

February 13, 2020

The Mina Town Board met on the above date for the regular meeting. Supervisor Brumagin called the meeting to order at 7:00 pm by leading with the Pledge of Allegiance to the flag. The following members and guests were in attendance:

Present: Rebecca Brumagin.....Supervisor  
Steve Burmaster.....Councilman  
Dennis Luce.....Councilman  
Ernie Roache.....Councilman  
Dick Watrous.....Councilman

Attended by: Amy Allen, Bill Himelein (Highway Superintendent), Ed Mulkearn (FL Watershed Foundation)(7:16).

**Minutes:** Motion was made by Councilman Luce and seconded by Councilman Watrous to accept the minutes of the January 9, 2020 meeting as presented. Motion carried.

**Comments/Concerns from those present:** none

**Comments/Concerns from those not present:** none

**Old Business:**

- Supervisor Brumagin reported that resolution #12-19 from the December 12, 2019 meeting needed to be revised to reflect a 7 hour work day for the assessor:

Town of Mina  
Resolution #8-20  
New York State Retirement Fund Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Mina hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Official					
Assessor	Heather Young-Deyell	7	10/01/2019 - 09/30/2025	Y	

Councilman Watrous made a motion, seconded by Councilman Luce to adopt the above resolution.

- Brumagin – Aye
- Burmaster – Aye
- Luce – Aye
- Roache – Aye

Watrous – Aye

The resolution carried unanimously.

- Supervisor Brumagin reported that the Highway Superintendent and she reviewed New York State’s expectations regarding the development of a “Complete Streets Policy”. They also reviewed Chautauqua County’s policy as well as the policies of other municipalities in the county. Supervisor Brumagin drafted the following resolution:

Town of Mina  
“Complete Streets” Resolution #9-20  
February 13, 2020

WHEREAS, the Town of Mina and especially the downtown Findley Lake area and around the lake are enjoyed by residents, guests and visitors as a place of serenity, enjoyment, relaxation and rejuvenation, the ability to walk and bicycle safely are important elements of a fulfilling experience and a positive quality of life; and

WHEREAS, bicycling and walking are important forms of transportation and recreation for an inclusive community, and walking and bicycling contribute to health, fitness, and economic development; and

WHEREAS, a Complete Street policy considers the needs of all users of the Town of Mina’s roadways of all ages and abilities including: pedestrians, bicyclists, school bus riders, motorists, transporters of commercial goods, the business community, snowmobile riders, persons with disabilities, seniors, and emergency services; and

WHEREAS, streets that support and invite multiple uses, including safe, active, and ample space for pedestrians, bicycles, and vehicle transportation are more conducive to the enjoyment and efficient movement of people than streets designed primarily to move automobiles and trucks; and

WHEREAS, promoting pedestrian, bicycle and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly; and

WHEREAS, the design and construction of new roads and facilities should anticipate future demand for biking, walking, and other alternative transportation facilities and not preclude the provision of future improvements; and

WHEREAS, Complete Streets are supported by the Institute of Traffic Engineers, the American Planning Association, and many other transportation, planning and public health professionals; and

WHEREAS, Governor Andrew M. Cuomo signed the Complete Streets Act on August 15, 2011, requiring state, county and local agencies to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding; and

WHEREAS, Chautauqua County adopted a “Complete Streets” policy on June 24, 2015 following the Chautauqua 20/20 Comprehensive Plan adopted by the County Legislature in 2011 which provides that the County will follow the NYS DOT “Complete Streets” design for all road projects in the County; and

WHEREAS, the Town of Mina’s Comprehensive Plan adopted in July 2006 amended the Town’s mission statement and it currently reads: “The mission of the Town of Mina is to enhance the quality of life, to preserve its rural environment and history, to recognize the diverse interests of the community, and to approach issues in an atmosphere of mutual respect and cooperation”; and

WHEREAS, in October 2019 a walkability study was conducted by Town of Mina community volunteers following a survey instrument developed by AARP after which the group identified a number of safety issues on the roads and highways in the Town of Mina with regard to walking and bicycling in the downtown area and around Findley Lake; and

WHEREAS, the Town Board of the Town of Mina desires to promote a safe environment for its residents, guests and visitors; and therefore be it

RESOLVED, that this resolution shall formally adopt a Complete Streets Program and require the Town of Mina Highway Department to consider all modes of travel within its design projects; and be it further

RESOLVED, that the Town of Mina Highway Department shall, in the planning state of each project, evaluate the feasibility of implementing the Complete Streets design features which may include: sidewalks, paved shoulders suitable for use by bicyclists, lane striping, bicycle lanes, share the road signs, crosswalks, road diets, pedestrian control signalization, bus pull outs, pedestrian curb ramps, and traffic calming measures; and recognize that the needs of users of the road network vary according to the density of the population and proximity to other houses, businesses and Findley Lake; and be it further

RESOLVED, that Complete Streets shall not apply in the following circumstances: (1) projects limited to resurfacing, maintenance, or pavement recycling; (2) locations where use by bicyclists and pedestrians is prohibited by law; (3) the cost would be disproportionate to the need; or (4) demonstrated lack of need as determined by factors such as, but not limited to: land use context, current and projected traffic volumes, and population density; (5) demonstrated lack of community support; or (6) the use of these design features would have an adverse impact on, or be contrary to, public safety: and be it further

RESOLVED, that the Town of Mina Highway Department shall not be required to expend monies that exceed the amount of County, State and Federal funding allocated for a particular project as identified in the Town's capital program.

Adopted upon motion by Councilman Luce and second by Councilman Roache with the following vote:

Supervisor Brumagin - Aye  
Councilman Burmaster - Aye  
Councilman Luce - Aye  
Councilman Roache - Aye  
Councilman Watrous - Aye

**New Business:**

- Supervisor Brumagin reported that she completed the monthly review and annual audit of the Tax Collector for the year 2019. She reported her findings and distributed the report for the town board to review.
- Supervisor Brumagin reported that she completed the monthly review and annual audit of the Town Clerk for the year 2019. She reported her findings and distributed the report for the town board to review.
- Supervisor Brumagin then distributed the 2019 Detailed Financial Statements for the town board to review.
- Supervisor Brumagin conducted a monthly review and annual audit of the Town Justice for the year 2019 and reported her findings to the town board.

Dated: February 13, 2020

At a regular meeting of the Mina Town Board held on Thursday, February 13, 2020, Mina Town Supervisor Rebecca N. Brumagin, submitted a report of findings of the audit conducted on the justice records for the calendar year 2019. Her report included information on the process for reviewing records including monthly bank statements, bank reconciliations, accountability reports, the cash receipt journal, the cash disbursement journal, partial payments reports, NYS Justice Court reports, TSLE&D reports and a sampling of court docket files and cases. Findings for 2019 were as follows:

1. All financial records are complete and up-to-date.
2. Transactions are recorded properly.
3. Accountability is determined monthly.
4. A computerized record of uncollected installment payments is not readily available through the current SEI software program.
5. Dockets for disposed cases appear to be complete and agree with amounts reported.
6. Required reports are made timely and accurately.
7. Three pending cases on the TSLE&D report have not been resolved through TSLE&D and have been pending for 8+ years.

A motion was made by Councilman Luce and seconded by Councilman Watrous to accept the findings of the 2019 Town of Mina Justice Court Audit. The vote was as follows:

Supervisor Brumagin – Aye  
Councilman Burmaster – Aye  
Councilman Luce – Aye  
Councilman Roache – Aye  
Councilman Watrous – Aye

- Supervisor Brumagin distributed and reviewed the proposed budget transfers for 2019. Councilman Watrous made a motion, seconded by Councilman Roache to accept the budget transfers for 2019. Motion carried unanimously.  
Ayes – 5 Brumagin, Burmaster, Luce, Roache, Watrous  
Nays – 0
- Supervisor Brumagin explained there needs to be a \$4,500 reduction in the total 2020 budget revenue to account for a formula error in the general fund budget. Councilman Luce made a motion, seconded by Councilman Watrous to reduce the 2020 budget revenue in the general fund by \$4,500. All were in favor and the motion carried.  
Ayes – 5 Brumagin, Burmaster, Luce, Roache, Watrous  
Nays – 0

**Reports:**

- Findley Lake Watershed Foundation – Ed Mulkearn reported that there is an issue with the gate at the dam and that a seal needs to be replaced. He reported that he has spoken with Superintendent Himelein asking the town highway department for help to lift the gate so that it can be repaired prior to March 15, 2020. He also asked if there had been any resolution regarding the boat docks on the Town property where the weed harvester is stored. Ed also reported that the County Sewer Agency is finalizing a sewer feasibility study for the Town of Mina and the Town of French Creek at Peek'n Peak.

**Comments/Concerns from those present:**

- Ed Mulkearn expressed concern regarding how close a neighbor is legally allowed to install a septic system if a well is close to the property line as he's concerned about public health. He

referenced DEC regulations NYS Appendix 75-A and wondered if the town can pass a local law or ordinance requiring neighbors to be notified.

Ed reported that the Highway Superintendent contacted him regarding moving the utility pole in the parking area of the gazebo downtown as it is a safety issue. The Highway Superintendent would like it moved to the grassy area that is on the property owned by the Findley Lake Watershed Foundation. Councilman Burmaster made a motion, seconded by Councilman Watrous for the town to request from National Grid that the utility pole be relocated at no cost to the town. Motion passed unanimously.

Ayes – 5 Brumagin, Burmaster, Luce, Roache, Watrous

Nays – 0

**Executive Session:** At 7:41 pm, Councilman Luce made a motion, seconded by Councilman Watrous to adjourn to Executive Session for real property matters. Motion carried. At 7:56 pm Councilman Luce moved, seconded by Councilman Watrous to return to regular session. Motion carried unanimously.

**New Business (continued):**

- Supervisor Brumagin reported that it has come to her attention that the snowmobile trail goes across the property that the town owns on School Street. She will contact the snowmobile club regarding the trail and why permission was not sought and therefore permission was not granted by the town board. She will report back at the next town board meeting.
- The Chautauqua County Shared Services Sewer Agency meeting scheduled on February 13, 2020 did not have a quorum so business was unable to be conducted and they were not able to take action on the engineer's report.

**Old Business (continued):**

- Supervisor Brumagin reported that there are a couple of outstanding issues with the USDA Grant request for highway equipment. Superintendent Himelein has sent in some of the needed information. Supervisor Brumagin is working on renewal of the SAM (System for Award Management) and will submit that to the USDA when complete.
- Supervisor Brumagin reported that Attorney Wright submitted, for the Towns of French Creek and Mina, the "Election of a Single Justice" to the state legislature. Approval from the state is required before the election process can be initiated.

**Correspondence:**

- Steven Boozel, Dennis Boozel and Barbara Kranz – Thank you note for donation by the town to the Findley Lake & Mina Historical Society in memory of their mother, Florence Boozel.
- DuBois & King – Advertisement for planning & consulting engineering to municipalities.
- NYS Rural Futures – Winter 2020 issue
- Access Chautauqua County TV, Inc. – Information on cable television access and programming.
- Charter Communications/Spectrum – Information on a new franchise agreement.
- Chautauqua County Fair – Information requesting a donation to have the town's name on a bench placed at the fairgrounds.
- Chautauqua County Dept. of Health – Results from water sample at the Community Center that the findings are "Satisfactory for Human Consumption".
- Census Boundary Validation – The information was submitted to the Census Bureau.

**Reports:**

- Highway Superintendent – Superintendent Himelein reported that there has been 122" of snow so far this season. He reported that the highway crew has been plowing and doing routine maintenance on equipment and cold patching pot holes. He also reported he is on a highway committee that will be meeting with the county safety coordinator for the purpose of group safety

meetings for towns and the county. He also reported that the plow routes have changed due to a manpower shortage. The new pick-up truck has not come in yet.

- Code Enforcement – Melanie Eddy’s reports for December 2019 and January 2020 were distributed. Supervisor Brumagin reported that she received a copy of the building inspector’s annual report for 2019 that was submitted to the state.
- Assessor – Heather Young-Deyell’s report was handed out for January 2020. The Ag exemption renewal applications were sent to property owners with a deadline to renew by March 1, 2020. Data entry of all new values has been completed and once ORPTS is satisfied with the project, change notices will be sent to property owners. Inspection of new construction and demolition will begin upon completion of the revaluation work.
- Community Center – Supervisor Brumagin reported that volunteer Judy Miller painted the concrete block walls in the cafeteria. The color for the floor coating epoxy was chosen to replace the carpet in one section of the town clerk’s office and hopefully will be installed soon.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$3,225.50 for the month of January 2020. She has paid the Supervisor \$3,098.00, NYS Ag and Markets for dogs, \$33.00, and NYS DEC \$94.50. The Town Clerk reported that there are only 288 unpaid tax bills as of today and she will be collecting until April 1, 2020. The new copy machine has been delivered.
- Findley Lake Volunteer Fire Department – The fire department’s annual report was distributed. It was reported that the fire department is struggling as are the fire departments in many small communities.
- Supervisor – Supervisor Brumagin distributed and reviewed the financials for January 2020. She reported that she participated in Congressman Tom Reed’s Roundtable on January 24, 2020 along with other town supervisors and mayors. The Town received the LED incentive payment for replacing lights in the community center. The Abbe Reformed Church preschool was able to use the preschool loft that has been in the Community Center. Volunteers from the preschool disassembled it and moved it to its new location.

#### **New Business (continued):**

- Supervisor Brumagin reported that she has been contacted by Weiss Earley Landscaping regarding the breakwall at Shadyside Park that is leased to the Findley Lake Watershed Foundation. They are working on replacing the breakwall for the adjoining property and were inquiring as to whether or not the town would like to replace its breakwall at an estimated cost of \$12,000. The town board discussed, and consensus was that at this time the town is not interested in replacing the breakwall.
- Supervisor Brumagin reported that those employees who need to update their sexual harassment prevention training have been notified.
- Supervisor Brumagin reported that she had been contacted on which room inside the Community Center to use for conducting election polling as it has been held in various rooms. The Town of Mina will hold elections in the cafeteria as that has enough room.
- Supervisor Brumagin reported that the Town of Mina has been included in the NYS Creating Healthy Schools & Communities Grant Proposal submitted by Chautauqua County Health Network.
- Supervisor Brumagin asked Councilman Luce if he would review the franchise agreement from Charter Communications/Spectrum and recommend whether or not to continue the franchise agreement or to consider other options.
- The next regular town board meeting will be held on Thursday, March 12, 2020 at 7:00 pm.

#### **Payment of Monthly Claims/Transfers:**

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Luce moved, seconded by Councilman Roache, to pay the monthly claims. In the General Fund claim #27 through #56 in the amount of \$39,752.05 and in the Highway Fund claim

#13H through #30H in the amount of \$30,634.19 were approved to pay. Motion carried unanimously.

Approved: Ayes – 5 Brumagin, Burmaster, Luce, Roache, Watrous

Nays – 0

**Other Business/Actions:**

- As there was no further business to come before the Board, Councilman Roache moved to adjourn the meeting at 8:36 p.m.

Respectfully submitted,

Sherrie R. Tanner  
Town Clerk