October 8, 2026

The Mina Town Board met on the above date for the Regular Meeting. Supervisor Brumagin called the meeting to order 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
Jason Beckwith……Councilman
Dick Cooper……Councilman
Dick Watrous……..Councilman

Attended by: Amy Allen, Kim Freund, Alvin Kopta (Highway Superintendent), Jeff Park (FLVFD), Michelle Sanford (via Zoom), Chris Sweatman, Tracy TeCulver, Jack Williams, Barton & Loguidice Engineer (via Zoom)

Minutes: Motion was made by Councilman Cooper and seconded by Councilman Beckwith to approve the minutes of the September 10th Regular Meeting. Motion carried unanimously.

Public Hearing on Proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C:

- Supervisor Brumagin opened the Public Hearing at 7:01 pm and asked the Town Clerk to read the legal notice for the Public Hearing on Local Law #7-2026 A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-C.
- As there were no comments, Supervisor Brumagin closed the Public Hearing at 7:04 pm.

Barton & Loguidice Engineers on the Buesink's Creek Project (via Zoom):

- Michelle Sanford joined the Zoom presentation.
- Jack Williams, Project Engineer, reviewed the Stream Stabilization Site Plan Drafts.
- When discussion was opened to the public, Kim Freund asked about the potential for removal of any trees along the stream. Jack Williams stated tree clearing would be confirmed at the 60% Design phase, but the goal is to maintain trees as the root systems will help with bank stabilization.
- Project schedule was reviewed with final design and bid documents anticipated in December 2026, construction beginning in May of 2027, and construction closeout in November of 2027.
- Mid-November meeting will be scheduled to discuss potential in-kind services the Town Highway Department may be able to provide.

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

- Tracy TeCulver spoke on concerns about a family in his neighborhood that is living in a shed. Supervisor Brumagin will talk with the County Health Department and the Town of Mina Code Enforcement Officer regarding actions that can be taken.
- Amy Allen questioned the enforcement of the Livestock law that had been passed in January of this year. Loose bulls have destroyed property at multiple residences on Hazen Road.
- Chris Sweatman also spoke on the continuing problem of loose cattle near Hazen Road. He referenced a State Law titled "Lien upon strays" and asked if this could be enforced. The loose bull has been seen on the airstrip runway located behind his Aunt's property which could prove to be a hazard for any small plane attempting to land there.
- Supervisor Brumagin stated that the Town expected the Livestock Law that had previously passed to have sufficient teeth but it does not seem that the Sheriff's office is able to do anything. She will have a conversation with Sheriff Quatrone to see how to best enforce the current law. She acknowledged that this has been a concern for area residents for over two years.

Sewer Project Update:

- Supervisor Brumagin is reviewing a model NYS Department of Environmental Conservation Sewer Use Law. A similar law is required to be in place prior to the Environmental Facilities Corporation closing on its grant. Attorney Calimeri will review the model law and propose changes. The Town Board and the Engineers will meet to discuss a proposed law.
- The bids for both the Wastewater Treatment Plant and the Collection System Construction will be advertised on Wednesday, October 14th.
- Supervisor Brumagin reported that a water well was drilled and did not hit a water aquifer so a second well needed to be drilled at Gateway Park for the Wastewater Treatment Plant. Because the well is close to the current building town board members

expressed concern about any potential sale of the existing building. Supervisor Brumagin will ask Matt Zarbo, engineer, to provide additional information about the water well and the rationale for positioning it close to the current building.

Proposed Actions:

- **ADOPTION OF LOCAL LAW #7-2026** - Councilman Beckwith made a motion, seconded by Councilman Cooper to adopt Local Law #7-2026 To Override the Tax Levy Limit Established in General Municipal Law §3-C. Motion carried unanimously.

ROLL CALL VOTE: Supervisor Brumagin — Aye
Councilman Beckwith — Aye
Councilman Cooper — Aye
Councilman Watrous — Aye

RESOLUTION # 23-2026

RESOLUTION EXTENDING SIX-MONTH MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS UNDER LOCAL LAW #5-2026

WHEREAS, the Town of Mina adopted Local Law #5-2026 entitled "2026 Temporary Moratorium Law on Battery Energy Storage System Facilities" that was filed with the New York State Secretary of State on April 20, 2026 and that expires on October 20, 2026; and

WHEREAS, Local Law #5-2026 was enacted by the Town Board of the Town of Mina pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10; and

WHEREAS, it was essential for the Town of Mina to enact a temporary moratorium to carefully evaluate the implications of BESS facilities and assess how they may impact the Town, its residents, and its fire prevention infrastructure; and

WHEREAS, the Town of Mina and local fire companies continue to raise concerns regarding BESS facilities over the presence of highly flammable substances, such as from lithium-ion batteries, and possible air and groundwater contamination; and

WHEREAS, Governor Kathy Hochul announced the creation of a state interagency working group tasked with ensuring the safety of battery energy storage systems across New York and a comprehensive report of the finding and recommendation of the state interagency working group has not bee release to the public; and

WHEREAS, Local Law #5-2026 allows for an extension by one (1) additional period of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Mina shall implement an additional six-month moratorium expiring April 20, 2027 to allow for a comprehensive and deliberate examination of BESS facilities including finding from the state inter-agency working group, with the aim of preserving the Town's ability to address the unique needs and concerns of our community in the realm of battery energy storage system regulations.

Offered by: Councilman Watrous **Seconded by:** Councilman Cooper
Motion carried unanimously.

ROLL CALL VOTE: Supervisor Brumagin — Aye
Councilman Beckwith — Aye
Councilman Cooper — Aye
Councilman Watrous — Aye

RESOLUTION # 24-2026

RESOLUTION EXTENDING SIX-MONTH MORATORIUM ON WIND ENERGY CONVERSION SYSTEMS UNDER LOCAL LAW #6-2026

WHEREAS, the Town of Mina adopted Local Law #6-2026 entitled "A Local Law Enacting a Moratorium on Wind Energy Conversion Systems" that was filed with the New York State Secretary of State on April 20, 2026 and that expires on October 20, 2026; and

WHEREAS, Local Law #6-2026 was enacted by the Town Board of the Town of Mina pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10; and

WHEREAS, Local Law #6-2026 imposed a moratorium on applications or proceedings for applications for, the review of applications for, or the issuance of approvals or permits for the construction of any Wind Energy Conversion System within the Town of Mina for a period of six months from the effective date of the law; and

WHEREAS, technology has evolved so that the Town may be susceptible to the placement of large-scale wind energy conversion systems under Section 94-c of New York's Executive Law. The Town Board finds it imperative that the Town undertake a thorough examination of these systems to identify any possible threats to public health, safety and welfare as well as evaluate the potential for environmental degradation; and

WHEREAS, an additional six-month moratorium will allow time for Town officials to review, clarify, amend, and update the Town's regulations for wind energy conversion systems, particularly with regard to where such development may be located in the Town. Additionally, the additional six-month moratorium will allow the Town to adopt such other regulations as may be necessary to promote and preserve the health, safety and welfare of the Town and its citizens; and

WHEREAS, Local Law #6-2026 allows for an extension by one (1) additional period of up to six (6) months by resolution of the Town Board upon a fining of the necessity for such extension; and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Mina shall implement an additional six-month moratorium expiring April 20, 2027 to allow the Mina Town Board to adopt changes to its code with regard to the siting, establishment and construction of Wind Energy Conversion Systems.

Offered by: Councilman Cooper **Seconded by:** Councilman Watrous
Motion carried unanimously.

ROLL CALL VOTE: Supervisor Brumagin — Aye
Councilman Beckwith — Aye
Councilman Cooper — Aye
Councilman Watrous — Aye

- Code Officer Tom McNinch has recommended Cloudpermit for the new Building and Zoning software, to be covered by grants funds.

- NYMIR is offering HelixCMMS for Highway Department software. Supervisor Brumagin and Superintendent Kopta will look into this program further.

- Town Clerk Park presented information on Elavon for credit card processing.

RESOLUTION #25-26

TOWN CLERK ACCEPTING CREDIT CARD PAYMENTS

WHEREAS, the State Comptroller's Office states in General Municipal Law §5 and §5-b that this responsibility of the Town Clerk needs to be stated in a resolution to accept such payments for a specific purpose (i.e. real property taxes, clerk fees and code officer fees), and

WHEREAS, the Mina Town Clerk had requested such a Resolution of authorization from the Mina Town Board on July 14th, 2022 and had entered into contract with Gov-Pay, and

WHEREAS, Gov-Pay has notified the Town that it will be ceasing operation on November 8th, 2026, and

NOW, THEREFORE, BE IT RESOLVED that the Mina Town Board authorizes the Mina Town Clerk to accept credit card payments as part of our local tax collection system and town clerk system, which payments would include a Consumer Convenience Fee, and

FURTHER RESOLVED that the Town Clerk be authorized to enter into contract with Elavon in cooperation with Community Bank to process credit card transactions on behalf of the Town of Mina.

Offered by: Councilman Watrous **Seconded by:** Councilman Beckwith
Motion carried unanimously.

ROLL CALL VOTE: Supervisor Brumagin — Aye
Councilman Beckwith — Aye
Councilman Cooper — Aye
Councilman Watrous — Aye

Grants Report: In addition to the grants report included in the Board Packet, Supervisor Brumagin reported:

- James Luke will begin work on the concrete sidewalk at the south end of the Community Center.
- Pete Radka has been engaged to develop the architectural plans for the Community Center roof.
- A Memorandum of Understanding is being written including Clymer, Mina, French Creek and Ripley for the proposed shared Dog Kennel. A contribution of $5,000 is expected from each town as part of the shared services grant from Chautauqua County.
- The Bridge NY money for the Bailey Hill Culvert Replacement project has been received.

Old Business:

- The plan for the records storage room has been simplified. An entryway will need to be cut in the wall between the office kitchenette and the old gym storage room. Councilman Cooper recommended this entryway have a door, making the room essentially fireproof since it is almost entirely cement-block.

Correspondence:

- Greene County Commercial Bank sent a letter as a reminder that the Revenue Anticipation Note (RAN) payment of $1,614,292.77 is due October 20th, 2026.
- NYS Department of Health announced an enrollment drive for the expanded Energy Affordability Program.

Reports:

- Highway Superintendent Kopta submitted his report.
  - The out-of-state crew who purchased the old metal building from the Highway site are expected to arrive tomorrow to begin taking it down.
- Town Clerk / Tax Collector – The Town Clerk's report was included in the board packet reporting the collection of fees and sales of $15,295 for the month of August. She paid the Supervisor $3,629.87, NYS Ag and Markets for dogs $18.00, NYS Health Dept. for Marriage Licenses $90.00 and NYS DEC $11,557.13 for hunting and fishing licenses.
- Code Enforcement Officer Tom McNinch reported that letters for delinquent STR properties have been mailed.
- Kelly Thonton, Dog Control Officer for Clymer, French Creek and Mina has notified the Towns that she is stepping away from this position. A new DCO is being considered for the three Towns.

Community Updates:

- Findley Lake Volunteer Fire Department –
  - Jeff Park reported that renovations to the front of the firehall have been completed, but there are problems with the new overhead doors. Replacement parts are coming soon, but the fire equipment will remain at Gateway Park until the work is finished. The Annual Fireman's Banquet is scheduled for Saturday, October 17th. Town Board members have been invited.

New Business:

- The Town Trick or Treat hours will be the same as last year, from 5 – 7 pm on Halloween, October 31st. The Findley Lake Church will hold Trunk or Treat from 6 – 7:30 in the church parking lot.

Payment of Monthly Claims / Transfers:

- The monthly claims for October were examined. Councilman Cooper moved, seconded by Councilman Beckwith, to pay the monthly claims – General Fund #267 through #298, Highway Fund #128H through #142H and Sewer Fund #29S through #31S for a total amount due of $137,694.09. Motion carried unanimously.
  Ayes – 4 Brumagin, Beckwith, Cooper, Watrous
  Nays – 0

Public Comment (Citizens Present and Citizens Not Present):

- Kim Freund asked for and was given a copy of the Buesink's Creek packet that was distributed to the Board at the beginning of the meeting.

Other Business / Actions:

- Early Voting will be held October 24th through November 1st at the Chautauqua County Board of Elections Office in Mayville, New York.
- The next Regular Meeting and Public Hearing on the Preliminary Budget is scheduled for November 12th, 2026 at 7 pm.

Executive Session:

- The Town Board entered into Executive Session for the proposed acquisition, sale or lease of real property and litigation at 8:55 p.m. upon motion by Councilman Watrous and second by Councilman Cooper. At 9:30 p.m. motion was made by Councilman Watrous and seconded by Councilman Beckwith to return to Regular Session.

Adjournment:

As there was no further business to come before the Board, motion was made by Supervisor Brumagin to adjourn the meeting at 9:35 p.m.

Respectfully submitted,

Marcellanne Park
Town Clerk