

October 22, 2020

The Mina Town Board met on the above date for a special 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  
Marty Proctor.....Councilman  
Ernie Roache.....Councilman  
Dick Watrous.....Councilman

Attended by: Bill Himelein (Highway Superintendent), Shelly Sharp, Dan Susi

**Comments/Concerns from those present:** none

Supervisor Brumagin asked the Town Clerk to read the published legal notice that stated the budget work session for the 2021 Tentative Budget is scheduled for Thursday October 22, 2020 at 7:00 pm. Supervisor Brumagin then stated that a Public Hearing on Local Law #2-2020 to override the tax levy limit for 2021 and a Public Hearing on the Spectrum Cable Television Franchise Agreement Renewal are also on the agenda.

Supervisor Brumagin asked the Town Clerk to read the Legal Notice for Local Law #2-2020 to override the tax levy limit for 2021 and opened it up for any questions or concerns that the public or the town board might have. Councilman Burmaster stated he had read something that was published regarding Governor Cuomo’s “No Tax Cap – No Deal” and asked about the impact on the 2021 budget. Supervisor Brumagin stated she will research the possible impact and report back to the town board. No other questions or concerns were raised. Supervisor Brumagin closed the Public Hearing on Local Law #2-2020 at 7:12 pm.

Supervisor Brumagin asked the Town Clerk to read the Legal Notice for renewing the Spectrum Cable Television Franchise Agreement and opened it up to the public to ask questions or state any concerns. Some of the questions that were raised were: 1) Spectrum’s right to raise fees (the agreement states that rates and changes shall be subject to regulation in accordance with federal law); 2) other cable franchises that may have approached the town (no other franchise companies approached the town); and 3) any additional information that former Councilman Luce who recommended that the town renew the agreement may have. Supervisor Brumagin closed the Public Hearing at 7:19 pm.

Councilman Proctor made a motion, seconded by Councilman Burmaster to adopt the following resolution:

Resolution #19-20

In the Matter of the Granting of a Cable Television Franchise Held by Spectrum Northeast, LLC  
in the Town of Mina, County of Chautauqua, New York

An application has been duly made to the Board of the Town of Mina, County of Chautauqua, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the

approval of a renewal agreement for Charter's cable television franchise for fifteen (15) years commencing with the date of approval by the Public Service Commission.

The franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Mina, New York on Thursday, October 22, 2020 at 7:00 P.M. and notice of the hearing was published in the Jamestown Post Journal on October 16, 2020.

**NOW, THEREFORE,** the Board of the Town of Mina finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests,

**BE IT FURTHER RESOLVED** that the Board of the Town of Mina hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Mina for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

**BE IT FURTHER RESOLVED** that the Board of the Town of Mina hereby confirms acceptance of this franchise renewal agreement.

The foregoing having received a unanimous vote was thereby declared adopted.

Brumagin – Aye  
Burmaster – Aye  
Proctor – Aye  
Roache – Aye  
Watrous – Aye

**Budget Work Session:**

- Supervisor Brumagin reviewed the Tentative Budget for 2021. Discussion was held on the various budget requests that were submitted to the Supervisor. She reviewed each line item on the tentative budget and explained any changes that she proposed from the previous year. The tentative budget increase is \$40,966 with \$13,705 increase to general, \$26,761 to highway, \$1,000 to fire district, and a decrease to the light district of \$500.

Councilman Watrous made a motion, seconded by Councilman Roache to adopt the 2021 Tentative Budget as the 2021 Preliminary Budget with one change (increase garage expense by \$1000 and decrease Planning expense by \$1000). Motion carried.

Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous  
Nays – 0

Councilman Proctor made a motion, seconded by Councilman Watrous to adopt the following Local Law #2-2020.

## **LOCAL LAW NUMBER 2 OF 2020**

### **Town of Mina, County of Chautauqua, State of New York**

#### **A local law to override the tax levy limit established in General Municipal Law Section 3-c**

##### **Section 1. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Mina, County of Chautauqua, pursuant to General Municipal Law Section 3-c, and to allow the Town of Mina, County of Chautauqua, to adopt a town budget for (1) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2021 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

The Town of Mina is dependent upon the real property tax to fund town services and does not have the authority to raise sales taxes, occupancy taxes, gross receipts taxes, or income taxes. Non property tax revenues, sales taxes, and State AIM payments are subject to market fluctuations and the ability of federal, state, and county governments to share revenue with the Town of Mina, both of which factors have been or will be affected by the COVID-19 pandemic. This will be an extraordinarily challenging year for municipalities, including the Town of Mina, which, while fortunate to have not incurred a significant outbreak of COVID-19, was forced to maintain all of its operations and serve its residents during the State shut down.

##### **Section 2. Authority**

This local law is adopted pursuant subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

##### **Section 3. Tax Levy Limit Override**

The Town Board of the Town of Mina, County of Chautauqua is hereby authorized to adopt a budget for the fiscal year 2021 that requires a real property tax levy in excess of the limit specified in General Municipal Law Section 3-c.

##### **Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

##### **Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

Brumagin – Aye

Burmester – Aye

Proctor – Aye

Roache – Aye

Watrous - Aye

The local law passed unanimously.

**Other Business/Actions:**

- Supervisor Brumagin reported that the Highway Department would like to purchase the Findley Lake Volunteer Fire Department's old tanker truck for \$5,000. Highway Superintendent Himelein stated that the highway crew would use it for dust control and after oil and stoning roads to prolong the life of the tractor. The FLVFD doesn't have room to store it so it is being stored in the town's bus garage until spring when the highway department could begin using it. Discussion was held. Councilman Burmaster made a motion, seconded by Councilman Roache for the Town to purchase the tanker truck from the FLVFD for \$5000 and pay for the truck and transfer the title in 2021.

Motion carried unanimously.

Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous

Nays – 0

- Supervisor Brumagin reported that on Wednesday, October 21<sup>st</sup> she met with Attorney Wright and Mina's Assessor, Heather Young-Deyell to continue working on Findley Lake sub-division issues.
- Supervisor Brumagin reported that she met with former Councilman Dennis Luce and Sarah Phearsdorf with Southern Tier West regarding the transfer of the town's website from Dennis Luce's management to Southern Tier West. The transfer will take place after the November town board meeting.
- As there was no further business to come before the Board, Councilman Watrous moved, seconded by Councilman Proctor to adjourn the meeting at 9:16 p.m.

Respectfully submitted,

Sherrie Tanner

Town Clerk