



Town of Mina
Response to NYS Office of State Comptroller Request for Information
Establishment Findley Lake Sewer District – File No. 2023-57
Updated March 1, 2024

§85.3(b)(1) – **Two** certified copies of a resolution of the Town Board containing the statements required by section 85.3(b) of our regulations (*see*, OSC’s regulations attached hereto).

Response: Two certified copies of Resolution #12-2024 “Submission of Application to the New York Office of the State Comptroller for the Formation of the Findley Lake Sewer District” dated February 27, 2024 enclosed.

§85.4(a) –

a. **Two** original or certified copies, as applicable, of the below documents:

i. Certified copies of the order calling the public hearing;

Response: Two certified copies of Resolution #17-23 “Public Hearing Findley Lake Sanitary Sewer District” dated August 17, 2023 enclosed.

ii. Original affidavits of publication of notice of the public hearing. The affidavits submitted with the application are photocopies;

Response: Two original affidavits of the Notice of Public Hearing published August 21, 2023 enclosed.

iii. Original affidavits of posting of notice of the public hearing, which include the date the notice was posted by the Town Clerk, and a copy of such notice;

Response: Two original affidavits of the Notice of Public Hearing posted on August 21, 2023 and two copies of such notice enclosed.

iv. Certified copies of the resolution approving the establishment of the proposed district, subject to permissive or mandatory referendum, as applicable (*see*, Town Law § 209-e[3]);

Response: Two certified copies of Resolution #18-2023 “Referendum of Proposed Findley Lake Sewer District” dated September 14, 2023 enclosed.

- v. Certified copies of the resolution authorizing the referendum held on October 21, 2023;

Response: Two certified copies of Resolution #18-2023 “Referendum of Proposed Findley Lake Sewer District” dated September 14, 2023 enclosed. (Please note this resolution included the establishment of the proposed district and authorization of the referendum held on October 21, 2023).

- vi. Original affidavits of publication of the notice of the referendum. The affidavits submitted with the application are photocopies;

Response: Two original affidavits of the Notice of the Referendum published September 26, 2023 enclosed.

- vii. Original affidavits of posting of the notice of the referendum, which include the date the notice was posted by the Town Clerk, and a copy of such notice;

Response: Two original affidavits of the Notice of the Referendum posted on September 22, 2023 and two copies of such notice enclosed.

- viii. Certified copies of the November 9, 2023 resolution approving the establishment of the proposed district. The resolutions submitted with the application are photocopies. We note that this resolution appears to be the final order establishing the district (*see*, Town Law § 209-f [2]).

Response: Two copies of Resolution #23-2023 “Adopting Proposed Findley Lake Sewer District” dated November 9, 2023 enclosed.

- b. Explain how the proposed district is interrelated, interconnected and interdependent (e.g., such as by shared infrastructure) despite the fact that the boundaries of the proposed district are noncontiguous, and the map shows improvements in three separate areas (*see*, Exhibit 3, Figure 1 – District Boundary Map).

Response: The district is all interrelated because all wastewater will be conveyed to a single wastewater treatment plant (WWTP). The southern and middle sections are split by Interstate 86, which could not be included in the district so that is the reason for a separation between those sections. The most northern section includes one parcel that requested to be included in the district since a storage facility is planned to be installed on that property. The WWTP that treats wastewater from all three areas will likely be located north of Interstate 86 in the middle section.

§85.4(d) –

- a. A copy of the 2008 NYSDEC/USEPA “Total Maximum Daily Load for Phosphorus in Findley Lake Report” referenced on page 2 of the engineer’s report;

Response: See attached report.

- b. A copy of any letters or other documentation (e.g., from NYSDEC, USEPA, Chautauqua County and/or the Findley Lake Watershed Foundation) supporting the establishment of the proposed district;

Response: Support letters enclosed from NYS Department of Environmental Conservation, Chautauqua County Health Department: Environmental Health, Findley Lake Watershed Foundation, Chautauqua County Department of Planning and Development: County Watershed Coordinator, NY State Senator George Borrello, NY State Assemblyman Andrew Goodell, Chautauqua County Legislator Martin Proctor, and Chautauqua County Executive Paul M. Wendel, Jr.

- c. Confirm the current source of potable water for property owners in the proposed district;

Response: The current source of potable water for property owners in the proposed district is private groundwater wells.

- d. Explain why certain parcels (including, without limitation, the following tax parcel IDs: 342.00-1-2, 342.00-1-3, 342.00-1-4, 342.00-1-5.1, 342.00-1-5.2, 342.00-1-6, 342.00-1-7, 342.00-1-84, 342.00-1-85, 359.06-1-21, 359.06-1-6, 359.06-1-7, 376.00-2.10) appear to have been excluded from the boundaries of the proposed district when such parcels appear to be benefited by the establishment thereof (*see*, Exhibit 3, Figure 1 – District Boundary Map). For example, certain improvements are proposed to be installed and/or constructed in front of certain of such parcels (*see* Exhibit 3, Figure 2 – District Proposed Facilities Map).

Response: Throughout the entire planning process, parcels 342.00-1-2, 342.00-1-3, 342.00-1-4, 342.00-1-5.1, 342.00-1-5.2, 342.00-1-6, 342.00-1-7, 342.00-1-84, and 342.00-1-85 were never intended to have sewer infrastructure installed along the road.

Towards the end of the planning process, the property owner of Parcel 342.00-1-1 with the support of the Chautauqua County Industrial Development Agency requested to be included in the district because of the planned development of a commercial warehouse distribution facility. The Town granted that request prior to finalizing the district boundary. All these properties (including 342.00-1-1) were not originally included because they are further from Findley Lake and installing sewer is not anticipated to have a direct positive impact on water quality in Findley Lake. Additionally, these properties are large enough to have properly functioning septic systems installed on the property. If not for the request of the property owner of Parcel 342.00-1-1, the Town never would have extended the district and since the properties along this section were never originally planned to be in the district, the Town did not want to add them in near the end of the planning process. Additionally, all of those properties are in a New York State Agricultural District and the property owners did not want to be included in the sewer district.

Parcel 359.06-1-21 is a cemetery and does not have any current sewer/water so it was not included in the district.

Parcels 359.06-1-6 and 359.06-1-7 are excluded from the district because the Town made the decision to only include parcels along Main Street (Route 430) in the district for the

portion along the northern (downstream) side of the lake. It is unknown at this time if there will or will not be sewer infrastructure installed in front of these properties so that is another reason they were excluded. The symbols on the map included in Exhibit 3, Figure 2 make it seem like there will be sewer infrastructure in front of these properties, but this is due to ensure all the symbols are legible. Exact design details will be determined later.

Parcel 376.00-2-10 is included in a NYS Agricultural District and did not want to be included in the sewer district.

§85.4(e) –

- a. Written documentation from NYSEFC that confirms: (i) the Town is eligible or otherwise qualifies for the Hardship loan program on the terms (\$6,500,000 amount, 0% interest, 30-year term) set forth in the application, and (ii) the amount of the WIIA and/or BIL grants, if applicable, and provides the status of the grant application(s);

Response: See attached BIL Award Letter. The Town has not yet applied for a WIIA grant, but intends to for the upcoming round.

- b. Written documentation NYSDEC that confirms the amount of the WQIP grant, if applicable, and provides the status of the grant application.

Response: The Town has not yet applied for a WQIP grant, but intends to for the upcoming round. The Town had to wait until the district was officially formed before applying.

§85.4(f) –

Confirm whether the Town will operate and maintain, and provide treatment in connection with, the proposed improvements.

Response: The Town will operate and maintain the collection system and wastewater treatment plant.

§85.4(g) –

- a. Confirm that all non-exempt properties within the proposed district, including vacant properties, will pay a portion of the debt service (*see, e.g., Palmer v Kirkwood*, 288 AD2d 540; *see also*, Real Property Tax Law § 490). We note that there are numerous properties listed in Appendix B of the engineer's report that do not appear to be exempt (e.g., certain vacant parcels), and do not appear to be contributing towards debt service.

Response: The vacant parcels that are not contributing towards debt service are parcels determined by the Town's Code to not meet the minimum size requirements to build a residence on. Only vacant lots meeting the minimum requirement of 20,000 square feet for a single-family dwelling were included in debt service payments. The smaller vacant parcels are not being assessed debt service charges because the new sewer district does not provide a benefit to them since no residential or commercial structural can be constructed on the parcel.

- b. Page 4 of the engineer's report indicates that vacant buildable properties will be charged only for debt service and not for operation and maintenance ("O&M"), and that developed properties will be charged for both debt service and O&M. In this regard, please confirm whether the Town intends to charge the cost of O&M to all developed properties (regardless of whether they are connected to the system) or only developed properties that are connected to the system.

Response: The Town will only charge properties that are connected to the system O&M.

§85.4(m) – A statement confirming the amount of all debt which is excludable for purposes of computing the Town's constitutional debt limit. We note that para. 6(m)(3) of the application indicates such amount is \$0. However, para. 6(l)(2) of the application indicates the maximum amount of authorized but unissued indebtedness for this project is \$26,100,000. We note that such amount may be excludable pursuant to Local Finance Law § 124.10.

Response: This question may have been misunderstood. The current amount of debt which is excluded for computing the Town's constitutional debt limit is zero. However, the maximum amount of authorized but unissued indebtedness for this project is \$26,100,000 which may be excludable.

§85.4(p) – Para. 6(p) of the application indicates the assessed value of the typical property is \$301,531. Please provide a description of such property (e.g., single-family home, two-family home, etc.)

Response: The assessed value of the typical property is a single-family home.

§85.4(q) – Regarding the estimated amount that the owner of the typical property will be required to pay in the first year following approval of the application, if granted, please provide the following:

- a. Confirm the estimated cost of O&M and short-lived assets ("SLA") to the typical property, and how such costs were computed (i.e., please provide the calculations, including the basis for the SLA estimate and any applicable rate schedule[s]). Paras. 6(g) and (q) of the application indicate such amount will be \$780 (\$620/EDU for O&M and \$160/EDU for SLA), but page 7 of the engineer's report indicates such amount will be \$761/EDU;

Response: Calculations for how the O&M and SLA were determined are attached. The \$761/EDU for O&M and SLA is correct. The \$780/EDU listed in the original submission was due to rounding.

- b. An itemized breakdown of the estimated \$2,000 to \$3,000 connection costs, and confirm whether such amount includes all one-time costs, charges and/or fees (e.g., any lateral construction, internal plumbing, wastewater disposal system abandonment costs, any Town fees, and any other costs incidental thereto) to the typical property in the proposed district;

Response: An itemized breakdown is attached. This will be a onetime cost for all hookup, plumbing changes, existing system abandonment, or electrical requirements. The Town

will not charge users that hookup at the time of construction a fee to connect to the new sewer system.

- c. Confirm whether the cost of the district to the “typical property” is the same as the cost of the district to the “typical one- or two-family home” (*see*, Town Law § 209-a).

Response: The costs to a typical property of \$1,320/EDU are the same as the cost to a typical one family home. A two-family home would be assessed two EDUs, and therefore be charged an estimated \$2,640 total (1 EDU charge per dwelling unit).

§85.4(r) – An itemized breakdown of the amount the hotel will be required to pay in the first year following approval of the application, if granted, for connection costs (*see*, para. 6[r] of the application).

Response: The hotel has a small existing treatment plant on their property. The exact requirements required for the connection to the sewer system is not known, however it is anticipated to include decommissioning of the existing small WWTP and intercepting the existing sewer before the existing WWTP for connection to the new collection system. Connection to new collection system is anticipated to be similar in cost to the connection of a residential property. The costs to decommission the existing WWTP are unknown because exact decommissioning requirements are set forth by NYSDEC and the cost could vary significantly based on what NYSDEC will require.

§85.4(u) – The assessed value of the typical one- or two-family home as defined in Town Law § 209-a (2). Para. 6(u) of the application provides an average assessed valuation.

Response: There are 311 one-family homes in the proposed sewer district with an average assessed valuation of \$294,953 and six two-family homes with an average assessed valuation of \$265,666.

§85.4(z) – Copies of the written objections from the eight property owners referenced in para. 6(z) of the application.

Response: Copies of the written objections from the eight property owners are attached.

§85.5 – **One** legal opinion, including a statement that the State Comptroller may rely thereon, with respect to the legal sufficiency of the publication of the notice of the public hearing, notwithstanding that the notice does not: (a) include the cost of the district to the typical property (and, if different, the cost to the typical one or two family home) or the estimated cost of the hook-up fees; (b) contain the boundaries of the proposed district; (c) describe the proposed improvements; (d) describe the proposed method of financing to be employed; or (e) include the maximum amount proposed to be expended (*see*, Town Law § 209-d). In addition, if the Town did not adopt a resolution approving the establishment of the district, subject to a permissive or mandatory referendum, as applicable (*see*, Town Law § 209-e[3]), please include your opinion with respect to the legal sufficiency of the proceedings to establish the district, notwithstanding that the Town did not adopt such a resolution. Please provide your rationale for such conclusions.

Response: A copy of Attorney Joseph Calimeri’s Opinion Letter dated February 23, 2024 enclosed.

TOWN OF MINA
RESOLUTION # 12 - 2024
SUBMISSION OF APPLICATION TO THE NEW YORK OFFICE OF THE STATE COMPTROLLER FOR
THE FORMATION OF THE FINDLEY LAKE SEWER DISTRICT
February 27, 2024

WHEREAS, the Town Board of the Town of Mina (the "Town Board") has overseen the legal and regulatory process required for formation of the Findley Lake Sewer District; and

WHEREAS, an application to form the Findley Lake Sewer District must be submitted to the New York State Office of the Comptroller ("OSC") for approval prior to being able to form the district; and

WHEREAS, the application was prepared at the direction of the Town Board; and

WHEREAS, the Town Board believes the contents of the application to be accurate; and

WHEREAS, the Town Board has determined that the improvement, district, extension or expenditure for which permission is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and

WHEREAS, the Town Board affirms that the cost of the proposed improvements is to be assessed in whole or in part against a benefited area and that all real property to be so assessed will be benefited by the proposed improvements and that no benefited property has been excluded; and

NOW, THEREFOR BE IT RESOLVED, that the Town Board approves the submission of the Application, a copy of which is affixed hereto, to the New York Office of the State Comptroller for the formation of the Findley Lake Sewer District. The Town Board further approves the submission of any supplemental information to the New York Office of the Comptroller that may be so required.

Councilman Sullivan made a motion, seconded by Councilman Cooper, to accept the above resolution. Motion carried unanimously.

Brumagin – Aye

Cooper – Aye

Craffey – Aye

Sullivan – Aye

Watrous – Absent

Dated: February 27, 2024

I hereby certify that this resolution was adopted on 2/27/2024 and is recorded in the Meeting Minutes of the Town of Mina.



Sherrie R. Tanner, Town Clerk

Resolution #17-23
Public Hearing
Findley Lake Sanitary Sewer District
August 17, 2023


Be it resolved that the Town Board shall conduct a public hearing concerning the Findley Lake Sewer District, and the Map, Plan and Report prepared by Barton & Loguidice on September 9, 2023 at 9 a.m. The purpose of which is to determine whether the Findley Lake Sanitary Sewer District is in the public interest and whether the Town shall hold a referendum as to the formation of the Findley Lake Sanitary sewer District. A copy of the Map, Plan and Report is available at the Town Clerk's Office and on the Town's website.

Councilman Roache made a motion, seconded by Councilman Watrous, to accept the above resolution. Motion carried unanimously.

Brumagin – Aye
Burmester – Aye
Roache – Aye
Sullivan – Aye
Watrous – Aye

Dated: 02-22-2024

I hereby certify that this resolution was adopted on 08/17/2023 and is recorded in the Meeting Minutes of the Town of Mina.



Sherrie R. Tanner, Town Clerk

Legal Notices

**NOTICE OF
PUBLIC HEARING
TOWN OF MINA**

Be it resolved that the Town Board shall conduct a public hearing on September 9, 2023 at 9:00 am at the Mina-Findley Lake Community Center, 2883 North Road, Findley Lake, NY concerning the Findley Lake Sanitary Sewer District, and the Map, Plan and Report prepared by Barton & Loguidice. The purpose of which is to determine whether the Findley Lake Sanitary Sewer District is in the public interest and whether the Town shall hold a referendum as to the formation of the Findley Lake Sanitary Sewer District. A copy of the Map, Plan and Report is available at the Town Clerk's Office during regular business hours and on the Town's website. The Town Board will hold a Special Meeting following the public hearing at the Mina-Findley Lake Community Center.

By order of the
Mina Town Board
Sherrie R. Tanner
Mina Town Clerk

Aug 21, 2023

AFFIDAVIT OF PUBLICATION

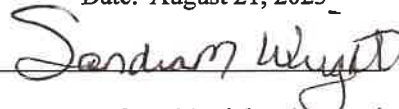
State of New York

County of Chautauqua

City of Jamestown

I, Sandra M. Wright, being duly sworn, deposes and says that she is the Billing/Clerk for Ogden Newspapers of New York, Inc. The publisher of The Post-Journal, a daily newspaper published in the City of Jamestown, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following

Date: August 21, 2023



Sandra M. Wright, Accounting Clerk
Signed before me this 22nd day of February 2024



Notary Public

BARBARA J. MUSSO, #01MU4890621

Notary Public, State of New York

Qualified in Chautauqua County

My Commission Expires 5/4/27

Affidavit of Posting of Notice of Public Hearing

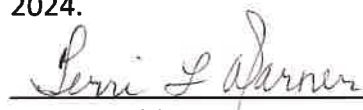
State of New York
County of Chautauqua
Town of Mina

I, Sherrie R. Tanner, being duly sworn, deposes and says that she is the Town Clerk for the Town of Mina and that a notice of Public Hearing of which the annexed is a printed copy was posted on the Town of Mina's official bulletin board and the Town of Mina website on August 21, 2023.



Sherrie R. Tanner, Town Clerk

Signed before me this 22nd day of February 2024.



Notary Public

TERRI L. WARNER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN CHAUTAUQUA COUNTY
NO. 01WA6167449
NY COMMISSION EXPIRES MAY 29, 2027

Legal Notices

NOTICE OF
PUBLIC HEARING
TOWN OF MINA

Be it resolved that the Town Board shall conduct a public hearing on September 9, 2023 at 9:00 am at the Mina-Findley Lake Community Center, 2883 North Road, Findley Lake, NY concerning the Findley Lake Sanitary Sewer District, and the Map, Plan and Report prepared by Barton & Loguidice. The purpose of which is to determine whether the Findley Lake Sanitary Sewer District is in the public interest and whether the Town shall hold a referendum as to the formation of the Findley Lake Sanitary Sewer District. A copy of the Map, Plan and Report is available at the Town Clerk's Office during regular business hours and on the Town's website. The Town Board will hold a Special Meeting following the public hearing at the Mina-Findley Lake Community Center.

By order of the
Mina Town Board
Sherrie R. Tanner
Mina Town Clerk

Aug 21, 2023

Resolution #18-2023
Referendum of Proposed Findley Lake Sewer District
September 14, 2023

WHEREAS, the Town of Mina Town Board (the “Board”) has previously reviewed a Map, Plan and Report prepared by Barton & Loguidice, D.P.C., of a proposed sewer district in the Town of Mina to be known as the Findley Lake Sewer District; and

WHEREAS, said Map, Plan and Report was filed with the Office of Town Clerk of the Town of Mina, entitled, “Map, Plan and Report, Findley Lake Sewer District, August 2023” and

WHEREAS, the Town Board passed a resolution declaring this project an “Type 1 Action” as determined in accordance with the State Environmental Quality Review Act (SEQRA) in 6 NYCRR Parts 617.4 and 617.6 and establishing the Mina Town Board as Lead Agency for the Project; and

WHEREAS, the Town Board passed a resolution declaring that the Project constitutes an “Type 1 Action”; and no significant adverse environmental impacts are noted in the EAF for the Project and none are known to the Town Board. Therefore, the Town Board hereby determines that the Project will not have a significant adverse environmental impact and will not require the preparation of a Draft Environmental Impact Statement with respect to the Project and issues a Negative Declaration; and

WHEREAS, the establishment of the Findley Lake Sewer District including the cost of improvements and expenses necessary in connection therewith at a maximum estimated cost of \$26.1 million and a maximum charge of \$110.00 per month for one equivalent dwelling unit during the first year of operation, in the Town of Mina; and

WHEREAS, the Board, pursuant to Article 12A of the Town Law of the State of New York, after public notice, held a public hearing on September 9, 2023 at 9:00 a.m. at the Mina-Findley Lake Community Center, 2883 North Road, Findley Lake, New York, and heard all interested persons pertaining to the proposed Findley Lake Sewer District as set forth in the Map, Plan and Report heretofore referred; and

WHEREAS, the Board has discussed the environmental impacts pertaining to the proposed action and the public benefits and interests proposed by the formation of the proposed sewer district in open session on this date.

WHEREAS, it is now incumbent upon the Town Board to call for a referendum vote (a special election) to consider the Resolution and Order approving the Findley Lake Sewer District; and

NOW, THEREFORE BE IT RESOLVED, ORDERED AND DETERMINED

a. That notice of public hearing was published and posted as required by law and is otherwise sufficient, that all of property and property owners within the proposed sewer district are benefited thereby, that all of the property and property owners benefited are included within the limits of the proposed sewer district; and the formation of the proposed sewer district is in the public’s interest.

b. The above affirmations set forth in the preceding paragraph notwithstanding, the Town Board finds it prudent to submit the creation of the proposed Findley Lake Sewer District to a referendum.

b. That a referendum vote (Special Election) upon said Resolution and Order approving the creation of the Findley Lake Sewer District as set forth in the Map, Plan and Report, Findley Lake Sewer District, August 2023, will be held on Saturday, October 21, 2023, between the hours of 9:00 a.m. and 8:00 p.m. to enable the voters then present to cast their votes, at which the special election proposition contained in the notice hereafter set forth shall be submitted to electors who are residents in the proposed Findley Lake Sewer District and must be approved by the affirmative vote of a majority of such electors voting on such proposition. The polling place for said Special Election shall be at the Mina-Findley Lake Community Center, 2883 North Road, Findley Lake, New York.

b. That the Board of Elections is hereby authorized and directed to publish a notice of the special election in the official newspaper of the County and post said notice as required by law, that the Town Board will submit the proposition for the approval or disapproval of the resolution as hereinabove referred to. Said notice shall be in substantially the following form:

**“TOWN OF MINA, NEW YORK
NOTICE OF SPECIAL ELECTION TO BE HELD ON
OCTOBER 21, 2023
(PERMISSIVE REFERENDUM)**

**IN THE MATTER OF CREATION OF THE FINDLEY LAKE SEWER DISTRICT, IN
THE TOWN OF MINA, PURSUANT TO ARTICLE 12 OF THE TOWN LAW**

NOTICE IS HEREBY GIVEN, that a special election/referendum vote will be held on Saturday, October 21, 2023 and the polls shall remain open from 9:00 a.m. to 8:00 p.m. at the following polling place:

Mina-Findley Lake Community Center
2883 North Road
Findley Lake, New York

Councilman Watrous made a motion, seconded by Councilman Sullivan, to accept the above resolution. Motion carried unanimously.

Brumagin – Aye
Burmester – Aye
Roache – Aye
Sullivan – Aye
Watrous – Aye

Dated: 02-22-2024

I hereby certify that this resolution was adopted on 09/14/2023 and is recorded in the Meeting Minutes of the Town of Mina.



Sherrie R. Tanner, Town Clerk

AFFIDAVIT OF PUBLICATION

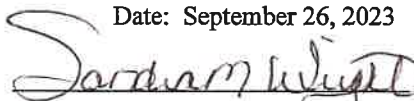
State of New York

County of Chautauqua

City of Jamestown

I, Sandra M. Wright, being duly sworn, deposes and says that she is the Billing/Clerk for Ogden Newspapers of New York, Inc. The publisher of The Post-Journal, a daily newspaper published in the City of Jamestown, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following

Date: September 26, 2023



Sandra M. Wright, Accounting Clerk

Signed before me this 22nd day of February 2024

BARBARA J. MUSSO, #01MU4890621
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/27



Notary Public

**TOWN OF MINA, NEW YORK
NOTICE OF SPECIAL TOWN ELECTION TO BE HELD ON
October 21, 2023
(MANDATORY REFERENDUM)**

**IN THE MATTER OF THE
ESTABLISHMENT OF THE FINDLEY LAKE SEWER DISTRICT**

Pursuant to Town Law Article 12-A

NOTICE IS HEREBY GIVEN that a Special Town Election/Referendum will be held on October 21, 2023, and the polls shall remain open from 9:00 a.m. and 8:00 p.m. at the following polling place:

Polling Place

**Mina-Findley Lake Community Center
2883 North Road
Findley, New York**

At said Referendum (Special Town Election) the following proposition is to be voted upon:
SHALL THE RESOLUTION AND ORDER OF THE TOWN BOARD OF THE TOWN OF MINA TO APPROVE THE FORMATION OF THE FINDLEY LAKE SEWER DISTRICT PURSUANT TO ARTICLE 12 OF THE TOWN LAW BE APPROVED

An abstract of such resolution concisely stating the purpose and effect thereof, is as follows:
The establishment of the Findley Lake Sewer District including the cost of improvements and expenses necessary in connection therewith at a maximum estimated cost of \$26.1 million and a maximum charge of \$110.00 per month for one equivalent dwelling unit during the first year of operation, in the Town of Mina. The project shall be completed in accordance with the Map, Plan and Report filed with the Office of the Town Clerk entitled "Map, Plan and Report, Findley Lake Sewer District, August 2023". A negative declaration for purposes of SEQRA has been previously adopted with regard to this action."

That those qualified to vote in such Referendum/Special Town Election are the owners of taxable real property situate in the proposed Findley Lake Sewer District (which is bounded and described in the attached Schedule "A") as shown upon the latest completed assessment roll of the Town, all pursuant to Town Law § 209-e.

DATED: September ____, 2023

**/s/Sherrie Tanner, Town Clerk
(Seal)**

**SCHEDULE A
LEGAL DESCRIPTION**

**Boundary Description
Proposed Findley Lake Sewer District**

The Findley Lake Sewer District, situated in the Town of Mina, County of Chautauqua, State of New York, being particularly described as follows. Tax Parcel information is based on Chautauqua County Parcel Viewer GIS data from July 2023.

Commencing at a point of beginning, said point being the southeastern property corner of Parcel 376.00-2-34.1; thence proceeding northerly along the eastern boundary of Parcel 376.00-2-34.1, to the northeastern corner of Parcel 376.00-2-34.1; thence proceeding westerly along the northern boundary of Parcel 376.00-2-34.1 to the southeastern corner of Parcel 359.00-2-14; thence proceeding northerly along the eastern boundary of Parcel 359.00-2-14 to the northeastern corner of Parcel 359.00-2-16; thence proceeding northerly along the eastern boundary of Parcel 359.00-2-16 to the southeastern corner of Parcel 359.00-2-11; thence proceeding westerly along the northern boundary of Parcel 359.00-2-16 to the southwestern corner of Parcel 359.00-2-11; thence proceeding northerly along the eastern boundary of Parcel 359.00-2-16 to the northwestern corner of Parcel 359.00-2-10; thence proceeding westerly along the northern boundary of Parcel 359.00-2-16 to the northeastern corner of Parcel 359.00-2-18; thence proceeding southerly along the western boundary of Parcel 359.00-2-16 to the southeastern corner of Parcel 359.00-2-18; thence proceeding westerly along the northern boundary of Parcel 359.00-2-16 to the southeastern corner of Parcel 359.15-2-38; thence proceeding northerly along the eastern boundary of Parcel 359.15-2-38 to the northeastern corner of Parcel 359.15-2-38; thence proceeding westerly along the northern boundary of Parcel 359.15-2-38 to the northwestern corner of Parcel 359.15-2-38; thence proceeding northerly across the highway boundary of Lakeview Avenue to the southeastern corner of Parcel 359.15-2-63; thence proceeding northerly along the eastern boundary of Parcels 359.15-2-63, 359.15-2-73, 359.15-2-62, 359.15-2-61, and 359.15-2-72 to the northwestern corner of Parcel 359.15-2-71; thence proceeding easterly along the southern boundary of Parcel 359.15-2-72 to the southeastern corner of Parcel 359.15-2-72; thence proceeding northerly along the eastern boundary of Parcel 359.15-2-72 to the northeastern corner of Parcel 359.15-2-72; thence proceeding westerly along the northern boundary of Parcel 359.15-2-72, thence proceeding perpendicularly across the highway boundary of Case Avenue to the southeastern corner of Parcel 359.15-1-37; thence proceeding northerly along the eastern boundary of Parcel 359.15-1-37 to the northeastern corner of Parcel 359.15-1-35; thence proceeding easterly along the southern boundary of Parcel 359.15-1-35 to the southeastern corner of Parcel 359.15-1-35; thence proceeding northerly along the eastern boundary of Parcels 359.15-1-35, 359.15-1-34, 359.15-1-26, 359.15-1-25, and 359.15-1-13 to the northeastern corner of Parcel 359.15-1-13; thence proceeding easterly along the southern boundary of Parcel 359.15-1-12 and 359.15-1-11 to the northeastern corner of Parcel 359.15-1-11; thence proceeding easterly along the southern boundary of Parcels 359.15-1-4 and 359.00-2-21 to the southeastern corner of Parcel 359.00-2-21; thence proceeding northerly along the eastern boundary of Parcel 359.11-1-3 to the northwestern corner of Parcel 359.11-1-3; thence proceeding northerly along the eastern boundary of Parcel 359.11-1-2 to the northeastern corner of Parcel 359.11-1-2; thence proceeding westerly along the northern boundary of Parcels 359.11-1-2, 359.06-3-33, 359.06-3-32, 359.06-3-30, 359.06-3-29, 359.06-3-28, and 359.06-3-27 to the northwestern corner of Parcel 359.06-3-27; thence proceeding southerly along the western boundary of Parcel 359.06-3-27 to the northeastern corner of Parcel 359.06-3-26; thence proceeding northwesterly along the northeastern boundary of Parcels 359.06-3-26 and 359.06-3-25 to the northern corner of Parcel 359.06-3-25; thence proceeding southwesterly along the northeastern boundary of Parcel 359.06-3-24 to the northern corner of Parcel 359.06-3-24; thence proceeding northeasterly along the southeastern boundary of Parcel 359.06-3-20 to the southeastern corner of Parcel 359.06-3-20; thence proceeding northerly along the eastern boundary of Parcel 359.06-3-20 to the northeastern corner of Parcel 359.06-3-20; thence proceeding southerly along the western boundary of Parcel 359.06-3-20 to the northwestern corner of Parcel 359.06-3-20; thence proceeding southerly along the western boundary of Parcel 359.06-3-20 to the northeastern corner of Parcel 359.06-3-12.1; thence proceeding westerly along the northern boundary of Parcel 359.06-3-12.2, 359.06-3-4, and 359.06-3-3 to the northeastern corner of Parcel 359.06-3-3; thence proceeding westerly along the northern boundary of Parcels 359.06-3-3 and 359.06-3-2 to the northwestern corner of Parcel 359.06-3-2; thence proceeding perpendicularly across the highway boundary of State Route 430 to the northeastern corner of Parcel 359.06-2-12; thence proceeding westerly along the northern boundary of Parcel 359.06-2-12 to the northeastern corner of Parcel 359.06-2-12; thence proceeding perpendicularly across the highway boundary of County Highway 606 to the northeastern corner of Parcel 359.06-2-23; then proceeding northerly along the eastern boundary of Parcel 359.06-2-22 to the northeastern corner of Parcel 359.06-2-22; thence proceeding westerly along the northern boundary of Parcel 359.06-2-22 to the northwestern corner of Parcel 359.06-2-22; thence proceeding northerly along the eastern boundary of Parcel 359.06-2-28 to the northeastern corner of Parcel 359.06-2-28; then proceeding westerly along the northern boundary of Parcel 359.06-2-28 to a point perpendicular across the highway boundary of Pleasant Street from the northeastern corner of Parcel 359.06-1-8; thence proceeding perpendicularly across the highway boundary of Pleasant Street to the northeastern corner of Parcel 359.06-1-8; thence proceeding easterly along the northern boundary of Parcels 359.06-1-8 and 359.06-1-9 to the southwestern corner of Parcel 359.06-1-7; thence proceeding northerly along the eastern boundary of Parcel 359.06-1-10 to the northeastern corner of Parcel 359.06-1-10; thence proceeding westerly along the northern boundary of Parcel 359.06-1-10 to the northwestern corner of Parcel 359.06-1-11; corner of Parcel 359.06-1-10; thence proceeding southerly along the western boundary of Parcel 359.06-1-10 to the southeastern corner of Parcel 359.06-1-11; thence proceeding westerly along the northern boundary of Parcels 359.06-1-10, 359.06-1-12, 359.06-1-13, and 359.06-1-18 to the southeastern corner of Parcel 359.06-1-24; thence proceeding northerly along the eastern boundary of Parcels 359.06-1-24 and 359.06-1-25 to the northeastern corner of Parcel 359.06-1-25;

Affidavit of Posting of Notice of Referendum

State of New York
County of Chautauqua
Town of Mina

I, Sherrie R. Tanner, being duly sworn, deposes and says that she is the Town Clerk for the Town of Mina and that a notice of Special Town Election of which the attached annexed is a printed copy was posted on the Town of Mina's official bulletin board and the Town of Mina website on September 22, 2023.

Sherrie R. Tanner
Sherrie R. Tanner, Town Clerk

Signed before me this 22nd day of February 2024.

Terrri L. Warner
Notary Public

TERRI L. WARNER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN CHAUTAUGUA COUNTY
NO. 91WA6167449
MY COMMISSION EXPIRES MAY 29, 2027

TOWN OF MINA, NEW YORK
NOTICE OF SPECIAL TOWN ELECTION TO BE HELD ON
October 21, 2023
(MANDATORY REFERENDUM)

IN THE MATTER OF THE
ESTABLISHMENT OF THE FINDLEY LAKE SEWER DISTRICT
Pursuant to Town Law Article 12-A

NOTICE IS HEREBY GIVEN that a Special Town Election/Referendum will be held on October 21, 2023, and the polls shall remain open from 9:00 a.m. and 8:00 p.m. at the following polling place:

Polling Place
Mina-Findley Lake Community Center
2883 North Road
Findley, New York

At said Referendum (Special Town Election) the following proposition is to be voted upon:

SHALL THE RESOLUTION AND ORDER OF THE TOWN
BOARD OF THE TOWN OF MINA TO APPROVE THE
FORMATION OF THE FINDLEY LAKE SEWER DISTRICT
PURSUANT TO ARTICLE 12 OF THE TOWN LAW BE
APPROVED

An abstract of such resolution concisely stating the purpose and effect thereof, is as follows:

The establishment of the Findley Lake Sewer District including the cost of improvements and expenses necessary in connection therewith at a maximum estimated cost of \$26.1 million and a maximum charge of \$110.00 per month for one equivalent dwelling unit during the first year of operation, in the Town of Mina. The project shall be completed in accordance with the Map, Plan and Report filed with the Office of the Town Clerk entitled "Map, Plan and Report, Findley Lake Sewer District, August 2023". A negative declaration for purposes of SEQRA has been previously adopted with regard to this action."

That those qualified to vote in such Referendum/Special Town Election are the owners of taxable real property situate in the proposed Findley Lake Sewer District (which is bounded and

described in the attached Schedule "A") as shown upon the latest completed assessment roll of the Town, all pursuant to Town Law § 209-e.

DATED: September __, 2023

/s/Sherrie Tanner, Town Clerk
(Seal)

SCHEDULE A

LEGAL DESCRIPTION

Boundary Description Proposed Findley Lake Sewer District

The Findley Lake Sewer District, situated in the Town of Mina, County of Chautauqua, State of New York, being particularly described as follows. Tax Parcel information is based on Chautauqua County Parcel Viewer GIS data from July 2023.

Commencing at a point of beginning, said point being the southeastern property corner of Parcel 376.00-2-34.1; thence proceeding northerly along the eastern boundary of Parcel 376.00-2-34.1, to the northeastern corner of Parcel 376.00-2-34.1; thence proceeding westerly along the northern boundary of Parcel 376.00-2-34.1 to the southeastern corner of Parcel 359.00-2-14; thence proceeding northerly along the eastern boundary of Parcel 359.00-2-14 to the northeastern corner of Parcel 359.00-2-14; thence proceeding easterly along the southern boundary of Parcel 359.00-2-16 to the southeastern corner of Parcel 359.00-2-16; thence proceeding northerly along the eastern boundary of Parcel 359.00-2-16 to the southeastern corner of Parcel 359.00-2-11; thence proceeding westerly along the northern boundary of Parcel 359.00-2-16 to the southwestern corner of Parcel 359.00-2-11; thence proceeding northerly along the eastern boundary of Parcel 359.00-2-16 to the northwestern corner of Parcel 359.00-2-10; thence proceeding westerly along the northern boundary of Parcel 359.00-2-16 to the northeastern corner of Parcel 359.00-2-18; thence proceeding southerly along the western boundary of Parcel 359.00-2-16 to the southeastern corner of Parcel 359.00-2-18; thence proceeding westerly along the northern boundary of Parcel 359.00-2-16 to the southeastern corner of Parcel 359.15-2-38; thence proceeding northerly along the eastern boundary of Parcel 359.15-2-38 to the northeastern corner of Parcel 359.15-2-38; thence proceeding westerly along the northern boundary of Parcel 359.15-2-38 to the northwestern corner of Parcel 359.15-2-38; thence proceeding northerly across the highway boundary of Lakeview Avenue to the southeastern corner of Parcel 359.15-2-63; thence proceeding northerly along the eastern boundary of Parcels 359.15-2-63, 359.15-2-73, 359.15-2-62, 359.15-2-61, and 359.15-2-72 to the northwestern corner of Parcel 359.15-2-71; thence proceeding easterly along the southern boundary of Parcel 359.15-2-72 to the southeastern corner of Parcel 359.15-2-72; thence proceeding northerly along the eastern boundary of Parcel 359.15-2-72 to the

northeastern corner of Parcel 359.15-2-72; thence proceeding westerly along the northern boundary of Parcel 359.15-2-72 to a point along the northern boundary of Parcel 359.15-2-72; thence proceeding perpendicularly across the highway boundary of Case Avenue to the southeastern corner of Parcel 359.15-1-37; thence proceeding northerly along the eastern boundary of Parcel 359.15-1-37 to the northeastern corner of Parcel 359.15-1-37; thence proceeding easterly along the southern boundary of Parcel 359.15-1-35 to the southeastern corner of Parcel 359.15-1-35; thence proceeding northerly along the eastern boundary of Parcels 359.15-1-35, 359.15-1-34, 359.15-1-26, 359.15-1-25, and 359.15-1-13 to the northeastern corner of Parcel 359.15-1-13; thence proceeding easterly along the southern boundary of Parcel 359.15-1-12 to the southeastern corner of Parcel 359.15-1-12; thence proceeding northerly along the eastern boundary of Parcels 359.15-1-12 and 359.15-1-11 to the northeastern corner of Parcel 359.15-1-11; thence proceeding easterly along the southern boundary of Parcels 359.15-1-4 and 359.00-2-21 to the southeastern corner of Parcel 359.00-2-21; thence proceeding northerly along the eastern boundary of Parcels 359.00-2-21, 359.11-1-4.1, and 359.11-1-3 to the northeastern corner of Parcel 359.11-1-3; thence proceeding westerly along the northern boundary of Parcel 359.11-1-3 to the northwestern corner of Parcel 359.11-1-3; thence proceeding northerly along the eastern boundary of Parcel 359.11-1-2 to the northeastern corner of Parcel 359.11-1-2; thence proceeding westerly along the northern boundary of Parcels 359.11-1-2, 359.06-3-33, 359.06-3-32, 359.06-3-30, 359.06-3-29, 359.06-3-28, and 359.06-3-27 to the northwestern corner of Parcel 359.06-3-27; thence proceeding southerly along the western boundary of Parcel 359.06-3-27 to the northeastern corner of Parcel 359.06-3-26; thence proceeding northwesterly along northeastern boundary of Parcels 359.06-3-26 and 359.06-3-25 to the northern corner of Parcel 359.06-3-25; thence proceeding southwestwardly along the northwestern boundary of Parcel 359.06-3-25 to the eastern corner of Parcel 359.06-3-24; thence proceeding northwesterly along the northeastern boundary of Parcel 359.06-3-24 to the northern corner of Parcel 359.06-3-24; thence proceeding northeasterly along the southeastern boundary of Parcel 359.06-3-20 to the southeastern corner of Parcel 359.06-3-20; thence proceeding northerly along the eastern boundary of Parcel 359.06-3-20 to the northeastern corner of Parcel 359.06-3-20; thence proceeding westerly along the northern boundary of Parcel 359.06-3-20 to the northwestern corner of Parcel 359.06-3-20; thence proceeding southerly along the western boundary of Parcel 359.06-3-20 to the northeastern corner of Parcel 359.06-3-12.1; thence proceeding westerly along the northern boundary of Parcel 359.06-3-12.2 to the southwestern corner of Parcel 359.06-3-5; thence proceeding northerly along the eastern boundary of Parcels 359.06-3-12.2, 359.06-3-4, and 359.06-3-3 to the northeastern corner of Parcel 359.06-3-3; thence proceeding westerly along the northern boundary of Parcels 359.06-3-3 and 359.06-3-2 to the northwestern corner of Parcel 359.06-3-2; thence proceeding perpendicularly across the highway boundary of State Route 430 to the southeastern corner of Parcel 359.06-2-12; thence proceeding northerly along the eastern boundary of Parcel 359.06-2-12 to the northeastern corner of Parcel 359.06-2-12; thence proceeding westerly along the northern boundary of Parcel 359.06-2-12 to the northwestern corner of Parcel 359.06-2-12; thence proceeding perpendicularly across the highway boundary of County Highway 606 to the northeastern corner of Parcel 359.06-2-23; then proceeding northerly along the eastern boundary of Parcel 359.06-2-22 to the northeastern corner of Parcel 359.06-2-22; thence proceeding westerly along the northern boundary of Parcel 359.06-2-22 to the northwestern corner of Parcel 359.06-2-22; thence proceeding northerly along the eastern boundary of Parcel 359.06-2-28 to the northeastern corner of Parcel 359.06-2-28; then proceeding westerly along the northern boundary of Parcel 359.06-2-28; thence proceeding southerly along the western boundary of Parcel 359.06-2-28 to a point perpendicular across the highway boundary of Pleasant Street from the northeastern corner of Parcel 359.06-1-8; thence proceeding perpendicularly across the highway boundary of Pleasant Street to the northeastern corner of Parcel 359.06-1-8; thence proceeding easterly along the northern boundary of Parcels 359.06-1-8 and 359.06-1-9 to the southwestern corner of Parcel 359.06-1-7; thence proceeding northerly along the eastern boundary of Parcel 359.06-1-10 to the northeastern corner of Parcel 359.06-1-10; thence proceeding westerly along the northern boundary of

Parcel 359.06-1-10 to the northwestern corner of Parcel 359.06-1-10; thence proceeding southerly along the western boundary of Parcel 359.06-1-10 to the southeastern corner of Parcel 359.06-1-11; thence proceeding westerly along the northern boundary of Parcels 359.06-1-10, 359.06-1-12, 359.06-1-13, and 359.06-1-18 to the southeastern corner of Parcel 359.06-1-24; thence proceeding northerly along the eastern boundary of Parcels 359.06-1-24 and 359.06-1-25 to the northeastern corner of Parcel 359.06-1-25; thence proceeding westerly along the northern boundary of Parcel 359.06-1-25 to the northwestern corner of Parcel 359.06-1-25; thence proceeding northerly along the highway boundary of State Route 426 to the southwestern corner of Parcel 359.06-1-26; thence proceeding easterly along the southern boundary of Parcel 359.06-1-26 to the southeastern corner of Parcel 359.06-1-26; thence proceeding northerly along the eastern boundary of Parcels 359.06-1-26 and 359.06-1-28 to the southwestern corner of Parcel 359.06-1-1; thence proceeding northeasterly along the southern boundary of Parcel 359.06-1-1 to the southeastern corner of Parcel 359.06-1-1; thence proceeding northerly along the eastern boundary of Parcel 359.06-1-1 to the northeastern corner of Parcel 359.06-1-1; thence proceeding westerly along the northern boundary of Parcel 359.06-1-1 to a point perpendicular across the highway boundary of School Street from the southeastern corner of Parcel 342.18-1-42; thence proceeding perpendicularly across the highway boundary of School Street to the southeastern corner of Parcel 342.18-1-42; thence proceeding northerly along the eastern boundary of Parcel 342.18-1-42 to the northeastern corner of Parcel 342.18-1-42; thence proceeding easterly along the southern boundary of Parcel 342.18-1-43 to the southeastern corner of Parcel 342.18-1-43; thence proceeding northerly along the eastern boundary of Parcel 342.18-1-43 to the northeastern corner of Parcel 342.18-1-43; thence proceeding easterly along the southern boundary of Parcel 342.18-1-45.1 to the southeastern corner of Parcel 342.18-1-45.1; thence proceeding northerly along the eastern boundary of Parcel 342.18-1-45.1 to the northwestern corner of Parcel 342.18-1-47; thence proceeding easterly along the northern boundary of Parcel 342.18-1-47 to the northeastern corner of Parcel 342.18-1-47; thence proceeding northerly along the eastern boundary of Parcel 342.18-1-45.1 to the northwestern corner of Parcel 342.18-1-38; thence proceeding easterly along the southern boundary of Parcel 342.18-1-45.1 to the eastern most point of Parcel 342.18-1-45.1; thence proceeding northwesterly along the eastern boundary of Parcels 342.18-1-45.1 and 342.18-1-46 to the southwestern corner of Parcel 342.00-1-67; thence proceeding easterly along the southern boundary of Parcels 342.00-1-67 and 342.00-1-66 to the southeastern corner of Parcel 342.00-1-66; thence proceeding northerly along the eastern boundary of Parcel 342.00-1-66 to the northeastern corner of Parcel 342.00-1-66; thence proceeding westerly along the northern boundary of Parcel 342.00-1-66 to the northwestern corner of Parcel 342.00-1-66; thence proceeding perpendicularly across the highway boundary of Interstate 86 to the southwestern corner of Parcel 342.00-1-10.1; thence proceeding easterly along the southern boundary of Parcels 342.00-1-10.1 and 342.00-1-10.2 to the southeastern corner of Parcel 342.00-1-10.2; thence proceeding northerly along the eastern boundary of Parcels 342.00-1-10.2 and 342.00-1-8 to the northeastern corner of Parcel 342.00-1-8; thence proceeding westerly along the northern boundary of Parcels 342.00-1-8 and 342.00-1-10.2 to the northwestern corner of Parcel 342.00-1-10.2; thence proceeding northerly along the eastern highway boundary for State Route 426 to the southwestern corner of Parcel 342.00-1-1; thence proceeding northeasterly along the northwestern boundary of Parcel 342.00-1-2 to the northern corner of Parcel 342.00-1-2; thence proceeding southeasterly along the northeastern boundary of Parcel 342.00-1-2 to the eastern corner of Parcel 342.00-1-2; thence proceeding easterly along the southern boundary of Parcel 342.00-1-1 to the southeastern corner of Parcel 342.00-1-1; thence proceeding northerly along the eastern boundary of Parcel 342.00-1-1 to the southeastern corner of Parcel 325.00-1-32; then proceeding westerly along the northern boundary of Parcel 342.00-1-1 to the southwestern corner of Parcel 325.00-1-32; thence proceeding northerly along the eastern boundary of Parcel 342.00-1-1 to the northeastern corner of Parcel 342.00-1-1; thence proceeding westerly along the northern boundary of Parcel 342.00-1-1 to the northwestern corner of Parcel 342.00-1-1; thence proceeding southerly along the western boundary of Parcel 342.00-1-1 to the southeastern corner of Parcel 324.00-

1-12; thence proceeding westerly along the northern boundary of Parcel 342.00-1-1 to the western point of Parcel 342.00-1-1; thence proceeding perpendicularly across the highway boundary for State Route 426 to a point on the western highway boundary of State Route 426; thence proceeding southerly along the highway boundary for State Route 426 to the northeastern corner of Parcel 342.00-1-83; thence proceeding westerly along the northern boundary of Parcels 342.00-1-83 and 342.00-1-82 to the northwestern corner of Parcel 342.00-1-82; thence proceeding southerly along the western boundary of Parcel 342.00-1-82 to the southwestern corner of Parcel 342.00-1-82; thence proceeding easterly along the southern boundary of Parcel 342.00-1-82 to the southeastern corner of Parcel 342.00-1-82; thence proceeding perpendicularly across the highway boundary of Interstate 86 to the northeastern corner of Parcel 342.00-1-81; thence proceeding westerly along the northern boundary of Parcel 342.00-1-81 to the northwestern corner of Parcel 342.00-1-81; thence proceeding southerly along the western boundary of Parcels 342.00-1-81, 342.00-1-78, and 342.00-1-77 to the southwestern corner of parcel 342.00-1-77; thence proceeding easterly along the southern boundary of Parcel 342.00-1-77 to the northwestern corner of Parcel 342.00-1-70; thence proceeding southerly along the western boundary of Parcel 342.00-1-70 to the southwestern corner of Parcel 342.00-1-70; thence proceeding easterly along the southern boundary of Parcel 342.00-1-70 to the northwestern corner of Parcel 359.06-1-22; thence proceeding southerly along the eastern boundary of Parcel 359.06-1-22 to the southwestern corner of Parcel 359.06-1-22; thence proceeding easterly along the southern boundary of Parcel 359.06-1-22 to the southwestern corner of Parcel 359.06-1-21; thence proceeding northerly along the western boundary of Parcel 359.06-1-21 to the northwestern corner of Parcel 359.06-1-21; thence proceeding easterly along the northern boundary of Parcel 359.06-1-21 to the northeastern corner of Parcel 359.06-1-21; thence proceeding southerly along the eastern boundary of Parcel 359.06-1-21 to the southeastern corner of Parcel 359.06-1-21; thence proceeding perpendicularly across the highway boundary for State Route 430 to a point along the northern boundary of Parcel 359.06-4-1; thence proceeding westerly along the northern boundary of Parcel 359.06-4-1 to the northwestern corner of Parcel 359.06-4-1; thence proceeding southerly along the western boundary of Parcel 359.06-4-1 to the southwestern corner of Parcel 359.06-4-1; thence proceeding westerly along the northern boundary of Parcels 359.06-4-29 and 359.00-1-5 to the northwestern corner or Parcel 359.00-1-5; thence proceeding southerly along the western boundary of Parcel 359.00-1-5 to the southwestern corner of Parcel 359.00-1-5; thence proceeding easterly along the southern boundary of Parcel 359.00-1-5 to the southeastern corner of Parcel 359.00-1-5; thence proceeding across the highway boundary of Mann Road to the northwestern corner of Parcel 359.00-1-6; thence proceeding easterly along the southern boundary of Parcel 359.06-4-25 to the northwestern corner of Parcel 359.00-1-6; thence proceeding southerly along the western boundary of Parcel 359.06-4-19 to the southwestern corner of Parcel 359.06-4-19; thence proceeding westerly along the northern boundary of Parcel 359.00-1-7 to the northwestern corner of Parcel 359.00-1-7; thence proceeding southerly along the western boundary of Parcel 359.00-1-7 to the southwestern corner of Parcel 359.00-1-7; thence proceeding easterly along the southern boundary of Parcel 359.00-1-7 to the southeastern corner of Parcel 359.00-1-7; thence proceeding southerly along the western highway boundary of Shadyside Road to the northeastern corner of Parcel 359.00-1-14; thence proceeding westerly along the northern boundary of Parcel 359.00-1-14 to the northwestern corner of Parcel 359.00-1-14; thence proceeding southerly along the western boundary of Parcels 359.00-1-14 and 359.00-1-13 to the southwestern corner of Parcel 359.00-1-13; thence proceeding easterly along the southern boundary of Parcel 359.00-1-13 to the southeastern corner of Parcel 359.00-1-13; thence proceeding southerly along the western highway boundary of Shadyside Road to the northern corner of Parcel 359.10-1-54; thence proceeding southerly along the western boundary of Parcels 359.10-1-54, 359.10-1-52.1 and 359.10-1-52.2 to the southwestern corner of Parcel 359.10-1-52.2; thence proceeding easterly along the southern boundary of Parcels 359.10-1-52.2 and 359.10-1-47 to the northwestern corner of Parcel 359.10-1-45; thence proceeding southeasterly along the western boundary of Parcels 359.10-1-45, 359.10-1-42, 359.10-1-41, 359.10-1-40, 359.10-1-43.1, 359.10-1-34,

359.10-1-28, 359.10-1-26, 359.10-2-47, 359.10-2-32, 359.10-2-30, 359.10-2-29, 359.10-2-27, 359.10-2-26, 359.10-2-46, and 359.10-2-18 to a point along the northern boundary of Parcel 359.10-2-17; thence proceeding southwesterly along the northern boundary of Parcel 359.10-2-17 to the northwestern corner of Parcel 359.10-2-17; thence proceeding southeasterly along the western boundary of Parcels 359.10-2-17, 359.14-1-75, and 359.14-1-70 to the southwestern corner of Parcel 359.14-1-70; thence proceeding southerly along the western boundary of Parcels 359.14-1-68, 359.14-1-67, 359.14-1-66 to the southwestern corner of Parcel 359.14-1-66; thence proceeding easterly along the southern boundary of Parcel 359.14-1-66 to the southeastern corner of Parcel 359.14-1-66; thence proceeding across the highway boundary of Parsonage Road to the northwestern corner of Parcel 359.14-1-59; thence proceeding southerly along the western boundary of Parcel 359.14-1-59 to the southwestern corner of Parcel 359.14-1-59; thence proceeding easterly along the southern boundary of Parcel 359.14-1-59 to the southeastern corner of Parcel 359.14-1-59; thence proceeding northerly along the eastern boundary of Parcel 359.14-1-59 to the southwestern corner of Parcel 359.14-1-58; thence proceeding easterly along the southern boundary of Parcel of 359.14-1-58 to the southeastern corner of Parcel 359.14-1-58; thence proceeding northerly along the eastern boundary of Parcel 359.14-1-58 to the southwestern corner of Parcel 359.14-1-56; thence proceeding easterly along the southern boundary of Parcels 359.14-1-56, 359.14-1-44, 359.14-1-46, 359.14-1-47, 359.14-1-48, 359.14-1-49, 359.14-1-50, 359.14-1-51, 359.14-1-52, and 359.14-1-36 to the southwestern corner of Parcel 359.14-2-77; thence proceeding southerly along the western boundary of Parcels 359.14-4-4 and 359.14-4-3 to the southwestern corner of Parcel 359.14-4-3; thence proceeding easterly along the southern boundary of Parcels 359.14-4-3 and 359.14-4-6 to the southeastern corner of Parcel 359.14-4-6; thence proceeding southerly along the western highway boundary of Shadyside Road to the northeastern corner of Parcel 359.14-4-16; thence proceeding westerly along the northern boundary of Parcel 359.14-4-16 to the northwestern corner of Parcel 359.14-4-16; thence proceeding southerly along the western boundary of Parcel 359.14-4-16 to the northeastern corner of Parcel 359.14-4-17; thence proceeding westerly along the northern boundary of Parcel 359.14-4-17 to the northwestern corner of Parcel 359.14-4-17; thence proceeding southerly along the western boundary of Parcel 359.14-4-17 to the southwestern corner of Parcel 359.14-4-17; thence proceeding westerly along the northern boundary of Parcels 359.14-4-28 and 359.14-4-35 to the northwestern corner of Parcel 359.14-4-35; thence proceeding across the highway boundary of Ball Diamond Road to the northeastern corner of Parcel 359.14-5-32; thence proceeding westerly along the northern boundary of Parcels 359.14-5-32, 359.14-5-41.2, 359.14-5-41.3, 359.14-5-42, and 359.18-1-57 to the northwestern corner of Parcel 359.18-1-57; thence proceeding southerly along the western boundary of Parcels 359.18-1-57, 359.18-1-56, 359.18-1-55 to the southwestern corner of Parcel 359.18-1-55; thence proceeding westerly along the northern boundary of Parcel 359.18-1-54 to the northwestern corner of Parcel 359.18-1-54; thence proceeding southerly along the western boundary of Parcel 359.18-1-54 to the southwestern corner of Parcel 359.18-1-54; thence proceeding easterly along the southern boundary of Parcel 359.18-1-54 to the northwestern corner of Parcel 376.00-2-7.1; thence proceeding southerly along the western boundary of Parcel 376.00-2-7.1 to the southwestern corner of Parcel 376.00-2-7.1; thence proceeding easterly along the southern boundary of Parcels 376.00-2-7.1, 376.00-2-7.2, 376.00-2-7.1, 376.00-2-8, and 376.00-2-9 to the southeastern corner of Parcel 376.00-2-9; thence proceeding northeasterly along the southeastern boundary of Parcel 376.00-2-9 to the northeastern corner of Parcel 376.00-2-9; thence proceeding easterly along the southern highway boundary of Shadyside Road to the northwestern corner of Parcel 376.07-1-63; thence proceeding southerly along the western boundary of Parcel 376.07-1-63 to the southwestern corner of Parcel 376.07-1-63; thence proceeding easterly along the southern boundary of Parcels 376.07-1-63, 376.07-1-62, 376.07-1-61, 376.07-1-60, and 376.07-1-57, and continuing southeasterly along the western boundary of Parcels 376.07-1-54, 376.07-1-53, 376.07-1-52, 376.07-1-51, 376.07-1-49, and 376.07-1-48 to the southwestern corner of Parcel 376.07-1-48; thence proceeding easterly along the southern boundary of Parcel 376.07-1-48 to the southeastern corner of Parcel 376.07-1-48; thence

proceeding southerly along the western highway boundary of Shadyside Road to the northeastern corner of Parcel 376.00-2-11; thence proceeding westerly along the northern boundary of Parcel 376.00-2-11 to the northwestern corner of Parcel 376.00-2-11; thence proceeding southerly along the western boundary of Parcel 376.00-2-11 to the southwestern corner of Parcel 376.00-2-11; thence proceeding easterly along the southern boundary of Parcels 376.00-2-11 and 376.00-2-13 to the northwestern corner of Parcel 376.00-2-16; thence proceeding southerly along the western boundary of Parcel 376.00-2-16 to the southwestern corner of Parcel 376.00-2-16; thence proceeding easterly along the southern boundary of Parcels 376.00-2-16, 376.00-2-17, and 376.00-2-16 to the southeastern corner of Parcel 376.00-2-16; thence proceeding northerly along the eastern boundary of Parcel 376.00-2-16 to the northeastern corner of Parcel 376.00-2-16; thence proceeding perpendicularly across the highway boundary of Shadyside Road to the southeastern corner of Parcel 376.07-2-57; thence proceeding northerly along the eastern boundary of Parcels 357.07-2-57, 376.07-2-12.1, 376.07-2-12.2.1, 376.07-2-12.2.2, 376.07-2-12.3, 376.07-2-12.1, and 376.07-2-16 to the southwestern corner of Parcel 376.07-2-16; thence proceeding easterly along the southern boundary of Parcel 376.07-2-16 to the southeastern corner of Parcel 376.07-2-16; thence proceeding perpendicularly across the highway boundary of State Routh 426 to the southwestern corner of Parcel 376.00-2-34.1; thence proceeding easterly along the southern boundary of Parcel 376.00-2-34.1 to the southeastern corner of Parcel 376.00-2-34.1, said corner also being the Point of Beginning.

**TOWN OF MINA
RESOLUTION #23-2023
ADOPTING PROPOSED FINDLEY LAKE SEWER DISTRICT
November 9, 2023**

WHEREAS, the Town of Mina Town Board (the “Board”) has previously reviewed a Map, Plan and Report prepared by Barton & Loguidice, D.P.C., of a proposed sewer district in the Town of Mina to be known as the Findley Lake Sewer District; and

WHEREAS, said Map, Plan and Report was filed with the Office of Town Clerk of the Town of Mina, entitled, “Map, Plan and Report, Findley Lake Sewer District, August 2023” and

WHEREAS, the Board, pursuant to Article 12A of the Town Law of the State of New York, after public notice, held a public hearing on September 9, 2023 at 9:00 a.m. at the Town of Mina Town Hall, 2883 North Road, Findley Lake, New York and heard all interested persons pertaining to the proposed Findley Lake Sewer District as set forth in the Map, Plan and Report heretofore referred, and

WHEREAS, the Board has discussed the environmental impacts pertaining to the proposed action and the public benefits proposed by the formation of the proposed sewer district in open session; and

WHEREAS, the Town Board, pursuant to Article 12A of the Town Law of the State of New York, after the public hearing, held a Special Town Election on October 21, 2023 that the following proposition was voted on “Shall the Resolution and Order of the Town Board of the Town of Mina to approve the formation of the Findley Lake Sewer District pursuant to Article 12 of the Town Law be approved” and whereas an abstract of the resolution stated “The establishment of the Findley Lake Sewer District including the cost of improvements and expenses necessary in connection therewith at a maximum estimated cost of \$26.1 million and a maximum charge of \$110.00 per month for one equivalent dwelling unit during the first year of operation, in the Town of Mina. The project shall be completed in accordance with the Map, Plan and Report filed with the Office of the Town Clerk entitled “Map, Plan and Report, Findley Lake Sewer District, August 2023”. A negative declaration for purposes of SEQRA has been previously adopted with regard to this action; and

WHEREAS, the election results were certified by the Chautauqua County Board of Elections to be 252 votes in favor of the proposition and 166 votes not in favor of the proposition therefore approving the proposition by majority vote;

NOW, THEREFORE BE IT,

RESOLVED, that the notice of public hearing was published and posted as required by law and as otherwise sufficient; and

BE IT FURTHER RESOLVED, that all of the property and property owners within the proposed sewer district are benefited thereby; and

BE IT FURTHER RESOLVED, that all of the property and property owners benefited are included within the limits of the proposed sewer district; and

BE IT FURTHER RESOLVED, that the formation of the proposed sewer district is in the public's interest; and

BE IT FURTHER RESOLVED, that the formation of the proposed sewer district underwent a public referendum via a special election and the majority of the public votes were in favor of the formation of the proposed sewer district; and

BE IT FURTHER RESOLVED, that the Board has determined that the formation of the proposed sewer district will not result in any significant adverse environmental impact; and

BE IF FURTHER RESOLVED, that the Board does hereby approve the formation of a sewer district, to be known as the Findley Lake Sewer District, pursuant to the terms and boundaries as found in the Map, Plan and Report prepared by Barton & Loguidice, P.C., and filed in the Office of the Town Clerk of the Town of Mina, entitled, "Map, Plan and Report, Findley Lake Sewer District, August 2023" and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote upon a motion by Councilman Watrous, and seconded by Councilman Sullivan, and upon roll call, the vote was as follows:

Brumagin – Aye
Burmester – Nay
Roache – Nay
Sullivan – Aye
Watrous – Aye

The motion carried.

Dated: 02-22-2024

I hereby certify that this resolution was adopted on 11/09/2023 and is recorded in the Meeting Minutes of the Town of Mina.

Sherrie R. Tanner
Sherrie R. Tanner, Town Clerk

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 9
700 Delaware Avenue, Buffalo, NY 14209
P: (716) 851-7070 | F: (716) 851-7009
www.dec.ny.gov

March 2, 2023

Ms. Rebecca N. Brumagin, Town Supervisor
Town of Mina
PO Box 38
2883 North Road
Findley Lake, NY 14736

Re: Findley Lake Water Quality Improvements (Sanitary Sewers & Stormwater Management)

Dear Supervisor Brumagin:

This letter is in enthusiastic support of the Findley Lake Water Quality Improvements Project that includes both sanitary sewers and stormwater management. DEC is very familiar with the Town of Mina and the challenges with water quality in Findley Lake, an impaired water body in DEC's Region 9.

Findley Lake is considered impaired for primary and secondary contact recreational activities due to excessive phosphorus and low dissolved oxygen. Excessive phosphorus loading can also lead to harmful algal blooms (HABs), which can be dangerous to human and animal health. The Department documented HABs in Findley Lake in 2020, 2021, and 2022.

A September 2008 report titled "Total Maximum Daily Load (TMDL) for Phosphorus in Findley Lake" prepared by The Cadmus Group, Inc. requires certain reductions in phosphorus loading from non-point sources, including a 71 percent reduction from agricultural runoff and a 39 percent reduction from developed land. The TMDL also requires a 100 percent reduction in loading from septic systems.

Findley Lake is an important asset to the Town of Mina, providing a variety of water activities including recreational boating, fishing, and swimming. To combat the problems with lake quality and meet the requirements of the TMDL, a multi-faceted plan must be implemented including design and construction of a large-scale sanitary sewer system, construction of in-waterbody treatment practices focused on nutrient loading reduction, replacement of antiquated existing stormwater culverts and facilities, and construction of stormwater management facilities.

I understand the Town of Mina intends to apply for various grants in hopes of securing a financial package that will make this important project affordable to Town residents. I am pleased to offer my enthusiastic support for this critical capital improvement project.

Sincerely,



Melanie Wright, P.E.
Professional Environmental Engineer 1
Division of Water





CHAUTAUQUA COUNTY HEALTH DEPARTMENT

PAUL M. WENDEL, JR.
County Executive

MICHAEL FAULK, M.D.
Interim Public Health Director

March 2, 2023

Ms. Rebecca N. Brumagin, Town Supervisor
Town of Mina
PO Box 38
2883 North Road
Findley Lake, NY 14736

Re: Findley Lake Water Quality Improvements (Sanitary Sewer & Stormwater Management)

Dear Supervisor Brumagin:

I am taking this opportunity to contact you to express my strong support for the Findley Lake Water Quality Improvements Project that may consist of both sanitary sewer and stormwater management improvements. Findley Lake is a critical natural resource to Chautauqua County and currently is suffering from serious water quality impairments. These impairments are a direct result of inadequate sanitary sewer and stormwater management facilities in the direct vicinity of Findley Lake.

There are 456 properties with structures around Findley Lake and of those only 30% have satisfactory onsite wastewater treatment systems. Chautauqua County Health Department is concerned that wastewater reaches groundwater quickly in many areas around the lake with loose gravelly soil and shallow groundwater depths. Implementing a large-scale sanitary sewer or stormwater management system improvement project that focuses on reducing water quality impairments should significantly improve the long term water quality of Findley Lake.

I understand the Town of Mina intends to apply to various grants in hopes of securing a financial package that will make this affordable to Town residents. I am pleased to offer my enthusiastic support for this critical capital improvement project.

Do not hesitate to contact me if the team at the County Health Department can be of assistance to the Town in implementing this project.

Sincerely,

Jessica Wuerstle
Environmental Health Director



March 1, 2023

Ms. Rebecca N. Brumagin, Town Supervisor
Town of Mina
PO Box 38
2883 North Road
Findley Lake, NY 14736

Re: Findley Lake Water Quality and Stormwater
Management System Improvements

Dear Supervisor Brumagin:

As President of the Findley Lake Watershed Foundation, I would like to express my wholehearted support for the Town of Mina's Findley Lake Water Quality and Stormwater Management System Improvements Project.

The Findley Lake Watershed Foundation has long been concerned about the quality of Findley Lake and, as you know, there have been many studies conducted on Findley Lake over the past 20 years. Findley Lake has serious water quality impairments as evidenced by New York State DEC's designation as an impaired waterbody. The implementation of actions to eliminate significant non-point sources of runoff pollution and construct in-waterbody treatment practices focused on nutrient loading reduction are in line with the mission of the Findley Lake Watershed Foundation and would address many of the significant issues impacting our lake.

Findley Lake continues to be crucial to the economic well-being of the Town of Mina and, as the southern tier gateway into New York State, Findley Lake is a critical natural resource to Chautauqua County and the first impression that visitors have of Chautauqua County and New York State. Implementing a large scale stormwater management system and water quality improvements designed to help manage, reduce, and treat runoff to Findley Lake is critical for long-term lake water quality.

It is my understanding that the Town of Mina intends to apply for various grants in hopes of securing funding that will make this very important project affordable to Town residents. I am pleased to offer my enthusiastic support for this critical infrastructure project.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Mulkearn". The signature is fluid and cursive, written over a white background.

Edward Mulkearn
President



Chautauqua County
DEPARTMENT OF PLANNING AND DEVELOPMENT

201 West Third Street • Jamestown, New York 14701
Phone (716) 661-8900 • www.planningchautauqua.com

March 1, 2023

Ms. Rebecca N. Brumagin, Town Supervisor
Town of Mina
PO Box 38
2883 North Road
Findley Lake, NY 14736

Re: Findley Lake Water Quality Improvements (Sanitary Sewer & Stormwater Management)

Dear Supervisor Brumagin:

As the Chautauqua County Watershed Coordinator, I am very familiar with Findley Lake and its challenges. This letter serves to express my enthusiastic support for the Town of Mina's Findley Lake Water Quality Improvements (Sanitary Sewer & Stormwater Management) project.

Chautauqua County has been working closely with the Town of Mina and the Findley Lake Watershed Foundation officials regarding the quality of Findley Lake and the need to implement strategies to improve lake quality. Findley Lake has been studied by numerous organizations over the past two decades and it has been concluded that Findley Lake has serious water quality impairments as confirmed by New York State DEC's designation as an impaired waterbody. The implementation of actions to eliminate significant non-point sources of runoff pollution and construction in-waterbody treatment practices focused on nutrient loading reduction are necessary elements in a multi-faceted approach to address these significant issues.

Findley Lake is the southern tier gateway into New York State and the lake is a vital natural resource to Chautauqua County and an economic engine for the region. The first impressions that visitors have of Chautauqua County and New York State are formed when they see this beautiful lake and quaint community. Implementing a large-scale sanitary sewer system, construction of in-waterbody treatment practices, replacement of critical antiquated existing stormwater culverts and facilities, and construction of stormwater management systems would greatly enhance the viability of Findley Lake as a regional asset for residents and tourists.

I understand that the Town of Mina intends to apply for various grants in hopes of securing funding that will make this very important project affordable to Town residents. I am pleased to offer my support for this critical infrastructure project.

Sincerely,

David McCoy
County Watershed Coordinator
Chautauqua County Department of Planning & Development

THE SENATE
STATE OF NEW YORK



GEORGE M. BORRELLO
SENATOR
57TH DISTRICT

RANKING MINORITY MEMBER
AGRICULTURE
BANKS
PROCUREMENT AND CONTRACTS
STANDING COMMITTEES
AGING
FINANCE
INTERNET AND TECHNOLOGY
LOCAL GOVERNMENT

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FENTON BLDG, STE. 302
JAMESTOWN, NY 14701
PHONE (716) 664-4603
FAX (716) 664-2430
SATELLITE OFFICE
WESTGATE PLAZA
700 W. STATE STREET
OLEAN, NEW YORK 14760
PHONE: (716) 372-4901
FAX: (716) 372-5740

March 2, 2023

Hon. Rebecca N. Brumagin, Town Supervisor
Town of Mina
PO Box 38
2883 North Road
Findley Lake, NY 14736

Re: Findley Lake Water Quality Improvements (Sanitary Sewer & Stormwater Management)

Dear Supervisor Brumagin,

I write today in strong support of the Findley Lake Water Quality Improvements Project.

It is my understanding that the Town of Mina is seeking funding for the Sanitary Sewer and Stormwater Management Project for Findley Lake. Findley Lake is the first community along Interstate 86 when entering New York State from the west. It offers tourists and visitors to our region a glimpse of the beautiful countryside in rural upstate New York. The Town of Mina is a popular resort community whose main attraction is its beautiful small lake. Lake quality is of great concern and the town needs to actively implement a multi-faceted plan to improve lake quality if it is going to continue to be an asset into the future.

The implementation of a large-scale sanitary sewer system, construction of in-waterbody treatment practices focused on nutrient loading reduction, replacement of critical antiquated existing stormwater culverts and facilities, and construction of stormwater management facilities are all part of the multi-faceted plan. Furthermore, Findley Lake has serious water quality impairments that led to its designation as an impaired water body by New York State Department of Environmental Conservation (NYS DEC).

I commend the Town of Mina for applying for various grants to help offset the financial burden, so the residents do not have to shoulder the total cost.

I wish you continued success with this endeavor and offer my full support for this critical capital improvement project.

Please accept my best wishes. Do not hesitate to contact me at 716-664-4603, if I may be of further assistance.

Sincerely,

Handwritten signature of George M. Borrello in blue ink.
George M. Borrello
Senator, 57th District



ANDREW GOODELL
Assemblyman 150th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

MINORITY LEADER PRO TEMPORE
RANKING MINORITY MEMBER
Committee on Social Services
COMMITTEES
Cities
Governmental Operations
Judiciary

March 2, 2023

Ms. Rebecca N. Brumagin, Town Supervisor
Town of Mina
PO Box 38
2883 North Road
Findley Lake, NY 14736

Re: Findley Lake Water Quality Improvements (Sanitary Sewer & Stormwater Management)

Dear Supervisor Brumagin:

The Findley Lake Water Quality Improvements (Sanitary Sewer and Stormwater Management) Project has my full support. I understand that the Town of Mina intends to apply for several grants in hopes of securing a financial package that will make this vital project affordable to the Town.

When entering New York State from the west, Findley Lake is the first community along Interstate 86. It offers tourists and visitors to our region a glimpse of the beautiful countryside in rural upstate New York. The Town of Mina is a popular resort community whose main attraction is its beautiful small lake. The Town needs to actively implement a multi-faceted plan to maintain and improve lake quality to ensure that it continues to be an asset in the future.

Findley Lake has serious water quality impairments that have led to its designation as an impaired water body by New York State Department of Environmental Conservation. Implementing a large-scale sanitary sewer and stormwater facility in the direct vicinity of Findley Lake is essential to ensuring the long-term water quality of Findley Lake. Improving the water quality will help with needed economic development, tourism and quality of life for residents.

I am pleased to offer my support for this critical infrastructure project. Please feel free to contact me if I can be of further assistance.

Sincerely,

Andrew Goodell
Member NYS Assembly



CHAUTAUQUA COUNTY LEGISLATURE

3 N. ERIE STREET · MAYVILLE, N.Y. 14757-1007 · (716) 753-4215

Martin J Proctor
Legislator, District 18

March 2, 2023

Ms. Rebecca N. Brumagin, Town Supervisor
Town of Mina
PO Box 38
2883 North Road
Findley Lake, NY 14736

Re: Findley Lake Water Quality Improvements (Sanitary Sewer and Stormwater Management)

Dear Supervisor Brumagin:

This letter is to express my strong support for the Findley Lake Water Quality Improvements (Sanitary Sewer and Stormwater Management) projects.

As a life-long resident of Findley Lake in the Town of Mina and an active member of the community, I am very familiar with the issues impacting the quality of Findley Lake and the vital need for stormwater management system improvements. As the southern tier gateway into New York State, Findley Lake is a critical natural resource to Chautauqua County and the first impression that visitors have of Chautauqua County and New York State.

Findley Lake is suffering from serious water quality impairments and is listed as an impaired lake by NYS Department of Environmental Conservation. Implementing a large-scale sanitary sewer system, construction of in-waterbody treatment practices focused on nutrient loading reduction, replacement of critical antiquated existing stormwater culverts and facilities, and construction of stormwater management facilities, are all important aspects of improving water quality for Findley Lake.

I understand that the Town of Mina intends to apply for various grants in hopes of securing funding that will make this very important project affordable to Town residents. I am pleased to offer my enthusiastic support for this critical infrastructure project.

Sincerely,

Martin J. Proctor
Legislator – District 18
Chautauqua County



**CHAUTAUQUA COUNTY
OFFICE OF THE COUNTY EXECUTIVE**

Gerace Office Building – 3 N. Erie St. – Mayville, NY 14757-1007
(716) 753-4211 – FAX (716) 753-4756 – wendelp@chqgov.com
<https://chqgov.com/>

PAUL M. WENDEL, JR.
County Executive

March 2, 2023

Ms. Rebecca N. Brumagin, Town Supervisor
Town of Mina
PO Box 38
2883 North Road
Findley Lake, NY 14736

Re: Findley Lake Water Quality Improvements (Sanitary Sewer & Stormwater Management)

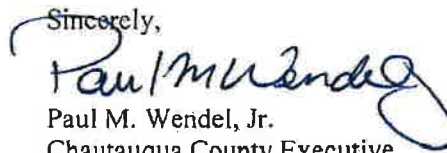
Dear Supervisor Brumagin:

I am writing to express my strong support for the Town of Mina's Findley Lake Water Quality Improvements (Sanitary Sewer and Stormwater Management) Project.

Findley Lake is situated in the southern tier of Chautauqua County and New York State along Interstate 86. As a gateway to the county as well as the state, Findley Lake is the first opportunity for the many tourists and visitors to our region to get an initial impression of all that we have to offer. It is a welcoming community that showcases the beauty of our countryside. The lake is truly a gem but it needs our attention if it is going to continue to be an asset that we can proudly showcase.

I am aware that Findley Lake has serious water quality impairments that need to be addressed. The New York State Department of Environment Conservation has identified Findley Lake as an impaired water body. The project will aim to eliminate significant non-point sources of pollution and significantly improve the long-term lake water quality of Findley Lake. If funding is received, the Town will apply it to some or all of the major lake water quality initiatives; construction of a large-scale centralized sewer system, construction of in-waterbody treatment practices, replacement of deteriorated stormwater culverts and facilities, and construction of stormwater management facilities.

Funding to support this initiative by the Town of Mina means the Town intends to apply for various grants in hopes of securing a financial package that will make this very important project affordable to Town residents. I am pleased to offer my wholehearted support for this critical infrastructure project.

Sincerely,

Paul M. Wendel, Jr.
Chautauqua County Executive



Environmental Facilities Corporation

KATHY HOCHUL
Governor

MAUREEN A. COLEMAN
President and CEO

January 8, 2024

The Honorable Rebecca Brumagin
Supervisor
Town of Mina
2883 North Road
Findley Lake, NY 14736

Re: Clean Water State Revolving Fund (CWSRF) Project No. C9-6098-02-00
New Wastewater Treatment and Collection System for Findley Lake Sewer District

Dear Supervisor Brumagin:

I am pleased to inform you that your community may qualify to receive grant funding from the Environmental Facilities Corporation (EFC) through the federal Infrastructure Investment and Jobs Act of 2021, also known as the Bipartisan Infrastructure Law (BIL) for the project referenced above.

The project's eligibility for BIL grant is based on the project being listed above the BIL Funding Line in Subcategory D1 of the [Final 2024 Intended Use Plan \(IUP\) Annual List](#). Criteria for this determination are detailed in the CWSRF Hardship Financing and Grant Eligibility Policy ([Hardship Policy](#)) effective October 1, 2023. In addition to BIL grant, your project may be eligible for interest-free financing of up to \$25 million. Criteria for interest-free financing are also detailed in the Hardship Policy.

The amount of BIL grant available for your project is estimated as \$15,358,000, based on the information provided to EFC. As noted in the Hardship Policy, municipalities eligible for BIL funding must meet the following criteria to qualify:

- Must not have closed an EFC financing or incurred SRF-eligible debt for the project before November 15, 2021;
- Must not have issued a Notice to Proceed to construction for the project dated before November 15, 2021;
- Must not have executed a long-term project financing agreement for the project;
- Must not be substantially complete before October 1, 2023;
- Must not have been eligible for BIL funding on the Subcategory D1 list for two consecutive IUP years without closing on a project finance agreement with EFC; and
- Must comply with all applicable federal requirements.

All projects funded through BIL must meet certain programmatic requirements (www.efc.ny.gov/BIL). These requirements and methods for documenting compliance include but are not limited to:

- Federal Procurement for Architectural/Engineering (A/E) Services;
- Inclusion of State Revolving Fund Mandatory Terms and Conditions in Contract(s) for the following:
 - Davis Bacon Federal Prevailing Wage schedules and language in construction contract bid documents;
 - American Iron and Steel (AIS) provisions;
 - Prohibition on certain telecommunications and video surveillance services or equipment; and

- Equal Employment Opportunities (EEO) and Minority- and Women- Owned Business Enterprises (MWBE) for both construction contracts and professional service agreements.
- Single Audit reporting
- Construction Sign:
 - All projects receiving EFC funding must post a physical sign at the project site during construction.

Information on BIL funding and requirements can be found on EFC's website at www.efc.ny.gov/BIL. This information may be updated periodically, at which time EFC will send an electronic notice to all members of our email notification listserv. To join our email notification listserv, please visit [EFC's website](#).

Please confirm your acceptance of the BIL grant eligibility and intent to proceed with this project by completing and signing the enclosed form and returning it to CWSRFinfo@efc.ny.gov no later than **January 19, 2024**. Without your confirmation, we may bypass your project and award these grant funds to another community.

You must also submit an acceptable CWSRF financing application by no later than June 14, 2024. Without an acceptable application submitted by this date, this grant offer will be rescinded, and you must re compete for BIL grant in the 2025 CWSRF IUP. The CWSRF finance application forms and guidance can be found at www.efc.ny.gov/cwsrf-apply.

To help you advance this project, members of the EFC team will contact you to guide you through the program requirements and related processes.

We look forward to working with you on your water quality improvement project. Should you have any questions, please contact Máire Cunningham, Program Manager at CWSRFinfo@efc.ny.gov.

Sincerely,



Maureen A. Coleman
President & CEO

Enclosure (if required):

[SRF Terms and Conditions Guidance](#), [SRF Terms and Conditions](#), [Architectural/Engineering Services Procurement](#)

cc: Barton and Loguidice - Matthew Zarbo, P.E., Managing Engineer
NYS EFC - Lyudmila Green

ACKNOWLEDGEMENT AND INTEREST IN BIL FUNDING

Please confirm your community's intent to accept BIL funding by signing below and emailing the completed form to CWSRFinfo@efc.ny.gov no later than **January 19, 2024**. Please also attach the following, as applicable:

- Completed A/E Procurement Form;
 - Check box if A/E Procurement did not comply with federal standards
- Complete Environmentally Review Form; and
- Copy of any BANs related to the project

ACKNOWLEDGMENT BY THE MUNICIPALITY

Town of Mina
Clean Water State Revolving Fund (CWSRF) Project No. C9-6098-02-00
New Wastewater Treatment and Collection System for Findley Lake Sewer District

The Municipality meets BIL eligibility requirements, applicable program requirements, and intends to proceed with this project. The Municipality intends to close a financing that includes BIL grant funding.

Rebecca N. Brumagin

Signature of Authorized Representative

Rebecca Brumagin

Print Name

Town Supervisor

Title

January 12, 2024

Date

Typical Residence/Property

<u>Item</u>	<u>Cost</u>
Service Lateral (10 to 25 feet) <i>*Note: Dependent on terrain and access</i>	\$500 - \$1,000
Decommission Existing Septic System	\$1,000
Electrical to Power Grinder Pump Panel (Only for properties receiving a grinder pump) <i>*Note: Dependent on existing electrical service size</i>	\$500 - \$1,000
TOTAL	\$2,000 - \$3,000

Hybrid Collection System

O&M and SLA for Collection System				
Annual O&M Costs	Gravity Collection	Main Sewer Pump Stations	Odor Control Stations	Pressure Collection System
Operator, Hours/Week	0.5	4	0.5	4
Operator Hourly Wage	\$50.00	\$50.00	\$50.00	\$50.00
Operator Annual Wages	\$1,300.00	\$10,400.00	\$1,300.00	\$10,400.00
Yearly Operation Costs	\$0.00	\$4,000.00	\$9,000.00	\$0.00
Yearly Maintenance	\$2,000.00	\$4,000.00	\$1,000.00	\$4,000.00
Annual O&M Costs	\$3,300	\$18,400	\$11,300	\$14,400
Total Annual O&M Costs	\$47,400			
Short Lived Assets (SLA)	Gravity Collection	Main Sewer Pump Stations	Odor Control Stations	Pressure Collection System
SLA Savings Required	\$0.00	\$6,000.00	\$500.00	\$37,000.00
Total Annual SLA Costs	\$43,500			

Wastewater Treatment Plant

Short Lived Assets (SLA)			
Item	Cost	Life	Req'd Savings per Year
SBR Biological Process Equipment	\$60,000	20	\$3,000
MBR Membrane Unit	\$200,000	10	-
RBC Process Equipment/Clarifiers	\$90,000	15	-
Headworks	\$20,000	20	\$1,000
UV Disinfection	\$4,000	2	\$2,000
Tertiary Filtration	\$10,000	10	\$1,000
Sludge Press	\$20,000	10	\$2,000
Generator	\$40,000	20	\$2,000
Flow Meter and Controls	\$10,000	20	\$500
I&C Allowance	\$20,000	10	\$2,000
Miscellaneous Allowance	\$25,000	10	\$2,500
Required Annual SLA Reserve Account Contribution			\$16,000

**Operation Maintenance and
 Short Lived Asset Summary**

Operation and Maintenance	
WWTP Labor Hour Estimate (per Year)	2,100
Collection System Labor Hour Estimate (per Year)	468
Labor (Assume Billing Rate of \$50/hr)	\$128,400
Collection System Maintenance	\$24,000
General Sewer Expenses	\$50,000
WWTP - Compliance, Sampling, & Lab Testing	\$5,000
WWTP - Utility Costs	\$25,000
WWTP - Sludge Disposal	\$8,000
Annual O&M Costs	\$240,400

Short Lived Assets	
WWTP Short Lived Assets	\$16,000
Collection System Short Lived Assets	\$43,500
Annual SLA Reserves	\$59,500

TOTAL YEARLY O&M/SLA BUDGET	\$300,000
--	------------------

09 SEPT. 2023

TO WHOM IT MAY CONCERN:

MY NAME IS BRIAN ELLER AND I
LIVE AT 2934 RT. 426 F.L., NY 14736

I'M WRITING BECAUSE I HAVE ALREADY
BEEN APPROVED FOR AND GIVEN A GRANT
TO RECEIVE A BRAND NEW SEPTIC SYSTEM

THRU CHARIC AND FOR PROOF YOU

MAY CONTACT STACEY BEMIS AT THE
CHARIC OFFICE IN MAYVILLE, NY.

IF I AM FORCED TO TAKE TOWN



Letter for meeting

1 message

Kayla Walker <kayla.walker80@yahoo.com>
To: bubbaragoo@gmail.com

Fri, Sep 8, 2023 at 10:32 AM

To whomever it may concern,

My name is Kayla Walker, I am a single mother that has lived in Findley Lake for 9 years. As most of the town is aware my home burnt down and was rebuilt including a new septic system just a few short years ago. Without the visit to my home by Mr. Steve Burnmaster, I would have been completely in the dark that this plan for sewer lines would mean I would be expected to pay for the removal of my new and perfectly good working septic system for this sewer. This is outrageous. I am a mother taking care of three young children, I should not also have the responsibility of paying to change perfectly good working systems. I believe no one in this town should pay for a service or system that is not wanted or needed. I am not the only person who is working as hard as they can to support their family and finding that it's still just not enough. If this "sewer plan" passes and I am forced to pay for these changes it will impact mine and my children's lively hood. This isn't just a sewer line, if this happens it effects how much food I can buy for my children, causes me to slip behind on other household bills, ruins birthdays and other celebrations due to the strain money has on a household. The point is this should have been explained to everyone that will be effected exactly how much this plan really will impact our lives. It doesn't stop with the fees to put these in place either, then it turns to I am now responsible for a sewage bill I have to pay every month. Does this stop with sewer lines? How long until my well is taken away also and me being expected to pay for that. This proposal asks us that we agree to pay to have something that doesn't cost us a monthly bill be replaced with a system that does.

It my understanding that the reason this is being proposed is because an individual is looking to build some businesses that require these kinds of hook ups. I support new business and would love to see more of it in Findley Lake. However another individuals business dream should not be my financial burden, and in this case it is becoming so. I do not agree that sewer systems are something that would impact Findley Lake in a positive way, in fact for me is has put a sour taste in my mouth.

Sent from my iPhone



Rejecting sewer proposal

1 message

Peggy Walker <pgwalker83@gmail.com>
To: Steve Burmaster <bubbaragoo@gmail.com>

Sat, Sep 9, 2023 at 8:38 AM

To the town of Mina , the NYS Comptroller:

We are opposed to the proposal of putting in a sewer and/or water system in Findley Lake. We have a perfectly fine operating system on our property and do not wish to fund anyone else's. They need to pay for their own upgrades. We are retirees on a limited budget , who live 1/2 mile from the lake. This is our permanent home, not a 2nd or 3rd vacation home. Those people can afford to pay their own system upgrades.

George and Peggy Walker
2852 Rte 426

—
Peggy

To mina town board

The upcoming sewer project in Findley Lake has caused quite a controversy. Those who have already complied with the health department's septic system regulations are unhappy that they now have to pay for others who have not upgraded their systems. Out of the 274 homes within 250 feet of the lake, 186 have already upgraded, leaving only 88 homes remaining. The cost of the sewer plant, which is estimated to be around 27 million dollars, will be divided amongst some and not all the homes in the findley lake hammet. This is causing some residents, particularly those with lower incomes, to consider leaving Findley Lake.

Many residents argue that the cost to benefit ratio of this project is not favorable. They argue that the Department of Environmental Conservation (DEC) scientists have indicated that removing septic systems around the lake will not significantly change the phosphorus levels in the water. They believe that there are other contributing factors that need to be addressed in order to improve the lake's water quality.

Complicating matters further, the findings of an in-water body study will not be available before the vote on the sewer project takes place. This means that crucial information about internal loading, or the release of nutrients from sediment, will not be considered during the decision-making process.

Overall, the sewer project in Findley Lake has sparked debate among residents who feel that they are unfairly burdened with the cost and that other factors contributing to the lake's water quality need to be addressed.

Respectfully submitted

Councilman

Stephen Burmaster

Mark & Kim Freund
806 Hodil Rd
Glenshaw, PA 15116
August 1, 2023

Town Board
TOWN OF MINA
Findley Lake, NY 14736

RE: 2612 Sunnyside Rd sewer exemption request

Dear Members of the Town Board:

This letter is a formal request by us, Mark and Kim Freund, to have our property at 2612 Sunnyside Rd, Findley Lake, NY removed from the proposed sewer district.

At approximately 350 yards from the shoreline of Findley Lake, our Chautauqua County Health Department designed/inspected, properly installed/maintained septic system is both newer and further away from the lake than other properties which are excluded from the erratic proposed sewer district boundary.

The proposed sewer district comes with no guarantees of: 1) improved phosphorus levels; 2) decreased vegetation/weeds; or 3) elimination of algae blooms as was admitted to by both the DEC and Chautauqua County Health Department.

Unfortunately, the only thing guaranteed are monthly bills and ongoing fees for those of us included in such a costly project with a very small number of property owners underwriting the entire financial burden.

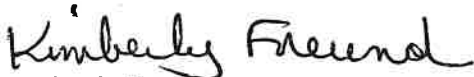
We respectfully request that you honor our request to remove our property from the proposed sewer district prior to the final map determination.

Thank you for your attention to this matter.

Very truly yours,



Mark Freund



Kimberly Freund

RECEIPT OF LETTER: I, Sherril R. Tanner, have received the original letter on Aug. 3, 2023.

09/09/2023

To whom it may concern:

The septic system would be a great hardship. Trying to live on social security is getting more difficult almost everyday. Inflation is getting higher almost daily. There is no more room in the budget for \$100 or more each month.

That is not figuring \$7000.00 to \$30000.00 or more to hook up to the system.

Sincerely yours
Jeland Mason

August 8, 2023

Dear friends and all it may concern,

I was able to attend the first 45 minutes of the public meeting, Saturday July 29th regarding formation of the sewer district. In that period the two speakers outlined the pertaining factors in regards to its formation. This included, but not necessarily limited by: definition of what a sewer district is, basic mechanics in how it functions, available grants, costs to homeowner for initial hook up, how monthly billings are determined, etc.

Putting aside insignificant differences in planning, this is exactly how it was presented to attendees of the meetings in 2017. There is just no way it could have been presented differently. This idea of forming a sewer district was considered and voted down by the public. Therefore, the prudent thing to do would have been to move forward and explore other measures. Voting outcomes came with disappointment for some, but the citizens had spoken.

The primary areas of concern to the county are those properties within the 250 foot boundry of the lake's edge. The county stated at that time if consideration for the sewer district formation was voted down, they would understandably resume the gradual process of bringing those properties in the focused area of concern into compliance. This by all rights should be happening.

Looking ahead, not backward, I have tremendous faith in the future. What lies ahead in the future, although hopeful and I believe not being entirely naïve, are the promises that lie with research, technology, innovation and education to better serve all concerned.

Thank you for the opportunity to offer my thoughts.

Michael H. Maring.



Gary Millspan

2777 Rte 426

Po Box 26

Findley Lake NY 14736

7-10-23

Town of Mina Board and Comptrollers

2883 North Road, PO Box 38

Findley Lake, NY 14736

Dear public officials

As a property owner in the proposed sewer district I would like to state my opposition to the current plan. I am not convinced that the plan will succeed in cleaning up the lake and I feel that our property was included despite our currently updated septic system only in order to reach the financial goal. We will be required to pay to clean a lake that we have very little access to. Current laws properly enforced would do more than a new expensive sewer. A proposal that is voted down should stay defeated.

a concerned taxpayer

Gary Millspan

WRIGHT CALIMERI, PLLC
ATTORNEYS AT LAW
525 FAIRMOUNT AVENUE
JAMESTOWN, NEW YORK 14701

STEPHEN J. WRIGHT
WILLIAM L. WRIGHT, JR.
JOSEPH M. CALIMERI

MATTHEW B. SCHUTTE
ASSOCIATE

(716) 483-1122
FAX 483-2060
general@wrightcalimeri.com

EDWARD P. "TAD" WRIGHT
OF COUNSEL

February 23, 2024

Office of New York State Comptroller
110 State Street
Albany, NY 12236

Re: Attorney Opinion Letter

Dear Sir or Madam:

This letter is intended to serve as a legal opinion on behalf of the Town of Mina as it concerns the sufficiency of the publication notice of the public hearing to establish the Findley Lake Sewer District. The Notice of Public Hearing (hereinafter "Notice") was published on August 21, 2023. The hearing was to take place on September 9, 2023, at 9:00 a.m. at the Mina-Findley Lake Community Center.

Regarding the Notice's compliance with Town Law Section 209-d, the Board had not yet adopted an order establishing the proposed district prior to the public hearing, and as such, was unable to set forth the terms of the order in the Notice. The Notice provided for the hearing to take place to discuss the Map, Plan and Report that had been filed with the Town and was available for inspection during the Town Clerk's regular business hours and available on the Town website.

On September 14, 2023, the Town Board adopted a resolution to establish the district, subject to a referendum. The Town Board published a further notice following the resolution in the local newspaper. The subsequent notice provided the total costs of the project, the estimated monthly cost per dwelling, the area to be included within the sewer district and provided that further details were available in the Map, Plan and Report on file with the Town Clerk

Very truly yours

WRIGHT CALIMERI, PLLC

By


Joseph M. Calimeri