

REGULAR MEETING OF THE COMMON COUNCIL
APRIL 12, 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
Police Sergeant: Tina Darling
Police Lieutenant: Tustin Swift
Human Resource Specialist: William Hernandez

Mayor Magiera called the meeting to order at 7:10 PM. After the Pledge of Allegiance, Mayor Magiera asked for a moment of silence.

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 March 22, 2023 and the special meeting of March 27, 2023.

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

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby adopt the amended Code of Ethics for the City of Salamanca Municipal Officers and Employees.

It was noted the changes include State wording and specifying distribution to be done by the Human Resources Officer. Such policy is attached to and made part of these minutes.

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

Moved by Johnson and seconded by Smith:

RESOLVED: That we hereby adopt an amendment to the procedure to be taken at Council meetings and the annual reorganization meeting resolution to include: 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. It is the duty of the Mayor to enforce the rules and order of the Council. When the Mayor is unable the Council President may call for order.

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

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Moved by Koch and seconded by Hill:

RESOLVED: That we hereby authorize the sale of a portion of the Theater parcel at 8 Main Street (# 73.079-3-17) to William Canella, for a purchase price of \$500.00, with the purchaser to pay the cost of consent for the Seneca Nation Indian Lease Assignment and all recording costs to record the deed and related paperwork with Cattaraugus County and a property survey.

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

Moved by Koch and seconded by Reed:

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

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

Moved by Koch and seconded by Smith:

RESOLVED: That the following Ordinance # 1 for 2023 is hereby adopted:

WHEREAS, the Police Commission has studied the effects on Safety and convenience of the traffic flow along Race Street from its intersection with Main Street to its easterly end, and

WHEREAS, the Police Commission has recommended that an ordinance be adopted to replace “restrict parking on the southwest end of Race Street to twenty minutes at all other times,” with “restrict parking on the southwest end of Race Street to Senior Center Visitor only parking”, and

WHEREAS, the Common Council has determined that an ordinance providing for such parking restrictions is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Salamanca Municipal Code § 60.43, subdivision 90A (2) is hereby amended while leaving sections (1) and (3) alone.
 - (2) South side: Parking from the intersection of the south bounds of Race Street and the easterly bounds of Main Street for the distance of two hundred (200) feet shall be restricted to Senior Center Visitor Parking Only.

2. The Superintendent of Public Works is authorized and directed to paint the designated parking spaces and install the required signs that are necessary to carry out the terms and provisions of this ordinance.

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3. This ordinance shall become effective upon the publication as set forth in the City Charter.

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

Moved by Koch and seconded by Johnson:

RESOLVED: That we hereby approve an increase to the 2023-2024 Police Department Budget to include one full-time Police Officer and one part-time dispatcher.

Council Member Koch stated this was recommended by the Police Commission due to increased overtime.

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

Moved by Koch and seconded by Hill:

RESOLVED: That we hereby appoint the following:

- Jordan Grinols, Salamanca, NY, as full-time Police Officer, from the Civil Service eligible list, to attend the Police Academy, effective July 12, 2023, according to the current union contract. (to replace Adam Johnson)
- Zachary Hemphill, Allegany, NY, as full-time Police Officer, from the Civil Service eligible list, to attend the Police Academy, effective July 12, 2023, according to the current union contract. (to replace Dennis Brown)
- Caleb McCormick, Great Valley, NY, as Provisional Full-time Dispatcher, effective April 12, 2023, with a wage of \$18.00 per hour, contingent on being reachable on a Civil Service list, according to the current union contract. (to replace Jordan Grinols)
- Thomas Henderson, Allegany, NY, as Provisional Part-time Dispatcher, effective April 12, 2023, with a wage of \$18.00 per hour, contingent on being reachable on a Civil Service list, according to the current union contract.
- Amanda Brewer, Salamanca, NY, as Provisional Part-time Dispatcher, effective April 12, 2023, with a wage of \$18.00 per hour, contingent on being reachable on a Civil Service list, according to the current union contract.
- Ronald Brown Jr., Otto, NY, as Provisional Part-time Dispatcher, effective April 12, 2023, with a wage of \$18.00 per hour, contingent on being reachable on a Civil Service list, according to the current union contract.

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

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Under Communications from the Mayor and Council:

- Mayor Magiera reminded everyone there will be a cleanup event on Earth Day, Saturday, April 22, 2023 starting at 9:00 AM at the Jefferson Street Park.
- Mayor Magiera also noted there will be a Salamanca School Senior parade held prior to graduation using the same route and ending at Veteran's Park.
- Council Member Koch thanked everyone that attended the annual Drive-thru Easter Egg Hunt at the Youth Center on April 1st. There were around 200 participants.
- Council Member Hill thanked all the department that worked following the storm on April 1st.

Moved by Reed 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 report of the City Clerk and City Judge for the month of March 2023 is hereby accepted and filed.

Vendor Number	Vendor Name	Payment Date	Payment Amount	Number
0199	CYNTHIA A. FRANKLIN	03/29/2023	35.37	1531
0917	DANIEL KRUSZYNSKI	03/29/2023	267.26	1532
1188	FRED SARADIN	03/29/2023	1,025.00	1533
1113	IDENTOGO	03/29/2023	88.50	1534
0724	PATRICK STEFFAN	03/29/2023	15.00	1535
0540	WILLIAM SMITH	03/29/2023	159.97	1536
1188	FRED SARADIN	03/31/2023	612.50	1537
0400	SENECA NATION OF INDIANS	03/31/2023	4,950.00	1538
1140	ESI	04/03/2023	2,999.20	1539
0584	NED FENTON INSURANCE AGENCY	04/03/2023	166,733.77	1540
0148	NYCOM	04/03/2023	2,954.00	1541
0584	NED FENTON INSURANCE AGENCY	04/04/2023	348.70	1542
1227	SEAN SIEBERT	04/11/2023	250.00	1543
0025	ANIMAL CARE EQUIPEMENT & SERVICES	04/12/2023	391.75	1544
0915	BLUE COLLAR WORKWEAR	04/12/2023	320.38	1545
0581	BOUND TREE MEDICAL, INC.	04/12/2023	5,850.63	1546
0778	BRADFORD PUBLISHING COMPANY	04/12/2023	78.44	1547
1225	CARDIAC LIFE PRODUCTS, INC.	04/12/2023	9,700.56	1548

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0086	CHURCHVILLE FIRE EQUIPMENT CORP.	04/12/2023	2,867.37	1549
0852	CITY OF OLEAN-COMMUNITY DEVELOPMENT	04/12/2023	2,751.18	1550
0218	CITY OF SALAMANCA BPU	04/12/2023	12,168.03	1551
0979	COAST TO COAST SOLUTIONS	04/12/2023	3,143.66	1552
1196	DYNASTY CONSTRUCTION	04/12/2023	147,816.20	1553
0560	EMERLING FORD, INC	04/12/2023	636.55	1554
0144	FLAGS USA LLC	04/12/2023	770.00	1555
0193	GALLS PARENT HOLDINGS, LLC	04/12/2023	490.57	1556
0619	INCIDENT RESPONSE & MITIGATION SERVICES	04/12/2023	503.97	1557
0738	INSCALE ARCHITECTS	04/12/2023	1,012.50	1558
0138	IRR SUPPLY CENTERS INC	04/12/2023	2,343.04	1559
1105	JAMES B SCHWAB CO	04/12/2023	141.39	1560
0871	VOID	04/12/2023	0.00	1561
0742	MUNICIPAL EMERGENCY SVCS	04/12/2023	10,021.65	1562
0248	NATIONAL FUEL	04/12/2023	437.83	1563
0318	OLEAN GENERAL HOSPITAL PHARMACY	04/12/2023	394.20	1564
0557	PRO-FLEX ADMINISTRATORS LLC	04/12/2023	1,120.00	1565
1023	RANDOLPH AUTO SUPPLY	04/12/2023	620.71	1566
0931	RICOH USA (PO BOX 41564)	04/12/2023	57.89	1567
0765	SEWING TECHNOLOGY UNIFORM INC	04/12/2023	456.91	1568
1059	STAPLES CONTRACT & COMMERCIAL	04/12/2023	872.15	1569
0370	STAPLES CREDIT PLAN	04/12/2023	32.07	1570
1182	SUSAN WHITCOMB	04/12/2023	51.09	1571
0255	URBAN ENGINEERS OF NEW YORK, D.P.C.	04/12/2023	23,789.51	1572
0429	VALPRO SANITARY SUPPLIES, INC.	04/12/2023	90.75	1573
0367	VERIZON WIRELESS	04/12/2023	904.43	1574
0322	WILLIAMSON LAW BOOK CO.	04/12/2023	34.65	1575
0159	AMERICAN LEGION HUGHES SKIBA POST 535	04/12/2023	1,359.95	1576
1097	BREEZELINE	04/12/2023	155.93	1577
0824	DAVE SCHUMAN	04/12/2023	32.08	1578
0706	DEFENSIVE EDGE TRAINING & CONSULTING	04/12/2023	1,100.00	1579
0529	ESO SOLUTIONS, INC.	04/12/2023	795.00	1580
0171	FIVE STAR BANK	04/12/2023	68,127.96	1581
0584	NED FENTON INSURANCE AGENCY	04/12/2023	71.50	1582
0158	OLEAN TIMES HERALD	04/12/2023	37.50	1583
0557	PRO-FLEX ADMINISTRATORS LLC	04/12/2023	284.00	1584
0532	QUADIENT FINANCE USA, INC	04/12/2023	2,000.00	1585

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1023	RANDOLPH AUTO SUPPLY	04/12/2023	368.47	1586
0931	RICOH USA (PO BOX 41564)	04/12/2023	104.63	1587
0379	SALAMANCA PRESS	04/12/2023	55.00	1588
0967	SALAMANCA RAIL MUSEUM	04/12/2023	15,000.00	1589
0646	SANDRA L. BRUNDAGE	04/12/2023	75.99	1590
1059	STAPLES CONTRACT & COMMERCIAL	04/12/2023	455.78	1591
0166	TYLER TECHNOLOGIES, INC.	04/12/2023	19,930.82	1592
0912	U.S. BANK EQUIPMENT FINANCE	04/12/2023	119.13	1593

Special Accounts

Check #	Date	Account Name	Amount
1002	4/5/2023	Special Activities-Youth Center – The Paper Factory	\$45.00

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

Public Discussion:

- Youth Bureau Director Brundage noted that the playground installation is planned for the month of May 2023.
- Mayor Magiera noted these playgrounds will be last to be replaced. She thanked Youth Bureau Director Brundage for her help with these projects.
- Clerk Chamberlain stated that the City-Wide clean-up payments of \$40 per household will be accepted after May 1, 2023.

Moved by Johnson and seconded by Smith:

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

Moved by Smith and seconded by Reed:

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

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

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Moved by Hill and seconded by Koch:

RESOLVED: That we hereby adjourn – 8:18 PM.

ADJOURN

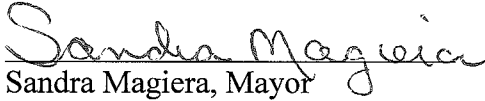
Carried.



Tracy Chamberlain, City Clerk

Dated: April 18, 2023

THE ABOVE RESOLUTIONS AND ORDINANCE #1 FOR 2023, AS ADOPTED
BY THE COMMON COUNCIL, ARE HEREBY APPROVED.



Sandra Magiera, Mayor

Dated: April 21, 2023

CODE OF ETHICS FOR CITY OFFICERS AND EMPLOYEES

Section 1. Purpose

The purpose of this Code of Ethics are:

- a. to establish the high standards of ethical and moral conduct for officers and employees of the City of Salamanca (the "City");
- b. to afford officers and employees of the City's clear guidance to such standards;
- c. to promote and ensure public confidence in the governance and administration of the City and its offices;
- d. to establish clear standards and to prohibit acts incompatible with the public interest;
- e. to facilitate consideration of potential problems before they arise; minimize unwarranted suspicion, enhance the accountability of government to the public, and by requiring public disclosure of financial interests that may influence or be perceived to influence the actions of Council members, officers, and employees.

This Code of Ethics shall not conflict with, but shall be in addition to any prohibition of New York State General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. Definitions.

a). "Municipal Officer or Employee" means an officer or employee of the City, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

b). "Interest" means a means a direct or indirect pecuniary or material benefit accruing to a Municipal Officer or Employee as the result of a contract with the municipality which such Municipal Officer or Employee serves. A Municipal Officer or Employee shall be deemed to have an interest in the contract of (a) his or her spouse, minor children and dependents, except a contract of employment with the municipality which such Municipal Officer or Employee serves, (b) a firm, partnership or association of which such Municipal Officer or Employee is a member or employee, (c) a corporation of which such Municipal Officer or Employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such Municipal Officer or Employee.

c) "Contract" means any oral or written obligation to do an act or refrain from doing an act, arising from an exchange of promises between or among persons.

d) "Gift" means anything of value given gratuitously to a Municipal Officer or Employee that is not authorized by law.

Section 3. Standards of Conduct.

Every Municipal Officer or Employee shall be subject to and abide by the following standards of conduct:

a). Gifts. Municipal Officers and/or Employees shall not directly or indirectly, solicit any gift; or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonable be inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any official action on their part.

b). Confidential information. Municipal Officers and/or Employees shall not disclose confidential information acquired in the course of official duties or use such information to further any personal interest.

c). Representation before one's own agency. Municipal Officers and/or Employees shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the City or of any municipal agency over which they have jurisdiction or to which they have power to appoint any member, officer or employee.

d). Representation before an agency for a contingent fee. Municipal Officers and/or Employees shall not receive, or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any City agency, whereby their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any times of fees upon the reasonable value of the services rendered.

e). Disclosure of interest in legislation. To the extent that any officer and/or employee knows thereof, a member of the Common Council and any Municipal Officer or Employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Common Council on any legislation before the Common Council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

f). Investments in conflict with official duties. Municipal Officers and/or Employees shall not invest or hold any investments directly or indirectly in any financial, business, commercial, or other private transaction, which creates a conflict with their official duties.

g). Private employment. Municipal Officers and/or Employees shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.

h). Future employment. Municipal Officers and/or Employees shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Salamanca in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under their active consideration.

i) Family members. No Municipal Officer and/or Employee shall hire, supervise, evaluate, promote, review, or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this Code, reassignment or transfer may be effected in accordance with applicable provisions of any collective bargaining agreement, to correct the situation.

Section 4. Claims or Suits.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Municipal Officer or Employee of any claim, account, demand, or suit against the City, or any agency thereof on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5. Distribution of Code of Ethics.

The City's Human Resources Officer shall distribute a copy of this Code of Ethics to every Municipal Officer and Employee within thirty (30) days after its adoption date. Each Municipal Officer and Employee hired, elected or appointed thereafter will receive a copy of this Code before entering upon the duties of their office or employment.

Section 6. Penalties.

In addition to any penalty contained in any other provision of law or City policy, any Municipal Officer or Employee who knowingly and/or intentionally violates any of the provisions of this Code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.