

May 12, 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
Brian Sullivan.....Councilman
Ernie Roache.....Councilman
Dick Watrous.....Councilman

Attended by: Christine Craffey, Bill Himelein (Highway Superintendent), Ed Mulkearn (Findley Lake Watershed Foundation) (7:33), Jeff Park (FLVFD Liaison), Marty Proctor (County Legislator), Sherri Schenk

Minutes: Motion was made by Councilman Watrous and seconded by Councilman Sullivan to accept the minutes of the April 21, 2022 and the May 9, 2022 meetings as presented. Motion carried.

Public Comment re: Agenda Items (Citizens Present and not Present):

- Councilman Burmaster reported he has had quite a few calls from property owners that are concerned that a sewer project is being reconsidered.

Review of Draft Solar Law – Supervisor Brumagin introduced Attorney Bill Wright from Wright Calimeri and asked him to review the draft solar law that Attorney Joe Calimeri from his office prepared. He stated that the Planning Board did very well at drafting the proposed solar law and Attorney Calimeri made only a few revisions. Attorney Wright gave an overview of the draft law and then opened it up for the town board to ask questions. He also stated that if the town board had any further questions to send them to Supervisor Brumagin and she will forward them on to himself and Attorney Calimeri.

Old Business:

- Supervisor Brumagin reported there will be a virtual meeting May 31st with Chautauqua County on the Fire Station Marketing Consultant Grant from Chautauqua County.
- Supervisor Brumagin reported that work on the Bridge NY Grant Preliminary Design and Rights of Way were approved to proceed.
- Supervisor Brumagin reported that at a special town board meeting on May 9th the engineers from Barton & Loguidice met with the town board and sewer workgroup in regard to what is needed to complete the Preliminary Engineering Study.
- Superintendent Himelein and Supervisor Brumagin will be meeting on potential projects for a Stormwater Management Plan.
- Supervisor Brumagin reported that the Town is continuing to study the situation with Proposed Local Laws #1-2022 and #2-2022 No Parking on Woodland Shores Road and Woodland Shores Extension and Winter Parking Restriction on All Town Roads.

Correspondence:

- Charter Communications – Upcoming changes to its network.
- United States Bankruptcy Court – In regard to Chapter 11 for Boy Scouts of America.

- Gary McEnery – Letter asking the ZBA to reconsider his appeal of the decision to grant a variance for the property at 2661 Shadyside Road.
- NYS Ag & Markets – Municipal Shelter Inspection Report. Stating the results were unsatisfactory because impoundment fees are below the New York State statutory rates.
- Chautauqua County Board of Elections – Notifying the Town that in addition to the NYS Primary on June 28, 2022, there will be a Congressional and NY State Senate primary on August 23, 2022.
- NYS Environmental Facilities Corp. – Asking for town board minutes signed by the town clerk that include the resolution approved by the town board to conduct a Preliminary Engineering Study.
- NY Department of State – Announcing that the NYS Dept. of State's local government assistance and community development programs are now accepting grant applications.
- USI Insurance – Advising the Town that Wendy Shephard, health insurance advisor, is moving to MBA (My Benefits Advisor) and will continue to serve the Town in this new capacity.
- Rebecca Brumagin – Letter to Northern Chautauqua Canine Rescue to accompany a donation from the Town of Mina in memory of Robert D'Anthony (Mina Court Clerk, Jodie D'Anthony's late husband).
- Northern Chautauqua Canine Rescue – Thank you note for donation in memory of Robert D'Anthony.
- Southern Tier West – Informing the Town that InStream LLC (DBA – Biel's Information Technology Systems) has had staffing issues but they should begin working on scanning the Town's cemetery records soon.

New Business:

- Supervisor Brumagin informed town board members that their input on the following information is needed for the engineers to complete the regarding the Sewer Preliminary Engineering Report;
 1. EDU (Equivalent Dwelling Unit) Schedule
 2. District Boundaries
 3. Grinder, Gravity or Hybrid System
 4. Apportionment of hookup locations and costs between the town and property owners.

Reports:

- Highway Superintendent – Superintendent Himelein reported he has not been told the production date for the new one-ton pickup that is on order. The highway crew has been working on mowing the roadside and brush. Mowing will start this week in the cemetery as all the branches have been picked up. He also reported drainage pipe and basin work is moving forward on Shadyside between Parsonage and Ball Diamond Roads.
- Assessor – The assessor's report for April was included in the town board packet. Inspections of all new construction and demolition have been completed. The 2022 Tentative Assessment Roll is complete and filed with the Chautauqua County Real Property Tax Office. The Tentative Assessment Roll link will be posted to the assessment webpage with a link from the Town's website. Property owners that failed to renew their exemptions will receive exemption removal letters in April. She requested a review of the current mileage reimbursement rate per mile of \$.50/mile as the federal mileage rate is currently \$58.5 cents per mile. The Town of Mina Board of Assessment Review will meet on Tuesday, May 24, 2022 from 4:00-8:00 pm to hear petitioners that disagree with their current assessments.

- Recreation Committee – Supervisor Brumagin reported that the dedication of the School Street Park has been postponed.
- Planning Board – Supervisor Brumagin reported that the group is continuing to work on the comprehensive plan with consultant Don McCord and that focus groups will be held on Tuesday, May 17th and Thursday May 19th. The Planning Board will also be working on allowable locations for various types of cannabis licenses.
- Community Center – Supervisor Brumagin reported that a legal notice was posted for bids on a generator and the bids will be opened on Friday, May 20, 2022 at 11 am.
- Town Clerk/Tax Collector – The Town Clerk's report was distributed reporting the collection of fees and sales of \$1,075.00 for the month of April 2022. She has paid the Supervisor \$538.53, NYS Ag and Markets for dogs \$19.00, NYS Dept. of Health \$45.00, and NYS DEC \$472.47. She reported she has looked into getting a credit card machine for the town clerk's account and for the tax collector account. She will review options and any proposed contracts with Supervisor Brumagin.
- Findley Lake Watershed Foundation – Ed Mulkearn reported that they are ready to start cutting the weeds with the weed harvester. He also reported that the lake is now up to summer level.
- Findley Lake Volunteer Fire Department – Jeff Park reported that one firefighter is completing the interior firefighter training and four are going to Clymer for an emergency vehicle driving course. The fire department has one third of the bridge washing done. He also reported that it was announced that NYS approved that local volunteer fire departments can bill for ambulance services starting July 8, 2022. The fire department is assessing what options are available for them to bill directly or to use an outside billing service.
- CEO/Building Inspector – Melanie Eddy's report for the month of April 2022 was included in the town board packet. She requested that the Town Board ask the Planning Board for reconsideration on the town's garage laws, especially pole construction.
- Supervisor – Supervisor Brumagin reviewed the April 2022 financials that were included in the town board packet. She reported that she recently met with the tenants of the Community Center and she is developing protocols to follow in the event of an emergency as well as providing first aid kits and access to emergency supplies by the tenants. Supervisor Brumagin also reported that the ARPA (American Rescue Plan Act) monies were reported on time. Unwanted items in the cafeteria have been disposed of and a floor waxing service will be contacted.

New Business:

- Supervisor Brumagin reviewed a Bridge NY Resolution that is required for funding. Councilman Burmaster made a motion, seconded by Councilman Watrous to accept the following resolution:

**TOWN OF MINA BRIDGE NY RESOLUTION
(Culvert Project – Town of Mina Administered)
Bridge NY Culvert Replacement Project
Bailey Hill Road over French Creek Tributary
Resolution #15-22**

Authorizing the implementation and funding of 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.

WHEREAS, a project for the replacement of a culvert located on Bailey Hill Road over French Creek Tributary located in the Town of Mina, Chautauqua County, P.I.N. 5763.85, Comptroller's Contact #D040624 (The "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the Town of Mina will design, let, and administer all phases of the Project; and

WHEREAS, the Town of Mina desires to advance the Project by making a commitment of 100% of the costs of culvert replacement work for the Project or portions thereof,

NOW, THEREFORE, the Mina Town Board, duly convened does hereby

RESOLVE, that the Mina Town Board hereby approves the Project; and it is hereby further

RESOLVED, that the Mina Town Board hereby authorizes the Town of Mina to pay 100% of the cost of culvert work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and it is further

RESOLVED, that the sum of \$998,050 is hereby appropriated from the Town of Mina Highway Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the Mina Town Board hereby agrees that the Town of Mina shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Town of Mina; and it is further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Town Board of the Town of Mina shall convene as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Board hereby agrees that the Town of Mina hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, that the Town Supervisor of the Town of Mina be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Town of Mina in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

RESOLVED, that the Town of Mina will be responsible for all maintenance of the Project; and it is further

RESOLVED, that a certified copy of the resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Motion carried unanimously.

Brumagin – Aye

Burmester – Aye

Roache – Aye

Sullivan – Aye

Watrous – Aye

- Supervisor Brumagin explained Executive Orders #14 and #16 that were issued by New York State in response to the current invasion of Ukraine by Russia requesting assurance that the Town of Mina is not involved in any type of business activity with Russia. She will be signing a document assuring New York State that the Town is not conducting any type of business with Russia.
- Supervisor Brumagin reported that the federal mileage reimbursement rate is currently \$.585 per mile and the Town is reimbursing employees at \$.50 per mile. The Towns of French Creek and Sherman are reimbursing their employees at \$.55 per mile. Councilman Watrous made a motion, seconded by Councilman Burmaster, for the Town rate to be changed to \$.55 per mile retroactive to January 1, 2022. Motion carried unanimously.
Ayes – 5 Brumagin, Burmaster, Roache, Sullivan, Watrous
Nays – 0
- Supervisor Brumagin recommended that the Town Board adopt the New York State statutory dog impoundment fees schedule. Councilman Sullivan made a motion, seconded by Councilman Watrous that the Town of Mina adopt the NYS statutory impoundment fees schedule effective immediately. Motion carried unanimously.
Ayes – 5 Brumagin, Burmaster, Roache, Sullivan, Watrous
Nays – 0
- Supervisor Brumagin reported she has completed assisting the Findley Lake Fire Department with developing its strategic plan and is therefore stepping down as one of the two Town Board liaisons. She appointed Councilman Sullivan as a Town Board liaison to the Findley Lake Fire Department to replace her.
- Supervisor Brumagin reported that Attorney Bill Wright recommended that the Town extend the current solar moratorium to give the Town Board adequate time to review the draft law, make necessary revisions, hold a public hearing and file a solar law with the State. Councilman Burmaster made a motion, seconded by Councilman Watrous, to adopt resolution #16-2022 to extend the solar moratorium an additional 90 days from the May 30, 2022 expiration of the current moratorium. Motion carried unanimously.
Brumagin – Aye
Burmaster – Aye
Roache – Aye
Sullivan – Aye
Watrous – Aye

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers: The monthly claims were examined. Councilman Burmaster moved, seconded by Councilman Roache, to pay the monthly claims and include a \$100.00 sponsorship check for the Findley Lake Nature Trails Network annual race/walk. In the General Fund claim #100 through #122 in the amount

of \$17,605.97 and in the Highway Fund claim #52H through #64H in the amount of \$33,263.05 were approved to pay. Motion carried unanimously.

Approved: Ayes – 5 Brumagin, Burmaster, Roache, Sullivan, Watrous

Nays – 0

Other Business/Actions:

- Upcoming Meetings – A special meeting will be held on May 24, 2022 at 7 pm to review a draft solar law and to review options that the engineers requested that the Town Board consider in regard to the Sewer Preliminary Engineering Report. The next regular Town Board meeting will be held on Thursday, June 9, 2022 at 7 pm.

Public Comment (Citizens Present and Citizens Not Present):

- Christine Craffey suggested preparing a frequently asked questions document from the comments received on the watershed sewer survey. She also expressed her displeasure that she wasn't invited to participate on one of the comprehensive plan focus groups that are being facilitated by a consultant for the Planning Board.
- Marty Proctor asked if the focus groups are open to the public.
- Ed Mulkearn expressed his opinion that the Town should be enforcing the STR's (Short Term Rentals) law.
- Sherri Schenk asked if the Planning Board is expected to post the agenda and meeting documents online like the Town Board does.

Adjournment:

- As there was no further business to come before the Board, Councilman Watrous moved, seconded by Councilman Burmaster, to adjourn the meeting at 8:53 p.m.

Respectfully submitted,

Sherrie Tanner
Town Clerk