

December 12, 2019

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: Pat Cuneo (Planning Board), Kris Gleason (Planning Board), Bill Himelein (Mina Highway Superintendent), Phil Persons (Planning Board), Marty Proctor (Chaut. Co. Legislator), John Shifler (Planning Board), Andy Travis, JoAnn Travis (Planning Board)

**Minutes:** Motion was made by Councilman Luce and seconded by Councilman Wilcox to accept the minutes of the November 7, 2019 and November 14, 2019 meetings as presented. Motion carried.

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

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

**Presentation by Planning Board on Proposed Zoning Amendments:**

- Members of the Planning Board introduced themselves and gave an overview of the zoning amendments being proposed by the Planning Board.
  - Amendment #1 Phil Persons – working on creating multiple business districts allowing the zoning code to regulate activities and create uniformity based upon the economic development needs of the businesses in each district.
  - Amendment #2 JoAnn Travis – Implement short-term rental requirements and application process. To develop regulations and a permitting process that allows for short-term rentals under certain conditions, ensures the safety of paying guests, and protects the quality of life enjoyed by neighbors, while protecting the marketability of the investment that Town residents have made their property.
  - Amendment #3 Kris Gleason – Revise Bed & Breakfast requirements and application process. To align the Bed & Breakfast requirements and application process with the short-term rental requirements and application process.
  - Amendment #4 Rebecca Brumagin – Revise signage requirements and application/enforcement process. To regulate signs in the Town of Mina and to implement a clearly defined permitting and enforcement process applicable to each zoning district.
  - Amendment #5 John Shifler – Update definitions & permitted areas for accessory buildings and update definitions for boathouse/docks/pier/dockage. To add/revise definitions in the zoning law for pole structures and private garages along with clarifying the permitting process required for these structures as well as accessory buildings in each zoning district. Also, to add/revise definitions for boathouse/docks/pier/dockage to better clarify waterfront construction. This is important for the ZBA to be able to accurately assess the impact on the lakeside properties and shoreline. The intent is to maintain the integrity and character of the neighborhood, preserve the natural beauty of the waterfront, and protect the safety of water traffic and lakeside properties.

- Amendment #6 Pat Cuneo – Update planning board duties. To ensure oversight and consistency with the permitting process for signs, update the Planning Board’s duties to include review and approval of sign permits.
- If the town board approves the amendments then they will go to a public hearing on December 27, 2019 at the year-end meeting for the town board.

**Old Business:**

- Chautauqua County Shared Services Sewer Agency Update – Supervisor Brumagin asked County Legislator and Agency Chair Marty Proctor to report. He informed the town board that Matt Zardo from Barton & Loguidice presented a draft to report the sewer agency. Rebecca Brumagin was approved as the Vice Chair of the agency. The final report should be ready at the January meeting. Marty also reported that P.J. Wendel is being recommended by the Chautauqua County Republican party to serve as County Executive since George Borrello was elected to fill the NY State senator position vacated by Senator Catharine Young. P.J. Wendel has been serving as chairman of the county legislature.
- Councilman Luce made a motion, seconded by Councilman Wilcox to adopt the following resolution.

Resolution #11-19

Joint Resolution of the Town of French Creek and the Town of Mina  
 Providing for the Election of a Single Town Justice, Who Shall  
 Preside in the Town Courts of Each Such Town

**WHEREAS**, pursuant to New York State Uniform Justice Act &106-b, two or more adjacent Towns within the same County, acting by and through their Town Boards, are authorized to jointly undertake a study relating to the election of a single Town Justice who shall preside in the Town Courts of each such Town; and

**WHEREAS**, the Town of French Creek and the Town of Mina conducted such a study pursuant to a joint resolution adopted by the Town Board of each such adjacent Town; and

**WHEREAS**, the study conducted by the Town of French Creek and the Town of Mina, and filed in the Office of the Town Clerk of each such Town, determined that the election of a single Town Justice to preside in the Town Courts of each Town was in the best interests of each Town; and

**WHEREAS**, upon completion of the study, each Town conducted a public hearing on the study, not less than 20 days and not more than 30 days after publication of the notice of the conclusion of the study and of such public hearing and heard testimony and received evidence and information relating to the election of a single Town Justice to preside over the Town Courts of the Towns; and

**WHEREAS**, within 60 days of the last public hearing upon the study, the Town Boards of each Town determined that the Town of French Creek and the Town of Mina would participate in a joint plan providing for the election of a single Justice to preside in the Town Courts of the two adjacent Towns.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of French Creek and the Town of Mina, acting by and through their Town Boards, hereby authorize the election of a single Town Justice at large to preside in the Town Courts of each of the Towns; and be it further

**RESOLVED**, that the office of the Town Justice in each of the Towns of French Creek and Mina is hereby abolished; and be it further

**RESOLVED**, that at the next general election and every fourth year thereafter, a single Town Justice shall be elected for the Towns of French Creek and Mina.

Brumagin – Aye

Luce – Aye

Roache – Aye

Watrous – Aye

Wilcox – Aye

Motion carried unanimously.

- Supervisor Brumagin asked Councilman Watrous and Councilman Wilcox if they had anything to report on the moratorium request on lake property expansion/new build. They stated that they would have something by the December 27, 2019 meeting.
- Supervisor Brumagin reported on the status of the LED energy initiatives project at the Community Center Building. Dan Norcross has completed most of the rooms and has the exterior lights completed. Once they are completed, the town will request reimbursement through the grant from National Grid. However, the lights at the outdoor courts have not been changed yet.

#### **Correspondence:**

- Charter Communications – Updates on TV programming.
- Consolidated Communications – Advertisement on internet
- NYS Dept. of Public Service – Information on winter outreach & education plus a list of available publications related to the upcoming winter season.
- NYS Dept. of Civil Service – Policy Advisory Report, change in Section 212 of the Retirement and Social Security Law.
- 211 WNY Information Update Request – 211 WNY in conjunction with United Way verifying the town's information is up to date.
- Chautauqua County Board of Health – Re: Wind Turbines and Human Health. The Chaut. County Board of health is urging local municipalities to pass a proper wind law that restricts IWTs to a minimum of 1.5 miles from any property line and 35 or fewer decibels in sound frequency. Also urging the board to contact the NYS Public Service Commission and support the requirement for a full SEQRA environmental review for all IWT projects.
- NYS DEC – Information on a workshop for industry professionals.
- Community Bank – Notice of change in terms.

#### **Reports:**

- Highway Superintendent – Superintendent Himelein reported that there is still an issue with a headstone that the town attorney will have to be contacted on. He then reported the plows are all geared up and working. The trees have been trimmed back on School Street, Pleasant Street and Parsonage Road. The brush trimmer is on the excavator and trimming has been done on Cherry Hill Road, Jude Road and some of West Mina Road. The wet spring has caused the highway department to be behind about 1½ months so some of the summer projects that were planned will be moved to next spring. The new small dump truck is on order and waiting on the production schedule from General Motors.
- Planning Board – Chautauqua County Planning Board held a meeting on “Creating Livable Communities” on December 3, 2019 and a few members from the Town of Mina's planning board attended as well as members from Community Connections at Findley Lake.

- Assessor – Heather Young-Deyell will be meeting with the three town supervisors regarding the reassessment process for the coordinated assessment program in 2020.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$3,541.00 for the month of November 2019. She has paid the Supervisor \$582.00, NYS Ag and Markets for dogs, \$20.00, and NYS DEC \$2,939.00. She reported that she and the deputy town clerk have taken training on the Laserfiche program that General Code was giving at Southern Tier West on vital records. She also reported the first day of collecting town/county taxes will be January 6, 2020.
- Findley Lake Watershed Foundation – Phil Persons reported that the Watershed Foundation is still waiting on the \$50,000 NYS Senator grant for the new weed harvester that has been held due to the resignation of Senator Catharine Young and that newly elected Senator George Borrello will assist with moving the grant through the process.
- Dog Control – Supervisor Brumagin reported that a person in French Creek is interested in serving as dog control officer but doesn’t own a kennel. This is not an issue as the current Town of Mina dog control officer does not have a kennel and uses the Humane Society in Jamestown.
- Supervisor – Supervisor Brumagin distributed the November 2019 financial statements. She reported that she looked into CD rates as it had been reported that some organizations were eligible for higher rates. However, she was informed that municipalities are not eligible for the higher rates. Positive comments were reported on the Appreciation Breakfast that was held November 22, 2019.

**New Business:**

- Supervisor Brumagin reported that Virgil Brown applied for the shoveler job to clear the sidewalks at the Community Center. Councilman Watrous made a motion, seconded by Councilman Roache to hire Virgil Brown effective December 12, 2019 at \$11.10 per hour. Motion carried unanimously.  
Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox  
Nays – 0
- Supervisor Brumagin reported that the preschool loft that is in Room #11 does not meet education law requirements so she will ask Dan Norcross to disassemble it to remove it from the room if there isn’t a preschool interested in it.
- Proposed changes to the zoning law;

**Amendment #1: Create Multiple Business Districts**

- 1. Create from the existing business district boundaries – four distinct business districts:
  - B1 – Historic Business District (Downtown Area to South-side of School Street Intersection on Route 426)
  - B2 – Commercial Business District (Route 426 from North-side of School Street Intersection going north beyond I-86)
  - B3 – Sunnyside Business District (Krasa’s Kove Property)
  - B4 – Shadyside Business District (Paradise Bay Both Sides of the Road)
- 2. Change two parcels from Business to Agriculture or Residential to align with adjacent properties:
  - Parcel 324.00-1-8 Business to Agriculture (Owner Robert Humes)
  - Parcel 359.11-1-6 Business to R1 – Residential (Owner Linda Wingerter)

Councilman Wilcox made a motion, seconded by Councilman Luce to adopt the above amendment. Motion carried unanimously.

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

➤ **Amendment #2: Implement Short-Term Rental Requirements and Application Process**

- 1. Implement requirements for short-term rentals in business districts.
- 2. Implement requirements for short-term rentals in non-business districts.
- 3. Implement an application process for short-term rentals including, but not limited to:
  - a) Certificate of Compliance or Certificate of Occupancy
  - b) Fire Inspection
  - c) Certificate of Insurance (Liability)
  - d) Certificate of Insurance to Rent Motorized Watercraft or Affidavit Stating that Owners Do Not Authorize Paying Guests to Use Their Motorized Watercraft
  - e) Approval from County Health Department regarding Septic System Capacity
  - f) Annual Water Testing Results from New York State Department of health Certified Lab
  - g) Application Fee
  - h) Special Use Permit Request to Zoning Board of Appeals
  - i) Instruction to Paying Guests regarding Findley Lake Boating Rules and Water Safety
  - j) Instruction to Paying Guests regarding Fireworks and Nuisance/Noise Laws
  - k) Copy of Lease Agreement with Paying Guests

Councilman Watrous made a motion, seconded by Councilman Roache to adopt the above amendment. All were in favor and the motion carried.

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

Nays – 0

➤ **Amendment #3: Revise Bed & Breakfast Requirements and Application Process**

- 1. Revise requirements for Bed & Breakfast establishments in business districts.
- 2. Revise requirements for Bed & Breakfast establishments in non-business districts.
- 3. Implement an application process for Bed & Breakfast establishments that aligns with the application process for Short-Term Rentals.

Councilman Luce made a motion, seconded by Councilman Wilcox to adopt the above amendment. Motion carried unanimously.

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

Nays – 0

➤ **Amendment #4: Revise Signage Requirements and Application/Enforcement Process**

- 1. Update definitions of various types of signs.
- 2. Replace the sign section of the zoning law with a completely revised version.
- 3. Implement an application process utilizing the Code Enforcement Office and permitting by the Planning Board.
- 4. Implement an enforcement process using the Code Enforcement Office.

Councilman Watrous made a motion, seconded by Councilman Roache to adopt the above amendment. All were in favor and the motion passed.

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

Nays – 0

➤ **Amendment #5: Update Definitions & Permitted Areas for Accessory Buildings and Update Definitions for Boathouse/Docks/Pier/Dockage**

- 1. Add definitions for Pier, Boathouse, Dockage and revise definition for docks.
- 2. Add definition for Pole Barn/Pole Structure and revise definition for Private Garage.
- 3. For the three types of structures, permits are required for construction in all

Districts.

- 4. Pole structures are not allowed in R1, R2, B1 and B3 (per Amendment #1). Councilman Wilcox made a motion, seconded by Councilman Luce to adopt the above amendment. Motion carried unanimously.  
Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox  
Nays – 0

➤ **Amendment #6: Update Planning Board Duties**

- 1. The Planning Board shall have the following duties with respect to the Zoning Law: Optional Recommendations – The Planning Board shall review and approve Sign permits.  
Councilman Luce made a motion, seconded by Councilman Wilcox to adopt the above amendment. All were in favor and the motion passed.  
Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox  
Nays – 0

- Supervisor Brumagin reported that she looked into the Beneflex HRA (Health Reimbursement Agreement) Plan Options for the employees deductibles and with the initial set-up fee would cost the town about \$1200 in 2020. She is considering alternative arrangements.
- The Main Street Advisory Committee prepared a categorized and prioritized list of issues from the walkability survey that Supervisor Brumagin passed out.
- Supervisor Brumagin asked Councilman Luce to meet with her on website updates that the state is proposing for municipalities to include on their websites.
- Councilman Watrous made a motion, seconded by Councilman Luce to pass Resolution #12-19:

Town of Mina  
Resolution #12-19  
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)
<b>Appointed Official</b>					
Assessor	Heather Young-Deyell	7 1/2	10/01/2019 - 09/30/2025	Y	

- Brumagin – Aye  
Luce – Aye  
Roache – Aye  
Watrous – Aye

Wilcox – Aye

The resolution carried unanimously.

- Supervisor Brumagin reported she contacted Senator Borrello’s Office on the \$50,000 DASNY (Dormitory Authority of the State of New York) Grant for security cameras, generator and new front door system. She will have to submit the information again and they said it could take approximately two years to receive the money.
- Supervisor Brumagin reported she has been invited to be a part of the Chautauqua County Partnership for Economic Growth/Community Development Workgroup.
- The annual Sexual Harassment Prevention Training will begin again in January and Supervisor Brumagin will inform employees of which month their training needs to be completed.
- Dates for upcoming meetings are as follows: year-end meeting and public hearing on amendments to the zoning law Friday, December 27, 2019 at 9:00 am; organizational and regular meeting Thursday, January 9, 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 Watrous, to pay the monthly claims. In the General Fund claim #308 through #329 in the amount of \$9,269.83 and in the Highway Fund claim #166H through #174H in the amount of \$9,159.89 was approved to pay. Motion carried unanimously.  
Approved: Ayes – 5 Brumagin, Luce, Roache, Watrous, Wilcox  
Nays – 0

**Other Business/Actions:**

- As there was no further business to come before the Board, Councilman Wilcox moved to adjourn the meeting at 8:43 p.m.

Respectfully submitted,

Sherrie R. Tanner  
Town Clerk