

January 14, 2021

The Mina Town Board met on the above date for the organizational and 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: Bill Himelein (Highway Superintendent), Tad Wright (Town Attorney)

Oath of Office: Supervisor Brumagin administered the oath of office to Councilman Marty Proctor and reported that Denis Cooper was sworn in as Justice for the Towns of French Creek and Mina on December 21, 2020 at the county.

Minutes: Motion was made by Councilman Watrous and seconded by Councilman Burmaster to accept the minutes of the December 10, 2020 meeting and the December 28, 2020 year end meeting as presented. Motion carried.

Comments/Concerns from those present: none

Comments/Concerns from those not present: none

Organizational Meeting

Supervisor Brumagin opened the Organizational Meeting at 7:03 p.m.

Resolution #1-21

The following resolution presented by motion of Councilman Proctor, seconded by Councilman Burmaster, was passed unanimously: BE IT RESOLVED THAT the Town Board of the Town of Mina hereby agrees to authorize the Findley Lake Volunteer Fire Department and the Sherman Fire Department (Stanley Hose Co.) to conduct fund raising activities and will provide its assistance by encouraging the community to support these activities. Motion carried.
Ayes - 5 Brumagin, Burmaster, Proctor, Roache, Watrous
Nays - 0

A motion was made by Councilman Roache, seconded by Councilman Burmaster, and passed unanimously to hold monthly board meetings on the second Thursday of the month at 7:00 p.m. at the Mina-Findley Lake Community Center.

Councilman Burmaster made a motion to authorize the use of Community Bank, N.A. as the depository for the town's funds, seconded by Councilman Roache, and passed unanimously.

Councilman Watrous moved, Councilman Proctor seconded the motion, and it passed unanimously to establish the Jamestown Post Journal as the official newspaper of the Town Board.

Councilman Roache made a motion, seconded by Councilman Proctor, to continue membership in all the municipal, county and state associations. Passed unanimously.

Councilman Watrous moved that the wages of the full-time motor equipment operators be set at \$19.80 per hour from January through December 2021. Motion seconded by Councilman Burmaster and passed unanimously.

Part-time (substitute) wages for highway motor equipment operators are to be paid at 80% of the hourly rate of full-time motor equipment operator with CDL \$15.84/hr. (without CDL at \$12.50/hr.). Substitute motor equipment operator to be hired only when a full time highway employee is unable to work. Motion made by Councilman Burmaster and seconded by Councilman Roache. Motion passed unanimously.

Councilman Watrous made a motion, seconded by Councilman Roache, that any full-time motor equipment operator hired after 01/01/2020 is required to maintain a valid CDL medical card. Motion passed unanimously.

Councilman Proctor moved that employees eligible for health and vision insurance pay 10% of the premium. The amounts will be deducted from wages pretax under Section 125 of the IRS Code unless the employee signs a waiver form. This motion was seconded by Councilman Watrous and was passed unanimously.

Councilman Burmaster moved and Councilman Proctor seconded the motion to authorize the Highway Superintendent to advertise for bids for all necessary supplies for highway use in 2021. Passed unanimously.

Councilman Watrous made a motion that the town officials' salaries are to be as adopted in the final 2021 budget. (Supervisor Brumagin reported that the Supervisor's Bookkeeper salary would not be included in the Supervisor's salary as a bookkeeper has been hired) Seconded by Councilman Proctor and motion passed unanimously.

Motion was made by Councilman Proctor, seconded by Councilman Burmaster, that all town officials be paid 50 cents per mile for use of their cars while discharging official town duties and that all mileage be documented in detail. Carried unanimously.

A motion was made by Councilman Proctor and seconded by Councilman Roache to appoint the law firm of Wright, Wright & Hampton as Town Attorney. Passed unanimously.

Motion made by Councilman Watrous, seconded by Councilman Burmaster, to authorize the hiring of a legal stenographer at legal rates for any necessary hearings by town officials in the Town of Mina in 2021. Passed unanimously.

Councilman Watrous moved, motion seconded by Councilman Proctor, to reappoint Mary Norcross as Town Historian. Motion passed unanimously.

Motion was made by Councilman Burmaster, seconded by Councilman Proctor, to appoint Craig Tenbuckel as Deputy Highway Superintendent at \$20.00 per hour. Motion Passed unanimously.

The Supervisor made the following appointments:

Deputy Town Supervisor:

Richard Watrous

Highway and Cemetery Committee:

Richard Watrous

Rebecca Brumagin

Recreation Committee Liaison:

Ernest Roache

Insurance Committee:

Rebecca Brumagin

Stephen Burmaster

Martin Proctor

Ernest Roache

Richard Watrous

Community Center Facilities Coordinator:

Rebecca Brumagin

Refuse Service Liaison:

Ernest Roache

Coordinated Assessment Program:

Rebecca Brumagin

Councilman Watrous made a motion to designate the Mina-Findley Lake Community Center as the official polling place of the Town of Mina for 2021, seconded by Councilman Burmaster, and passed unanimously.

The Supervisor is authorized to pay utility bills and insurance premium bills due rather than waiting for the monthly audit, thus eliminating late charges. Councilman Burmaster moved to authorize payment. The motion was seconded by Councilman Proctor and passed unanimously.

Councilman Watrous moved, seconded by Councilman Proctor, to authorize the Highway Superintendent to clear snow from the following areas: Findley Lake Volunteer Fire Department, Mina-Findley Lake Community Center, New York State DEC Fishing Access area, and Findley Lake Watershed Foundation area on Main Street. Motion carried.

Councilman Burmaster moved, seconded by Councilman Roache, to authorize the Highway Superintendent to remove accumulated snow on Main Street to accommodate the width of parking a car. Motion passed.

Councilman Watrous moved, seconded by Councilman Burmaster, to authorize the Highway Superintendent to occasionally remove snow on Main Street that has been plowed to the side of the road when there is a significant accumulation of snow. This does not authorize the Highway Superintendent to clear snow from the sidewalks as that is the responsibility of the property owner. Motion carried.

A motion was made by Councilman Watrous and seconded by Councilman Proctor to fill the following positions with the following individuals:

- Audrey Sliker – Deputy Town Clerk level 2 (\$13.20 per hour), Deputy Records Management Officer, Deputy Registrar of Vital Statistics, and Deputy Accessible Parking Permit Agent, expiring December 31, 2021;
- Jodie D’Anthony - Justice Clerk (\$6,000/yr) to assist with records and take minutes of court hearing expiring December 31, 2021;
- Cala Glatz – Cleaner at the Community Center (\$12.50 per hour) expiring December 31, 2021;
- Michael Watrous – Cemetery mower (\$14.00 per hour) expiring December 31, 2021;
- Virgil Brown - Community Center shoveler (\$12.50 per hour) expiring December 31, 2021;
- Melanie Eddy - Building Inspector (\$6,000.00 per year) and Zoning Code Enforcement Officer (\$6,000.00 per year) expiring December 31, 2021;
- Janae Ryan – Supervisor’s Bookkeeper (\$6,500 per year) expiring December 31, 2021;
- Lynn McGill - appoint to the Planning Board for a five year term ending December 31, 2025;
- Barbara Cooper - reappoint to the Recreation Committee for a five year term ending December 31, 2025;
- John Shifler reappoint to the Zoning Board of Appeals for a five year term ending December 31, 2025.

The motion carried.

Resolution #2-21

Resolution #2-21 was presented to eliminate winter maintenance of Fox Road, Klondyke Road and part of Gas Well Hill Road at the request of Highway Superintendent William Himelein. Councilman Burmaster made the motion to adopt the resolution, seconded by Councilman Proctor, and unanimously passed.

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

Nays - 0

A motion was made by Councilman Watrous and seconded by Councilman Burmaster to designate Rebecca Brumagin, Mina Town Supervisor, as the Town’s Disaster Coordinator. The motion passed unanimously.

Resolution #3-21

On a motion from Councilman Proctor and second by Councilman Watrous, the following resolution was presented:

Resolved that meetings, schooling/educational classes for Elected and Appointed Officials, Code Enforcement Officer, Assessor, and Dog Control Officer when school pertains to respective jobs is duly authorized. Motion carried.

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

Nays – 0

Resolution #4-21

Resolution #4-21 was presented that the powers and duties necessary for day to day operations are delegated to the Town Supervisor. Councilman Proctor made the motion to adopt the resolution, seconded by Councilman Roache, and passed unanimously.

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

Nays – 0

Resolution #5-21

Resolution #5-21, motion was made by Councilman Watrous and seconded by Councilman Proctor for the Town of Mina to contract in 2021 with Chautauqua County Sheriff's department for court security services. The contract covers monthly court on the first Thursday of the month and additional court dates and trials as needed. The contract may not exceed a total of \$3,000.00 for the year. Motion carried unanimously.

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

Nays – 0

Resolution #6-21

Resolution #6-21, motion was made by Councilman Proctor and seconded by Councilman Watrous to contract in 2021 with the Chautauqua County Humane Society for Animal Holding Services at the same rate as 2020.

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

Nays - 0

Resolution #7-21

Resolution #7-21, motion was made by Councilman Watrous and seconded by Councilman Burmaster to post weight limits and dates on Town of Mina roads with weights and dates to be determined as deemed necessary by Town of Mina Highway Superintendent. Motion carried.

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

Nays – 0

Fee Schedules:

1. Building and Zoning Permit Fees & Fines Schedule for 2021 (the same as 2020).
2. Town Clerk Fees Schedule for 2021 (the same as 2020).

Motion by Councilman Watrous second by Councilman Proctor to approve the above fee schedules. Motion carried

Investment Policy:

Motion by Councilman Roache and second by Councilman Proctor to approve the Town of Mina Investment Policy. Motion carried.

Full-Time Motor Equipment Operator Employee Benefit Schedule:

The Town Board reviewed the updated benefit schedule for consideration and will vote on the updated schedule at the next regular town board meeting.

Other Business:

As there was no other business related to the organizational meeting, it was adjourned at 7:32 pm by motion of Councilman Watrous. Supervisor Brumagin called the regular meeting to order at 7:32 pm.

Executive Session:

At 7:33 pm Councilman Proctor made a motion, seconded by Councilman Roache, to adjourn to Executive Session to discuss real property matters and contractual issues with Attorney Wright. Motion carried. At 9:21 pm Councilman Proctor moved, seconded by Councilman Burmaster, to return to regular session. Motion carried unanimously.

Old Business:

- Highway Superintendent Himelein reported that the highway department will be able to utilize the 1987 snow blower at the cemetery and so the town will no longer plan to dispose of it.

Correspondence:

- Charter Communications – Upcoming changes.
- Emergency Preparedness Solutions, LLC – New State mandate for towns.
- Supervisor Brumagin – Letter to Dan Norcross thanking him for his volunteer services at the Community Center.
- Mina Town Court – Reporting that the court’s records and docket are required to be audited by the town board.
- Chautauqua County Board of Elections – License Agreement for the 2021 calendar year and the polling site information sheet.
- Association of Towns – Upcoming training information.
- Association of Towns – 2021 Training School and Annual Meeting of the Association information.
- Chautauqua County Dept. of Finance – Statement of monies paid to the Town Supervisor from the Director of Finance.
- Town of Mina – Information on upcoming Zoning Board of Appeals meeting.
- NYS Town Clerks Association – Certificate of Training for Sherrie Tanner.

Reports:

- Highway Superintendent – Superintendent Himelein’s report was distributed. He reported that he has been elected as the 2nd Vice President for the Chautauqua County Highway Association. He is working on updating an equipment report and is recommending looking into repairing the salt shed. He reported 59” of snow so far this season and ¾” of ice. Projected delivery of the plow truck is the end of March/mid-April and projected delivery of the tractor is the first part of May. The highway crew has been working on trimming back brush around the lake, preventive maintenance on equipment (they rebuilt brush trimming deck on the excavator and built a chipper box for new 3500 dump truck). He also reported that Nick Kopta will be retiring this summer from using his back hoe to dig graves at the Mina cemetery. He is looking into different options for this service.
- Town Historian – Mary Norcross annual report for 2020 was distributed.
- Assessor – Heather Young-Deyell’s report was handed out for December 2020. She reported that the exemption renewal applications have been mailed and are due back to her office by March 1, 2021. Once the exemption renewal process is completed,

inspection and collecting inventory on parcels that have active building permits will begin and continue through April. Assessment change notices will be mailed out the first week in May.

- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$633.00 for the month of December 2020 as well as the clerk’s annual report. She has paid the Supervisor \$572.76, NYS Ag and Markets for dogs \$13.00, and NYS DEC \$47.24. She reported that the town/county tax bills have been mailed out and she started collecting taxes on January 7, 2021.
- Supervisor – Supervisor Brumagin reported she has prepared the detailed 2020 financial statements and will leave them with the Town Clerk for board members to review and sign off.

New Business:

- Supervisor Brumagin recommended to hire Cala Glatz for cleaner at the Community Center. Councilman Watrous made a motion, seconded by Councilman Proctor, to hire Cala Glatz at \$12.50 an hour beginning January 1, 2021. Motion passed unanimously.
Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous
Nays – 0
- Supervisor Brumagin reported that the Town of Clymer is interested in joining the towns of French Creek and Mina for a single Town Justice to be elected for all three towns. Councilman Burmaster made a motion, seconded by Councilman Proctor, for the following resolution #8-21 to prepare a study for Shared Justice position. Motion carried.

Resolution #8-21

Single Town Justice for the Towns of French Creek, Mina, and Clymer

WHEREAS, over the past several years the administrative and financial costs associated with maintaining a Justice Court has increased for each of the Towns; and

WHEREAS, the Town of Clymer has experienced, and continues to experience, increased difficulty with attracting and retaining qualified Justices of the Peace; and

WHEREAS, the New York legislature has enacted legislation authorizing Towns that form a contiguous geographic area within the same County to elect a single justice to preside in the Town Courts of each of the Towns or to establish a single justice court for the Towns; and

WHEREAS, the Towns of French Creek, Mina, and Clymer wish to conduct a study to determine whether by sharing resources the three towns are able to streamline their Court systems, to reduce the financial costs to each town while maintaining judiciary service for its residents, and whether such sharing of services is in the best interests of each town.

NOW THEREFORE, be it resolved that the Town of French Creek, the Town of Mina, and the Town of Clymer hereby authorize a joint study to be undertaken to the consolidation of their respective Justice Courts and/or the election of a single Town Justice to preside in the Town Courts of each of the Towns. The study shall be conducted by a committee of two (2) members from each Town, each member to be appointed by the Supervisor of the respective Town.

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

- Supervisor Brumagin distributed and reviewed the proposed 2020 budget transfers. Councilman Watrous made a motion, seconded by Councilman Proctor, to accept the 2020 budget transfers as reported. Motion carried.
Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous
Nays – 0
- Supervisor Brumagin distributed a schedule of town official’s payments for 2020 with supporting documentation for the town board to audit.
- Supervisor Brumagin reported that she conducted the annual Town of Mina Justice audit and distributed her report. Councilman Burmaster made a motion, seconded by Councilman Roache, to accept the report as given. Motion carried unanimously.

Town of Mina
Board Resolution #9-21
Justice Audit

At a regular meeting of the Mina Town Board held on Thursday, January 14, 2021, Mina Town Supervisor Rebecca N. Brumagin, submitted a report of findings of the audits conducted on the justice records for the calendar year 2020. Her report included information on the process for reviewing records including monthly bank statements, bank reconciliations, accountability reports, the cash receipt journal, the cash disbursement journal, partial payments reports, NYS Justice Court reports, TSLE&D reports and a sampling of court docket files and cases. Findings for 2020 were as follows:

1. All financial records are complete and up-to-date.
2. Transactions are recorded properly.
3. Accountability is determined monthly.
4. A computerized record of uncollected installment payments is not readily available through the current SEI software program, however, the court clerk maintains a handwritten list.
5. Dockets for disposed cases appear to be complete and agree with amounts reported.
6. Required reports are made timely and accurately.
7. Because of the COVID-19 pandemic and the local courts being required to close for many months during 2020, there are a large number of pending TSLE&D cases (121) as suspensions were stopped. Three of the five pending cases on the TSLE&D report over 90 days have not been resolved through TSLE&D and have been pending for 9+ years.

A motion was made by Councilman Burmaster and seconded by Councilman Roache to accept the findings of the 2020 Town of Mina Justice Court Audit. The vote was as follows:

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

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Watrous moved, seconded by Councilman Burmaster, to pay the monthly claims. In the General Fund claim #1 through #27 in the amount of \$63,601.18 and in the

Highway Fund claim #1H through #10H in the amount of \$8,283.63 were approved to pay. Motion carried unanimously.

Approved: Ayes – 5 Brumagin, Burmaster, Proctor, Roache, 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 9:51 p.m.

Respectfully submitted,

Sherrie Tanner
Town Clerk