

July 12, 2018

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  
Dennis Luce.....Councilman  
Ernie Roache.....Councilman  
Dick Watrous.....Councilman  
Dave Wilcox.....Councilman

Attended by: Julie Buesink, Bill Himelein (Mina Highway Superintendent), Sherri Schenk

**Minutes:** Motion was made by Councilman Luce and seconded by Councilman Wilcox to accept the minutes of the June 14, 2018 meeting as presented. Motion carried.

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

**Comments/Concerns from those not present:** Councilman Watrous reported that he received complaints about people parking perpendicular to the road at the far end of the lake and that they aren't pulling completely off the road. He was concerned that this could be a driving hazard. Bill Himelein agreed to talk to the owners as a courtesy rather than reporting them to the County Sheriff's Department.

**Executive Session:** At 7:04 pm Councilman Watrous made a motion, seconded by Councilman Wilcox to adjourn to Executive Session for potential lawsuit and a personnel matter. Motion carried. At 7:16 pm Councilman Roache moved, seconded by Councilman Watrous, to return to regular session. Motion carried unanimously.

**Old Business:**

- Supervisor Brumagin reported she and Councilman Luce interviewed two companies for Information Technology Consulting Services (Southern Tier ITS and C3 Communications). Supervisor Brumagin and Councilman Luce thought both companies could competently handle the town's needs but there was quite a pricing difference. Supervisor Brumagin made a motion, seconded by Councilman Wilcox, to contract with Kate Mikula at C3 Communications, contingent upon favorable references. This IT service includes the Highway computer, as well as all computers owned by the Town at the Community Center. Motion carried unanimously.  
Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox  
Nays – 0
- Supervisor Brumagin reported she met with Attorney Wright regarding the subdivisions boundaries project. He recommended that the town board implement a policy and he has drafted a policy but needs to get it to Supervisor Brumagin to review.
- The Findley Lake Volunteer Fire Department tennis court property is reported to being close to being transferred over to the Town.
- Chautauqua County Shared Services regarding the sewer district formation had nothing new to report. The engineering report may be ready in September or October.
- Supervisor Brumagin reported that, in response to concerns raised at the last town board meeting, she contacted a number of officials regarding farming practices as they relate to the spreading of chemicals and food waste products on fields. Lori Mithen-Demasi, counsel for the Association of Towns, reported that these issues fall under the purview of

either New York State Agriculture and Markets (Ag & Markets) or New York State Department of Environmental Conservation (DEC) and that town government has no authority to restrict farming practices. Supervisor Brumagin also spoke with Bob Somers who is the manager of the Agriculture Protection Unit at New York State Agriculture and Markets. Mr. Somers stated that by law only DEC can regulate the spread of chemicals and food waste and that local government cannot enact policies regarding these farming practices. He provided information on a decision related to a relevant court case involving the Town of Verona, Oneida County, New York. Brumagin also spoke with Nancy Lofter from the Solid Waste Division of DEC in Buffalo. Ms. Lofter provided information on Concentrated Animal Feeding Operations (CAFO) and how to access information regarding any particular farm, including the farm's CAFO permit and compliance with an approved comprehensive nutrient management plan. Ms. Lofter also shared that the town has no authority over the spreading of chemicals or food waste on a field. Additionally, Supervisor Brumagin spoke with Rob Halbohm from the Chautauqua County Soil & Water Conservation District who can address any issues with the farmer in question to make sure that the farming practice is following DEC regulations. He also stated that the town has no authority to deal with these matters.

### **Correspondence:**

- Chautauqua County Dept. of Health & Human Services – Reporting a water sample was collected by CCDH&HS and the quality of water at the Community Center was deemed “Satisfactory for Human Consumption”.
- NYS Assoc. of Towns – Flyer on seminars pertaining to Charitable Reserve Fund Training.
- Charter Communications – Upcoming Changes Aplauso TV will launch on Spectrum lineups as a replacement for EL Garage TV effective July 1, 2018.
- NYS Legislative Commission on Rural Resources – Spring 2018 issue

### **Reports:**

- Highway Superintendent – Superintendent Himelein reported that currently the tractor has been torn apart and the approximate cost to repair is \$8,000. He reported that the paving projects and the line striping for the Town have been completed. When he met with the NYSDEC for them to do the inspection on the landfill property the inspection went well.
- Assessor – Heather Young-Deyell's report was handed out. She reported eight deeds were filed in March and two in April. The 2018 Final Assessment Roll has been filed with the Chautauqua County Real Property Tax Department and once approved will be sent to the NYS Office of Real Property Tax Services. In July & August she will be conducting sales verifications for all sales that occurred in the past year. NYS Office of Real Property Tax Services accepted her level of assessment at 100 which means that the (CAP) coordinated assessment program (French Creek, Mina, Sherman) equalization rate will be 100% for the upcoming 2018 Assessment Roll. A letter confirming the final tax roll equalization rate should be forthcoming.
- Town Court – Supervisor Brumagin reported that court was not in session the first Thursday of the month in July.
- Town Clerk/Tax Collector – The Town Clerk's report was distributed reporting the collection of fees and sales of \$2,816.00 for the month of June 2018. She has paid the Supervisor \$1,785.02, NYS Ag and Markets for dogs, \$23.00, NYS Health Dept. for marriage licenses, \$22.50, and NYS DEC \$985.48. She reported she mailed a letter to

Governor Cuomo encouraging him to sign the CASA bill which recognizes the important work performed by New York's Court Appointed Special Advocates in helping abused and neglected children achieve permanent, safe homes and more promising futures.

- CEO/Building Inspector – Melanie Eddy's report for June 2018 was distributed.
- Supervisor – Supervisor Brumagin distributed the June 2018 financial statements. She reported that money from the general account may need to be transferred to the highway account as a loan until the CHIPS money or the sales tax money for the 3<sup>rd</sup> quarter is received.

#### **New Business:**

- Tennis/Basketball Courts Project – The Community Support Group of Southwestern New York was notified that a grant in the amount of \$24,206 will be awarded for the Town of Mina's "Courts Count: Restoration of Outdoor Basketball and Tennis Courts with addition of Pickleball Courts". The grant is from the Ralph C. Wilson, Jr. Legacy Fund for Youth Sports administered by the Community Foundation for Greater Buffalo. This grant along with Town of Mina sources of funding from the general fund, recreation donations and a grant from the Findley Lake Community Foundation brings the total sources of funding for the project to over \$55,000. The Town of Mina will take the lead in putting together a bid packet, overseeing the construction, and purchasing sports equipment and other materials for the project. Civil Engineer Lex Brumagin, P.E. and member of the Recreation Committee, will assist Supervisor Brumagin with the bid packet and oversight of the construction aspects of the project. The Town of Mina will work closely with the Community Support Group of Southwestern New York to ensure that all purchases are in compliance with the Ralph C. Wilson, Jr. Legacy Fund grant.
- Southern Tier West informed the town that it is charging 20 cents per headstone to photograph headstones for a GPS System that people will be able to access through the town's website. They should be able to start in the Town of Mina around the middle of August. The project will include the two cemeteries maintained by the Town (Findley Lake and Mina). Care takers from the other three cemeteries in the Town of Mina will be contacted to see if they are interested in participating in the project.
- Supervisor Brumagin reported that she has completed the Bronze Certification in the NYS Retirement System and the supervisor's bookkeeper must complete the required training for the Silver Certification by the August 31, 2018 deadline.
- Supervisor Brumagin reported that the NYS Retirement Resolution #9-18 was posted on the town's website and in the town clerk's office on July 7<sup>th</sup> and will be posted for the required 30 days.
- Ed Mulkearn, President of the Findley Lake Watershed Foundation, asked Supervisor Brumagin if the town would consider placing a moratorium on building permits in the Findley Lake Watershed to halt the negative impact to the lake of increased septic activity.

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

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Roache moved, seconded by Councilman Luce, to pay the monthly claims. In the General Fund claim #164 through #186 in the amount of \$14,514.36 and in the Highway Fund claim #71H through #85H in the amount of \$91,854.42 were approved to pay. Motion carried unanimously.

Approved: Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox  
Nays – 0

**Other Business/Actions:** Councilman Roache inquired as to the town's progress with harvesting timber on the landfill property as the price of timber is high now. Supervisor Brumagin stated she will meet with Superintendent Himelein and put together a bid package. Supervisor Brumagin reminded board members that the next town board meeting has been changed to Tuesday, August 14, 2018 at 7 pm. As there was no further business to come before the Board, Councilman Roache moved to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Sherrie R. Tanner  
Town Clerk