

November 23, 2021

The Mina Town Board met on the above date for a special meeting. Supervisor Brumagin called the meeting to order at 9:00 am by leading with the Pledge of Allegiance to the flag. The following members and guests were in attendance:

Present: Rebecca Brumagin.....Supervisor
Steve Burmaster.....Councilman
Marty Proctor.....Councilman (9:00 am to 10:15 am)
Dick Watrous.....Councilman (9:00 am to 11:00 am)

Absent: Ernie Roache.....Councilman

Attended by: Marshall Bell, Bill Bracken, Jon Bracken, Brodie Briggs, Lex Brumagin, Tyler Brumagin, Frank Corsale, Christine Craffey, Cara Farnham, Jesse Farnham, Mary Ford, Marlene Garone, Kris Gleason (Planning Board Chair), Bill Himelein (Highway Superintendent), Karl Kimmich, Adam Mazur, Dennis Miller, Ed Mulkearn, David Ott, Mark Overall (Buffalo Solar), Deanna Sontag, Doug Sliker, Andy Travis, Jo-Ann Travis (Planning Board), Kent Wiggers, Louise Wiggers, Matthew Zarbo (Barton & Loguidice)

Public Hearing on Local Law #3-2021 A Local Law Enacting A Moratorium on Commercial Solar Energy Facilities and Residential Solar Energy Installations

Supervisor Brumagin asked the town clerk to read the legal notice that was published in The Jamestown Post Journal. Supervisor Brumagin then opened the hearing for public comment at 9:02 am.

- Andy Travis stated the Planning Board had spent a lot of time researching solar and hoped the town board would look at their recommendation.
- Mark Overall from Buffalo Solar stated that he thought the Planning Board should review NYSEDA's (New York State Energy Research and Development Authority) recommendation and he also stated that solar farms do not conflict with agriculture farm lands.
- Jesse Farnham stated that Buffalo Solar is planning on installing 1,700 solar panels on 1.7 acres on Tanner Road and that is not a small project.
- As there were no further comments on the solar law, Supervisor Brumagin closed the Public Hearing on Local Law #3-2021 at 9:10 am.

Public Hearing on Local Law #4-2021 A Local Law to Opt-Out of Onsite Cannabis Consumption Sites

Supervisor Brumagin asked the town clerk to read the legal notice that was published in The Jamestown Post Journal. Supervisor Brumagin reported the Planning Board had recommended that the town opt-out until more information was available. At 9:10 am Supervisor Brumagin opened the Public Hearing for public comment at 9:10 am.

- Andy Travis stated that the Planning Board spent a lot of time looking into the cannabis laws and felt that the town board should consider the recommendation of the Planning Board.
- Kent Wiggers wondered if this was a recommendation from New York State.
- Mary Ford was interested in the feedback so she could be better informed.
- Louise Wiggers stated she would not like to see consumption sites in the town.
- Doug Sliker stated he didn't like the tone he felt consumption sites would set for the Town of Mina and wondered what benefit for the area.

- Marshall Bell stated he agreed with Doug Sliker and would like to see the town opt-out.
- Louise Wiggers stated she agreed with Doug Sliker and Marshall Bell.

Since there were no further comments, Supervisor Brumagin closed the Public Hearing on Local Law #4-2021 at 9:14 am.

Public Hearing on Local Law #5-2021 A Local Law to Opt-Out of Cannabis Retail Dispensaries

Supervisor Brumagin asked the town clerk to read the legal notice that was posted in The Jamestown Post Journal. At 9:14 am Supervisor Brumagin opened the Public Hearing for public comment.

- Tyler Brumagin expressed support for allowing cannabis dispensaries in the town including the fact that the use and possession of cannabis is legal in New York State. He recently visited a dispensary in Arizona where it is also legal. It was a beautiful building that was clean and bright and that any community would be proud of. He stated that opting out now will put us at a distinct disadvantage over our neighbors. Home delivery is allowed regardless of where a dispensary is located and the tax revenue will benefit the town where the dispensary is located. He noted that the Planning Board recommended opting out so they could further investigate. He asked what have those investigations yielded.
- Dennis Miller reported that he currently drives to Buffalo because he uses cannabis medicinally and he would like to be able to buy it locally.
- Jon Bracken stated it can help the opioid crisis.
- Christine Craffey stated that if the town opt-outs it doesn't mean it wouldn't be here with people using it anyway.
- Doug Sliker stated money shouldn't always be the reason to bring something to town, he doesn't feel its right and feels it would be bad for the town.
- David Ott stated that New York went ahead of the federal government in allowing the state to sell cannabis. He stated that he has paid a lot of taxes for the past 20 years and feels the town could benefit from the profit on the sales of cannabis. He showed an architectural rendering for a business he is working on near the I-86 exit. It includes a cannabis dispensary, an electric car charging station, and an established brewery business from Pittsburgh. He stated it would create approximately 50 jobs with employees making between \$20-\$30 an hour.
- Lex Brumagin stated he was in favor of retail dispensaries in the Town of Mina and compared it to the local businesses that are now selling alcohol. Alcohol sales in the Town of Mina was controversial prior to the law changing but now that there are alcohol sales it didn't seem to create a negative impact on the town.
- Marshall Bell stated when reading the paper you used to see a lot of drunken driving charges now it seems to be more drugs and there doesn't seem to be anything they are doing to correct the problem. He also doesn't feel taxes would go down even with the income from the sales of cannabis.
- Mary Ford stated she was enlightened by what she heard at the meeting on the positive things about cannabis dispensaries.
- Mark Overall asked if the opt-out decision could be reversed and Supervisor Brumagin explained that the opt-out can be reversed if the town opts out by December 31, 2021.
- Ed Mulkearn stated that the jobs that would be created at any retail dispensary are required by New York State to be union jobs and that is why the pay would be between \$20-\$30 an hour. Also, there will be a large component of the retail business for delivery sales and he feels that timing is necessary because NYS is only approving a limited number of licenses.

- Andy Travis asked Supervisor Brumagin to repeat the process of opting out or opting in.
- Deanna Sontag said she was in favor of the cannabis retail dispensaries but not the consumption sites.
- Louise Wiggers stated she would like the town board to opt-out of retail dispensaries.
- Kent Wiggers stated he feels it's a moral issue and if people need it for medical reasons it would be good to have it local. He feels it's a money issue for the government that 80-90% go to taxes.
- Doug Sliker stated he appreciated the comments but feels it's all about the money and feels the town board should look beyond the money.
- Christine Craffey stated in what she looked up that a portion of the sales goes back to drug treatment, education and drug rehabilitation.
- Councilman Burmaster stated that a lot of adults in the room were raised in Findley Lake and he wanted to give the town people a chance to vote on opting-out but he had received many phone calls of folks wanting the town board to opt-in. He said he did research in Michigan where it is also legal and it is about the money.

Supervisor Brumagin closed the Public Hearing on Local Law #5 at 9:53 am.

Public Hearing on Local Law #6-2021 A Local Law for Prior Written Notice of Highway Defects

Supervisor Brumagin asked the town clerk to read the legal notice that was in The Jamestown Post Journal. Supervisor Brumagin then opened up the hearing at 9:53 am for public comment. Ed Mulkearn asked for information on Local Law #6-2021. Supervisor Brumagin reported that the town's insurance company recommended that the town pass this local law on Prior Written Notice of Highway Defects and that it is similar to New York State's law on notification on highway defects. At 9:55 am Supervisor closed the Public Hearing as there were no further comments.

Supervisor Brumagin asked town board members if they are prepared to take action on Local Law #3-2021 A Local Law Enacting A Moratorium on Commercial Solar Energy Facilities and Residential Solar Energy Installations and #6-2021 A Local Law for Prior Written Notice of Highway Defects today and to wait until the December 16, 2021 meeting to take action on Local Law #4-2021 A Local Law to Opt-Out of Onsite Cannabis Consumption Sites and Local Law #5-2021 A Local Law to Opt-Out of Cannabis Retail Dispensaries to give the board time to reflect on the input from the public. She stated that the public would still be able to comment on both Local Laws #4 and #5 at the December meeting during the public comment section of the meeting. The town board agreed with taking action on Local Laws #3-2021 and #6-2021 and deferring action on Local Laws #4-2021 and #5-2021 until the December 16th meeting.

Councilman Proctor made a motion, seconded by Councilman Watrous to adopt Local Law #3-2021: A Local Law Enacting A Moratorium on Commercial Solar Energy Facilities and Residential Solar Energy Installations. Motion carried.

Brumagin – Aye

Burmaster – Nay

Proctor – Aye

Watrous – Aye

Councilman Burmaster made a motion, seconded by Councilman Watrous to adopt Local Law #6-2021: A Local Law for Prior Written Notice of Highway Defects. Motion carried unanimously.

Brumagin – Aye

Burmaster – Aye
Proctor – Aye
Watrous – Aye

Executive Session:

At 10:02 am Councilman Proctor made a motion, seconded by Councilman Watrous to move to executive session to hold presentations by engineering firms on sewer proposals. Motion carried unanimously. At 10:55 am Councilman Burmaster made a motion, seconded by Councilman Watrous to go back into regular session. Motion carried unanimously.

Other Business/Actions:

- Supervisor Brumagin reported that Wendy Shephard from USI Insurance Services met with town employees and reviewed various health insurance options. Supervisor Brumagin reported that the employees are interested in keeping the same health insurance carrier and plan and that the 2022 budget included the coverage amounts. Councilman Watrous made a motion, seconded by Councilman Burmaster to continue with the current health insurance plan. Motion carried unanimously.
Ayes – 3 Brumagin, Burmaster, Watrous
Nays – 0
- Supervisor Brumagin reported that she would like to attend the Association of Towns annual meeting in February of 2022.

Executive Session:

At 10:57 am Councilman Watrous made a motion, seconded by Councilman Burmaster to go back into executive session to continue with engineering presentations on the sewer proposals. Motion carried unanimously. At 11:57 am Councilman Burmaster made a motion, seconded by Supervisor Brumagin to close the executive session and return to regular session. Motion carried.

Other Business/Actions:

- The next regular town board meeting will be held December 16, 2021 at 7:00 pm at the Mina-Findley Lake Community Center. The end of the year meeting needs to be scheduled.
- Supervisor Brumagin asked for any further comments from the public. Christine Craffey stated she feels it's a generational issue with the marijuana and that good parenting is what is needed. Bill Himelein stated that he noticed in the public comments that there were 12 people that spoke in favor of the marijuana dispensaries and five against.
- As there was no further business to come before the Board, Councilman Burmaster moved to adjourn the meeting at 12:10 p.m.

Respectfully submitted,

Sherrie Tanner, Town Clerk