

October 14, 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: Pat Cuneo (Planning Board), Julie Dobson, Kris Gleason (Planning Board Chair), Bill Himelein (Highway Superintendent), Ed Mulkearn (Findley Lake Watershed Foundation), Mary Norcross (Town Historian and President of the Findley Lake & Mina Historical Society), David Ott, Jeff Park (Findley Lake Volunteer Fire Dept.), Sherri Schenk, Brian Sullivan, Andy Travis, Jo-Ann Travis (Planning Board), Pam Watrous (Findley Lake & Mina Historical Society), Baylee White

Minutes: Motion was made by Councilman Burmaster and seconded by Councilman Watrous to accept the minutes of the September 9, 2021 and September 21, 2021 meetings as presented. Motion carried.

Comments/Concerns from those present: none

Comments/Concerns from those not present: none

Public Meeting/Forum:

Supervisor Brumagin opened the public meeting by explaining the difference between a public meeting/forum and a public hearing. The Town Clerk read the legal notice for the public meeting/forum on the NYS marijuana law and options that towns can consider. Supervisor Brumagin asked for public input. David Ott talked about the additional revenue that would be generated for town operations and he encouraged anyone interested in gaining more information on cannabis dispensaries or consumption locations to use the state’s website. He stated that if you submit questions to the website that they will respond. He also shared what he understood as far as what towns can and cannot opt out of. Ed Mulkearn wondered about the license process for retail dispensaries and how many the state would be issuing. As there were no more comments or questions raised, Supervisor Brumagin closed the public meeting at 7:15 pm. and moved to the regular meeting.

Planning Board:

Supervisor Brumagin asked Kris Gleason to report on the Planning Board’s recommendation on solar energy systems in Mina. Kris then distributed the Planning Board’s recommendation with attachments on the rationale for the recommendation and the resources used. The Planning Board also prepared an amendment for the zoning law but suggested it be reviewed by legal counsel. Supervisor Brumagin thanked Kris and the Planning Board for the work on this project. She requested that town board members review the documents for discussion at the next meeting.

Town Historian/Historical Society:

Supervisor Brumagin asked Mary Norcross, President of the Findley Lake & Mina Historical Society and Town Historian, to provide an overview of the historic log structure that the Bicentennial Committee would like to reconstruct by 2024. Mary distributed information and pictures on the log building and the historical significance to the town and its various uses throughout the years including

- as a military outpost in the late 1700s (as concluded by an architect from Syracuse who specializes in log structures),
- as a log cabin home on Route 430 near Mina Corners in the 1800s,
- as an artist studio at Lakeside Assembly on Shadyside Road in the early 1900s, and
- as a summer cottage on the shores of Lake Erie at Freeport Beech in North East from 1916 to 2003.

In 2003, the Findley Lake & Mina Historical Society discovered the log cabin prior to it being sold to a company in Virginia who planned on selling the logs as rustic beams to be placed in new residential construction. The historical society purchased the log cabin for \$5000, dismantled it, and has been storing the logs since that date. The reconstruction of the log cabin is being planned by a historical society committee. Supervisor Brumagin is chairing the committee and is asking that a town board member serve on the reconstruction committee.

Novel Coronavirus (COVID-19) Pandemic:

- Supervisor Brumagin reported the following in regard to the COVID-19 Pandemic:
 - Federal:
 - Supervisor Brumagin reported that the reporting requirement for the American Rescue Plan Act has been extended from October 2021 to April 2022.
 - New York State:
 - The State has extended the residential and small business eviction moratorium until January 15, 2022.
 - Chautauqua County:
 - Statistics as of 10/2//21: 354 active cases, 34 hospitalized, 899 in quarantine, total deaths 189 (3 more deaths as of today), vaccine: 1st dose 71,215 (56.1% of eligible residents), fully vaccinated 64,775 (51.0% of residents). These numbers now include youth from age 12 and up. CDC Level of Community Transmission for Chautauqua County – High.

Old Business:

- Supervisor Brumagin reported that she and Superintendent Himelein are currently working on a proposed project list for spending the American Rescue Plan Act Funds.
- Supervisor Brumagin reported that the RFP (request for proposal) due date has been changed to November 19, 2021 and that nine engineering firms are considering submitting proposals for a sewer study. The date for presentations by the engineering firms is set for Tuesday, November 23, 2021 at 9 am.
- Supervisor Brumagin reported that the Town should receive a response from the CFA (consolidated funding application) engineering grant in December.
- The town clerk reported that the dog enumeration was mailed out and there have been five new dogs licensed and 18 responses so far.
- Supervisor Brumagin reported she will be meeting with employees that are covered by the town's health insurance plan on the satisfaction survey from Univera Healthcare.

Correspondence:

- Chautauqua County Long Term Care Council – Notifying local, regional and state officials the status in Chautauqua County for providers and people receiving care.
- NY Independent Redistricting Commission – The Commission is looking for input from all New Yorkers.
- NYS Dept of Public Service – Information on findings and recommendations related to the availability, reliability and cost of high-speed internet & broadband services in NY.
- NYMIR – License Event Notification Service – Informing municipalities and fire departments of the availability to access information on drivers’ license records.
- NYMIR – Recommendations after visiting the Community Center and Highway Building.
- Daniel Christman – Letter of resignation from the zoning board of appeals.
- HOME (Housing Opportunities Made Equal) – Brochures about NY tenant protection laws and information on fair housing counseling to landlords and tenants.
- NYS DEC – Information on grants available for municipal zero-emission vehicle projects.
- NYS DEC – Notifying the Town that they will be conducting another survey on the otter population at the 2883 North Road address.
- Chaut. County Board of Elections – Information on the voting equipment delivery and pick-up dates and times.
- Cummins Inc. Jamestown Engine Plant – 2022 Cummins grant application to support community initiatives.
- National Fuel – Information about underground natural gas pipelines in the community.
- Rachael Wiggers – Asking for a refund for payment made to the Town’s soccer program as her children were not able to attend after the day of the week for soccer was changed.
- Association of Towns – Informing that the date to file the annual report on ARPA was changed from (non-entitlement units (such as the Town of Mina) from 10/31/21 to 04/30/22).
- Senator George Borrello – List of resources for New Yorkers and 2021 Legislative update.
- Chaut. County Dept. of Health – Results of water sample taken at the community center “satisfactory for human consumption”.
- New York Independent Redistricting Commission – Draft plans and fall public hearing dates and locations.

Reports:

- Highway Superintendent – Superintendent Himelein reported that roadside mowing is completed for the year. The “children at play” signs that NYMIR recommended be removed have been removed. The sand and salt mix is full in the shed. One drainage project has been delayed due to pipe supply shortage. Superintendent Himelein reported that he is making progress with researching new highway building features. The highway crew has started working on undercoating the plow trucks and is gearing up for snowfall.
- Recreation Committee – Supervisor Brumagin reported that the summer recreation program was not run as well as it had been in previous years and that arrangements were not made for coaches and referees to assist with the program. Also t-shirts were paid for but not supplied so all families will be reimbursed the amount they paid.
- Assessor – Heather Young-Deyell’s report was handed out for October 2021. She reported that she attended the Annual Assessor Conference and successfully completed

training requirements for continuing education for the Assessor certification. She also explained that in 2016 NYS DTF (Department of Taxation and Finance) took over the administration of the STAR Credit/STAR exemptions and the assessor must follow the state's determinations for approvals and denials. The assessor cannot circumvent these determinations and property owners must reach out to NYS Tax & Finance themselves if there is an error.

- Town Justice – Supervisor Brumagin reported that the court clerk submitted the JCAP application and the town requested partial support for security cameras and a generator.
- Planning Board – Supervisor Brumagin reported that Don McCord from Small Town Planning Services is willing to work with the planning board on the development of an updated comprehensive plan.
- Town Clerk/Tax Collector – The Town Clerk's report was distributed reporting the collection of fees and sales of \$14,690.00 for the month of September 2021. She has paid the Supervisor \$2,460.23, NYS Ag and Markets for dogs \$32.00, NYS Health Dept. for marriage licenses \$225.00 and NYS DEC \$11,972.77. She reported that the dog enumeration has started and seems to be going well.
- Findley Lake Watershed Foundation – Ed Mulkearn reported that Mercyhurst University contacted the Watershed Foundation and asked if they would wait one day and not start lowering the lake until the 16th of October instead of the 15th which is the date the lake is usually lowered as Mercyhurst is hosting a rowing tournament. He also reported that NYS Department of Environmental Control has informed him that it will be sending the Town a letter to encourage the Town to go forward with the formation of a sewer district. A question was raised as to where the DEC is storing the kayak launch and boat docks as they were removed from the lake and were not taken to the town highway property.
- Findley Lake Volunteer Fire Department – Jeff Park reported that a meeting with State Senator Borrello and County Executive PJ Wendell has been rescheduled for November 8th to discuss fire department and EMT issues in the county. He also reported that they need a comprehensive look at the fire department including how they are organized and personnel issues. He said they are looking for fire department members and board members with business backgrounds.
- Code Enforcement – Melanie Eddy's report for September 2021 was distributed. She reported that she attended training and the mandatory training for 2021 is complete.
- Supervisor – Supervisor Brumagin distributed the September 2021 financials. She reported that the new zoning maps were received and the website has been updated with the new maps. A special meeting will be held on Thursday, October 28, 2021 to review the tentative budget and prepare the preliminary budget.

New Business:

- Supervisor Brumagin opened up discussion on the marijuana options for the town board. After discussion was held the board opted to wait until the November 11th town board meeting to make a decision.
- Highway Superintendent Himelein recommended hiring Robb Tanner as a full time motor equipment operator (MEO) starting October 18, 2021 at \$19.80 per hour. Councilman Proctor made a motion, seconded by Councilman Watrous to hire Robb Tanner. All were in favor and the motion passed.
Ayes 4 – Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Superintendent Himelein recommended hiring Ryan Hinsdale as a winter season motor equipment operator (MEO) for five months with a start date to be determined, but at least

by November 1, 2021, at \$19.80 per hour. Councilman Burmaster made a motion seconded by Councilman Proctor to approve the recommendation. Motion carried.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0

- Highway Superintendent Himelein recommended Alvin Kopta for deputy highway superintendent effective September 13, 2021 at an increase of 20 cents per hour. Councilman Proctor made a motion, seconded by Councilman Burmaster to accept the recommendation. All were in favor and the motion passed.

Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0

- Supervisor Brumagin reported that in working on the 2022 budget the town may need to override the tax cap. In order to exceed the tax cap, a local law must be in place prior to the adoption of the final budget. Councilman Proctor made a motion, seconded by Councilman Watrous to pass local law #2-2021 as follows:

LOCAL LAW NUMBER 2 OF 2021

Town of Mina, County of Chautauqua, State of New York

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Mina, County of Chautauqua, pursuant to General Municipal Law §3-c, and to allow the Town of Mina, County of Chautauqua, to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The Town of Mina is dependent upon the real property tax to fund town services and does not have the authority to raise sales taxes, occupancy taxes, gross receipts taxes, or income taxes. Non property tax revenues, sales taxes, and State AIM payments are subject to market fluctuations and the ability of federal, state, and county governments to share revenue with the Town of Mina, both of which factors have been or will continue to be affected by the COVID-19 pandemic. The Town of Mina also has a need to adequately fund the highway department for ongoing equipment needs and to increase the contract for fire protection and emergency services.

Section 2. Authority

This local law is adopted pursuant subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Mina, County of Chautauqua is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Motion passed unanimously.

Brumagin – Aye

Burmester – Aye

Proctor – Aye

Watrous – Aye

- Supervisor Brumagin reported that Attorney Wright will prepare a letter to inform the NYS Dept. Of Transportation that the Town of Mina will assert its ownership of the Sunnyside Picnic Access Park and will assume responsibility for maintaining the park. Councilman Proctor made a motion, seconded by Councilman Burmaster to send the letter to NYS DOT. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Supervisor Brumagin reported that she has been in contact with the City of Erie Adopt A Park Program and she will provide this information to the Town’s Recreation Committee for their review and consideration of policies and procedures for the various parks in the Town of Mina.
- Jeff Park reported that several volunteers are taking training courses in the fire department. Two volunteers are taking basic training, one is taking interior firefighting, one is taking the Fire Police training, and three are currently taking EMT courses.
- The Town Clerk asked that the Town of Mina waive the fee for active military obtaining a marriage license as the state passed a law in August of 2019 allowing towns to waive the fee. Councilman Watrous made a motion, seconded by Councilman Proctor, for the Town of Mina to waive the town’s portion of the marriage license fee for active military personnel retroactive to January 1, 2021. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Supervisor Brumagin distributed a survey from Chautauqua County “Chautauqua County Farm Friendliness Survey”. She would appreciate feedback from the town board members before submitting the survey.
- Supervisor Brumagin reported that she and highway superintendent Himelein met with Michelle Leroux from NYMIR, the town’s business insurance company. NYMIR is recommending the following:
 - To have the boiler system at the Community Center inspected bi-annually (the system has been inspected by Hartford Steam Boiler on a bi-annual basis except for the year 2017),

- To remove “children at play” signs along roadways as they give a false sense of security to parents and children (the three signs have been removed by the highway department),
 - Enact a local law “Prior Notice Law” in which the town provides maximum protection against lawsuit defects to streets, culverts, etc. not previously notified in writing (a sample law was provided and will be presented to the town board at a future meeting),
 - To require all contractors and service providers conducting business on behalf of the municipality to provide Certificates of Insurance with appropriate limits of coverage for General Liability, Auto and Worker’s Compensation. (a sample was provided and Supervisor Brumagin will send to Attorney Wright for his recommendation).
- Supervisor Brumagin reported on the Small Town Planning Services Proposal and will include the fee in the 2022 tentative budget.
 - A letter of intent for grant funding for Main Street Initiative needs to be submitted on Friday, October 15, 2021. Supervisor Brumagin and Jo-Ann Travis will prepare and submit.
 - Supervisor Brumagin reported that starting at the November regular town board meeting that the public comments section of the agenda will be changed. At the beginning of the meeting, those in attendance will be given the opportunity to speak on items listed on the agenda. At the end of the meeting, persons will be given the opportunity to speak on other issues.
 - Trick or treat hours for the Town of Mina will be held from 5-7 pm on Sunday, October 31, 2021. Supervisor Brumagin asked Councilman Proctor to put the hours on the LED sign at the fire hall. She asked Jeff Park to explain the trunk or treat event being held from 6-7:30 pm that the Findley Lake United Methodist Church is sponsoring on October 31st. Jeff explained how the event is organized and asked Superintendent Himelein if they could borrow orange cones to use to improve the safety of children and their families.
 - Upcoming Meetings – A special meeting will be held at 7 pm on Thursday October 28, 2021 for the budget work session and to approve the preliminary budget as well as to hold a Public Hearing on Local Law #2-2021 to override the tax cap. The next regular town board meeting will be held on Thursday, November 11, 2021 at 7 pm as well as a public hearing on the 2022 preliminary budget. Presentations by Engineering Firms (in person or virtual) will be held Tuesday, November 23, 2021 beginning at 9 am.

Other Business/Actions:

- Supervisor Brumagin showed the new 2022 community calendar that the Young At Heart group put together and shared the changes that were made in the town’s ad.

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Proctor moved, seconded by Councilman Watrous, to pay the monthly claims. In the General Fund claim #218 through #246 in the amount of \$9,782.18 and in the Highway Fund claim #127H through #148H in the amount of \$24,289.00 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 Proctor moved to adjourn the meeting at 8:43 p.m.

Respectfully submitted,

Sherrie Tanner, Town Clerk