

August 12,, 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  
                  Ernie Roache.....Councilman  
                  Dick Watrous.....Councilman

Attended by: Pat Cuneo (Planning Board), Julie Dobson, Kris Gleason (Planning Board Chair), Larry Gross, Michelle Hall, Bill Himelein (Highway Superintendent), Nathalie Morgen, Ed Mulkearn (Findley Lake Watershed Foundation), Jeff Park (Findley Lake Volunteer Fire Dept.), David Prenatt (Jamestown Post Journal), Sherri Schenk, John Shifler (Planning Board), Brian Sullivan, Jo-Ann Travis (Planning Board)

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

**Comments/Concerns from those present:**

- Sherri Schenk asked if the town gave permission for the triathlon to take place. Supervisor Brumagin stated that the town was not involved this year. However, last year in order to ensure that COVID Executive Orders were followed, she had the event planners submit their New York Forward protocols to her. She also informed the event planners that they would need to contact the various property owners to get permission to use their properties. Sherri stated it has a negative impact on the downtown businesses due to the location of the event and the time of year it is held. They made the boat and kayak launches unavailable both Friday evening and most of the day Saturday; they brought in their own food and beer trailers; they used the NYS DEC fishing access parking area; and, they blocked access to the dry hydrant that is used by the fire department.
- Ed Mulkearn, president of the Findley Lake Watershed Foundation, stated that he appreciated knowing about the triathlon issues so that when the planners request permission to use the FLWF property for next year that he will have them address the concerns. The weed harvester has been working but they are about a month behind because of not being able to get the harvester into the lake as early this year because the lake was too low. Councilman Burmaster stated he received a call from Joe Kowalski, a former resident, who was previously involved in the State of the Lake report in 2001. Joe was wondering about Cornell University’s project where weevils were introduced into the lake to control the weeds. Ed reported that the weevils are still in the lake and are effective in the areas where they were placed.
- Supervisor Brumagin reported that Councilman Watrous spoke with Tim Girts, from Girts Sand & Gravel LLC, who has the permit to operate the gravel pit on Bailey Hill Road. Tim Girts was willing to meet with the neighbors who expressed concerns about the gravel mine operations. A meeting was held and attended by Supervisor Brumagin, Councilman Watrous, Highway Superintendent Himelein, Mr. Girts, Nathalie Morgen, Michelle Hall, Deb Thresher and James Macri, attorney from Goldberg Segalla Law Firm in Buffalo who was in attendance at the request of the three property owners. Nathalie

Morgen stated that she didn't feel that Tim Girts provided answers to the questions they had regarding the amount of activity because the activity at the gravel pit is unknown as it is based upon customer demand. She was pleased that he reported that the operation would not be using calcium chloride and she also reported that the electric company was seen at the gravel pit site on 8/12/2021. Additionally, Supervisor Brumagin shared that she reviewed a report that Nathalie Morgen gave to her. The report referenced a study conducted in 2006 in Michigan by the Upjohn Institute about the potential economic impact on residential housing prices as they relate to the distance from a potential gravel mining operation. Superintendent Brumagin contacted the author of the study for actual data and was informed that the mining operation was not put into operation and so the potential impact as determined in the study could not be substantiated.

- Nathalie Morgen also asked about a petition from 2019 that was submitted to the town regarding weight limits and speed on Route 426. The town board discussed the issue in 2019 including what would be required to convert County Highway 1 (Mann Road) to NYS Route 426. Marty Proctor, who was a county legislator in 2019, brought the issue to the County Director of Public Facilities.

#### **Comments/Concerns from those not present:**

- Supervisor Brumagin asked the town clerk to read the petition dated 7/10/2021 that was signed by property owners in the area of Case & Division Streets and Lakeview Avenue. It stated that they do not want the roads widened, expanded or extended in any way. Supervisor Brumagin and Highway Superintendent Himelein explained that the Town of Mina has had no plan to widen, expand or extend these roads at this time and that fact was communicated verbally to a number of the petitioners prior to the circulation of the petition. A few months ago, some neighbors placed stakes on or near their property and complained about the placement of snow during winter snow removal. Unlike the other town roads in Mina that have surveys on file, the Highway Superintendent could not locate a survey for Case, Division and Lakeview. The Town engaged a surveyor to survey the roads to determine where the property lines are located, where the Town owns each road and where the Town has a right of use. The survey is essential so that the highway department can be prepared for any future roadwork including winter snow removal. Even though the roads are in a small neighborhood, they are Town roads and can be traversed by anyone and are not for the exclusive use of the local property owners.
- Supervisor Brumagin reported that she received a complaint regarding vehicles speeding throughout the town and about motorcycles not stopping at the stop sign at the intersection of Pleasant and School Streets.

#### **Planning Board – NYS Marijuana Act Local Option Recommendations:**

- Supervisor Brumagin asked Kris Gleason, Planning Board Chair to give a summary and information on the research conducted by the Planning Board to support the recommendations to the town board on local options as outlined in the recent NYS Marijuana Act. Kris introduced the other members of the Planning Board and stated that the Planning Board was trying to determine how retail dispensaries would affect all people in the community. They studied the laws in various states including the State of Colorado which legalized recreational marijuana in 2012. In Colorado, the dispensaries seemed to be in larger cities and in ski resorts with very few located in small towns. The Planning Board is recommending that the town opt out of allowing retail dispensaries and onsite consumption for now. If the town opts in now, the town board cannot by NYS law change its mind in the future. After 12/31/2021, the town could opt in after more regulations have been developed and more guidance is available from New York State. The Planning Board recommends continuing to research and monitor laws and

regulations as they are put into place. It was also noted that it may be a matter of time before the federal government passes a law for recreational marijuana and the taxes the government could impose. Currently U.S. Senator Chuck Schumer is proposing the decriminalization of marijuana. It was reported that the State will be responsible for granting the licenses for the retail dispensaries and the granting of this type of license will not be done by any local governing body. Supervisor Brumagin thanked the Planning Board members for all of their research. She stated the town board will review the information they prepared and begin discussing the recommendations at the September town board meeting.

### **Novel Coronavirus (COVID-19) Pandemic:**

- Supervisor Brumagin reported the following in regard to the COVID-19 Pandemic:
  - Federal:
    - The American Rescue Plan Act funds distribution for 2021 for the Town of Mina was received and Supervisor Brumagin and Superintendent Himelein are working on a list of projects that the town board may consider.
  - New York State:
    - The State is back to full activity for individuals who have been fully vaccinated with the exception of the evictions moratorium which is currently scheduled to be lifted on September 1<sup>st</sup>.
  - Chautauqua County:
    - Statistics as of 8/9//21: 84 active cases, 5 hospitalized, 186 in quarantine, vaccine: 1<sup>st</sup> dose 59,694(47% of eligible residents), fully vaccinated 55,694 (44% of residents). These numbers now include youth from age 12 and up. CDC Level of Community Transmission for Chautauqua County – substantial.

### **Old Business:**

- USDA Rural Development – Supervisor Brumagin reported that the pre-closing on the grant/loan is scheduled for August 17, 2021 and the closing is scheduled for August 19th as all the equipment has been delivered. A resolution will be considered for action under new business.
- Findley Lake Volunteer Fire Department – Pete Howard and Scott Bensink are working on a business plan.
- Traffic control around Findley Lake – Supervisor Brumagin reported that the two accessible parking spots downtown that the highway department painted turned out well and she asked Highway Superintendent Himelein to see if they could get a work permit from NYS to be able to paint lines in the no parking area on Main Street by the Sunnyside Road intersection as it is difficult to see around that corner when at the stop sign.
- Sewer District Update - Supervisor Brumagin reported that a RFP (Request for Proposal) for a Preliminary Engineering Study has been extended to 10/15/21 and a new legal notice will be posted in the Jamestown Post Journal and the town's website.
- County Septic Inspections – Supervisor Brumagin reported that Bill Boria provided a letter stating that the county implemented a temporary policy on required septic system improvement for areas around Chautauqua Lake and Findley Lake. He will attend the September meeting to provide the town board with more detail about the policy.
- Supervisor Brumagin shared that the town supervisors for Clymer, French Creek, Sherman and Mina met to discuss dog control enumeration services, procedures and fees and she will report on action needed under new business.

## **Reports:**

- Findley Lake Watershed Foundation – Ed Mulkearn reported that the annual meeting was well attended. The weed harvesting is doing better than they thought in the main body of the lake but it is not totally caught up. Part of the reason for being behind is that they were down one operator due to illness. He reported that they will make sure to let the triathlon planners know that there is to be no parking during the triathlon near the dry hydrant so the fire department will be able to access it.

## **Correspondence:**

- Charter Communications – Upcoming changes.
- NYMIR (New York Municipal Insurance Reciprocal) – 2020 Annual Report
- Findley Lake Community Foundation – Invitation to attend Summer Party on Friday, August 27<sup>th</sup>.
- Spectrum Enterprise – 2021 Annual Privacy notice.
- Great Lakes Insurance Services Group LLC – Reinstatement Notice for summer recreation program.
- Connie Neckers – Thank you note for allowing the family to use the Community Center for a memorial get together for their mother, Audrey Young.
- Campanelli & Associates, P.C. – Information on the 5G rollout – controlling the siting of wireless facilities with the town.
- ConnectGen LLC – Notice of intent to file an application (South Ripley Solar Project).
- NYS Division of the budget – Notice that the submission of request for funds from ARPA Coronavirus Local Fiscal Recovery Funds was received.
- NYS DEC – Notice of availability of funds for communities to hold a tree planting event.
- UBEO Business Services – Announcement that as of May 1, 2021 James B. Schwab Co. is now part of the UBEO family of companies.
- Former State Senator Cathy Young – Regarding Congressional Redistricting.
- NYS – Cyclical Aid payment for the recent reassessment.

## **Reports Continued:**

- Highway Superintendent – Superintendent Himelein reported that utility pole #211 downtown will be addressed in the spring when other work is being done. The Town has received delivery on the 2022 Volvo plow truck and the 2021 John Deere tractor. In the Mina cemetery, they have completed four monument bases and had three burials. The shoulder work has been completed on Sulphur Springs Road. The CHIPS application has been submitted. Sign inventory is close to being completed. Craig Tenbuckel is retiring on September 9, 2021 after 43 years of service. The town is accepting applications for a motor equipment operator. Superintendent Himelein did not apply for the salt shed grant as reported in July because municipalities with an existing salt shed don't meet the qualifications for the grant. The highway department has started roadside brush trimming.
- Recreation Committee – Supervisor Brumagin reported that the dedication for the School Street Park will be rescheduled.
- Assessor – Heather Young-Deyell's report was handed out for July 2021. She reported that the sales analysis of CAP #4 has begun since the June deeds have been received from the County Clerk's Office. This process will help to determine which areas have the biggest disparity in sales vs. assessment. This process includes drive-by inspections of all sales that have occurred in the past year. New photos are taken to represent the condition at the time of sale and are compared to previous photos. The inventory is

verified through sales listings and sales verification mailers that are sent to new homeowners at the time of sale. The process should conclude in September.

- Town Justice – Supervisor Brumagin reported that the single Justice position for all four towns (Clymer, French Creek, Mina, and Sherman) will be on the ballot this November. Court security from the Sheriff’s department is being looked into possibly having two nights a month starting in 2022. Also the justice department is looking into accepting credit cards if they can use one phone line for all four towns.
- Community Center – Supervisor Brumagin is looking into purchasing additional interlocking mats to protect the gym floor when there are events that require more seating.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$1,365.00 for the month of July 2021. She has paid the Supervisor \$652.63, NYS Ag and Markets for dogs \$34.00, NYS Health Dept. for marriage licenses \$135.00 and NYS DEC \$543.37. She reported hunting license sales had begun for the 2022-2023 season and were going well.
- Findley Lake Volunteer Fire Department – FLVFD financials for July 2021 were distributed.
- Code Enforcement – Melanie Eddy’s report for July 2021 was distributed. Supervisor Brumagin reported that the code enforcement officer issued a ticket for one of the flags featuring an obscene word and the owner will be appearing in court next week.
- Supervisor – Supervisor Brumagin distributed the July 2021 financials. She reported that she attended a zoom meeting with Senator Borrello and he discussed redistricting for Congressional District 23 as well as other issues including ARPA funding and the options for towns to consider with the new marijuana act.

**New Business:**

- Supervisor Brumagin reported that the Town will be looking to hire a new machine equipment operator (MEO). If the person has MEO experience with a municipality, the starting hourly rate will be the same as current full-time MEOs.
  - Supervisor Brumagin asked the town board members to review the Planning Board information on the research and recommendations on NYS marijuana local option that was prepared by the Planning Board and the topic will be discussed at the September regular town board meeting.
  - Supervisor Brumagin reviewed a proposed fee schedule for dogs that the four town supervisors are recommending:
    - \$5 for a spayed or neutered dog
    - \$15 for an unsprayed or unneutered dog
    - \$25 for impound fee
    - \$25 for a second enumeration letter
    - \$25 if a ticket is written for unlicensed dogs
- Councilman Proctor made a motion, seconded by Councilman Burmaster to adopt the dog fee schedule. Motion carried unanimously.
- Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous
- Nays – 0
- Supervisor Brumagin reported that Cathy Young (former NYS Senator) requested that the Town prepare a submission expressing concern for the potential of non-agricultural communities being added to Congressional District 23 when they redistrict the state. Discussion held. Supervisor Brumagin will send a response expressing concern about needing to keep the district at its current rural character.

- Supervisor Brumagin reviewed the following USDA bond resolution for the board to consider.

**RESOLUTION #17-21 OF THE  
TOWN BOARD OF  
THE TOWN OF MINA**

At the regular meeting of August 12, 2021, the following resolution was adopted:

*Resolution:* To Accept the Project As Complete And Authorize Final Payment.

Whereas, The Town Board accepts the project for the 2022 Volvo Dump Truck with Plow as complete model VHD64F Serial #4V5KC9EH2NN286429  
Also the John Deere 2021 Utility Tractor Serial #1LV5100MKMM405160  
And the John Deere 2020 544L Wheel Loader Serial #1DW544LZLLF708356 with a 2020 10' Snow Pusher

Whereas, The Town Board authorizes the final payment of said equipment.

I, Councilman Burmaster, move the adoption of the above Resolution, seconded by Councilman Watrous with all in favor.

Brumagin – Aye  
Burmaster – Aye  
Proctor – Aye  
Roache – Aye  
Watrous – Aye

- Supervisor Brumagin reviewed the 2022 Budget process and calendar.
- Supervisor Brumagin reported that the Findley Lake-Mina Historical Society is planning a Town of Mina Bicentennial in 2024 with the theme “Sentimental Journey”. Part of the planning includes the reconstruction of the log cabin which is believed to have been built in the late 1700s as a military outpost and in 1902 was identified as the oldest and most historic building at the lake.
- Supervisor Brumagin reported that the triathlon organizers donated \$400.00 to the Town of Mina recreation program.
- Upcoming Community Events – Harvest Festival will be held Friday evening, all day Saturday and Sunday, September 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup>.
- Upcoming Meetings – The next regular town board meeting will be held on Thursday, September 9, 2021.

**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 #165 through #191 in the amount of \$16,455.30 and in the Highway Fund claim #105H through #115H in the amount of \$322,241.31 were approved to pay. Motion carried unanimously.

Approved: Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous  
Nays – 0

**Executive Session:**

At 9:02 pm Councilman Watrous made a motion, seconded by Councilman Burmaster, to adjourn to Executive Session to discuss real property matters. Motion carried. At 10:09 pm Councilman Proctor moved, seconded by Councilman Watrous, to return to regular session. Motion carried unanimously.

**Other Business/Actions:**

- Councilman Burmaster made a motion, seconded by Councilman Watrous to request that Highway Superintendent Himelein prepare a list of highway department needs in the event that the town considers building a new highway barn and for Superintendent Himelein to contact Ligo Architects regarding drawing up preliminary plans for a building that would house both the highway garage and a fire station. Motion carried unanimously.  
Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous  
Nays – 0
- As there was no further business to come before the Board, Councilman Burmaster moved to adjourn the meeting at 10:11 p.m.

Respectfully submitted,

Sherrie Tanner, Town Clerk