

April 8, 2021

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
 Dick Watrous.....Councilman

Absent: Ernie Roache.....Councilman

Attended by: Ed Mulkearn (Findley Lake Water Shed Foundation & Sewer Work Group)(7:03),
Sherri Schenk

Minutes: Motion was made by Councilman Burmaster and seconded by Councilman Watrous to accept the minutes of the March 8, 2021 meeting as presented. Motion carried.

Public Hearing on Justice Court Study:

Supervisor Brumagin opened the public hearing at 7:02 pm asking the Town Clerk to read the legal notice that was posted in the Jamestown Post Journal. Supervisor Brumagin closed the public hearing at 7:03 pm as there were no comments made in regard to the Justice Court Study.

Public Hearing on Moratorium on Commercial Solar Installations:

Supervisor Brumagin opened the public hearing at 7:03 pm on the Moratorium on Commercial Solar Installations Local Law #1-2021 asking the Town Clerk to read the legal notice that was posted in the Jamestown Post Journal. Ed Mulkearn stated he didn't believe solar farms were a good idea for our community and asked if there had been any interest. Supervisor Brumagin reported that there had been a couple of solar installation companies that have expressed an interest in installing systems in the Town of Mina. Discussion was held. Supervisor Brumagin closed the public hearing at 7:05 pm.

Comments/Concerns from those present:

- Sherri Schenk wondered why the short-term rental application, highway work application and a few other applications weren't yet available on the town's website. Supervisor Brumagin explained that they are putting the applications on the website as they are being worked on and they should all be available soon.
- Ed Mulkearn reported that the lake is not coming up to summer level as quickly as in past years due to a lack of rain.

Comments/Concerns from those not present:

- Supervisor Brumagin reported that she received a phone call from Medis Kent who lives close to the Community Center. She reported that beavers built a large dam and it is causing flooding in her back yard. Supervisor Brumagin will talk with Highway Superintendent Himelein about the location of the beaver dam and, if it is on town property, he will take care of it. Otherwise, Supervisor Brumagin will recommend that Ms. Kent contact the NYS Department of Environmental Conservation.

Novel Coronavirus (COVID-19) Pandemic:

- Supervisor Brumagin reported the following in regard to the COVID-19 Pandemic:
 - Federal:
 - The American Rescue Plan Act of 2021 – Supervisor Brumagin stated that a portion of the funds from this act will be released to state and local governments. One-half of the money for local governments is to be distributed to the State within 30 days of the President signing the act. (It was signed on March 11, 2021.) The state will disburse monies to the County within 60 days of receiving the monies and the County will then disburse to the towns. The other half of the money will be received in 2022 and all of the funds must be spent by December 31, 2024. The Town of Mina is expected to receive a total of \$110,000.
 - All U.S. adults will be eligible to receive COVID-19 vaccines effective April 19, 2021.
 - New York State:
 - Excelsior Pass is available and is a digital document that shows proof of an individual receiving COVID-19 vaccination or of a negative test result.
 - New York courts have reopened for in-person jury trials/proceedings with limited access. Other court activities are still closed with no re-opening date scheduled.
 - Chautauqua County:
 - Vaccines administered as of 3/21/21: 1st dose 34,528 (26.99% of residents), 2nd dose 18,268 (14.28% of residents).
 - Statistics as of 04/05/2021: 142 total deaths; 5 currently hospitalized; 168 active cases; 8,380 total cases.
 - Sales tax projection is 5.16% greater than last year.

Reports:

- Supervisor Brumagin asked Councilman Proctor to review the results of the Findley Lake Watershed Foundation Sewer Survey. To the question “would you be willing to sign a petition to request a re-vote on the proposed sewer district if the monthly cost was limited to approximately \$100 or less?”, he reported that there were 177 responses with 126 surveys indicating “yes”, 36 “no” and 15 “maybe”. The Sewer Workgroup is requesting that the Town Board proceed with soliciting bids for an engineering firm to prepare a proposed sewer district map, plan and report that includes boundaries, design options and cost estimates. Infrastructure funds from the American Rescue Plan Act of 2021 would be used to fund the engineering study. Actions proposed by the Sewer Workgroup include:
 - Reach out to Municipal Solutions Consulting Firm re: Potential Grant Opportunities
 - Contact NYS Environmental Facilities Corp. re: Hardship Status, Financing Options/Process and Request Consultation Meeting
 - Follow-up with Chautauqua County Attorney Steve Abdella re: Process County Followed with NYS for Limiting District Formation Based Upon Funding Constraints
 - Reach out to NYS Office of the State Comptroller re: Process to Receive Approval for Limiting District Formation Based Upon Funding Constraints
 - Meet with Chautauqua County Department of Health re: Possible Moratorium on Sewer Inspections & Required Upgrades During Exploration Period

- Prepare Summarization of Findings from the Various Lake Water Quality Research Studies and Results of CSLAP Testing
- Use American Rescue Plan Act of 2021 Funds for Engaging an Engineering Firm as Costs Associated with Sewer and Water Are Considered a Priority
- Solicit Bids for an Engineering Firm to Prepare a Proposed Sewer District Map, Plan & Report that includes Boundaries, Design Options and Cost Estimates
- Keep abreast of Proposed Federal Infrastructure Plan and Potential Funding for Sewer Projects

The town board discussed continuous monitoring of water wells and agreed to add that to the above list of proposed actions. Councilman Proctor made a motion, seconded by Councilman Burmaster to solicit bids for an engineering firm. Motion carried unanimously.

Ayes – 4 Brumagin, Burmaster, Proctor, Watrous

Nays – 0

- Ed Mulkearn reported that the Findley Lake Watershed Foundation Board of Directors will be voting on engaging the company Princeton Environmental to conduct a comprehensive evaluation of the current state of Findley Lake and to provide recommendations for action by the Watershed Foundation Board of Directors.

Old Business:

- Supervisor Brumagin reported that the enforcement procedures that she and the town attorney are working on will be presented at the next town board meeting.
- Supervisor Brumagin reported that the information that is needed by bond counsel (Orrick, Harrington & Sutcliffe LLP) will be sent to them in a few days so that they can prepare the required documents for the issuance of bonds in the amount of \$370,000 for 15 years at the USDA Rural Development Equipment Grant/Loan closing.
- Supervisor Brumagin prepared and distributed a planning template to assist Councilman Proctor and Councilman Burmaster when working on the needs of the Findley Lake Volunteer Fire Department.
- Supervisor Brumagin reported that she has been discussing with Highway Superintendent Himelein issues with parking on town roads and parking enforcement.

Correspondence:

- Charter Communications – Upcoming changes.
- Nationalgrid – Things to know on payment agreement options, how to manage multiple accounts and electric vehicle charging station program. Also a notice of an upcoming change to outdoor lighting electric rates.
- NYSDEC – Mining permit for R. Chadwick Land Holdings/Chadwick Gravel Pit on Bailey Hill Road.
- Thomas (T.C.) Smith family – Thank you card for donation to Infinity Visual and Performing Arts in memory of Thomas (T.C.) Smith.
- Bill Gullotti (FL Post Office Postmaster) – Notifying the town that he is taking a new position with The Prospect News (a Wall Street trade publication) and his last day at the Post Office will be 4/27/21.
- Town of Mina Code Office – Notice of Public Hearing for two properties for an area variance on 2508-C Shadyside Drive Extension and an area variance and special use permit for the property at 2504 Shadyside Drive Extension.

- Northwest Bank – Notice that Northwest Bank entered into an agreement to sell its insurance business to USI Insurance Services.
- Plyler Entry Systems – Notifying that the transition is just about complete (changing from Plyler Overhead Doors to Plyler Entry Systems).
- South Ripley Solar Project – Notice of intent to file an application.
- Paradigm – Information on NY’s new virtual pipeline safety training program.
- NYS Local Retirement System – Informing the town that a pending matter has been resolved.

Reports:

- Highway Superintendent – Supervisor Brumagin reported that Highway Superintendent Himelein recommends hiring Brian Gilkinson as a full time Motor Equipment Operator with a start date of April 3, 2021 and an hourly wage of \$19.80. Supervisor Brumagin made a motion, seconded by Councilman Watrous to hire Brian Gilkinson, the motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
Superintendent Himelein will submit his monthly report at the April 29, 2021 special town board meeting.
- Assessor – Heather Young-Deyell’s report was handed out for March 2021. She reported that field review of all active building permits is on-going through April. Assessment change notices will be mailed out in early May to property owners that have a change in value.
- Town Justice – Supervisor Brumagin reported that the new tables that were ordered for the court with funds from the JCAP grant have arrived.
- Planning Board – Supervisor Brumagin reported that the Planning Board is continuing its research on solar farms/panels.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$1,490.00 for the month of March 2021. She has paid the Supervisor \$1,268.11, NYS Ag and Markets for dogs \$14.00, and NYS DEC \$207.89. She reported that there are approximately 86 unpaid county/town tax bills. She also reported that the computer she uses to sell hunting/fishing licenses needs to be replaced as it does not interface properly with the DEC issued printer.
- Code Enforcement – Melanie Eddy’s report for March 2021 was distributed. Supervisor Brumagin reported that Chautauqua County has released a survey on code enforcement in the county and that she and the Code Enforcement Officer have been requested to complete the survey.
- Supervisor – Supervisor Brumagin distributed the March 2021 financials. She reported that Cronk Insurance in Erie donated a wooden desk, conference table and three office chairs to the town. The highway crew assisted with moving the furniture. She also reported that a second computer is needed in her office for the supervisor’s bookkeeper.

New Business:

- Supervisor Brumagin presented the Mina Town Board with the following Resolution:

**RESOLUTION ADOPTING JOINT PLAN
#12-21**

WHEREAS, pursuant to section 106-b of the Uniform Justice Court Act, the Towns of French Creek, Mina, Clymer, and Sherman undertook a study relating to the election of a single justice to preside in the town courts of the four participating towns, and

WHEREAS, due notice was published in the official newspaper of the Town of Mina that the study had been concluded and that a public hearing would be held on April 8, 2021 at 7:00 p.m. at the Mina-Findley Lake Community Center, 2883 North Road, Findley Lake, NY 14736; and

WHEREAS, a public hearing was held by the Town of Mina on said date and time to consider the study and the proposed Joint Plan of the Towns; and

WHEREAS, THE Town of Mina has determined that it will participate in the Joint Plan providing for the election of a single town justice to preside in the town courts of the four towns as more particularly set forth in the Joint Plan:

NOW, THEREFORE BE IT

RESOLVED, that the Town of Mina hereby adopts the Joint Plan of the Towns of French Creek, Mina, Clymer, and Sherman pursuant to the provisions of subdivision 4 of section 106-b of the Uniform Justice Court Act of the State of New York.

RESOLUTION #12-21

Councilman Burmaster made the motion, seconded by Councilman Proctor that the Town of Mina Town Board accept the Resolution adopting the Joint Plan of the Town of French Creek, Mina, Clymer and Sherman. MOTION CARRIED.

Adopted Supervisor Brumagin – Aye
 Councilman Burmaster – Aye
 Councilman Proctor – Aye
 Councilman Watrous – Aye

➤ Supervisor Brumagin presented the following Resolution:

**JOINT RESOLUTION OF THE TOWNS OF FRENCH CREEK, MINA,
CLYMER, AND SHERMAN ADOPTED PURSUANT TO
SUBDIVISION 5 OF SECTION 106-b OF THE UNIFORM JUSTICE
COURT ACT OF THE STATE OF NEW YORK
RESOLUTION #13-21**

Pursuant to subdivision 5 of section 106-b of the Uniform Justice Court Act of the State of New York, be it jointly resolved by the Town Boards of the Towns of French Creek, Mina, Clymer, and Sherman as follows:

1. The number of Town Justices in the Towns of French Creek and Mina has already been reduced to one, now filled by the Honorable Denis Cooper, pursuant to a prior joint resolution between those two towns under section 106-b of the Uniform Justice Court

Act. The number of Town Justices in the Town of Sherman has been reduced from two to one and the current office is filled by the temporary appointment of the Honorable Christopher Penfold. The number of Town Justices in the Town of Clymer also has been reduced from two to one and the current office is filled by the temporary appointment of the Honorable Denis Cooper. It is anticipated that if the State Legislature timely enacts this Joint Resolution, the first general election covering all four towns will be held in November 2021. The four Towns will continue to maintain separate finances and case reporting in their courts and shall retain their portion of fines levied as New York State Law requires. The Towns will enact a shared-facilities agreement establishing the Mina Town Court as the physical location from which all four courts will operate beginning as soon as the consolidation process is completed and approved. Each Town will be responsible for the annual costs of its court as agreed upon in the Joint Consolidation Plan and as may be amended from time to time.

2. Upon adoption of this Joint Resolution by the Towns of French Creek, Mina, Clymer, and Sherman, this Joint Resolution shall be forwarded to Senator George Borrello and Assemblyman Andy Goodell for introduction to the New York State Legislature and shall constitute a municipal home rule message pursuant to Article Nine of the New York State Constitution and the Municipal Home Rule Law.
3. This Joint Resolution shall not take effect until State legislation enacting this Joint Resolution shall have become law.

RESOLUTION #13-21

Councilman Burmaster made the motion, seconded by Councilman Proctor to accept the Joint Resolution of the Towns of French Creek, Mina, Clymer, and Sherman Adopted Pursuant to Subdivision 5 of Section 106-b of the Uniform Justice Court and act of The State of New York.

Adopted Supervisor Brumagin – Aye
 Councilman Burmaster – Aye
 Councilman Proctor – Aye
 Councilman Watrous – Aye

- Supervisor Brumagin reported that the Towns of Clymer, French Creek, Mina and Sherman conducted a single justice study. Councilman Burmaster made a motion, seconded by Councilman Proctor, to accept Resolution #11-21 Single Justice with the Towns of Clymer, French Creek, Mina and Sherman. Motion carried unanimously.

Approved: Brumagin - Aye
 Burmater – Aye
 Proctor – Aye
 Watrous – Aye

- Councilman Proctor made a motion, seconded by Councilman Watrous to adopt Local Law #1-2021 A Local Law Enacting A Moratorium On Commercial Solar Energy Facilities. Motion carried unanimously.

Brumagin – Aye
Burmater – Aye
Proctor – Aye

- Watrous – Aye
- Discussion was held on residential solar installations. Councilman Proctor made a motion, seconded by Councilman Watrous, to clarify that the existing moratorium on solar energy includes residential installations. Motion carried.
- Brumagin – Aye
Burmester – Nay
Proctor – Aye
Watrous - Aye
- Supervisor Brumagin reported the following upcoming community events: Earth Day Clean-up by the Findley Lake Nature Center on Saturday, April 24, 2021 and Memorial Day Parade and Program on Monday, May 31, 2021. She shared that she emailed the band teachers from Clymer Central School and Sherman Central School to see if the bands would be able to participate in the parade.
 - Supervisor Brumagin reported that she participated in a webinar hosted by the NYS Association of Towns called “The Marijuana Regulation and Taxation Act” . The two main points for towns in New York State to consider is whether or not to allow retail dispensaries and on-site consumption and, if allowed, where those activities may take place. Those decisions are required to be made by December 31, 2021.
 - NY Bridge Projects – Councilman Burmaster made a motion, seconded by Councilman Watrous to approve Resolution #14-21 grant request as follows. Motion carried unanimously.

**RESOLUTION TO SUBMIT APPLICATION FOR BRIDGE NY FUNDS
#14-21**

WHEREAS, Governor Cuomo announced on January 25, 2021 \$200 Million in BRIDGE NY Funding Available to Build Resiliency in New York Communities, and

WHEREAS, The BRIDGE NY program, administered by the New York State Department of Transportation, is part of the State’s historic \$306 billion infrastructure plan, and

WHEREAS, the new funding will allow localities to rehabilitate and replace bridges and culverts statewide, and

WHEREAS, these strategic infrastructure investments have enhanced the quality of life for residents and businesses in every region of the State and have provided unprecedented support for making New York’s communities more resilient to the impacts of climate change, and

WHEREAS, the BRIDGE NY application is available to all municipalities authorized to receive and administer state and federal transportation funding, and

WHEREAS, the Town of Mina has identified culverts on two heavily traveled town roads that, for safety purposes, need to be replaced, one on Bailey Hill Road and one on West Mina Road, and

WHEREAS, the Town of Mina does not have adequate resources to replace the culverts without financial assistance, and

WHEREAS, applications for BRIDGE NY funds are accepted through May 19, 2021 for culverts and June 9, 2021 for bridges

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Mina hereby approves the submission of a NY BRIDGES application for the replacement of culverts on Bailey Hill Road and West Mina Road in the Town of Mina.

Brumagin – Aye
Burmester – Aye
Proctor – Aye
Watrous – Aye

- Supervisor Brumagin reported on allowable uses of the American Rescue Plan Act of 2021 funds. ARP allows municipalities to:
 - Replace lost funding due to COVID-19
 - Invest in infrastructure (specifically sewer, water and broadband)
 - Launch programs to support workers and small businesses. Those investments can be spent directly by public entities or funneled through nonprofits.
 - Allow for premium pay for essential workers
- Supervisor Brumagin suggested that board members check out the Chautauqua County Policing Reform Plan and recommendations on the Chautauqua County Sheriff's website.
- Supervisor Brumagin reported that Larry Gross from Our Own Candle Co. contacted her asking for support of the publication of the merchant's annual fun map. The Findley Lake Chamber of Commerce used to publish them and the town use to budget \$500 each year to support brochures. Our Own Candle Co. has taken on the project since the Chamber disbanded. Councilman Watrous made a motion, seconded by Councilman Burmaster for the town to provide \$500.00 toward the 2021 Findley Lake fun map. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Supervisor Brumagin reported that she met with Lin Baylis and Marlene Garone from Community Connections at Findley Lake on a newly released Community Development Block Grant application process that is in response to COVID-19 issues. Although the grant is not for government use, any nonprofit or small business applying for the grant must receive a letter of support from local government. The deadline to submit the grant is August 27, 2021 and the maximum award is \$500,000.
- Upcoming Meetings – Supervisor Brumagin scheduled a special town board meeting Thursday, April 29, 2021 at 7:00 pm with Attorney Wright to discuss real property issues. The next regular town board meeting will be held Thursday, May 13, 2021.

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Watrous moved, seconded by Councilman Proctor to pay the monthly claims. In the General Fund claim #75 through #89 in the amount of \$10,597.52 and in the Highway Fund claim #42H through #55H in the amount of \$21,733.90 were approved to pay. Motion carried unanimously.
Approved: Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0

Other Business/Actions:

- As there was no further business to come before the Board, Councilman Watrous moved to adjourn the meeting at 8:29 p.m.

Respectfully submitted,

Sherrie Tanner
Town Clerk