

June 9, 2010

The Mina Town Board met for a Public Hearing on the above date with Supervisor Brumagin opening the Public Hearing at 7:00 p.m. by leading with the Pledge of Allegiance to the flag. The following members and guests were in attendance:

**Present:**

Rebecca Brumagin	Supervisor
Dennis Luce	Councilman
Denis Cooper	Councilman
David Wilcox	Councilman
Scott Bensink	Councilman

**Attended by:** Shirlee Pound, Brent Ball, Cindy Guffey, Amy Allen, Tom Phelps, Sue Jones

Supervisor Brumagin stated that the proposed curfew/loitering law was drafted according to communication back and forth with the Town Attorney. On receiving the draft of the proposed curfew/loitering law the Town Attorney recommended that we evaluate it more because the law has been challenged in other communities. Supervisor Brumagin stated that she would take public comment, but that all should be aware that the proposed law may be changed.

Supervisor Brumagin opened the floor to all present for discussion regarding the proposed curfew/loitering law. Comments were heard from Brent Ball, Shirlee Pound and Cindy Guffey. The public hearing closed at 7:05 pm.

Regular town board meeting convened at 7:06 pm.

Attended by: Shirlee Pound, Brent Ball, Sue Jones, Cindy Guffey, Amy Allen, Tom Phelps

**Minutes:** Councilman Luce moved seconded by Councilman Wilcox to accept the minutes of May 12, 2010. Motion carried unanimously.

APPROVED: Ayes 5 Brumagin, Cooper, Luce, Wilcox, Bensink  
Nays 0

**Comments from Those Present:** Shirlee Pound requested a sign be placed on Bailey Hill Road at the top of the hill ahead of their restaurant. The sign would be for the purpose of warning people of a restaurant ahead so that traffic will slow down for safety reasons. Mr. & Mrs. Pound will work with Paul Scarem on this issue. Tom Phelps commented on the problem with the name of his road—Miller/Bliss. Mr. Phelps stated that there is a problem with 911 and inability to locate homes in need of help. Amy Allen stated that this is the same problem she has on her road—Hitchcock/Hazen. Sue Jones suggested that the 911 officer in the County Office Buildings be contacted in order to find out how 911 lists these roads. Cindy Guffey requested that the ditch on Greenman and 426 be cleaned. She has had problems with flooding on her property because the ditch is overflowing with rainfall. Paul Scarem stated that the Highway Department would be cleaning the ditch soon.

**Comments from Those Not Present:**

Supervisor Brumagin stated she had received a telephone call from Ed Mulkearn regarding the proposed zoning changes. He stated he was not concerned about the changes around the lake from agriculture to agriculture/residential, but was concerned as to why this was not going to be a town-wide change. Sue Jones stated that she has had some complaints from people regarding no results from the zoning officer. Supervisor Brumagin said that she was aware of one issue resulting from misunderstanding of job description with the zoning officer. The request for Special Permit is now in process and will be discussed at the upcoming Zoning meeting. Supervisor Brumagin requested further follow-up with Sue Jones to discuss any other zoning issue problems.

**Old Business:**

- Sewer District – The meeting that was to be held with Senator Young on Friday, May 14 was postponed and will be rescheduled.
- Zoning Code – The comments from the May 12 Public Hearing regarding the proposed zoning changes were discussed.

First proposed change involved from Section 4-NYS Route 426 Corridor into Town of Mina from PA State Line from Agriculture to Business District—19 property owners included in this area. Eight of these owners attended the public hearing and are all opposed to the change. There were also several comments given to Supervisor Brumagin from citizens who did not attend the public hearing on May 12. Discussion held. Motion was made by Councilman Cooper seconded by Councilman Wilcox to take no action and leave this section as currently zoned. Motion carried.

APPROVED: Ayes 5 Brumagin, Cooper, Luce, Wilcox, Bensink  
Nays 0

Second proposed change involved Sections 7, 10, 11 and 16-around Findley Lake – NYS Route 426, Shadyside Road, Ball diamond Road—with this change no Agriculture District within 900 feet of roads around Findley Lake—24 property owners included in this area. Edward and Kerry Mulkearn attended the May 12 public hearing and are opposed to the change. Supervisor Brumagin did receive several other comments from owners in the area who did not attend the meeting. After explaining the reasoning for the change, all seemed to have no objections. Discussion held. Motion was made by Councilman Bensink seconded by Councilman Cooper to adopt the change from Agriculture to Agriculture/Residential in Sections 7, 10, 11 and 16. Motion carried.

APPROVED: Ayes 4 Brumagin, Cooper, Wilcox, Bensink  
Nays 1 Luce

Third proposed change involved Section 11-NYS Route 426 Corridor into Town of Mina from Town of French Creek (beyond 900 feet from Shadyside Road and NYS Route 426 intersection)-changing from Agriculture to Agriculture/Residential—6 property owners included in this area. Lester Phelps attended the May 12 public hearing and is opposed to the change. Supervisor Brumagin did receive one other comment from a property owner who had no objections when the change was explained. Discussion held. Motion was made by Councilman Wilcox seconded by Councilman Cooper to not make the change on Section 11 (section that is beyond 900 feet from the lake). Motion carried.

APPROVED: Ayes 5 Brumagin, Cooper, Luce, Wilcox, Bensink  
Nays 0

Shirlee Pound requested that her property at 9757 Bailey Hill Road be changed from Agriculture to Business District. Ms. Pound stated that down the road they had plans to put in some cabins. Supervisor Brumagin said that according to the zoning law (proposed) a Special Use Permit would be required for the cabins regardless of whether the area was zoned agriculture or business. As a result Ms. Pound asked to have her request removed at this time.

Supervisor Brumagin did speak with the County Planning Committee regarding any actions taken tonight on proposed zoning changes. The Committee would like us to submit any updated documents; they will make comment to us and the zoning changes should be able to come up for vote next month.

➤ Loitering/Curfew – Discussion was held and Supervisor Brumagin recommended that we hold any further action on the proposed loitering/curfew law until Attorney Tad Wright evaluates it further and presents one that would be upheld and result in what the town is attempting to accomplish. We would have another public hearing before any law was put into place.

➤ Appointments to Vacant Positions – Supervisor Brumagin stated that she has had some interest but would like to discuss with members before taking any further action.

➤ Bus garage – The roof is completed. Supervisor Brumagin stated that we need to make sure that the contractor is aware of prevailing wage in NY before anything is done with insulation and hiring.

➤ Workplace Violence Prevention Policy – Policy has been distributed to the Town Board. Appears to be a good policy. Have not heard from Joan Himelein yet—table to next meeting.

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#### **Correspondence:**

Time Warner Cable – network information.

Office of the State Comptroller, Thomas P. DiNapoli

Halcyon Mueller

New York ReLeaf

Office of Real Property Services

NYS Department of Transportation

**Reports:**

- Highway/Cemetery: Paul Scarem reported on plans for patching, sealing and blacktopping certain town roads. He will also be using chips when he has in writing that chips are indeed passed. Supervisor Brumagin asked about the proposed speed limit reduction on Hazen Road—still in process with Regional Traffic Engineer, Dept. of Transportation. Paul Scarem stated that Alvin Kopta is working right now for the Highway, specifically doing cemetery work. Paul Scarem stated that he would do the paving in front of the Community Center at the same time that he paves on Woodland Shore. Supervisor Brumagin suggested that if there was any extra blacktop, perhaps it could be used in the front of the Bus Garage where there is a drop off when the doors are opened.
- Recreation: Councilman Wilcox stated that they have received \$5000.00 in donation so far for Phase 3 of the Playground. The Recreation Committee is attempting to receive some grants and solicit funds for Phase 3—anticipated cost of about \$20,000.00. Supervisor Brumagin suggested that the Town Board consider making some donation toward the Playground Phase 3 project—possibly coming from Youth Program or Capital Project monies. Supervisor Brumagin also reported that the rock-n-cross seems to be a big hit with all the children—a good choice of equipment. Supervisor Brumagin stated that differences in the cost of the Sports Accident Insurance has to do with the age of the participants.
- Chamber of Commerce: Shirlee Pound reported that they are presently working on many events i.e. duck race and light up the lakes.
- Assessor: Supervisor Brumagin reported on 2010 Bar Changes and Corrections. She will make a copy of the report to give the Town Board members.
- Town Justice: Supervisor Brumagin reported that the monthly audits are completed through April, 2010.
- Community Center facility issues: Supervisor Brumagin reported the sign at the road will be completed soon. Supervisor Brumagin reported that the Town Office had been broken into. There was a police report filed—petty cash was stolen—damages have been reported to the insurance company for replacement of the broken window. The new window will be mesh with a sliding glass window for transactions. Councilman Luce suggested that the north door of the Community Center be checked for need of possible replacement. The door is between 40 and 50 years old.
- Town Clerk/Tax Collector: Report distributed to Town Board.
- Code Enforcement Officer: Melanie Eddy's report was handed out.
- Supervisor: Supervisor Brumagin handed out a Town of Mina Balance Sheet and Budget vs. Actual as of May 31, 2010.
- Trash removal: Councilman Wilcox reported that a few “no littering” signs have been put up by Paul Scarem—they seem to be working well so far according to Paul Scarem. There is a rope strung across the road leading to the dumping site. Paul Scarem and Jim Parnell will unhook the rope as needed (garbage dumping hours, etc.) Councilman Wilcox will work on possible changes to the garbage removal contract.

**Payment of Monthly Claims/Transfers:**

- Payment of Monthly Claims/Transfers – The monthly claims were examined and Councilman Luce moved seconded by Councilman Bensink to pay the monthly claims. Motion carried unanimously.

APPROVED: Ayes 5            Brumagin, Cooper, Luce, Wilcox, Bensink  
                  Nays 0

In the General Fund claim #164 through #204 in the amount of \$10,321.85 and in the Highway Fund, claim #71H through claim #85H in the amount of \$90,652.31.

As there was no further business to come before the Board, Councilman Wilcox moved to adjourn the meeting at 8:39 pm.

Respectfully submitted

Patricia A. Piazza, Deputy Town Clerk