereby amended by adopting the following:

“In all other cases where there is a chief executive officer or superintendent or chief of a department, the appointment shall be made by the Common Council.”

Section 5.

Title II, Section 14 of the City Charter of the City of Salamanca is hereby amended by repealing the following:

In the last sentence of the second paragraph:

“or by the board or commission appointing such officer or officers”

The third paragraph in its entirety:

“The compensation of the Superintendent of Water and Light shall be determined by the Commissioners of Water and Light. When the Fire and Police Commissioners are created by the Common Council, then they shall determine the compensation of the Chief of Police, patrolmen, Chief of the Fire Department and First Assistant Chief of the Fire Department, and when the Commissioners of Public Works are created by the Common Council, then said Commissioners shall determine the compensation of the Superintendent of Public Works. The Commissioner of Deeds shall receive the compensation now provided by law to be received by them, and the Supervisors shall be entitled to the same compensation for their services as the corresponding officers in towns are entitled to receive for like services; and the appointive Assessors three dollars (\$3.) each per diem, the inspectors of elections and such other officers as are authorized to be appointed by general law shall receive such compensation as shall be fixed by the Common Council. No other appointive officer of the city shall be entitled to receive any compensation for his services unless otherwise provided by this Act or by a general law.”

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Section 6.

Title IV, Section 47 of the City Charter of the City of Salamanca is hereby amended by adopting the following:

“Notwithstanding any provision of this Act to the contrary, and unless otherwise specifically provided by a general law, the Common Council shall appoint, hire, remove and set the compensation of all City officers and employees. In any case where a Board or Commission exercises oversight with respect to a department, such Board or Commission may submit a recommendation to the Common Council during the Common Council’s consideration of an appointment of an officer or employee in such department.”

Section 7.

Title VIII, Section 93 of the City Charter of the City of Salamanca is hereby amended by repealing the following:

“No meeting of the Board shall be held for the appointment or discharge of any paid employee without serving a written or printed notice thereof upon each of the Commissioners or leaving it at his place of residence at least three (3) hours before the times of meeting, and no appointment or discharge of any such employee shall be made except by the affirmative vote of a majority of all the Commissioners.”

Section 8.

Title VIII, Section 94 of the City Charter of the City of Salamanca is hereby repealed in its entirety.

Section 9.

Title VIII, Section 95 of the City Charter of the City of Salamanca is hereby amended by repealing the following:

“He shall also have the power and discretion to suspend from duty any member of said Fire Department and report the same to the Board of Fire Commissioners for their action. Any member of said Fire Department so suspended shall have an opportunity to be heard in his defense before said Board of Fire Commissioners.”

Section 10.

Title IX, Section 102 of the City Charter of the City of Salamanca is hereby amended by repealing the following:

“The Board shall appoint the Chief of Police and all other members of the Police Department.”

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Section 11.

Title IX, Section 103 of the City Charter of the City of Salamanca is hereby amended by repealing the following:

“No meeting of the Board shall be held for the appointment or discharge of any paid employee without serving a written or printed notice thereof upon each of the Commissioners or leaving it at his place of residence at least three (3) hours before the times of meeting, and no appointment or discharge of any such employee shall be made except by the affirmative vote of a majority of the Commissioners.”

Section 12.

Title IX, Section 107 of the City Charter of the City of Salamanca is hereby repealed in its entirety.

Section 13.

Title IX, Section 109 of the City Charter of the City of Salamanca is hereby repealed in its entirety.

Section 14.

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

It was noted that a public hearing before the Mayor will be held on May 26, 2021.

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

PUB HEARING BE-
FORE MAYOR ON
05/26/21

Moved by Smith and seconded by Johnson:

RESOLVED: That the following Local Law for 2021 is hereby adopted:

A LOCAL LAW AMENDING THE ZONING LAW OF THE CITY OF SALAMANCA, NEW YORK TO CHANGE THE USE DISTRICT CLASSIFICATION OF 231 BROAD STREET, 73.078-2-20, 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 the 231 Broad Street, Tax Map No. 73.078-2-20 from R1 Single Family Residential to B3 Neighborhood Commercial Use District, and

RESOL TO ADPT
LOCAL LAW FOR
2021, REZONE
231 BROAD ST
FROM R1 SINGLE
FAM, TO B3 NEI-
GHBORHOOD COMME-
RCIAL USE

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

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 231 Broad Street, Tax Map No. 73.078-2-20 is changed from R1 Single Family Residential to B3 Neighborhood Commercial Use District.

SECTION 2. This local law shall become effective upon its filing with the Secretary of State pursuant to the provisions of the Municipal Home Rule Law.

It was noted that a public hearing will be held on June 9, 2021 and this will be referred to the Cattaraugus County Planning Board for approval.

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

PUB HEARING
06/09/21 &
REFERRED TO
CATT CO PLANG
BD

There was discussion regarding the purchase of Microsoft Surface Laptops for the Mayor and Common Council to use for City business.

Moved by Smith and seconded by Myers:

RESOLVED: That we hereby approve the purchase of six (6) Microsoft Surface Laptop 3's from CDW-G LLC, Vernon Hills, IL, in the amount of \$5,194.92, for use by the Mayor and Common Council.

RESOL TO APV
PURCH OF 6
MICORSOFT SURF
LAPTOP 3s FOR
MAYOR & CC USE
\$5194.92,
CDW-G, LLC

Such quote is attached to and made part of these minutes.

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

Moved by Myers and seconded by Johnson:

RESOLVED: That we hereby accept the proposal and enter into a contract with Lawley Insurance, Buffalo, NY as employee Health Insurance Benefit broker and the Mayor is authorized to sign such agreement, upon approval by the City Attorney, and

RESOL TO ACPT
PROPSL & ENTER
CONTRACT W/
LAWLEY INS,
AS EMPEE HLTH
BROKER EFF
06/30/21

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BE IT FURTHER RESOLVED: That we hereby authorize the termination of the contract with the current Health Insurance Benefit broker effective June 30, 2021.

Comptroller Sarver expressed concerns regarding the change in brokers. Andy Pascarella of Lawley Ins. explained that they should be able to assist during the transition at no charge through July 1, 2021.

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

Moved by Koch and seconded by Myers:

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

RESOL TO WAIVE
AGENDA

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

Council Member Koch discussed the stone archway at Veteran's Memorial Park. She asked that the Council consider advertising for bids to repair the archway.

Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby request the City Clerk to properly advertise for Request for Proposals (RFP) for engineering services to repair the Veteran's Memorial Park stone archway.

RESOL TO REQ
CITY CLK TO ADV
FOR RFPs FOR ENG-
INEERING SVSS TO
REPAIR VET MEM
PARK STONE ARCH-
WAY

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

Under Communications from the Mayor and Council:

- Council Member Koch read the attached thank you with regard to the Veteran's Memorial Park renovations.
- Council Member Smith thanked the Salamanca Police Department for their hard work with regard to a missing person. He noted that they did a great job handled the incident and dealing with the family.

COMMUNICATIONS:
VET MEM PK RENOV
THANK YOU

THANK YOU TO SPD
FOR WORK RE A
MISSING PERSON

Moved by Smith 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 City Clerk and City Comptroller for the month of April 2021 are hereby accepted and filed.

APVL OF BILLS &
CERTAIN DPT REPT:
FOR APRIL

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--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	-----AMOUNT-----
4/30/2021	CHECK	061341	CITY OF SALAMANCA FED WITHHOLD	8,127.83CR
4/30/2021	CHECK	061342	CITY OF SALAMANCA PAYROLL ACCO	107,516.15CR
4/30/2021	CHECK	061343	SENECA NATION OF INDIANS	612,460.02CR
5/07/2021	CHECK	061344	CITY OF SALAMANCA FED WITHHOLD	11,630.04CR
5/07/2021	CHECK	061345	CITY OF SALAMANCA PAYROLL ACCO	157,730.05CR
5/05/2021	CHECK	061346	CATTARAUGUS COUNTY TREASURER	85,191.07CR
5/05/2021	CHECK	061347	DELL MARKETING L.P.	51,486.20CR
5/05/2021	CHECK	061348	GRAINGER	213.45CR
5/05/2021	CHECK	061349	TOM STURDEVANT	1,721.98CR
3/31/2021	CHECK	061350	WITMER PUBLIC SAFETY GROUP, IN	137.00CR
3/31/2021	CHECK	061351	10-75 EMERGENCY VEHICLES	2,600.00CR
5/14/2021	CHECK	061352	AIRGAS USA, LLC	41.32CR
5/14/2021	CHECK	061353	ATLANTIC BROADBAND	133.24CR
5/14/2021	CHECK	061354	BEICHNER WASTE SERVICES, INC.	143.00CR
5/14/2021	CHECK	061355	BLUE COLLAR WORKWEAR	315.50CR
5/14/2021	CHECK	061356	BOYLE'S MOTOR SALES INC.	730.00CR
5/14/2021	CHECK	061357	BRADFORD PUBLISHING COMPANY	180.76CR
5/14/2021	CHECK	061358	CASELLA WASTE SYSTEMS, INC.	80.00CR
5/14/2021	CHECK	061359	CATTARAUGUS COUNTY DPW	42.72CR
5/14/2021	CHECK	061360	CITY OF SALAMANCA BPU	20,827.13CR
5/14/2021	CHECK	061361	VOID CHECK	0.00
5/14/2021	CHECK	061362	COMPLETE PAYROLL PROCESSING IN	152.11CR
5/14/2021	CHECK	061363	CYNCON EQUIPMENT, INC	878.88CR
5/14/2021	CHECK	061364	DRIVE SHAFT SPECIALISTS	1,155.00CR
5/14/2021	CHECK	061365	FASTENAL COMPANY	263.77CR
5/14/2021	CHECK	061366	GERNATT ASPHALT	3,122.12CR
5/14/2021	CHECK	061367	GRAINGER	129.55CR
5/14/2021	CHECK	061368	GREAT VALLEY BUILDERS SUPPLY	1,598.89CR
5/14/2021	CHECK	061369	HENRY H. HILL INC.	532.66CR
5/14/2021	CHECK	061370	IRR SUPPLY CENTERS INC	41.44CR
5/14/2021	CHECK	061371	JAMES B SCHWAB CO., INC	112.26CR
5/14/2021	CHECK	061372	JAMESTOWN MACADAM, INC	976.50CR

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5/14/2021 CHECK	061373	MAD PROPERTY MANAGEMENT	1,150.00CR
5/14/2021 CHECK	061374	MICHAEL FOREMAN	41.44CR
5/14/2021 CHECK	061375	MIDTOWN TIRE INC.	350.00CR
5/14/2021 CHECK	061376	NATIONAL FUEL	2,395.91CR
5/14/2021 CHECK	061377	OLEAN TIMES HERALD	37.50CR
5/14/2021 CHECK	061378	RANDOLPH AUTO SUPPLY	446.98CR
5/14/2021 CHECK	061379	VOID CHECK	0.00
5/14/2021 CHECK	061380	RICOH USA, INC.	104.63CR
5/14/2021 CHECK	061381	SHAWLEY OFFICE EQUIPMENT INC	99.65CR
5/14/2021 CHECK	061382	SOUTHERN TIER ELECTRIC SUPPLY	53.80CR
5/14/2021 CHECK	061383	THE NOTABLE CORPORATION	755.04CR
5/14/2021 CHECK	061384	TWIN TIERS OVERHEAD DOORS, INC	411.00CR
5/14/2021 CHECK	061385	TYLER TECHNOLOGIES, INC.	210.00CR
5/14/2021 CHECK	061386	U.S. BANK EQUIPMENT FINANCE	129.05CR
5/14/2021 CHECK	061387	UNIFIRST CORPORATION	932.95CR
5/14/2021 CHECK	061388	VERIZON WIRELESS	915.15CR
5/14/2021 CHECK	061389	WORTH W SMITH	47.47CR
5/14/2021 CHECK	061390	AIRGAS USA, LLC	76.01CR
5/14/2021 CHECK	061391	GALLS, LLC.	123.17CR
5/14/2021 CHECK	061392	GREAT VALLEY BUILDERS SUPPLY	1,074.64CR
5/14/2021 CHECK	061393	MY-LOR, INC.	73.90CR
5/14/2021 CHECK	061394	PORTVILLE TRUCK & AUTO REPAIR,	1,538.25CR
5/14/2021 CHECK	061395	SALAMANCA FIREFIGHTERS LOCAL 2	40.00CR
5/14/2021 CHECK	061396	SMITH FIRE SERVICE, INC.	154.50CR
5/14/2021 CHECK	061397	SYMBOLARTS	250.00CR
5/14/2021 CHECK	061398	WORTH W SMITH	12.23CR
5/14/2021 CHECK	061399	DUGGAN & DUGGAN GENERAL CONTRA	10,000.00CR
5/14/2021 CHECK	061400	EMERLING FORD, INC	300.22CR
5/14/2021 CHECK	061401	RANDOLPH AUTO SUPPLY	224.31CR
5/14/2021 CHECK	061402	ROBERT KOSINSKI	10.00CR
5/14/2021 CHECK	061403	SEWING TECHNOLOGY UNIFORM INC	459.56CR
5/14/2021 CHECK	061404	STAPLES CONTRACT & COMMERCIAL	876.29CR

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

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Moved by Koch and seconded by Smith:

RESOLVED: That the Mayor and Council enter into executive session for the purpose of discussing contract negotiations under the provisions of the State's Open Meetings Law.

EXEC SESN

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

Moved by Koch and seconded by Myers:

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

RECONVENE

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

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby adjourn – 7:39 PM.

ADJOURN

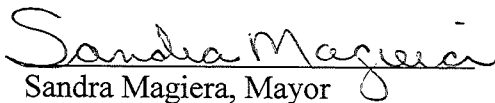
Carried.



Tracy Chamberlain, City Clerk

Dated: May 17, 2021

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


Sandra Magiera, Mayor

Dated: May 20, 2021

QUOTE CONFIRMATION



DEAR SCOTT COLLINS,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
MBQF259	4/13/2021	MBQF259	3099746	\$5,194.92

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Microsoft Surface Laptop 3 - 13.5" - Core i5 1035G7 - 8 GB RAM - 128 GB SSD Mfg. Part#: PKH-00001 UNSPSC: 43211503 Contract: MARKET	6	5788062	\$865.82	\$5,194.92

PURCHASER BILLING INFO	SUBTOTAL	\$5,194.92
Billing Address: CITY OF SALAMANCA ACCTS PAYABLE 225 WILDWOOD AVE SALAMANCA, NY 14779-1547 Phone: (716) 945-3130 Payment Terms: Net 30 Days-Govt State/Local	SHIPPING	\$0.00
	SALES TAX	\$0.00
	GRAND TOTAL	\$5,194.92
DELIVER TO	Please remit payments to:	
Shipping Address: CITY OF SALAMANCA TRACY CHAMBERLAIN 225 WILDWOOD AVE SALAMANCA, NY 14779-1547 Phone: (716) 945-3130 Shipping Method: UPS Ground (2- 3 Day)	CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

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Matt Battista

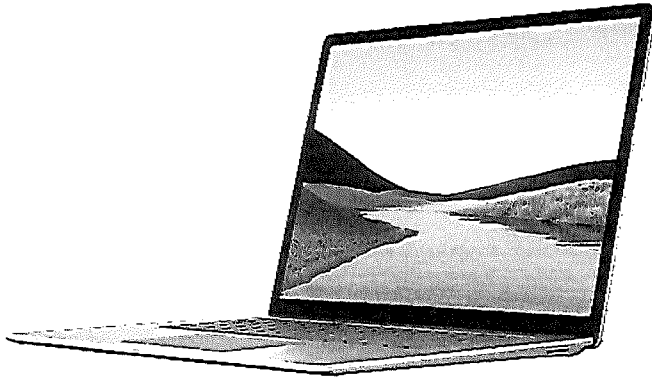
(866) 613-1133

mattbat@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>
For more information, contact a CDW account manager

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 Microsoft Surface



Microsoft Surface Laptop 3 – 13.5" – Core i5 1035G7 – 8 GB RAM – 128 GB SSD

Mfg. Part: PKH-00001 | CDW Part: 5788062 | UNSPSC: 43211503

Availability: • Item Backordered

This item will ship once it is in stock. CDW cannot guarantee an in-stock date.

Can't wait? [View Similar Items](#)

Warranties

☐ None

☒ Include: [CDW Protection Plan – extended service agreement – 3 years – carry-in – \\$78.79](#)

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~~\$1,099.99~~ **SAVE \$234.17**

\$865.82 Advertised Price

[Lease Option](#) (\$25.54/month)

Product Details

- Core i5 1035G7 / 1.2 GHz
- Win 10 Pro
- 8 GB RAM
- 128 GB SSD NVMe
- 13.5" touchscreen 2256 x 1504
- Iris Plus Graphics
- Bluetooth

Product Details

Main Features

Make a powerful statement and get improved speed, performance, and all-day battery life.

- Core i5 1035G7 / 1.2 GHz
- Win 10 Pro
- 8 GB RAM
- 128 GB SSD NVMe
- 13.5" touchscreen 2256 x 1504
- Iris Plus Graphics
- Bluetooth
- Wi-Fi
- platinum
- commercial

Tech Specs

Specifications are provided by the manufacturer.

Ward 5 Councilman Comment

I would like to publicly thank the Salamanca City Central School District, their Board of Education, and the three Superintendent's for their wisdom and their vision for our beautiful Vets Park complex. It all began back in December 2018 when the school district voters approved the Veterans Memorial Park Sublease. Then in March 2019 the School District and the City of Salamanca signed the Intermunicipal Agreement to sublease Vet's Park. The School worked diligently with the Seneca Nation to grant the sublease. From there extensive work has been conducted to make a state-of-the-art athletic complex. This includes a football field, baseball field, box lacrosse fields, team rooms, concessions stands, and a walking path. Their students, staff and all of our community will be able to enjoy this for years to come.

We all know that the City does not and never will have the over \$16 million dollars that the school invested into this complex. I truly believe that the school did an amazing job on this and I thank them for their wonderful contribution to our city.