

March 11, 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

Absent: Dick Watrous.....Councilman

Attended by: Jeffrey Gerould (7:12), Bill Himelein (Highway Superintendent)(7:08), Ed Mulkearn (Findley Lake Water Shed Foundation & Sewer Work Group)(7:11), Sherri Schenk

Minutes: Motion was made by Councilman Proctor and seconded by Councilman Burmaster to accept the minutes of the February 11, 2021 meeting as presented. Motion carried.

Comments/Concerns from those present:

- Sherri Schenk thanked Supervisor Brumagin for getting the new town website up and running. She stated that it is nice to be able to catch up on the minutes from town board meetings and be able to read legal notices from the website. She also wondered why there are surveyor stakes on the Findley Lake Watershed Foundation property downtown. Supervisor Brumagin stated that she will need to address her question to Ed Mulkearn from the Watershed Foundation.

Comments/Concerns from those not present: none

Executive Session:

Supervisor Brumagin reported that the town attorney will not be attending the town board meeting since he is waiting for a response to two of the three issues he is researching on behalf of the town and, therefore, there is no need for an executive session.

Novel Coronavirus (COVID-19) Pandemic:

- Supervisor Brumagin reported the following in regard to the COVID-19 Pandemic:
 - Federal:
 - Congress – Supervisor Brumagin reported she participated in a webinar with NYS Senator Charles Schumer on distribution of federal monies to municipalities for COVID (The American Rescue Plan Act of 2021). The two most important areas reported for the use of the monies are infrastructure (water and sewer) and to replace lost funding. One-half of the money will be released within 60 days of the President signing the law on March 11, 2021. Senator Schumer shared that the monies to local municipalities may not be reduced or offset by state or county governments.
 - New York State:
 - Governor Cuomo’s Executive Order #202 (New York on PAUSE) Disaster Emergency Declaration: currently there have been 96 updates/modifications.

and emergency powers were revoked by the state legislature in advance of their expiration of April 30, 2021. The domestic travel quarantine is to be eliminated as of April 1, 2021.

- Governor Cuomo announced all New Yorkers 60 years of age and older are eligible to be vaccinated beginning on March 10, 2021.
- Government employees, nonprofit workers, and essential building service workers are eligible to be vaccinated beginning on March 17, 2021.
- Vaccine distribution eligibility has expanded; all providers except pharmacies can now vaccinate any eligible New Yorker starting March 17, 2021. Pharmacies can vaccinate 60-plus and teachers per federal guidance starting March 10, 2021.
- On March 2, 2021 an update on residential eviction proceedings was received from the NYS Office of Justice Court Support with information on the commencement of cases depending upon the date that the case was filed.
- Chautauqua County:
 - Vaccine administered as of 2/27/21: 1st dose 14,887 (11.48% of residents), 2nd dose 8,694 (6.71% of residents).
 - Statistics as of 03/08/2021: 138 total deaths; 10 currently hospitalized; 127 active cases; 7,711 total cases.
 - Supervisor Brumagin spoke with Dan Heitzenrater from County Executive PJ Wendel's office regarding the amount of COVID relief money the Town of Mina will be receiving. As of 03/08/2021 the amount reported to be received by the Town of Mina is \$110,000.

Old Business:

- Supervisor Brumagin reported that NYMIR is offering a webinar on March 15, 2021 on sexual harassment training. Any town employee that needs to update their annual training is encouraged to sign up to take it.
- Supervisor Brumagin reported that she met with Highway Superintendent regarding working on the 20+ year employee honor roll and that they are planning on posting the names and information on the town's website as employee names and history are researched. A plaque with the names will eventually be placed in the Community Center.
- Supervisor Brumagin reported that Highway Superintendent Bill Himelein and she spoke with Tom Becker from USDA Rural Development and he is recommending that the town connect with bond counsel to ensure that all of the bonding requirements are met by the time all of the equipment is received. The equipment is expected to be delivered in mid-May.
- Highway Superintendent Bill Himelein reported that the NYMIR (town's insurance company) recommendations that need to be completed are 1) replace light bulb in exit sign at the Community Center (completed), 2) street sign inventory program, which includes a bi-annual street sign inspection (1/3 of the way done) and 3) install master battery disconnect in highway equipment (should be complete by July).
- Supervisor Brumagin and Superintendent Himelein reviewed the highway benefit schedule and are recommending keeping it as it currently is.
- Councilman Proctor reported that he attended the Findley Lake Volunteer Fire Department meeting and that the fire department is proceeding with the annual fund drive to request financial support and to ask for new volunteers. Another suggestion that he and Councilman Burmaster report would help with increasing the fire department's

finances is to sell food during various downtown activities. This, however, would require additional volunteers to plan the fundraiser as well as prepare and serve the food.

Correspondence:

- Charter Communications – Upcoming changes.
- Findley Lake Volunteer Fire Department – Thank you note for the donation in memory of Brian Locke (former highway employee).
- Infinity Visual & Performing Arts, Inc. – Thank you note for the donation in memory of Thomas ‘T.C.’ Smith (Supervisor Brumagin’s brother).
- NYS Town Clerk’s Association – Updated information on eligibility for COVID-19 vaccine.
- Consolidated Communications – Dialing change notice – requiring 10 digits (within the 716 area code) effective August 24, 2021. Dialing outside the 716 area code already requires dialing 10 digits.
- NYS Dept. of Transportation Local Technical Assistance Program – Information on training workshops for highway departments.
- Southern Tier West – 2021 Spring training webinars.
- HalfMoon Education Inc. – Information on interactive webinars for the 2021 International Residential Code and the 2021 International Fire Code.
- DogEnumeration.com – Information on dog enumeration services.
- Chautauqua County Visitors Bureau – Information on discontinuing the COVID-19 quarantine requirement for domestic travel starting April 1st.
- FEMA – Information on the flood risk project in Jefferson County, New York.
- Chautauqua County Dept. of Planning and Development – Public notice regarding the Eight Year Review of Chautauqua County’s Agricultural Districts 1, 2, 6, 7, 8, 10, 11, 12 and 13 (district 7 is in the Town of Mina).
- Hartford Steam Boiler Inspection – Notification of date to inspect the boilers at the Community Center.
- NYS Board on Electric Generation – Information that ConnectGen’s election is closed.
- Public Contractors.com – Requesting information on current employee/staff of the Town of Mina.

Reports:

- Highway Superintendent – Superintendent Himelein’s report was distributed. He reported 129” of snow so far this season. The highway crew has removed 17 hazardous and dead trees on Shadyside, Parsonage, and Ball Diamond Roads. The used tanker truck is being purchased from the Findley Lake Volunteer Fire Department. They are getting the tanker truck ready to water the roads for street sweeping. Bridge NY program is now open again for applications. Superintendent Himelein would like to move forward on this process to fund new culvert pipes on West Mina and Bailey Hill Roads. He reported the department used 20% more sand and salt this winter season.
- Assessor – Heather Young-Deyell’s report was handed out for February 2021. She reported she will begin field reviewing of new construction and demolition projects in March and April. The application deadline for all exemptions has passed and most of the exemption applications have been processed. She met with the CAP 4 Town Supervisors (French Creek, Mina and Sherman) to discuss the upcoming 2021 equalization rate. She will be conducting an analysis of all neighborhoods within the three towns to determine which areas are showing particularly large growth in market value. She is currently reviewing the status of all non-profit organization property tax exemptions in the three towns and will be requiring updated applications be filed in her office to ensure that all

properties are used for tax exempt purposes and are in alignment with the mission of their organization.

- Town Justice – Supervisor Brumagin reported that a study was conducted regarding electing a single Justice to preside over the four town courts of Clymer, French Creek, Mina and Sherman.
- Planning Board – During the current moratorium period, 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 \$1,055.00 for the month of January 2021. She has paid the Supervisor \$843.28, NYS Ag and Markets for dogs \$18.00, and NYS DEC \$193.72. She reported that there are approximately 145 unpaid county/town tax bills left to collect. She also reported that she contacted dogenumeration.com to learn more about the details for conducting a dog enumeration service for the town.
- Findley Lake Volunteer Fire Department – Supervisor Brumagin distributed three handouts to the town board members. The first one was the 2020 annual report that FLVFD President Pete Howard submitted. The second item was an article Pete Howard printed from the Erie Times News regarding issues in EMS and volunteer fire fighters in Erie County PA that each department is facing. The last handout was an article in the Jamestown Post Journal regarding NYS Governor Cuomo signing legislation for state agencies to make recommendations to the Governor and NYS Legislature to better recruit and retain volunteer firefighters.
- Code Enforcement – Melanie Eddy’s report for February 2021 was distributed.
- Sewer District Workgroup – Ed Mulkearn reported that the group met and there were 15 more Findley Lake Watershed Foundation sewer surveys returned with 14 people voting yes and one (1) no. The sewer group will draft a letter with pertinent information on the results of the survey.
- Supervisor – Supervisor Brumagin distributed the February 2021 financials. She reported that Cronk Insurance in Erie donated four 4 drawer file cabinets and a conference table to the town. She picked up the file cabinets and the highway crew will assist with moving the large conference table. She participated in a cyber awareness training webinar offered by NYMIR (the town’s insurance company).

New Business:

- Supervisor Brumagin reviewed the draft Public Employer Health Emergency Plan for Town of Mina employees. New York State is requiring that the plan be in place by April 1, 2021. Councilman Proctor made a motion, seconded by Councilman Roache, to accept the Public Employer Health Emergency Plan for the Town of Mina with the minor changes discussed. All were in favor and the motion passed.
Approved: Ayes – 4 Brumagin, Burmaster, Proctor, Roache
Nays – 0
- Supervisor Brumagin reported that the Towns of Clymer, French Creek, Mina and Sherman conducted a single justice study. Discussion was held. Councilman Proctor made a motion, seconded by Councilman Roache, to accept the single justice study with the Towns of Clymer, French Creek, Mina and Sherman. Motion carried unanimously.
Approved: Ayes – 4 Brumagin, Burmaster, Proctor, Roache
Nays – 0
- Supervisor Brumagin reported that a resolution to conduct a public hearing on the single justice study was needed. Councilman Burmaster made a motion, seconded by Councilman Proctor to adopt the following resolution:

RESOLUTION #11-21 CALLING PUBLIC HEARING

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

WHEREAS, the resulting Justice Court Study, dated February 26, 2021, has been completed, and after reviewing it the Town Boards of each of the involved Towns believes that it would be beneficial to proceed to operate the Town Justice Courts as aforesaid,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Mina, shall hold a public hearing on the Justice Court Study at 7 p.m. on April 8, 2021 at 2883 North Road, Findley lake, New York.

The resolution passed with the following vote:

Brumagin – Aye

Burmester – Aye

Proctor – Aye

Roache – Aye

- Supervisor Brumagin reported that the Town of Mina needs to enter into an agreement with the Town of French Creek for French Creek to hold court in the Town of Mina's Community Center. Councilman Burmaster made a motion, seconded by Councilman Roache, to enter into the agreement with the Town of French Creek as presented. Motion carried unanimously.

Approved: Ayes – 4 Brumagin, Burmaster, Proctor, Roache

Nays – 0

- Supervisor Brumagin reported that town board members need to sign the Chautauqua County Agreement for the Expenditure of Highway Moneys. Councilman Proctor made a motion, seconded by Councilman Burmaster, for the board members to sign the agreement for general repairs in the sum of \$155,000 with 32.58 miles of town highways. Motion carried unanimously.

Ayes – 4 Brumagin, Burmaster, Proctor, Roache

Nays – 0

- Supervisor Brumagin reviewed a draft of Local Law No. 1 for the Year 2021 enacting a supplemental moratorium on commercial solar energy facilities expiring six months from date of enactment with a public hearing to take place on April 8, 2021. The moratorium that was extended on February 11, 2021 for six months covers all types and sizes of solar panels and farms regardless of size or zoning district within the town. The supplemental commercial moratorium is a local law that further clarifies the requirements for the moratorium on commercial solar installations. Councilman Proctor made a motion, seconded by Councilman Burmaster, to post the legal notice and hold a public hearing on the proposed local law. Motion carried unanimously

Brumagin – Aye

Burmester – Aye

Proctor – Aye

Roache – Aye

- Supervisor Brumagin reported that she is chairing a committee comprised of the Town Historian and members of the Findley Lake & Mina Historical Society to begin planning the Town of Mina's Bicentennial to take place in 2024.
- Supervisor Brumagin reported the following upcoming community events: Earth Day Clean-up by the Findley Lake Nature Center on Saturday, April 24, 2021; Memorial Day Parade and Program on Monday, May 31, 2021; Findley Lake Nature Center 5 Mile Race on Saturday, July 3; 202;, on Sunday, July 4th activities; Triathlon on Saturday, July 31, 2021; and Easter Egg Hunt on either Saturday March 27, 2021 or Saturday April 3, 2021. The events will all be required to have protocols in place to conform with the most current COVID-19 guidelines and regulations.
- Supervisor Brumagin reported that the Highway Department submitted a bill for \$5,000 on this month's abstract for purchasing the used pumper truck from the Findley Lake Volunteer Fire Department.
- Supervisor Brumagin reported that she received a call from an individual who is interested in applying for the Dog Control position for the Towns of Clymer, French Creek and Mina.
- Supervisor Brumagin reported that the Chautauqua County Partnership for Economic Growth will be conducting a survey regarding consolidated Code Administration and Enforcement. The survey will be distributed to Town Supervisors and Code Enforcement officials.
- Upcoming Meetings – The next regular Town Board Meeting will be held Thursday, April 8, 2021.

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Proctor moved, seconded by Councilman Roache, to pay the monthly claims with an addition of a donation to the Tanner Family due to a house fire. In the General Fund claim #49 through #74 in the amount of \$67,319.59 and in the Highway Fund claim #28H through #41H in the amount of \$20,129.76 were approved to pay. Motion carried unanimously.
Approved: Ayes – 4 Brumagin, Burmaster, Proctor, Roache
Nays – 0

Other Business/Actions:

- Jeffrey Gerould asked to speak about parking regulations in the Town of Mina. He distributed a handout that he prepared regarding parking on town roads and the requirement that short term rental owners provide off street parking. He is concerned that there are safety issues with vehicles being allowed to park along town roads, especially on Shadyside Road.
- As there was no further business to come before the Board, Councilman Roache moved to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Sherrie Tanner
Town Clerk