

February 10, 2022

The Mina Town Board met on the above date for the regular meeting. Supervisor Brumagin called the meeting to order at 7:00 pm by leading with the Pledge of Allegiance to the flag. The following members and guests were in attendance:

Present: Rebecca Brumagin.....Supervisor
Steve Burmaster.....Councilman
Ernie Roache.....Councilman
Dick Watrous.....Councilman

Absent: Brian Sullivan.....Councilman

Attended by: Christine Craffey, Kim Freund, Mark Freund, Bill Himelein (Highway Superintendent), Jeff Park (FLVFD), Marty Proctor (Chautauqua County Legislator)

Supervisor Brumagin asked the Town Clerk to read the legal notice for the regular meetings for the year 2022.

Minutes: Motion was made by Councilman Watrous and seconded by Councilman Burmaster to accept the minutes of the January 13, 2022 meeting as presented. Motion carried.

Public Comment re: Agenda Items (Citizens Present):

- Supervisor Brumagin reported that she sent the board packet to Southern Tier West in time for it to be posted 24 hours before the meeting but unfortunately they did not post the packet. Southern Tier West has made some changes to website maintenance and in the future Supervisor Brumagin will be able to post the agendas, minutes and board packets rather than waiting for Southern Tier West.
- Ed Mulkearn reported that he has done a lot of floor refinishing work for fire departments in Pennsylvania and most of them have social halls with a club that has a bar. Those fire departments make a lot of money off the bar and he was wondering if Findley Lake could add a social hall when/if the fire hall relocates. New York State might not allow fire companies to operate social clubs and bars. He also wondered when the Planning Board is going to make a recommendation to the Town Board on where cannabis dispensaries can be located in the Town of Mina.

Reports:

- Findley Lake Watershed Foundation – Ed Mulkearn reported that the Princeton Hydro Study was posted on the Findley Lake Watershed Foundation’s website and is self-explanatory. He reported that Findley Lake has phosphorus that has settled on the bottom of the lake. When it makes its way to the top then algae is more present. Currently aluminum sulfate can’t be used to eradicate invasive weeds because NYSDEC prohibits its use. It could be several years before DEC might allow it to be used. The Watershed Foundation is looking into aerating the lake and applying for a grant in June to help with the cost. Ed also reported that he and Larry Gross took a look at the Findley Lake Watershed Foundation’s property on Pleasant Street to the north side of the downtown gazebo. They feel there might be adequate room to erect the log cabin outside of the DEC wetlands delineation area if the historical society is considering placing the structure on Main Street.

Public Comment re: Agenda Items (Citizens Not Present): none

Novel Coronavirus (COVID-19) Pandemic:

- Supervisor Brumagin reported the following in regard to the COVID-19 Pandemic:
 - Federal – The Town must submit a report to the federal government on the use of ARPA monies by April 30, 2022. Supervisor Brumagin reported that she will be working on the verification process to access the federal portal.
 - New York State – Mask mandate for businesses expired on 02/02/22.
 - Chautauqua County – Statistics as of 2/05/22: 652 active cases, 30 hospitalized, % not fully vaccinated in local hospitals 43%, total deaths 305, vaccine: 1st dose (65% of eligible residents), fully vaccinated (57.9% of residents). CDC Level of Community Transmission for Chautauqua County – High.
 - Town of Mina – Rapid test kits are available for town residents (full-time and seasonal). The county has delivered 190 test kits to the town. Supervisor Brumagin asked that the word be spread that there are test kits in the town office.

Old Business:

- Superintendent Himelein reported that the fuel pumps are not meeting the NYS DEC requirement because there isn't an appropriate barrier in front of them to protect them from being hit. ARPA monies of \$3400 are being recommended to purchase updated fuel pumps.
- Supervisor Brumagin reported that the JCAP grant only approved new chairs for the Justice Court and did not approve funds for a new generator or keyless entry system.
- Supervisor Brumagin proposed that ARPA funds be used to partially support the installation of a generator, security/keyless entry system, and front entryway replacement at the community center as well as support for a fire station architect/marketing consultant.
- Supervisor Brumagin reported that she is preparing a draft study to review with the town board and the fire department governing board outlining tentative plans for relocation of the fire station to the current highway building and construction of a new highway building. The current fire station location is a problem as the truck bays aren't adequate for the fire trucks and additionally the highway building is not large enough for parking the plow trucks and sander. Supervisor Brumagin reported that Mark Craffey was voted as chair of the fire department governing board and Ericka Garcia-Allison was voted as vice chair.
- Supervisor Brumagin shared that she and Jo-Ann Travis along with Nate Aldrich from the county have discussed hiring an architect and marketing consultant to develop a fire station marketing plan. The county may provide partial funding to cover the cost of the consultant.
- Superintendent Himelein reported he will participate in an online six hour workshop in March for the Bridge NY grant awarded to the Town of Mina. Replacing the culvert on Bailey Hill Road will take about two months and work will begin in 2023.
- Supervisor Brumagin reported that a January 19th sewer project kickoff meeting was held and basic information on the scope of the project was reviewed. The town board needs to advise the engineers as to the proposed district boundaries. A deadline of June 17th to complete the preliminary map, plan and report ready is being planned so that there is adequate time to submit grant applications. The town board packet includes minutes from the kick-off meeting.
- Superintendent Himelein reported that the new pickup that was ordered should be delivered in 90-120 days and is expected in April 2022.

- Supervisor Brumagin discussed with town board members the Planning Board recommendations dated 10/6/21 and 11/8/21 in regard to the adoption of a solar law. She will refer the recommendations to the town attorney for guidance with the goal of proposing law changes at the March 10th meeting.

Correspondence:

- Jeff Park – He submitted a letter of resignation from the FLVFD Board of Directors. Rebecca responded by thanking Jeff for his service to the board during a critical time for the fire department and for his continued service as an active fire fighter and a liaison to the town board.
- Bureau of Labor Statistics – Successful completion of 2021 Survey of Occupational Injuries and Illnesses.
- NYS Comptroller – Notifying the town that public officers are eligible for membership in the NYSLRS (New York State Local Retirement System).
- NYS Dept. of State – Local Law #5: Prior Written Notice of Highway Defects was filed with the state on 12/21/2021.
- Aseem Kumar – Notifying the town that he is the point person from NYSDEC for the sewer Engineering Planning Grant (EPG).
- Oversight Unit Division of Building Standards & Codes NY Dept. of State - Reminder that every town has to annually submit a report of its activities to the Secretary of State.
- George Veit with Five Brothers Asset Management Solutions – Asking if the Town of Mina has an ordinance that requires banks and mortgage companies to register vacant, foreclosed property with the town.
- National Grid Settlement Administrator – Settlement claim form if the town received calls on a cellular telephone number from National Grid using a prerecorded or artificial voice message.
- NYS Legislative Commission of Rural Resources – News of interest about rural New York State.

Reports:

- Highway Superintendent – Superintendent Himelein reported that there has been a total of 129” of snow this season. Parking in several areas around town has been a problem for snow removal this year. Some residents and plow service companies have been pushing or blowing snow into the roads after the town plow trucks have been through. Also, some residents have been placing markers, brooms, rakes and trash cans in the snowbanks or on the road rights of way. For safe passage, snow must be pushed back and these obstructions hinder the process. He is also interested in preparing a handout, with the town board’s support, to pass out to homeowners to let them know it is illegal to put snow, debris or other obstacles on the roads.
- Assessor – The assessor’s report for January was included in the town board packet. She reported the exemption renewal process is continuing with the deadline being March 1, 2022. Prep work is being completed for upcoming inspections on new construction and demolition with inspections beginning in March.
- Town Justice – Supervisor Brumagin reported that the annual audit has been completed. The only items approved for the JCAP grant were four new chairs for the court.
- Planning Board – Supervisor Brumagin reported that the board is continuing to work on the comprehensive plan with the assistance of consultant Don McCord. The Planning Board will also be recommending to the Town Board specific restrictions on cannabis retail dispensaries in the Town of Mina including time, place and manner.

- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$535.00 for the month of January 2022. She has paid the Supervisor \$455.75, NYS Ag and Markets for dogs \$32.00, and NYS DEC \$47.25. In regards to tax collection, she reported that there are currently only 225 unpaid county/town tax bills. She will be collecting until April 1, 2022 and then the remaining properties will be turned over to the county for collection.
- Findley Lake Watershed Foundation – Ed Mulkearn reported that the Chautauqua Lake Watershed Conservancy contacted the Findley Lake Watershed Foundation regarding planting a model 10’ x 20’ garden to demonstrate how gardening and landscaping can help reduce pollution and protect lake water quality.
- Findley Lake Volunteer Fire Department – Jeff Park reported that there are now two new EMTs and a third one is getting ready to take her test. There are some fire department volunteers that are considering taking interior firefighting and hazmat training. He stated that recruitment is always a top priority. Supervisor Brumagin reported that she is preparing a fire department comparative financial analysis going back to 2015 to better assist the town board with determining what percent of the contract could realistically be placed in a capital asset fund. Jeff also reported that there are safety issues as far as emergency vehicles being able to access properties on Woodland Shores Road. This is a year round problem.
- CEO/Building Inspector – Melanie Eddy’s report for the month of January 2022 was distributed. Supervisor Brumagin reported that Chautauqua County is looking into shared services for code enforcement services and the centralization of housing court.
- Supervisor – Supervisor Brumagin distributed the December 2021 final financial statements and the January 2022 financials. She reported that the sales tax quarterly monies were \$10,000 more than anticipated. She also reported that she and the supervisor’s bookkeeper are working on the annual report to be filed with New York State. She participated in a zoom meeting with NYS Senator George Borrello on the governor’s budget. The AIM (aid and incentives for municipalities) has been included in the governor’s budget again this year. New York State highway projects are proposed to increase next year as well as infrastructure monies for sewer, water and broadband. Senator Borrello provided information on an issue with illegal weed sales in that there have been no penalties imposed on cannabis sticker shops. She also reported that the Association of Town’s Meeting is being held virtually and she is registered to participate.

New Business:

**Town of Mina
Board Resolution #10-22
Justice Audit
Dated: February 10, 2022**

At a regular meeting of the Mina Town Board held on Thursday, February 10, 2022, Mina Town Supervisor Rebecca N. Brumagin, submitted a report of findings of the audits conducted on the justice records for the calendar year 2021. Her report included information on the process for reviewing records including monthly bank statements, bank reconciliations, accountability reports, the cash receipt journal, the cash disbursement journal, partial payments reports, NYS Justice Court reports, TSLE&D reports and a sampling of court docket files and cases. Findings for 2021 were as follows:

1. All financial records are complete and up-to-date.

2. Transactions are recorded properly.
3. Accountability is determined monthly, however, the bank reconciliations although timely were not thoroughly reconciled against cash balances. This issue has been resolved with the court clerk now using a different form that reflects the balancing amounts.
4. A computerized record of uncollected installment payments is not readily available through the current SEI software program, however, the court clerk maintains a handwritten list.
5. Dockets for disposed cases appear to be complete and agree with amounts reported.
6. Required reports are made timely and accurately.
7. Because of delays due to COVID-related or criminal cases, there are a large number of over 90-days pending TSLE&D cases (79). One of the pending cases on the TSLE&D report over 90 days has not been resolved through TSLE&D and has been pending for 10+ years.

A motion was made by Councilman Watrous and seconded by Councilman Roache to accept the findings of the 2021 Town of Mina Justice Court Audit. The vote was as follows:

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

The motion carried.

**Town of Mina
Board Resolution #11-22
Preliminary Engineering Study
Agreement between Owner and Engineer for Professional Services
Dated: February 10, 2022**

WHEREAS, the Town of Mina issued a request for proposals for engineering services to conduct a preliminary engineering study for the proposed Town of Mina Findley Lake Sewer District that included the preparation of a Map, Plan and Report, and;

WHEREAS, the Mina Town Board along with other members of the Town's Sewer Workgroup interviewed the engineering firms that responded to the request proposals and requested additional supplemental information prior to deciding upon an engineering firm, and;

WHEREAS, the Mina Town Board selected the engineering firm of Barton & Loguidice to prepare the preliminary engineering study which is to include:

Part 1: Preliminary Engineering Report (PER), Map, Plan and Report Preparation including:

- A. Project Kick-Off Workshop and Site Visit
- B. Existing Information and Historical Data Review
- C. Service Area, Flows and Loads, and Effluent Discharge Limits Determination
- D. Municipal Sewer System Alternative Analysis
- E. Preliminary Engineering Report
- F. Engineering Report Review Workshop

- G. Municipal Board and Public Informational Meeting Participation
- H. Final Map, Plan, and Report
- I. Additional Project Support for District Formation

Part 2: Environmental Review and USDA RD Environmental Report including:

- A. State Environmental Quality Review (SEQR) and National Environmental Policy Act (NEPA) Assistance
- B. USDA RD Environmental Report

NOW, THEREFORE, BE IT RESOLVED, that the Town of Mina hereby authorizes the Mina Town Supervisor to enter into an agreement with Barton & Loguidice to conduct a Preliminary Engineering Study as outlined above in an amount not to exceed \$36,000.

A motion was made by Councilman Burmaster and seconded by Councilman Roache to accept the above resolution. The vote was as follows:

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

The motion carried.

**Town of Mina
Board Resolution #12-22
Preliminary Engineering Study SEQR Determination (Type II)
Dated: February 10, 2022**

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.5 under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

NOW, THEREFORE, BE IT RESOLVED: that the Town of Mina hereby determines that the proposed Findley Lake Sewer District Study is a Type II action in accordance with 6 NYCRR Section 617.5(c) subparagraphs (24) and (27) which constitute that an engineering or environmental study that does not commit the Town of Mina to undertake, fund, or approve any Type I or Unlisted actions is not subject to further review under 6 NYCRR Part 617. These engineering or environmental studies have been determined not to have a significant impact on the environment and are precluded from environmental review under Environmental Conservation Law.

A motion was made by Councilman Burmaster and seconded by Councilman Watrous to accept the above resolution. The vote was as follows:

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

The motion carried.

- Supervisor Brumagin reported that the Sewer Workgroup met recently and included Supervisor Brumagin, Marty Proctor (County Legislator), Councilman Burmaster, Highway Superintendent Himelein and Karl Kimmick (via telephone). The group recommended the same district boundaries as the 2017 proposed district with the exception of including the Findley Lake United Methodist Church property, as church representatives previously requested that the church be included. The workgroup will be meeting with the engineering firm on determining EDU's (Equivalent Dwelling Units). Councilman Burmaster made a motion, seconded by Councilman Roache, to have the engineering firm use the previous district boundaries and add the Findley Lake United Methodist Church property. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Roache, Watrous
Nays – 0
- Supervisor Brumagin distributed the Town Clerk 2021 Audit in the board packet. She noted that there were no discrepancies between the Town Clerk's records and the audit performed by the Town Supervisor. Councilman Watrous made a motion, seconded by Councilman Burmaster to accept the Town Clerk 2021 Audit as reported. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Roache, Watrous
Nays – 0
- Supervisor Brumagin reported that Matt Zarbo from Barton & Loguidice shared that the Town of Mina stands a good chance to receive a Stormwater Management Grant because of the DEC designation as an impaired lake. The town board should consider applying for a \$30,000 grant.
- Supervisor Brumagin reported that there are ongoing safety issues on Woodland Shores Road and Woodland Shores Extension. Also, there have been snow removal issues as vehicles have been parked on both sides of the road. Safety issues are critical including the inability for emergency vehicles to access all of the properties. Supervisor Brumagin reported that the town attorney will draft a local law prohibiting parking year round on both sides of Woodland Shores Road and Woodland Shores Extension as well as an updated law on parking restrictions on other town roads. If the local laws are drafted in time to publish legal notices, public hearings will be scheduled for March 10, 2022 at 7 pm. Supervisor Brumagin made a motion, seconded by Councilman Roache, to request that the town attorney draft a local law to prohibit parking year round on both sides of Woodland Shores Road and Woodland Shores Extension as well as updating the local law restricting parking on other town roads. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Roache, Watrous
Nays – 0
- Supervisor Brumagin reported that the Historical Society is requesting that the Town Supervisor appoint a Councilman to serve on the Bicentennial Committee, Log Cabin Reconstruction Committee. Supervisor Brumagin appointed Councilman Dick Watrous and he accepted.
- Supervisor Brumagin reported that the Village of Sherman Mayor contacted her about a Federal Rural Business Development Grant opportunity that she thought would benefit the Town of Mina as the Village previously received \$16,000 from this type of grant. The grant is due by February 28th and Supervisor Brumagin will research grant requirements and, if feasible, submit an application.
- Supervisor Brumagin reported that she contacted a couple of local town supervisors to request information on which attorneys they used to develop their solar laws. She will

reach out to the Town of Mina attorney to get his thoughts on assisting the town with reviewing the planning board's recommendations and drafting a local law.

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers: The monthly claims were examined. Councilman Watrous moved, seconded by Councilman Burmaster, to pay the monthly claims. In the General Fund claim #24 through #47 in the amount of \$26,301.14 and in the Highway Fund claim #12H through #22H in the amount of \$28,727.06 were approved to pay. Motion carried unanimously.

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

Nays – 0

Executive Session:

At 9:09 pm, Councilman Watrous made a motion, seconded by Councilman Roache, to adjourn to Executive Session to discuss contractual matters. Motion carried. At 9:33 pm Councilman Watrous moved, seconded by Councilman Burmaster, to return to regular session. Motion carried unanimously.

Other Business/Actions:

- Upcoming Meeting – The next regular Town Board meeting will be held on Thursday, March 10, 2022 at 7 pm.

Public Comment (Citizens Present and Citizens Not Present): none

Adjournment:

- As there was no further business to come before the Board, Councilman Roache moved to adjourn the meeting at 9:24 p.m.

Respectfully submitted,

Sherrie Tanner
Town Clerk