

Town of Mina
Public Hearing for Proposed Formation of Findley Lake Sewer District
January 21, 2017
11:00 a.m.

Present: Rebecca Brumagin, Supervisor
Dennis Luce, Councilman
Dick Watrous, Councilman
David Wilcox, Councilman

Presenters: Ed Mulkearn, President, Findley Lake Watershed Foundation
Bill Boria, Hydrologist/Biologist, Chautauqua County Department of Health
Mark Stow, Director of Environmental Services, Chautauqua County Department of

Health

Neil Robinson, Attorney
Clay Fails, P.E., Vice President, Hill Engineers, a division of Greenman-Pedersen, Inc.
Tim Wells, P.E., Hill Engineering, a division of Greenman-Pedersen, Inc.
Mary Chappell, Vice President, Municipal Solutions

Attendees: (Not all attendees signed in and therefore, the list below is not comprehensive)
(*Denotes those who spoke during the public section of the meeting)

Altman, Vicky	Cascioli, Janet	Ford, Mary
Andersen, Rick	Chappell, Mary	Freund, Margorie D.
Anderson, Larry*	Cooper, Jim	Freund, Mark*
Anderson, Marianne	Creaturo, Janet	Gentner, John
Ayers, Sue	Creaturo, Steve	Gentner, Judy
Ayers, Tom	Cross, Cindy	Grazier, Debra*
Bailey, Christopher	Crum, Nancy*	Grazier, Jack*
Baker, Roxanne	Cuneo, Pat*	Gribble, Bev*
Ball, Brent*	Cuneo, Robin*	Gribble, Dave*
Ball, Christine	Damsel, Robert*	Grice, Bob
Blakeslee, Don	Dawson, Bob	Grice, Jeff
Bogar, Paul	Dawson, Dawn	Gross, Larry
Bogar, Vivien*	DeGennaro, Rio*	Gross, Terri
Boria, Bill	Dobson, David	Grossman, Doug*
Braken, O. William	Dobson, Shauna	Grossman, Kathleen
Breter, Craig	Edwards, Greg	Hanby, Matt
Brumagin, Rebecca	Eliason Landis, Sally	Hanby, Renee
Burick, Jessie	Eliason, Lennie	Harris, Barbara
Burick, Steve	Emory, Debbie	Hart, Ed
Burmaster, Steve*	Emory, Julie	Heximer, Harold*
Bush, John	Emory, Steve	Himelein, Bill
Calvert, Dave*	Fails, Clay	Himelein, Dave
Carter, Chuck	Fellinger, Paul	Himelein, Joan
Cascioli, Terry	Fiske Sr., Jesse	Himelein, Joe
Himelein, Lori*	Ireland, Brenda*	Jones, David
Himelein, Penny	Ireland, Jeff	Jones, Sue*
Howard, Pete	Irwin, James	Kantola, Kim
Hume, Jane	James, Morgan*	Keim, Tony
Huntley, Robert	Johnson, Erik	Kleckner, Don

Kleckner, Helen (Skip)	Nealer, Marti	Sinsabaugh, Laura
Kline, Jeff	Nealer, Matt*	Skellie, Betty
Kneib, Dara	Newton, Gina	Skip (Joe) Zimmerman*
Kneib, Dara	Newton, Robert	Sliker, Audrey
Kneib, Rob	Nix, Bob	Small, John
Kneiher, Maroun*	Noble, Judith**	Stohr, Al
Knorr, Doug	Norcross, Dan	Stohr, Lynn*
Knorr, Ginny	Patrick Waina	Storella, Carmine
Kobielski, Elaine	Persons, Philip	Stow, Mark
Krajeck, Paul*	Priest, Andy	Susi, Dave
Kugler, Irene	Priest, Lisa	Szczepanski, Randy
Larson, Carolyn	Proctor, Marty	Tanner, Sherrie
Larson, Jan	Richards, Jeff*	Tenbuckel, Craig
Levengood, Don*	Richter, Steven*	Tenbuckel, Phyllis
Levengood, Lynn	Riley, Jean*	Thresher, Debbie
Lewis, Sandy	Riley, Mark	Thresher, Mark*
Lewis, Tom	Roache, Ernest	Travis, Andy
Lictus, Lant	Roache, Linda	Travis, JoAnn
Luce, Dennis	Roche, Paul (Hoop)	Trevalline, Robert
Luce, Donna Beth**	Roche, Tom	Trychin, Janet
Lund, Gina	Rodman, Pat*	Tryon, Myrtle
Lund, Kurt	Rothenberger, Jim*	Utegg, Annette
Magoon, Leland	Rucks, Aaron	Utegg, Ryan
Magraw, Candace	Scarem, Paul	Utegg, Sharon
Maring, Mike	Schindler, Hank	Vonk, Rick
Matrozza, Karen	Schindler, Pat*	W, George
Matrozza, Mark*	Schlaudecker, Patricia*	Warr, Tom*
Mazur, Jennifer*	Schlaudecker, Robert T.	Watrous, Dick
Mazur, Joe*	Schneider, Gary	Watrous, Pam
McCoy, Dave	Schoeffler, Matthew	Weis-Frigon, Susannah
McDonald, Kelly	Schwab, Jeff	Wells, Tim
McDonald, Sean	Schwab, Marci*	Wiggers, Kent*
McEnery, Gary	Scott, Al	Wiggers, Louise
Mclouth, Lyn	Scott, Judi	Wilcox, Dave
Miller Jr., Tim	Seal, Zack*	Wilcox, Dori
Miller, Charles	Seblink, Kevin*	Winfield, Donna
Miller, Charles*	Sharp, Shelly	Winfield, Terry
Miller, Judy	Sheehan, Bette	Winslow, Mark
Miller, Keith	Sheehan, Jane	Winslow, Tina
Miller, Trudy	Sheehan, John	Wright, Wendy
Moore, Thomas	Sheehan, Lynn	Zaccari, Pete
Mulkearn, Ed	Sheffler, Mac*	
Mulkearn, Judy	Shifler, Ellen	
Mulkearn, Kerry	Sinsabaugh, Doug	

I. Call to Order and Welcome – Rebecca Brumagin, Mina Town Supervisor

Supervisor Brumagin opened the public hearing at 11:15 am and welcomed everyone. She thanked everyone for attending and noted that she and the town board were pleased to have such a great turnout. She reviewed the rules for the public hearing including:

- there would be no comments or questions during the presentations,
- that during the public comment portion of the agenda, each person who would like to speak would be given 3 minutes,
- anyone who would like to speak a second time would be given an additional 3 minutes after everyone else has had the opportunity to speak,
- that the public comment period would be extended for 10 days to allow for written comments by mail, email to the town supervisor, or to be given directly to the town clerk during her normal business hours.

II. Reading of Legal Notice – Sherrie Tanner, Mina Town Clerk

Town Clerk Tanner read the legal notice which was published within the required timelines in the Jamestown Post Journal, the Town of Mina's official newspaper.

III. Brief History of Project – Rebecca Brumagin

Supervisor Brumagin provided a brief history of the project which has been worked on over the past 15 years and she shared some highlights including the fact that:

- the results of a survey of Town property owners and residents was used to update the town's 2006 comprehensive plan and included recommendations regarding the quality of the lake and assessment of sewerage options,
- various studies have been conducted on the state of Findley Lake,
- various options have been considered for sewerage including: tank pumping schedule, septic system inspection system, bringing all systems to current standards, cluster systems, and a centralized sewer system as well the option of utilizing the Village of Sherman's waste water treatment facility for the Findley Lake project and Sherman.
- the Town has received a hardship designation from New York State making the town eligible for 0% interest for 30 years,
- the Town plans to apply for grant funding to bring down capital and operational costs but cannot apply for potential grants until a sewer district has been formed.

IV. State of Findley Lake – Ed Mulkearn and Bill Boria

Bill Boria and Ed Mulkearn discussed the impairment of Findley Lake and the various studies that have been conducted over the past 15 years.

V. Chautauqua County Health Department Mandatory Septic Inspection System – Mark Stow and Bill Boria

Mark Stow and Bill Boria discussed the Chautauqua County Health Department's Mandatory Septic Inspection Program that went into effect on January 1, 2016. It applies to all septic systems within 250 feet of any of the county's lakes. The health department has been monitoring progress on the formation of a sewer district at Findley Lake. If the sewer district does not move forward, the health department will immediately begin inspecting onsite waste water treatment systems at Findley Lake.

VI. Formation of a Sewer District – Neil Robinson, Attorney

Attorney Robinson discussed the legal process for the formation of the sewer district including the fact that the formation of the district is subject to a permissive referendum. If the town board votes in favor of forming the district, property owners in the district can petition the town to have the property owners in the district vote on the formation. He described the process required by law.

VII. Map, Plan and Report – Clay Fails and Tim Wells, Greenman-Pedersen, Inc.

The engineers reviewed the sewer district map and discussed elements of the report including the capital and operational costs.

VIII. Funding/Grant Opportunities – Mary Chappell, Municipal Solutions

Ms. Chappell provided information regarding the process that needs to be followed to apply for grants and reiterated that the Town may not apply for grants until a sewer district has been formed. She shared information on a number of the grants which she will pursue if the sewer district is formed. Those grants, if awarded, would reduce the annual costs to the property owners.

IX. Public Comment

Supervisor Brumagin gave the public the opportunity to speak. She reviewed the rules including each person who spoke would be given three minutes and after everyone has had the opportunity to speak, people would be given the opportunity to speak a second time for three minutes. She also shared that the public comment portion of the public hearing would be held open for ten days to give the public the opportunity to submit comments in writing.

A number of people made comments about the project or asked questions. The majority of the questions fell into the following categories:

- Quality of the lake – phosphorous level, impact of weed harvesting, lake bottom quality/muck
- Chautauqua County Department of Health's Mandatory Septic Inspection System – how quickly put into effect
- The cost of the project – NYS Comptroller approval
- Allocation of costs – full time vs seasonal residents, businesses

- Grinder pumps – cost and operations
- The map of the proposed district – which properties in and out
- Vacant property and combining of parcels
- The location of the proposed waste water treatment plant
- The impact to the lake of a centralized sewer system
- Economic benefits to homeowner for selling their home
- Environmental concerns

A number of people acknowledged the work done by the Town Board and the Sewerage Options Workgroup and expressed their appreciation.

X. Adjournment

Supervisor Brumagin thanked the public for their input and shared that the Town Board would give due consideration to the comments and questions presented. She adjourned the hearing at 2:30 pm with the exception of the public comment section stating that it would be held open for the purpose of accepting written comments from the public for an additional 10 days.

**Continuance of Public Hearing for Proposed Formation of Findley Lake Sewer District
February 9, 2017
7:00 pm**

Present: Rebecca Brumagin.....Supervisor
Dennis Luce.....Councilman
Dick Watrous.....Councilman
Dave Wilcox.....Councilman

Attendees: Clay Fails, PE (GPI Greenman-Pedersen, Inc.)
The Rev. Dr. John Graham
Matt Hanby
Bill Himelein (Highway Superintendent)
Morgen James
Leland Magoon
Tom Moore
Ed Mulkearn (Findley Lake Watershed Foundation)
Ernie Roache
Patrick Waina
Mark Winslow
Tina Winslow

I. Call to Order - Rebecca Brumagin, Mina Town Supervisor

Supervisor Brumagin explained that the verbal comments portion of the Public Hearing was closed at the meeting on the 21st of January but the public was given an additional 10 days to send in or drop off to the town clerk’s office or email to the Town Supervisor any comments or questions.

The Town Board then reviewed all of the written comments with Clay Fails, engineer from GPI Greenman-Pedersen, Inc. and Ed Mulkearn, who is both President of the FL Watershed Foundation and a member of the Town's Sewerage Options Committee. Written comments were received from the following individuals:

Ayers, Sue	Himelein, William	Sinsabaugh, Laura Slezak
Ayers, Tom	Holz, Dave	Stein, Melanie, NYSDEC
Crum, Nancy	Lund, Gina	Susi, Dan
Damsel, Bob	Lund, Kurt	Trevelline, Robert
DePaul, Dolores	Matrozza, Mark	Waina, Patrick
DePaul, Joseph M.	Mazur, Jennifer	Winslow, Mark
Fellinger, Paul	Mazur, Todd	Winslow, Tina
Ford, Mary	McEnergy, Gary	Zaccari, Peter
Gross, Larry	Sinsabaugh, Doug	Zimmerman, Joe

Supervisor Brumagin stated she is working on a draft resolution for the sewer district formation which includes recommendations from Attorney Neil Robinson. A continuance of the public hearing was established as February 20, 2017 at 9:00 am at the Mina-Findley Lake Community Center. At that time it is expected that, action will also be taken on the bond counsel requirements as determined by Attorney Robinson.

Supervisor Brumagin closed the public hearing at 8:39 pm and informed those in attendance that the public hearing will be continued on Monday February 20, 2017 at 9:00 am.

Continuance of Public Hearing on Potential Formation of Findley Lake Sewer District

February 20, 2017

9:00 am

Present: Rebecca Brumagin.....Supervisor
Dennis Luce.....Councilman
Dick Watrous.....Councilman
Dave Wilcox.....Councilman

Attendees: Sandy Croscutt
Lennie Eliason
Clay Fails, PE (GPI Greenman-Pedersen, Inc.)
Paul Fellinger
Kim Freund
Larry Gross
Erik Johnson
Ed Mulkearn (FLWatershed Foundation)
Judith Noble
Patrick Waina
Mark Winslow

Tina Winslow
Wendy Wright

I. Supervisor Brumagin called the meeting to order at 9:02 a.m.

Supervisor Brumagin explained that the verbal comments portion of the Public Hearing was closed at the meeting on the 21st of January but the public was given an additional 10 days to provide written comments. Supervisor Brumagin stated the board would possibly be taking action on a draft resolution which included recommendations from Attorney Neil Robinson. The Town Board could also be taking action on bond counsel.

The Town Board and Ed Mulkearn, President of the FL Watershed Foundation and member of the town's Sewerage Options Committee along with Clay Fails, engineer from GPI Greenman-Pedersen reviewed the written comments and responses that Mr. Fails prepared.

Supervisor Brumagin then reviewed a draft resolution and order for the formation of the Findley Lake Sewer District. Discussion was held by the town board.

Councilman Luce made a motion seconded by Councilman Wilcox to adopt resolution #7-17.

Resolution #7-17

Town of Mina

Formation of Findley Lake Sewer District

STATE OF NEW YORK

TOWN OF MINA : COUNTY OF CHAUTAUQUA

In the Matter of the Establishment of the Findley Lake Sewer District

RESOLUTION

AND ORDER

At a meeting of the Town Board held at the Mina-Findley Lake Community Center, 2883 North Road, in the Town of Mina, Chautauqua County, New York, on the 20th day of February, 2017.

Present: Rebecca N. Brumagin, Supervisor
Dennis Luce, Councilman
Richard Watrous, Councilman
David Wilcox, Councilman

WHEREAS, the Town Board of the Town of Mina updated and adopted its comprehensive plan in 2006 which included the following:

- Property owners (full time and seasonal) as well as other residents of the Town of Mina participated in a town-wide survey conducted by the Town Board and focus groups conducted by Southern Tier West Regional Development Corporation;
- The Town Board developed a plan based upon the responses from the survey and focus groups.
- The Town Board adopted the comprehensive plan after a public hearing which included the following recommendations:
 - “Emphasis should be given to working with the Findley Lake Watershed Foundation to continue the ongoing Lake Management Plan. The lake quality remains a priority for the residents.”
 - “Continued awareness of growing interest in public sewer systems and/or sewerage alternatives”, and

WHEREAS, Findley Lake has a significant positive impact to the quality of life enjoyed by all of the residents of the Town of Mina, not just those taxpayers who own property on the lake:

- Because of the taxpayer base for properties around the lake, the tax burden to all other properties in the town is lessened substantially,
- The lake is an economic draw for the small businesses in the area;
- Public restrooms are vital to the businesses in the downtown area and the Findley Lake Area Chamber of Commerce identified that as a priority leading to the development of an interim solution of building the Water Wheel Overlook Building which houses composting toilets;
- The Zoning Law, updated in 2006, included a business district which expanded beyond Main Street in response to citizens who desired to have their properties in a business district, and

WHEREAS, the Town Board of the Town of Mina has been apprised of and supported various studies of Findley Lake in conjunction with the Findley Lake Watershed Foundation (FLWF) including:

- “The State of the Lake Report” – January 2002;
- Chautauqua County’s pursuit of a \$15,000 mini-grant that was awarded in 2005 to assess solutions for failing onsite wastewater treatment systems at Findley Lake;
- Chautauqua County Water Quality Task Force distribution of pamphlets in 2006 on issues with groundwater pollution;
- “Sources of Unwanted Nutrients at Findley Lake, NY”, published by Dr. Michael Wilson of SUNY Fredonia in March 2007 and presented at Findley Lake Watershed Foundation annual meeting;
- The studies have been available to the public through public meetings of the Findley Lake Watershed Foundation and are on the Town of Mina’s website, and

WHEREAS, the Town Board of the Town of Mina has been apprised of the results of various studies of Findley Lake, its current level of impairment and hazardous impacts and has implemented a plan to minimize the impacts of:

- Phosphorus levels – primarily from septic systems;
- Nitrate levels – primarily from agriculture runoff;
- Chlorides – primarily from road salt, and

WHEREAS, the Town Board of the Town of Mina formed a Sewerage Options Workgroup to evaluate various sewerage options; in 2008 the group assessed the following and submitted recommendations to the Town Board:

- Tank Pumping Schedule;
- Septic System Inspection System;
- Bringing all Systems to Current Standards;
- Cluster Systems;
- Centralized System – deemed the only option worthy of further analysis, and

WHEREAS, the Town Board of the Town of Mina was approached by the Village of Sherman, NY regarding the potential to collaborate using the Village’s wastewater facility for Findley Lake, options were assessed by the two communities in 2013 and deemed cost prohibitive, and

WHEREAS, the Town Board of the Town of Mina has been apprised of changes by Chautauqua County in regard to county septic systems including:

- Chautauqua County Board of Health changes to the Sanitary Code effective July 1, 2008 with regard to offset distances, small property lots and minimum separation distances for wells;
- Chautauqua County Board of Health amended the Sanitary Code to Mandate Private Septic System Inspection for properties within 250 feet of the county’s lakes – January 1, 2016;
- Officials from the Chautauqua County Department of Health have reported that mandatory inspections at other lakes are underway;
- Officials from the Chautauqua County Department of Health are awaiting the outcome of the formation of a sewer district in Findley Lake before starting inspections at Findley Lake;
- The impact to many property owners within 250 feet of Findley Lake would require significant upgrades which would be costly to the homeowner, and

WHEREAS, Hill Engineering, Inc., a division of Greenman-Pedersen, Inc., Engineering and Construction Services, competent professional engineers licensed to practice the profession of

engineering within the State of New York, has delivered and the Town of Mina Board has filed an *Engineer's Map, Plan and Report for the Town of Mina, Chautauqua County, New York, Findley Lake Sewer District Formation*, dated September 6, 2016 (herein referred to as *Map, Plan and Report*), and

WHEREAS, the Town Board of the Town of Mina plans to apply for grants and low-interest funding to reduce the capital and operational costs of the project based upon the following:

- New York State Environmental Facilities Corporation Letter for 30 year, 0% financing;
- Hardship Eligibility Determination – September 2014;
- July 2015, the Town Board released a Request for Proposals to nine consulting firms and engaged Municipal Solutions from Canandaigua, NY;
- Per New York State Law, the town is not eligible for grant funding until a sewer district has been formed;
- If a sewer district is formed, the Town of Mina plans to submit a number of grant applications, and

WHEREAS, on January 9, 2017, the Town Board of the Town of Mina adopted an Order calling a public hearing regarding the proposed Findley Lake Sewer District (hereinafter referred to as District) to be held by the Town Board of the Town of Mina at the Town of Mina Town Hall, 2883 North Road in the Town of Mina, County of Chautauqua and State of New York on the 21st day of January, 2017, at 11:00 o'clock AM, and

WHEREAS, a public hearing having taken place at the Town Hall, 2883 North Road in the Town of Mina, County of Chautauqua and State of New York on the 21st day of January, 2017, at 11:00 AM prevailing local time, and

WHEREAS, the Town Board has given due deliberation to the hearing and testimony and allegations presented, and

WHEREAS, that the permission of the State Comptroller is required for the formation of the District under Town Law Section 209-f since the cost of the District to the typical property as stated in the Notice of Hearing is above the average estimated costs to the typical properties or homes for the establishment of similar types of districts as computed by the State Comptroller, and

NOW, on motion of Councilman Luce, seconded by Councilman Wilcox, all members present voting as follows:

Supervisor Brumagin – aye

Councilman Luce – aye

Councilman Watrous – aye

Councilman Wilcox – aye

THEREFORE, IT IS:

FOUND, ORDERED AND DETERMINED, that the Order of Hearing was published, posted and mailed as required by law and as required by the aforementioned January 9, 2017 Order of the Town of Mina Town Board as aforesaid and is otherwise sufficient; and it is

FOUND, ORDERED AND DETERMINED, that all property and property owners within the proposed District are benefited thereby, and it is further

FOUND, ORDERED AND DETERMINED, that all property and property owners benefited are included within the limits of the proposed District, and it is further

FOUND, ORDERED AND DETERMINED, that it is in the public interest to establish the proposed District, and it is further

RESOLVED, AND ORDERED, that the Findley Lake Sewer District be and hereby is erected and established and the boundaries of said District are as follows:

Exhibit A

All that Tract or Parcel of land, situate in the Town of Mina, County of Chautauqua, State of New York, being part of Lot 53, Township 2, Range 15 of the Holland Land Company's Survey, bounded and described, as follows:

Beginning at the point of intersection of the centerline of New York State Route 426 and the northerly line of the Southern Tier Expressway (Section 5A);

Thence southwesterly and westerly along the northerly line of said Southern Tier Expressway and along the southerly line of lands conveyed to Travaglinni Enterprises, Inc. by deed recorded as Chautauqua County Instrument 2011-001564 to the west line of Lot 53;

Thence north along the west line of said lands Travaglinni Enterprises, Inc., and along the west line of Lot 53, a distance of 1,297.93 feet to a point;

Thence easterly along the north line of said lands of Travaglinni Enterprises, Inc., a distance of 1,017.48 feet to the northwest corner of lands conveyed to Michael J. Munsee by deed recorded as Chautauqua County Instrument 2016-001427;

Thence continuing in an easterly directions and along the north line of said lands of Munsee, a distance of 280.91 feet to the centerline of New York State Route 426;

Thence easterly along the north line of the second described parcel of land conveyed to JAB Enterprises, Inc. by deed recorded in Chautauqua County Liber 2465, Page 716 to a point;

Thence southeasterly, continuing along the northerly line of said second described parcel of land conveyed to JAB Enterprises, Inc. to a point;

Thence easterly along the north line of said second described parcel of land conveyed to JAB Enterprises, Inc. to the northeast corner thereof;

Thence south along the east line of said second described parcel of land conveyed to JAB Enterprises, Inc. to the northerly line of the aforementioned Southern Tier Expressway;

Thence southwesterly along the north line of said Southern Tier Expressway to the southeast corner of lands conveyed to L. Todd Briggs and Patricia A. Briggs by deed recorded as Chautauqua County Instrument 2016-003049;

Thence westerly and continuing along the northerly line of said South Tier Expressway and the southerly line of said lands conveyed to Briggs to the centerline of New York State Route 426 and the point of beginning.

All that Tract or Parcel of Land, situate in the Town on Mina, County of Chautauqua, State of New York being part of Lots 33, 34, 35, 36, 41, 42, 43, 44, 50 and 51, Township 2, Range 15 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the centerline of New York State Route 426 at the northwest corner of lands conveyed to Gary L. Broadmerkel and Deborah A. Broadmerkel, his wife by deed recorded in Chautauqua County Liber 2232, Page 107, said point being northerly 26.00 feet from the point of intersection of the centerline of said New York State Route 426 and the centerline of Shadyside Road;

Thence easterly along the north line of said lands of Broadmerkel, a distance of 200 feet to a point;

Thence southerly through said lands of Broadmerkel, a distance of 200 feet, more or less, to a point in the north line of lands conveyed to Christopher Blake James and Morgen Broadmerkel James, his wife, by deed recorded in Chautauqua County Liber 2494, Page 653;

Thence continuing in a southerly direction through said lands of James, a distance of 130 feet to a point;

Thence westerly and parallel to the north line of said land of James, a distance of 200 feet to the centerline of New York State Route 426;

Thence northerly along the centerline of New York State Route 426 to the southeast corner of lands conveyed to Louis J. Passmore by deed recorded in Chautauqua County Liber 2573, Page 359;

Thence westerly along the south line of said lands of Passmore, a distance of 179.27 feet to the southeast corner of other lands conveyed to Louis J. Passmore by deed recorded in Chautauqua County Liber 2573, Page 356;

These westerly along the south line of said other lands of Passmore, a distance of 65.3 feet to a point;

Thence southerly and continuing along said other lands of Passmore, a distance of 36.13 feet to a point;

Thence westerly continuing along the south line of said other lands of Passmore and along the south line of the following parcels of land conveyed to: Robert J. Damsel by deed recorded as Chautauqua County Instrument 2012-00316; Keith W. Miller by deed recorded in Chautauqua County Liber 2642, Page 402; Judith R. Mulkearn by deed recorded in Chautauqua County Liber 2634, page 220; Jeffrey R. Mills and Jennifer F. Mills, his wife, by deed recorded in Chautauqua County Liber 2546, Page 818; and David Himelein and Joan R. Himelein, his wife, by deed recorded in Chautauqua County Liber 2360, Page 65, a total distance of 1,074.15 feet to the east line of lands conveyed to Scanfield, LLC by deed recorded as Chautauqua County Instrument No. 2014-002462;

Thence southerly along the east line of said lands of Scanfield, LLC, and along the east line of Lot 41, a distance of 100 feet to a point.

Thence westerly through said lands of Scanfield, LLC, and parallel to the north line of Lot 41, a distance of 2,000 feet to a point;

Thence northerly continuing through said lands of Scanfield, LLC and parallel to the east line of said Lot 41, a distance of 650 feet to a point;

Thence westerly continuing through said lands of Scanfield, LLC, an approximate distance of 2,000 feet to the west line of said Lot 41;

Thence northerly along the west line of said Lot 41, an approximate distance of 870 feet to the northwest corner of said lands of Scanfield, LLC.

Thence easterly along the north line of said lands of Scanfield, LLC., a distance of 2,571.75 feet to the centerline of Shadyside Road;

Thence northerly along the centerline of Shadyside Road to the point of intersection of the centerline of Shadyside Road and the extension of the southerly line of lands conveyed to R. Scott Olds by deed recorded in Chautauqua County Liber 2400, Page 516;

Thence westerly and along the south line of said lands of Olds to the southwest corner thereof;

Thence northerly along the westerly line of said lands of Olds and along the westerly line of lands conveyed to Lawrence A. Utegg and Sharon R. Utegg, his wife by deed recorded in Chautauqua County Liber 1948, Page 479, a distance of 148 feet, more or less, to a point;

Thence northwesterly continuing along the southwesterly line of Utegg and along the southwesterly line of the following parcels of land, conveyed to: Richard Watrous and Pamela Watrous, his wife, by deed recorded in Chautauqua County Liber 2237, Page 167; Robert M. Stutz II and Michele R. Stutz by deed recorded in Chautauqua County Liber 2575, Page 957; and Patrick C.

McDermott, etal. by deed recorded in Chautauqua County Liber 2427, Page 34, a distance of 219.25 more or less, feed to a point;

Thence westerly, continuing along the south line of said lands of McDermott and along the south line of the following parcels of land conveyed to: Jeffrey Scott Broome and Karee W. Broom by deed recorded as Chautauqua County Instrument No. 2014-002119; Sam D. Piazza and Mary Ann Chiarello Piazza, his wife, by deed recorded in Chautauqua County Liber 2378, Page 31; Gary J. Kress by deed record as Chautauqua County Instrument No. 2012-003734; John R. McKinley by deed recorded in Chautauqua County Liber 2414, Page 106; Roxanne I. Rouse by deed recorded in Chautauqua County Liber 2301, Page 876; and Michael J. Fitzgibbon by deed recorded in Chautauqua County Liber 2444, Page 515, a distance of 675 feet, more or less;

Thence northerly along the west line of said lands of Fitzgibbon to the centerline of Shadyside Road;

Thence, westerly along the centerline of Shadyside Road to the point of intersection of the centerline of said Shadyside Road and the extension of the southeasterly line of lands conveyed to Robert E. Trevelline by deed recorded in Chautauqua County Liber 2446, Page 936;

Thence southwesterly along said lands of Trevelline to the southeast corner thereof;

Thence westerly along the south line of Lot 42 and Lot 50 and along the south line of said lands of Trevilline and along the south line of parcels of land conveyed to: James R. Rothenberger by deed recorded in Chautauqua County Liber 2474, Page 347; Julie Ann Leonetti by deed recorded in Chautauqua County Liber 2569, Page 352; and James R. Rothenberger by deed recorded in Chautauqua County Liber 2226, Page 562, a distance of 2,664.80 feet, more or less to a point;

Thence north along the west line of said lands conveyed to Rothenberger by deed recorded in Chautauqua County Liber 2226, Page 562 to the northwest corner thereof;

Thence westerly along the south line of lands conveyed to John R. McKinley by deed recorded in Chautauqua County Liber 2438, Page 935 to the southwest corner thereof, said point being 862 feet east of the centerline of Mann Road;

Thence northerly continuing along said lands of McKinley and along a line parallel to Mann Road, a distance of 990 feet;

Thence easterly along the north line of said lands of McKinley to the east line of Lot 50;

Thence northerly along the divisional line between Lot 50 and Lot 42 and along the following parcels conveyed to: Terry M. Winfield and Donna M. Winfield by deed recorded as Chautauqua County Instrument 2012-006940; Curtis E. Frigon and Susannah Weis Frigon by deed recorded in Chautauqua County Liber 2459, Page 403; and Joseph Leonetti and Julie Leonetti, his wife, by deed recorded in Chautauqua County Liber 2602, Page 144, a distance of 844.76 feet, more or less, to a point;

Thence north along the west line of Lot 42 and Lot 43 and along the west line of the following parcels of land conveyed to: Wayne L. Norcross and Jennifer Rutkowski by deed recorded in

Chautauqua County Liber 2712, Page 236; Matthew A. Hanby and Renee N. Hanby, his wife, by deed recorded in Chautauqua County Liber 2303, Page 473; and Wayne L. Norcross and Cheryl Norcross, his wife, by deed recorded in Chautauqua County Liber 1421, Page 477 to the centerline of Ball Diamond Road;

Thence northwesterly along the centerline of Ball Diamond Road to the point of intersection of the centerline of said Ball Diamond Road and the centerline of Shadyside Road;

Thence northerly along the centerline of Shadyside Road to the southeast corner of lands conveyed to David T. Wilcox and Dori H. Wilcox, his wife, by deed recorded in Chautauqua County Liber 2573, Page 811;

Thence westerly along the south line of said lands of Wilcox and along the south line of lands conveyed to Craig W. Kinney and Peggy L. Kinney, his wife, by deed recorded in Chautauqua County Liber 2355, Page 534, a distance of 748.48 feet, more or less, to the centerline of Mann Road;

Thence northerly along the centerline of Mann Road to the southeast corner of lands conveyed to the Town of Mina by deed recorded in Chautauqua County Liber 2203, Page 610;

Thence west along the south line of said lands of the Town of Mina, a distance of 1,000 feet, more or less, to the southwest corner of lands thereof;

Thence north along the west line of said lands of the Town on Mina, a distance of 267.76 feet;

Thence east along the north line of said lands of the Town of Mina and along the north line of other lands conveyed to the Town of Mina by deed recorded in Chautauqua County Liber 1037, Page 356, to the southwest corner of lands conveyed to John P. Faulkner and Rebecca M. Faulkner, his wife, by deed recorded as Chautauqua County Instrument No. 2011-006666;

Thence north along the west line of said lands of Faulkner, a distance of 264 feet, more or less, to the centerline of New York State Route 430 (Station Road);

Thence west along the centerline of New York State Route 430 and the south line of Lot 52 to the southwest corner of lands conveyed to Gary M. Millspaw and Shari H. Millspaw by deed recorded in Chautauqua County Liber 2252, Page 508;

Thence northerly along the west line of said lands of Millspaw, a distance of 330 feet more or less, to the northwest corner thereof;

Thence westerly along the south line of lands conveyed to Charles E. Noble and Judith F. Noble, his wife, by deed recorded in Chautauqua County Liber 1833, Page 142, to the southwest corner thereof;

Thence north along the west line of said lands of Noble to the northwest corner thereof;

Thence west along the south line of lands conveyed to Sally Ann Gribble by deed recorded in Chautauqua County Liber 1510, Page 126 to the southwest corner thereof;

Thence north along the west line of said lands of Gribble and along the west line of the following parcels of land conveyed to: John R. Doherty by deed recorded as Chautauqua County Instrument No. 2011-006693; and Edward M. Mulkearn by deed recorded in Chautauqua County Liber 2348, Page 712 to the south line of the Southern Tier Expressway (Section 5A);

Thence easterly and southeasterly along north line of said lands of Mulkearn and along the southerly line of said Southern Tier Expressway to a point in the centerline of New York State Route 426;

Thence easterly and northeasterly continuing along the southerly line of said Southern Tier Expressway and along the following parcels of land conveyed to: Peter S. Howard and E. Stephen Denny by deed recorded in Chautauqua County Liber 2347, Page 635; and lands conveyed to Dutch Road Land, LLC by deed recorded in Chautauqua County Liber 2595, Page 724 to the north line of Lot 52;

Thence east along the north line of said lands of Dutch Road Land, LLC and along the north line of Lot 52 to the northeast corner of said Lot 52;

Thence south continuing along said lands of Dutch Road Land, LLC and along the east line of said Lot 52 to the southeast corner thereof;

Thence east along the north line of lands conveyed to the Town of Mina by deed recorded in Chautauqua County Liber 2388, Page 402 to the northeast corner thereof;

Thence southwesterly continuing along said lands of the Town of Mina, a distance of 385.09 feet, more or less, to a point;

Thence east continuing along said lands of the Town of Mina, a distance of 330 feet, more or less, to the centerline of County Route 606 (North Road);

Thence southwesterly along the centerline of said County Route 606, to the northwest corner of lands conveyed to Eugene F. Johnson and M. Elaine Johnson, his wife, by deed recorded in Chautauqua County Liber 1465, Page 264;

Thence easterly along the north line of said lands of Johnson, a distance of 330 feet, more or less, to the northeast corner thereof;

Thence southwesterly along the east line of said lands of Johnson and along the east line of the following parcels conveyed to: Mark P. Nezballa by deed recorded in Chautauqua County Liber 2567, Page 716; and Martha Jo Grotto by deed recorded in Chautauqua County Instrument 2012-004020, a distance of 248 feet, more or less, to a point;

Thence east along the north line of lands conveyed to Amanda Meeder by deed recorded as Chautauqua County Instrument No. 2013-002227 to the northeast corner thereof;

Thence south along the east line of said lands of Meeder, a distance of 72 feet, more or less, to the centerline New York State Route 430;

Thence northeasterly along the centerline of said New York State Route 430 to the northeast corner of lands conveyed to Russell A. Weise, Jr. by deed recorded as Chautauqua County Instrument No. 2013-005666;

Thence southeasterly along said lands of Weise, a distance of approximately 210 feet to a point;

Thence northeasterly continuing along said lands of Weise, a distance of approximately 80 feet to a point;

Thence south along the east line of said lands of Weise, and along the east line of other lands conveyed to Russell A. Weise, Jr. by deed recorded as Chautauqua County Instrument No. 2013-005665 to the centerline of Baily Hill Road;

Thence west along the centerline of Bailey Hill Road and along the north line of Lot 43, extending to the northeast corner of lands conveyed to Thomas W. Moore and Debra B. Moore by deed recorded in Chautauqua County Liber 2248, Page 529.

Thence southeasterly along the east line of said lands of Moore, a distance of 682 feet, more or less, to the southeast corner thereof;

Thence southwesterly along the south line of said lands of Moore, a distance of 395.4 feet, more or less, to the northeast corner of lands conveyed to Richard G. Pebbles and Elizabeth A. Pebbles by deed recorded in Chautauqua County Liber 2549, Page 20;

Thence southeasterly along the east line of said lands of Peebles, a distance of 60 feet, more or less, to the southeast corner, thereof;

Thence northeasterly along lands conveyed to William E. Eliason, etal. by deed recorded in Chautauqua County Liber 2450, Page 571 to the northeasterly corner thereof;

Thence southeasterly along the easterly line of said lands of Eliason, and along the easterly line of lands conveyed to Melissa D. Howard and Jenni Rager by deed recorded in Chautauqua County Instrument No. 2014-005667, a distance of 237.85 feet, more or less, to the westerly line of lands conveyed to Richard G. Demastes and Florence Mary Demastes, his wife, by deed recorded in Chautauqua County Liber 2537, Page 521;

Thence northeasterly along the westerly line of said lands of Demastes to the northwest corner thereof;

Thence easterly along the north line of said lands of Demastes and along the north line of lands conveyed to Ronald J. McKamy and Susan M. McKamy, his wife, by deed recorded as Chautauqua County Instrument No. 2012-006307, a distance of 204.1 feet, more or less, to the northwest corner of lands conveyed to Keith P. Wade and Jeanette M. Wade by deed recorded in Chautauqua County Liber 2685, Page 470;

Thence easterly along the north line of said lands of Wade and along the north line of the following parcels conveyed to: Christopher J. Morgen and Natalie C. Morgen by deed recorded in Chautauqua County Liber 2393, Page 22; Deborah S. Thresher Trust by deed recorded as

Chautauqua County Instrument No. 2013-003304; Irene Margaret Kugler and Carmine J. Storella, Jr. by deed recorded as Chautauqua County Instrument No. 2015-001351 to the northwest corner of lands conveyed to Mark Freund and Kim Freund, his wife, by deed recorded as Chautauqua County Instrument No. 2011-004231;

Thence east along the north line of said lands of Freund, a distance of 599.2 feet, more or less to the northeast corner thereof;

Thence south continuing along the east line of said lands of Freund to the northwest corner of lands conveyed to Sean D. McDonald and Kelly M. McDonald, his wife, by deed recorded in Chautauqua County Liber 2636, Page 484;

Thence east along the north line of said lands of McDonald, a distance of 1,702.08 feet, more or less, to the east line of Lot 43;

Thence south along the east line of said lands of McDonald and along the east line of Lot 43, a distance of 716 feet, more or less to the northeast corner of lands conveyed to Cheryl E. Hunink by deed recorded in Chautauqua County Liber 2534, Page 311;

Thence south continuing along the west line of Lot 43 and the east line of said lands of Hunink, a distance of 665.35 feet, more or less to a point;

Thence south continuing along the east line of Lot 43 and through the said lands of Hunink, a distance of 337.21 feet, more or less, to the north line of lands conveyed to Edward M. Mulkearn and Kerry Keenan Mulkearn by deed recorded in Chautauqua County Liber 2067, Page 448;

Thence south continuing along the east line of Lot 43 and through said lands of Mulkearn, a distance of 957.66 feet, more or less, to the southeast corner of Lot 43;

Thence west along the south line of Lot 43, the south line of said lands of Mulkearn and along the south line of lands conveyed to Steven C. Burmaster by deed as Chautauqua County Instrument No. 2014-003609 to the east line of lands conveyed to Findlay Lake Improvement Association, Inc. by deed recorded in Chautauqua County Liber 2472, Page 33;

Thence south along the east line of said lands of the Findley Lake Improvement Association, Inc. and along the east line of Division Street to the southwest corner of lands conveyed to James D. McManus and Ann R. Hunter by deed recorded in Chautauqua County Liber 2099, Page 41;

Thence easterly along the north line of said lands of McManus and Hunter and along the north line of land conveyed to Findley Lake Improvement Association, Inc. by deed recorded in Chautauqua County Liber 2472, Page 331 to the intersection of the south line of the extension of Case Avenue and the northwesterly line of Chestnut Street;

Thence southwesterly along the northwesterly line of Chestnut Street, being the southeasterly line of lands conveyed to the Findley Lake Improvement Association, Inc. by deed recorded in Chautauqua County Liber 2472, Page 331 and the southeasterly line of lands conveyed to Shirley Benninghoff by deed recorded in Chautauqua County Liber 2195, Page 524, to a point;

Thence east along the north line of lands conveyed to Findley Lake Improvement Association, Inc. by deed recorded in Chautauqua County Liber 2492, Page 745 and along lands conveyed to Findley Lake Improvement Association, Inc. by deed recorded in Chautauqua County Liber 2472, Page 331, a distance of 160 feet, more or less, to a point in the northwesterly line of Forest Street;

Thence southwesterly along the northwesterly line of Forest Street, being the southeasterly line of lands conveyed to the Findley Lake Improvement Association, Inc. by deed recorded in Chautauqua County Liber 2472, Page 331 and the southeasterly line of lands conveyed to Mark A. Matrozza and Karen L. Matrozza, his wife, by deed recorded in Chautauqua County Liber 2248, Page 374;

Thence easterly along a line parallel to and 100 feet north of the north line of Lakeview Avenue and along the north line of the following parcels of land conveyed to: Findley Lake Improvement Association, Inc. by deed recorded in Chautauqua County Liber 2492, Page 745; Donald E. Blakeslee and Joyce A. Blakeslee, his wife, by deed recorded in Chautauqua County Liber 2396, Page 365; Michael P. Preston, etal. by deed recorded as Chautauqua County Instrument No. 2012-005907; Ronald J. McKamy and Susan M. McKamy, his wife, by deed recorded as Chautauqua County Instrument No. 2015-004456; the Findley Lake Improvement Association, Inc. by deed recorded in Chautauqua County Liber 2613, Page 763; and Larry D. John by deed recorded in Chautauqua County Liber 2103, Page 319, a distance of 446 feet, more or less, to a point;

Thence south along the east line of said lands of Larry D. John and extending south a total distance of 140 feet to the south line of Lakeview Avenue;

Thence west along the south line of Lakeview Avenue to the northeast corner of lands conveyed to Jeffrey R. Mroz and Rose C. Peluso Mroz, his wife, be deed recorded in Chautauqua County Liber 2597, Page 411;

Thence south along the east line of said lands of Mroz, a distance of 60 feet, more or less, to a point in the north line of lands conveyed to the Upper New York Annual Conference of the United Methodist Church by deed recorded as Chautauqua County Instrument No. 2013-002281;

Thence east along the north line of said lands of the Upper New York Annual Conference of the United Methodist Church to the east line of Lot 42;

Thence east continuing along the north line of said lands of the Upper New York Annual Conference of the United Methodist Church, a distance of 737.8 feet, more or less, to a point;

Thence continuing east through said lands of the Upper New York Annual Conference of the United Methodist Church, a distance of 1,790 feet, more or less, to a point;

Thence continuing east, along the north line of said lands of the Upper New York Annual Conference of the United Methodist Church, a distance of 1,570 feet, more or less, to a point in the east line of Lot 34;

Thence south along the east line of said lands of the Upper New York Annual Conference of the United Methodist Church and along the east line of Lot 34, a distance of 996.5 feet, more or less, to a point;

Thence west along the south line said lands of the Upper New York Annual Conference of the United Methodist Church, a distance of 2,283 feet, more or less, to the northeast corner of lands conveyed to Jason W. Beckwith by deed recorded in Chautauqua County Liber 2561, Page 548;

Thence south along the east line of said lands of Beckwith, a distance of 480 feet, more or less, to a point in the north line of lands conveyed to Andrew W. Campbell and Melissa A. Campbell, his wife, by deed recorded as Chautauqua County Instrument No. 2015-004826;

Thence east along the north line of said lands of Campbell, a distance of 2,277 feet, more or less, to the east line of Lot 34;

Thence south along the east line of said lands of Campbell and along the east line of Lot 34, a distance of 950 feet, more or less, to a point;

Thence west along the south line of said lands of Campbell, to the centerline of New York State Route 426;

Thence southerly along the centerline of New York State Route 426 to the Point of Beginning.

And it is further

RESOLVED AND DETERMINED, that this Order is adopted subject to the permissive referendum in the manner provided by Subdivision Three of Section 209-e of the Town Law, and it is further

RESOLVED AND DETERMINED, that this Order is adopted subject to the permission of the New York State Comptroller as required by Section 209-f of the Town Law, and it is further

RESOLVED AND ORDERED, that the Town Clerk of the Town of Mina shall post and publish the following Notice pursuant to Article 7 of the Town Law:

NOTICE

PLEASE TAKE NOTICE THAT the Town Board of the Town of Mina, on February 20, 2017 adopted a Resolution establishing the Findley Lake Sewer District setting forth the boundaries thereof, determining that the Notice of Public Hearing thereon was published, posted and mailed as required by law, determining that all property and property owners within the District are benefited thereby, determining that all of the property and property owners benefited are included within the limits of the District, and determining that the establishment of the District is in the public interest.

PLEASE TAKE FURTHER NOTICE THAT the aforesaid Order was adopted subject to permissive referendum.

Supervisor Brumagin stated that Orrick Herrington & Sutcliffe LLP was recommended by Attorneys Gregory Yaw and Neil Robinson as well as Municipal Solutions as Bond Counsel. The town board reviewed a proposal letter from Orrick, Herrington & Sutcliffe LLP outlining the engagement and legal services. The fee for a \$15,000,000 Grid Note issue to be sold to New York State Environmental Facilities Corporation (NYSEFC) will not exceed \$7,750 and for \$15,000,000 Bonds sold to NYSEFC will not exceed \$16,250. Councilman Wilcox made a motion seconded by Councilman Luce to engage Orrick Herrington & Sutcliffe LLP for bond counsel as outlined in the proposal. Motion passed unanimously.

Ayes – 4 Brumagin, Luce, Watrous, Wilcox

Nays – 0

Supervisor Brumagin stated that the next Town Board meeting will be held March 9, 2017 and if the proposed sewer district goes to a permissive referendum then it would be beneficial to have a public meeting or informational sheet with answers to Frequently Asked Questions (FAQs). The sewerage committee will meet and develop draft answers to the FAQs. The town board will review the FAQs and responses at the March 9th meeting.

The public has 30 days from today (March 22, 2017) to turn in petitions regarding the proposed Findley Lake Sewer District.

Supervisor Brumagin adjourned the Public Hearing at 10:05 am.

Respectfully submitted,

Sherrie R. Tanner

Town Clerk