

September 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

Absent: Dave Wilcox.....Councilman

Attended by: Bill Himelein (Highway Superintendent), Terry Phelps (FLVFD), Marty Proctor (County Legislator), Dave Rausch, Nancy Roche (7:03)(Recreation Committee), Sherri Schenk

Minutes: Motion was made by Councilman Watrous and seconded by Councilman Roache to accept the minutes of the August 8, 2019 meeting as presented. Motion carried.

Comments/Concerns from those present:

- Dave Rausch brought a petition with 106 signatures to the town board. The petition stated “Rt 426 is a winding road along Findley Lake that houses many year round homes and cottages. It is an exciting family place for all seasons. Rt 426 has become a dangerous threat with the heavy commercial vehicle traffic and lack of law protection. We the people of Findley Lake are petitioning for a weight restriction on commercial vehicles and a lower speed limit. Thank you.”
- Marty Proctor reported he has spoken with the County about the possibility of traffic being routed from NY State Route 426 to Mann Road (County Route 1).
- Nancy Roche – Presented an expense and funding analysis that Supervisor Brumagin worked on with her regarding the outdoor tennis/basketball courts project. Nancy stated that an extension was received by the Ralph C. Wilson Legacy Grant and that funds need to be expended by October 15, 2019.

Comments/Concerns from those not present: none

New Business:

- Signed Petition – As reported above, a signed petition was submitted to the town board regarding NYS Route 426. The petitioners are concerned with the weight of large trucks on the road and the speed that these large trucks and other vehicles are traveling. Extensive discussion was held regarding actions that the town board could consider to address the safety issues on the stretch of road from the blinking light at the intersection with Mann Road going along Sunnyside past the intersection with Shadyside Road on the south end of the lake. The following five items for town board action were considered to have merit: 1) request that NYS Department Of Transportation conduct a safety study, 2) request that the town’s insurance company, NYMIR, review the safety concerns and offer recommendations to improve the situation, 3) request a meeting with the Chautauqua County Director of the Department of Public Works (DPW) regarding the process necessary to convert Mann Road from a county road to a state highway, 4) request that the Chautauqua County Sheriff’s Department increase speed enforcement efforts, and 5) request that the NY State Police increase speed enforcement efforts. Councilman Watrous made a motion, seconded by Councilman Roache to take action as outlined above. All were in favor and the motion passed.

Ayes – 4 Brumagin, Luce, Roache, Watrous

Nays – 0

Executive Session: At 7:46 pm, Councilman Roache made a motion, seconded by Councilman Luce to adjourn to Executive Session for personnel matters and potential litigation. Motion carried. At 8:14 pm Councilman Luce moved, seconded by Councilman Watrous to return to regular session. Motion carried unanimously.

Old Business:

- Subdivisions Boundaries Project – Supervisor Brumagin reported that she met with Attorney Wright and Jim Caflisch, Chautauqua County Director of Real Property Taxes, on subdivisions and ownership of rights-of-way and paper roads as well as quit claimed properties belonging to the Town of Mina or New York State. In regard to the NYS DOT picnic area, Attorney Wright advised that the town has to develop a plan on how the property will be used and maintained in perpetuity if acquired by the town. Because a land transfer from the state requires NYS legislative approval, Attorney Wright recommends that the town discuss its interest with NYS Assemblyman Andy Goodell. Also, Supervisor Brumagin, in conjunction with the town attorney, will begin the process for asserting the town’s ownership rights on the town’s small park area on Shadyside Road.
- Chautauqua County Shared Services Sewer Agency Meeting – Legislator Proctor is the Chairman of this committee and it was reported that the Village of Sherman is very close to finalizing its plans for securing funding for upgrading its sewer plant. Once the Village of Sherman has made a decision regarding continuing on its own or considering shared services, the sewer agency will advise the engineering firm as to which options to research for the feasibility study.
- French Creek-Mina Court Study – Supervisor Brumagin distributed the Justice Court Joint Plan for the Towns of French Creek and Mina and reviewed the Plan with the Town Board. Councilman Luce made a motion, seconded by Councilman Watrous to approve the Plan. All were in favor and the motion passed.
- Ayes – 4 Brumagin, Luce, Roache, Watrous
Nays – 0
- Mowing NYS DOT Picnic Table Area on Sunnyside Road – Superintendent Himelein reported that he needs to talk with NYS DOT regarding the town taking over the mowing of this property. After he has spoken with them, he will report back to the town board.

Correspondence:

- Charter Communications – Updates on TV programming.
- Spectrum – 2019 annual privacy notice.
- ROI Roofing – advertisement
- RPEA (Retired Public Employees Association, Inc.) – Information on a pre-retirement seminar for employees considering retiring within the next one or two years.
- America’s SBDC (Small Business Development Center at JCC) New York – Brochures on “Helping Your Business Grow”
- Mark & Kim Freund – Filing of small claims assessment review.
- Southwestern Regional Emergency Medical Services Council – Information on a public hearing regarding the need for Gowanda Ambulance Service.
- Town of Mina Code Officer – Notifying the town an area variance was applied for by an adjacent property.
- NYS Town Clerks Association – Update on the Marriage License Law.
- Press Release falsely stating it was from the County Sheriff’s Office.

- Bogus notice to cease & desist the issuance of any marriage licenses.
- Univera Health – Health Insurance annual information.
- Roxanne Rouse Bochek – Letter regarding the Memorial Day Program.
- Rebecca Brumagin – Response to letter regarding the Memorial Day Program.

Reports:

- Highway Superintendent – Superintendent Himelein distributed his September report. He reported that they have been mowing road sides and paving with Ripley and Westfield. They spent several days working on the basketball/tennis courts project including, drainage around the courts and the parking area and preparation work for paving by an outside contractor. They have been working on maintenance and repairs to the equipment, they have hauled 840 tons of gravel for road shoulder use and, they are starting to haul sand for the winter stock pile. The CHIPS application was submitted and the check is scheduled to be released on the 16th of September. Tom Becker with USDA met with Superintendent Himelein and Supervisor Brumagin to review loans/grant funding requirements for big equipment. Superintendent Himelein will contact equipment dealers on the cost of a new loader to include in the budget for the 2020 year.
- Planning Board – The Planning board is currently working on updating the sign section of the zoning law and is researching the possible designation of more than one business district in the zoning law.
- Assessor – Heather Young-Deyell’s report was handed out for September 2019. She reported the current database was sent to the County for processing of the school tax bills. She will be analyzing sales and creating land tables in the month of September. The Annual NYS Assessors Conference is September 22-25 in Lake Placid, NY and she will be attending. This is a re-appointment year for all Assessors in NYS and must take place by the end of September.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$14,671.00 for the month of September 2019. She has paid the Supervisor \$2,784.40, NYS Ag and Markets for dogs, \$44.00, NYS Health Department for marriage licenses, \$112.50 and NYS DEC \$11,730.10. She reported that the hunting guides have arrived and sales are going okay on the hunting licenses. She reported that Audrey Sliker, Deputy Town Clerk, has been with the town for three years and recommends that Mrs. Sliker be promoted from a Deputy Town Clerk Level I to a Deputy Town Clerk Level II. She also mentioned that the phone in the Community Center’s cafeteria is listed in the phonebook and that complaints have been received from people who think they are calling the town office and that no one is answering that the phone.
- Findley Lake Watershed Foundation – Tom Becker from USDA Rural Development was in town to take pictures of the new weed harvester that was partially funded by a grant from the USDA.
- Findley Lake Volunteer Fire Department – Terry Phelps reported that volunteers sold 50/50 tickets at the Fall Fest and raised \$1,029. He also reported that they have two new members who are working on becoming EMS volunteers, Bowie Brown and Virgil Brown. He reported that Virgil won a scholarship to help defray the cost of the EMS classes. Terry also reported that he has taught the “Stop the Bleed” program to 160 faculty members at Falconer and Chautauqua Lake schools.
- CEO/Building Inspector – Melanie Eddy’s report for September 2019 was distributed. She attended the Western Southern Tier Building Officials Association NY Training from September 9-11, 2019.

- Dog Control – Supervisor Brumagin reported that Sandy Kochanowski informed her that she will be retiring from the Town of Mina effective December 31, 2019. She has decided to reduce the number of towns she works for and partially retire.
- Supervisor – Supervisor Brumagin distributed and reviewed the August 2019 financial statements. The Supervisor reported that the new payroll service provider, ECCA, processed the first payroll today. She reported that the interface with the town’s financial software has not been set up yet. She also reported that the Community Center custodian should be returning to work from leave in the next couple of weeks.

New Business:

- Councilman Roache made a motion, seconded by Councilman Watrous to promote Audrey Sliker from Deputy Town Clerk Level I to Deputy Town Clerk Level II at an hourly rate of \$12.00 effective October 1, 2019. All were in favor and the motion passed.
Ayes – 4 Brumagin, Luce, Roache, Watrous
Nays – 0
- Discussion was held regarding the phone in the cafeteria. The decision was made to leave the phone there for now but to make sure that the number is not published in the phone book.
- Supervisor Brumagin made a motion, seconded by Councilman Luce to appoint Heather Young-Deyell as assessor for the Coordinated Assessment Program for a six year term beginning October 1, 2019. All were in favor and the motion passed.
Ayes – 4 Brumagin, Luce, Roache, Watrous
Nays – 0
- Update on the NYS DEC Fishing Access Area – Concrete for the accessible sidewalk has been poured and the custom kayak launch and boat docks have been ordered.
- Supervisor Brumagin reported that Room #11 in the Community Center that has been rented by the Findley Lake Nature Center is being vacated. The Nature Center will continue to operate but no longer needs a permanent location to continue its work. Another non-profit organization has expressed an interest in renting the room.
- Supervisor Brumagin reported that the loft that is currently in Room #11 was built by community volunteers for the pre-school program that operated many years ago. She will contact Clymer or Sherman’s Universal Pre-Kindergarten program or another Chautauqua County school to see if they are interested in it. If not, she will contact another non-profit that might be able to use it.
- Discussion was held on holding an “Appreciation Breakfast” for all town employees and volunteers sometime the week before Thanksgiving (November 17-23). The town board was in favor of doing so and the planning will get underway.
- Councilman Watrous made a motion, seconded by Councilman Roache to transfer \$20,000 in the Contingency Fund (Account #A1990.4) to the Recreation Program (Account #A7150.4) for the Outdoor Courts Project. Motion carried unanimously.
Ayes – 4 Brumagin, Luce, Roache, Watrous
Nays – 0
- Councilman Roache made a motion, seconded by Councilman Luce to name the outdoor courts area on School Street “Mina Town Park” and arrange to have a sign installed on the site. All were in favor and the motion passed.
Ayes – 4 Brumagin, Luce, Roache, Watrous
Nays – 0
- Supervisor Brumagin shared with the Town Board that requests for quotes will be released on Friday, September 13th for color coating and line striping the basketball and tennis/pickleball courts.

- The town attorney advised that the town board should consider passing an open container law. Supervisor Brumagin shared that she received a phone call prior to the Harvest Festival from a deputy sheriff who was inquiring if the Town of Mina has an open container law. The town does not have a law beyond New York State's law and the town attorney advised that this could lead to some confusion regarding those establishments, that are approved to serve alcohol within a confined area and the different regulations that allow for other people to walk around freely with an alcoholic beverage in an open container. The town attorney advises that the Town pass a local law to clarify under what conditions open containers of alcohol are acceptable.
- Dates for upcoming meetings are as follows: Tuesday, October 8, 2019 (Regular Meeting – date changed from 10/10/19), Thursday, October 24, 2019 (Budget work Session), Thursday, November 12, 2019 (Regular Meeting & Public Hearing on Budget & Adoption). All meetings to be held 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 #230 through #255 in the amount of \$30,176.90 and in the Highway Fund claim #111H through #130H in the amount of \$13,998.40 was approved to pay. Motion carried unanimously.
Approved: Ayes – 4 Brumagin, Luce, Roache, Watrous
Nays – 0

Other Business/Actions:

- Terry Phelps reported that the Findley Lake Fire Department Auxiliary is dissolving since the membership has dwindled and they haven't been able to attract new members.
- As there was no further business to come before the Board, Councilman Luce moved to adjourn the meeting at 9:21 p.m.

Respectfully submitted,

Sherrie R. Tanner
Town Clerk