

REGULAR MEETING OF THE COMMON COUNCIL
MARCH 13, 2024
7:00 PM

PRESENT: Mayor Sandra Magiera
Council Members: John Hill, Kylee Johnson, Barry Smith,
Michael Reed, Janet Koch
City Clerk: Tracy Chamberlain
City Assessor: Cynthia Franklin
Code Enforcement Officer: William Porter
Assistant Fire Chief: Brandon Smith
BPU General Manager: Dennis Hensel
BPU Electric Dept. Supervisor: Jeffery Pond Jr.
Planning Commission Members: Lindley Pryor, Tina Becker
Youth Bureau Director: Markie Phillips
Grant Administrator: Jay Bartoszek

Mayor Magiera called the meeting to order at 7:00 PM. After the Pledge of Allegiance, Mayor Magiera asked for a moment of silence for the family of the individual that passed away in a recent fire.

Moved by Smith and seconded by Reed:

RESOLVED: That we hereby approve and dispense with the reading of the minutes of the last regular meeting of February 28, 2024 and the Special Meetings of January 22, 2024, January 29, 2024, February 1, 2024 and February 5, 2024.

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

Moved by Hill and seconded by Smith:

RESOLVED: That we hereby accept the bids of Cory Brainard, Cattaraugus, NY for the 1977 Entye Paver in the amount of \$1,250, 1997 FORD Dump truck in the amount of \$2,200, 2007 FORD F350 Dump Truck in the amount of \$3,000 and the 1996 FORD Backhoe in the amount of \$800.

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

Moved by Hill and seconded by Johnson:

RESOLVED: That we hereby confirm the appointment of Ronald Hoover, Salamanca, NY as DPW Part-time Laborer, effective March 11, 2024, at 30 hours per week with a wage of \$17.20 per hour, according to the current DPW union contract.

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

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Moved by Smith and seconded by Johnson:

RESOLVED: That we hereby approve the following appointments.

SALAMANCA YOUTH BOARD

Appointment of Susan Fiske, Salamanca, NY, to fill the unexpired term of Michael Smith, who resigned, beginning on March 14, 2024 and ending February 28, 2028

Appointment of Annamarie Rozler, Salamanca, NY, to a two year term as Youth Representative, beginning on March 14, 2024 and ending upon graduation in June 2025.

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 Hill and seconded by Reed:

RESOLVED: That we hereby approve the Individual Program Application to be submitted to the Cattaraugus County Youth Bureau/ New York State Office of Children and Family Services to run Youth Programs for the 2024 Program year, January 1, 2024 to December 31, 2024, and further authorizing the Mayor to sign such an application.

Youth Bureau Director Markie Phillips noted that the funding amount is \$8,900, which is down \$3,000 from past years.

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

Nays: None

Moved by Reed and seconded by Hill:

RESOLVED: That we hereby remove Kylee Hendershot as Dog Caretaker, effective immediately.

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

Nays: None

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Under Communications from the Mayor and Council:

- Mayor Magiera reminded everyone Saturday, March 23 will be the Drive Thru Easter Event in the Youth Center parking lot. Youth Bureau Director Phillips noted that there will be more stops for the vehicles this year. In the past there have been approximately 200 youth participating.

Moved by Smith and seconded by Hill:

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, Fire Chief, Dog Control Officer and City Judge for the month of February 2024 is hereby accepted and filed.

Vendor Number	Vendor Name	Payment Date	Payment Amount	Number
1392	ARMSTRONG BUSINESS SOLUTIONS	03/07/2024	260.40	2986
0778	BRADFORD PUBLISHING COMPANY	03/07/2024	732.48	2987
1357	BRI PARENT INC	03/07/2024	323.90	2988
0193	GALLS PARENT HOLDINGS, LLC	03/07/2024	143.98	2989
1209	HARLEY KETTLE	03/07/2024	324.99	2990
1205	HIGHMARK BCBSWNY (MEDICARE 286543)	03/07/2024	415.00	2991
1033	MAC TRUCK PARTS	03/07/2024	230.84	2992
1183	MONROE COMMUNITY COLLEGE	03/07/2024	517.00	2993
0958	RENAISSANCE LIFE & HEALTH	03/07/2024	273.87	2994
1046	SANDRA MAGIERA	03/07/2024	39.97	2995
0400	SENECA NATION OF INDIANS -LEASE PAYMENT	03/07/2024	683,506.85	2996
1069	TIM HAYNOSKI	03/07/2024	99.11	2997
0412	TOM STURDEVANT	03/07/2024	20.06	2998
0830	UPMC CHAUTAUQUA/STAFF DEVELOPMENT	03/07/2024	240.00	2999
0367	VERIZON WIRELESS	03/07/2024	1,051.33	3000
0080	CATTARAUGUS COUNTY CLERK	03/08/2024	3,772.00	3001
1393	PETRUZZI INSURANCE AGENCY	03/08/2024	2,126.30	3002
9004	CATTARAUGUS COUNTY DPW	03/13/2024	195.59	3003
0560	EMERLING FORD, INC	03/13/2024	491.63	3004
0193	GALLS PARENT HOLDINGS, LLC	03/13/2024	833.00	3005
1183	MONROE COMMUNITY COLLEGE	03/13/2024	906.25	3006
1023	RANDOLPH AUTO SUPPLY	03/13/2024	82.61	3007
0765	SEWING TECHNOLOGY UNIFORM INC	03/13/2024	627.69	3008
0300	SIRCHIE	03/13/2024	51.81	3009

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0499	TWIN TIERS OUTERWEAR	03/13/2024	348.50	3010
0017	ACME BUSINESS MACHINES	03/13/2024	115.14	3011
0382	AUTOZONE, INC.	03/13/2024	288.51	3012
0581	BOUND TREE MEDICAL, INC.	03/13/2024	625.42	3013
1194	DIVAL SAFETY & SUPPLIES FOR LIFE	03/13/2024	2,500.00	3014
0598	EAGLE RADIO TECHNOLOGIES	03/13/2024	4,439.38	3015
1361	FIREMATIC SUPPLY CO. INC.	03/13/2024	63.92	3016
0065	HULL ELECTRIC, INC	03/13/2024	526.66	3017
0742	MUNICIPAL EMERGENCY SVCS	03/13/2024	5,077.00	3018
1394	PRALINE, LLC	03/13/2024	3,000.00	3019
1023	RANDOLPH AUTO SUPPLY	03/13/2024	897.45	3020
0469	STRATE WELDING SUPPLY CO., INC.	03/13/2024	468.75	3021
0499	TWIN TIERS OUTERWEAR	03/13/2024	90.85	3022
0429	VALPRO SANITARY SUPPLIES, INC.	03/13/2024	180.90	3023
0540	WILLIAM SMITH	03/13/2024	375.11	3024
1048	WITMER PUBLIC SAFETY GROUP, INC	03/13/2024	165.00	3025
0098	WORTH W SMITH	03/13/2024	12.99	3026
0807	ZOLL MEDICAL CORPORATION	03/13/2024	930.00	3027
1238	AMAZON CAPITAL SERVICES	03/13/2024	41.09	3028
0601	ARMOR CONSTRUCTION, LLC.	03/13/2024	278.20	3029
1211	ASCENDANCE TRUCKS PENNSYLVANIA	03/13/2024	52.08	3030
0432	BEICHNER WASTE SERVICES, INC.	03/13/2024	165.54	3031
0055	BOYLE'S MOTOR SALES INC.	03/13/2024	81.39	3032
0900	DECKER TREE SERVICE	03/13/2024	3,300.00	3033
0560	EMERLING FORD, INC	03/13/2024	2,960.37	3034
0237	FASTENAL COMPANY	03/13/2024	413.90	3035
0164	GRAINGER	03/13/2024	282.26	3036
0175	JAMESTOWN SOAP & SOLVENT, INC.	03/13/2024	298.50	3037
0683	LANDPRO EQUIPMENT LLC	03/13/2024	113.06	3038
0248	NATIONAL FUEL	03/13/2024	62.34	3039
1023	RANDOLPH AUTO SUPPLY	03/13/2024	1,174.15	3040
0385	SOUTHERN TIER ELECTRIC SUPPLY INC	03/13/2024	207.58	3041
1081	SUPERIOR AUTO SUPPLY INC	03/13/2024	63.87	3042
0491	UNIFIRST CORPORATION	03/13/2024	907.24	3043
0429	VALPRO SANITARY SUPPLIES, INC.	03/13/2024	571.55	3044
0098	WORTH W SMITH	03/13/2024	198.13	3045
1238	AMAZON CAPITAL SERVICES	03/13/2024	2,039.49	3046
0218	CITY OF SALAMANCA BPU	03/13/2024	16,628.31	3047
0709	HODGSON RUSS, LLP	03/13/2024	15,963.50	3048
1105	JAMES B SCHWAB CO	03/13/2024	48.30	3049
1045	LAWLEY BENEFITS CONSULTING	03/13/2024	1,500.00	3050
1389	LYON MICRO, LLC	03/13/2024	8,040.28	3051

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1134	PROFESSIONAL AMBULANCE BILLING LLC	03/13/2024	3,194.81	3052
0931	RICOH USA (PO BOX 41564)	03/13/2024	104.63	3053
0370	STAPLES CREDIT PLAN	03/13/2024	549.99	3054

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

Public Discussion:

- Resident Jeff Sherwood stated he is curious what is proposed to be built on a Center Street Lot. He has heard it may be a marijuana growing facility and concerned with the impact of the electric use. It was noted that Council will discuss this issue under work session.

Moved by Koch and seconded by Reed:

RESOLVED: That the Mayor and Council enter into a work session to discuss concerns with growing facilities to be located within the City.

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

Council Member Koch noted at the last meeting there was discussion regarding electric and new marijuana growing businesses in the City. She read the following:

"May I ask that we have as part of our meeting next week on March 13th an open section on the agenda to talk about the potential growing facilities. I would ask that our attorney be in person at the meeting also, along with code enforcement, planning commission, assessor, and BPU Manager and anyone else you think of.

Here are my concerns just off the top of my head right now:

They are being built right now and putting in a building permit request for storage garages.
Why are they not going through the Planning Commission for all the proper procedures.
What happens when they are built as "storage garages" then turn them into growing facilities.
What happens with our PPA and electric when this all happens.
Rumor is they are already being built on Rochester St, Elm St, Main St, and one coming on Center St
What happens when they are up and running and they are not on designated "Agriculture" zoned areas.
What are we doing with the weed shops in residential areas.

We need to get a hold on this before it is too late. We at least need a public meeting on all this is my opinion and we need attorney input and guidance.

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I am all for business but we need to look at this all before it is too late. What is the least it could hurt, if it is all legitimate then great we get new businesses in the city with potential new community members and workers and people supporting other businesses. I just think we need a discussion sooner than later.”

Council Member Koch stated she appreciates all for coming to the meeting. She has asked that the City Attorney attend the Council meeting on March 27, 2024 to provide information. She noted she is not against building in the City, however she would like everyone be required to following the same procedures.

Assistant Fire Chief Brandon Smith answered some of Council Member Koch questions. He noted structures that are built on a property that has an existing structure do not require a site plan, it is simply an addition. He noted if a permit is submitted with a specific use and the use of the property is changed later, the attorney would need to determine if they should be fined. However, there would time and costs involved. They would be required to apply correctly and it would most likely be granted.

BPU General Manager Dennis Hensel the electricians request a certain type of service that is provided by the BPU. He noted that the growing facilities will cause the annual low rate electric to be used up quickly and customers left to pay at a higher rate. When the facility uses over 300 kilowatts of electric they are charged a higher rate which was established in 2018 through the Public Service Commission (PSC). They have submitted a request to the PSC to include the marijuana growing in this category.

There was discussion regarding the zoning use districts and what a marijuana growing facility would be allowed in. It was noted NYS has not given a definition for such facilities.

Council Member Hill feels some issues with enforcing the code violations is due to process in court.

Council Member Koch asked what the difference in fees would be. It was stated a permit to build a garage is \$25 and to add a dispensary is roughly \$350. She noted this is not fair to City and is no fault of the Code Enforcement Office. The Attorney needs to provide an opinion on how to handle these issues. She thanked everyone for coming.

Code Enforcement Officer William Porter explained an issue with a building permit which he had to do a Stop Work Order and required engineer plans before construction could be completed.

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Mayor Magiera noted that a meeting should be held for those Departments involved in these projects and then hold a public work session to discuss further.

It was noted the Planning Commission will meet tomorrow, March 14, 2024, for a presentation of the proposed Center Street project.

Resident Jeff Sherwood asked that the trailer that has been parked on State Park Avenue for some time, be looked into.

Moved by Reed and seconded by Smith:

RESOLVED: That we hereby adjourn – 8:05 PM.

Carried.



Tracy Chamberlain, City Clerk

Dated: March 20, 2024

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



Sandra Magiera, Mayor

Dated: March 22, 2024