

September 10, 2020

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

Present: Rebecca Brumagin.....Supervisor
Steve Burmaster.....Councilman
Marty Proctor.....Councilman
Ernie Roache.....Councilman
Dick Watrous.....Councilman

Attended by: LeAnne Becker, Jann Bowman, Larry Bowman, Julie Dobson, Vince Gorski, Harold Heximer, Bill Himelein (Highway Superintendent), Alex Klimo, Ave Klimo, Rudy Klimo, Tania Klimo, Sherri Schenk, Tad Wright (Town Attorney)

Minutes: Motion was made by Councilman Watrous and seconded by Councilman Proctor to accept the minutes of the August 13, 2020 meeting as presented. Motion carried.

Comments/Concerns from those present:

The following short-term rental property owners spoke about their concerns regarding the zoning law changes that went into effect on 7/11/20:

- Rudy Klimo forwarded a letter to the Mina Town Board from the newly formed Mina STR Association expressing further concerns that they are asking the town board to address.
- Larry Bowman expressed concern about working through this process as a group and what would be fair to both sides. He said that he doesn't have a problem if he needs to upgrade his septic system but stated it's a long process and the December 2020 time restrictions on that would be hard to meet.
- Sherri Schenk asked that the Town consider another method for legal notices besides Jamestown Post Journal, which she realizes is required. She thinks the town should also post on-line, for example on the Town's website.
- LeAnne Becker spoke about concerns with her STR property being in the business district. Supervisor Brumagin explained that it is not a problem to have an STR in the business district as long as it meets the requirements.
- Vince Gorski expressed the concern that if he plans to have more than one STR on his property that it would not be allowed.

Comments/Concerns from those not present: none

Discussion regarding short-term rental permit application and code enforcement procedures:

Supervisor Brumagin made copies of the letter from the Mina STR Association and distributed to the town board and the town attorney. They reviewed the letter prior to further discussion on the matter.

Supervisor Brumagin introduced Town Attorney Tad Wright and asked him to review the short term rental permit application and to provide more information regarding the specific requirements that are grandfathered for property owners who were operating an STR before July 11, 2020. The items that apply to those STR owners include:

- The minimum 31-day annual occupancy by owner for non-business district STRs,
- Mobile homes, trailers, recreational vehicles not permitted to be used as an STR,
- For STR's in non-business districts, the STR must be the owner's primary or secondary domicile,
- Owners are not permitted to have more than one STR per property.

Supervisor Brumagin reported that permits for STR applications approved this year will be effective through December 31, 2021. It was asked that the town define in the application which items are to be renewed annually.

Bill Boria, Chautauqua County Sr. Water Resource Specialist, from the Chautauqua County Health Department sent a letter to the Town stating that a moratorium on inspections for Findley Lake properties within 250 feet of the lake has been lifted. The county will start the inspections but, due to the large number, they won't have the resources to complete them by December 31, 2020. Supervisor Brumagin, after discussion with Bill Boria, is recommending that the date for completion of septic system inspections for short term rentals be extended to December 31, 2021.

Supervisor Brumagin distributed a section from the enforcement procedures in place for the Town of Chautauqua. She and Attorney Wright will be working on a draft enforcement procedures document for the Town of Mina that may be similar to some of the procedures outlined in the Town of Chautauqua document. Most enforcement procedures for certified building inspectors/code enforcement officers are determined by New York State.

Executive Session:

At 8:35 pm Councilman Burmaster made a motion, seconded by Councilman Watrous, to adjourn to Executive Session to discuss real property matters with Attorney Wright and Highway Superintendent Himelein. Motion carried. At 9:39 pm Councilman Proctor moved, seconded by Councilman Burmaster, to return to regular session. Motion carried unanimously.

Novel Coronavirus (COVID-19) Pandemic:

- Supervisor Brumagin reported the following in regard to the COVID-19 Pandemic:
 - Federal:
 - The President signed an executive order offering social security tax deferral for employees effective 9/1/2020. The Town's payroll company, ECCA, is advising against implementing it as there is a potential risk of the Town needing to pay for any employees who leave their employment with the Town before they have paid back the full amount of the deferred portion of their tax which is due in 2021.
 - New York State:
 - Governor Cuomo's Executive Order #202 (New York on PAUSE) Disaster Emergency Declaration: currently there have been 60 updates/modifications.
 - Governor Cuomo's Executive Order #205 (Quarantine Restrictions on Travelers Arriving in New York, information on NYS DOH COVID-19 travel advisory): currently travelers from 35 states must self-quarantine for 14 days (includes the state of Ohio again).
 - Unified Court System – 8th District Administrative Judge Paula Feroletto has issued additional guidelines for local courts. Criminal cases can be heard with staggered appearance times. Supervisor Brumagin also noted that the first court date under these changes for the Town of Mina is October 1, 2020.

- Town of Mina:
 - Supervisor Brumagin shared that a 11-12% reduction for the fourth quarter sales tax payment is anticipated.
 - Supervisor Brumagin reported that the Young at Heart room (seniors room) is being reorganized and set up as a conference room with social distancing. The room can be used by any town committees or local groups. She also reported that the gym/multi-purpose room will convert back to multi-purpose use and will no longer be used as conference/meeting space.

Old Business:

- Supervisor Brumagin reported that the incentive payment of \$1375 for LED light replacement at the School Street Park has been received.
- Accessible Parking – Supervisor Brumagin reported that Superintendent Himelein has submitted a work permit to NYSDOT to stencil the accessible parking symbol on the pavement at both of the Main Street parking locations.
- Supervisor Brumagin reported that the 30-day permissive referendum period for the USDA bond resolution expires on September 12, 2020 and if no challenge is received she will submit the documents to bond counsel.
- Councilman Roache reported that Jim Parnell’s 2-J’s Trucking is interested in renewing the agreement with the Town for refuse and collection service for five years.

Correspondence:

- National Grid – Upcoming changes to the bill
- NYMIR (New York Municipal Insurance Reciprocal) 2019 Annual Report
- Chaut. County Dept. of Health – Information on the Health Dept.’s mandatory inspections on septics stating that the Chautauqua County Sanitary Code requires all onsite wastewater treatment systems within 250 feet of the lakeshore that are either not permitted by the Health Department or more than thirty years old to be inspected by the County for compliance. They will begin inspecting approximately 130 systems around Findley Lake although it may take several years to complete.
- Town of Mina Code Enforcement Officer – ZBA public hearing on property for Wendy Wright to place a 10’ x 15’ shed at 10447 Main Street and Anthony Laska to construct a 12’ x 16’ deck at 2516 Shadyside Drive Ext.
- Chaut. County Dept. of Health – Notification that the water sample from the Community Center on 8/31/20 tested “Satisfactory for Human Consumption”.
- NYS Deferred Compensation Plan – Information on State sponsored retirement savings plan.

Reports:

- Highway Superintendent – Superintendent Himelein’s report was handed out. He reported that the John Deere 544L Loader should arrive in October 2020. However, the USDA funding will not be available until all three pieces of equipment are delivered. The new dump truck/plow should arrive at the dealer around February 15, 2021 but it is anticipated that it will take an additional six weeks for retrofitting before the Town will receive delivery. The tractor has not been ordered. Due to the pandemic and the fiscal stress it created on New York State, CHIPS funding is expected to be cut by 20% in 2020. He reported on the utility pole downtown that needs to be moved; National Grid is waiting for its engineer to access the need for the relocation. The paving on Shadyside extension is being postponed until next year because of the cut in CHIPS funding. The crew has started hauling sand for winter. There were three burials this month. The

highway crew has also been working on drainage behind the shop and he plans to start trimming more trees on Shadyside in October.

- Recreation Committee – Supervisor Brumagin reported that the Recreation Committee recommends Susan Borrello Skarzenski as the soccer program director this summer. She also reported that the Findley Lake Community Foundation approved a grant of \$2,700 to fund the remaining work at the School Street Park.
- Assessor – Heather Young-Deyell’s report was handed out for August 2020. She reported that school tax bills have been mailed to property owners. Typically this time of year is busy with STAR exemption questions/concerns and updating changes to mailing addresses. She reported there are two reasons that she accompanies the Building Inspector/Code Enforcement Officer on inspections: 1) annually for percentage of completion on new construction and renovation, and 2) at the request of a property owner for change in use.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$17,796.00 for the month of August 2020. She has paid the Supervisor \$2,738.47, NYS Ag and Markets for dogs \$34.00, NYS Health Dept. \$45.00 and NYS DEC \$14,978.53. She reported that sales for hunting licenses have been higher this year than last year.
- Community Center – A quote for laminate flooring for the entry area in the town clerk’s office from Mosher’s Carpeting, Inc. was reviewed.
- Code Enforcement – Melanie Eddy’s report for August 2020 was distributed.
- Supervisor – Supervisor Brumagin distributed and reviewed the financials for August 2020. She reported that security cameras for the entire building will be requested on the Justice Grant application. She discussed the 2021 budget process and said departments need to have their budgets turned in to her by September 20, 2020. The tentative budget will be ready by the next town board meeting and at that meeting the budget work session will be scheduled.

New Business:

- Supervisor Brumagin reminded the board that all town employees are required by NYS to take the sexual harassment and discrimination annual training.
- Supervisor Brumagin reported that NYMIR had two cyber security recommendations that she has reviewed with Kate Mikula from 3-C’s Communication.
- Supervisor Brumagin reported that Steven Boozel is up for re-appointment for the Board of Assessment Review as his term expires on September 30, 2020. Councilman Watrous made a motion, seconded by Councilman Burmaster to reappoint Steven Boozel for a five year term to the Board of Assessment Review. Motion passed unanimously.
- Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous
Nays – 0
- Recreation Committee – Supervisor Brumagin reported that even though the soccer season started late due to COVID, the Recreation Committee is recommending Susan Borrello Skarzenski be paid for her work as the Soccer Director. Councilman Proctor made a motion, seconded by Councilman Burmaster to authorize Susan Borrello Skarzenski as Soccer Director for the summer of 2020 at a salary of \$500. Motion carried
Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous
Nays – 0
- Supervisor Brumagin reported that she has spoken with Dennis Luce about the Town’s website and that he is no longer interested in managing the website. She spoke with Kate Mikula with 3-C’s Communication and Kate recommends that the Town develop the

website through Southern Tier West Development Corp. Supervisor Brumagin has looked at some of the websites that Southern Tier West manages for several other municipalities and she was favorably impressed. Supervisor Brumagin made a motion, seconded by Councilman Proctor to engage Southern Tier West to set-up and manage the Town's website. Motion carried unanimously.

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

Nays – 0

- Supervisor Brumagin reported that the Town is required to adopt a resolution regarding the updated NYS Records Management Retention and Disposition Schedule. Councilman Proctor made a motion, seconded by Councilman Roache to adopt the following resolution:

Town of Mina
Resolution #18-20

RESOLVED, By the Town of Mina that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

Brumagin – Aye

Burmaster – Aye

Proctor – Aye

Roache – Aye

Watrous – Aye

Motion passed unanimously.

- Supervisor Brumagin reported that the Town owns a 1987 John Deere Snow Blower that has not been used for several years and she is recommending that it be sold. The matter will be discussed in more detail at the next Town Board meeting.
- In response to recent concerns, Supervisor Brumagin distributed a summary of the research she did in August 2018 regarding issues raised about the odor coming from Schofield Farms on Route 430 east of the hamlet.
- Supervisor Brumagin passed out a document that she and Highway Superintendent Himelein drafted regarding variance recommendations for set backs from Town roads. This will be further developed and will be placed back on the agenda for the next meeting.
- Jim Parnell's 2-J's Trucking Contract - Councilman Roache made a motion, seconded by Councilman Proctor to renew 2-J's Trucking contract for refuse collection and disposal services for five years with the same hours of operation. All were in favor.

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

Nays – 0

- Supervisor Brumagin requested that the town board ratify the action taken by the Highway Superintendent to order a new dump truck/plow, a Volvo VHD64F300 from Buffalo Truck Center, as priced through Sourcewell. Councilman Watrous made a motion, seconded by Councilman Burmaster to approve the ordering of a new dump truck/plow at a cost of \$223,044.92. Motion carried unanimously.

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

Nays – 0

- Supervisor Brumagin reported that there will be a special meeting scheduled with the town attorney to continue the review of real property issues.
- The next regular town board meeting will be held on Thursday, October 8, 2020 at 7:00 pm. Both a budget work session and the special meeting with the town attorney will be scheduled at that time.

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Burmaster moved, seconded by Councilman Roache, to pay the monthly claims. In the General Fund claim #190 through #215 in the amount of \$15,135.94 and in the Highway Fund claim #109H through #121H in the amount of \$6,252.42 were approved to pay. Motion carried unanimously.

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

Nays – 0

Other Business/Actions:

- Julie Dobson expressed concern with the counter clockwise rotation on the lake not being followed by operators of motor boats as well as by the weed harvester.
- As there was no further business to come before the Board, Councilman Roache moved to adjourn the meeting at 10:20 p.m.

Respectfully submitted,

Sherrie Tanner
Town Clerk