

July 13, 2017

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
Dennis Luce.....Councilman
Dick Watrous.....Councilman
Dave Wilcox.....Councilman

Attended by: Dave Calvert, Randy Hamilton (FLVFD), Tammy Hamilton (FLVFD) (7:05), Ed Mulkearn (FL Watershed Foundation), Phil Persons (FL Watershed Foundation), Sherri Schenk

Minutes: Motion was made by Councilman Luce and seconded by Councilman Wilcox to accept the minutes of the June 8, 2017 meeting as presented. Motion carried unanimously.

Comments/Concerns from those present:

- Randy Hamilton reported they now have one more EMT on the Findley Lake Fire Department and will have one or two more by the end of the month bringing the total to five. He also reported that the department will be receiving monies through a grant the department had applied for through NYS Department of Environmental Conservation. They spent \$2,732.50 and DEC will reimburse the department for half of what they spent for fire hose nozzles, brooms and shovels.

Comments/Concerns from those not present:

- Councilman Watrous reported he received comments on how nice the cemetery looks and the town board members agreed.
- Jim Parnell from 2J's reported to Councilman Wilcox that scrap metal he was collecting at the town barns was stolen. A couple of options were discussed. Jim has decided as of now he will not accept scrap metal until security cameras are installed.
- Supervisor Brumagin stated that she was told that some people had difficulty hearing the program for Memorial Day with traffic, visiting etc. She has spoken with Larry Bach about assisting with evaluating options for purchasing a sound system for the Community Center that could also be used for the Memorial Day Program.

Executive Session: At 7:07 pm Councilman Wilcox made a motion, seconded by Councilman Watrous to adjourn to Executive Session for real property issues and contractual issues. Motion carried. At 7:28 pm Councilman Watrous moved seconded by Councilman Wilcox to return to regular session. Motion carried unanimously.

Reports:

- Findley Lake Watershed Foundation – Ed Mulkearn and Phil Persons reported that the work is complete on the dam breakwall repair project. The dry hydrant has been installed and the new railing is finished. Councilman Luce asked where the funds for the new flag poles downtown came from. Ed stated that money had been donated from various sources for improvements, and with that, they repaired and painted the walls inside the Water Wheel Overlook building and purchased three flags and poles. They shared that the dedication of the dam in memory of Dennis Brumagin will be held on Saturday, July 15, 2017 at 4:00 pm and that town, county and state officials have been invited to participate in the dedication. They also stated that along with Town Supervisor Brumagin they have a meeting on July 20th with NYS OCR on the \$200,000 grant and

on July 18th with USDA Rural Development. Ed reported that they have started the process to purchase a new weed harvester and conveyor as the equipment they have is at the end of its useful life and needs to be replaced.

Because of a change in focus of NYS Senator Young's grant award to go instead to the weed harvester as well as change order expenses on the project, the Watershed Foundation is requesting that the town release \$20,000 in funding that was put in the contingency fund to go towards the dam breakwall repair project. Discussion held. Councilman Luce made a motion, seconded by Councilman Watrous to pay the Watershed Foundation an additional \$20,000 for the dam breakwall project. Motion carried unanimously.

Ayes – 4 Brumagin, Luce, Watrous, Wilcox

Nays – 0

Supervisor Brumagin requested a final financial report on all of the expenses and sources of income for the dam breakwall repair project. Phil Persons will have that report by the next town board meeting.

Ed also reported that NYS DEC set net traps to check the fish in Findley Lake. He said they are stocking muskies and walleye.

Old Business:

- Supervisor Brumagin reported that the town's insurance company informed the highway superintendent that the crosswalk cannot be moved at Paradise Bay until a street light is installed on the utility pole near the new crosswalk. She has contacted National Grid and is awaiting a response.

Correspondence:

- Association of Towns (NYS) – Letter stating concern on the mandate for New York State Volunteer Firefighter Enhanced Cancer Disability Benefits Act.
- Charter Communications – Notice of changes to cable TV channel lineups (spectrum.net/programmingnotices) to view notice online.
- Community Bank – Information on a recently implemented automated collateral pledging system requesting an amendment to the town's contract.
- Community Connections – Zoomer event, bring your boat to ring around the island August 4th at 6:00 pm.
- FLVFD – Letter informing the town they would sell the tennis/basketball courts to them for \$1.00. The capital equipment budget, June's financials and the minutes from their June 13, 2017 meeting were also received.
- Wendy Shephard, Northwest Bank, Insurance Services – Information on the new Paid Family Leave Program for New Yorkers taking effect January 1, 2018.
- NYS Dept of State – Municipal budget information
- Erie County Dept. of Planning – Act 247 review; Erie County Cultural Heritage Plan
- UNY Camp & Retreat Ministries – Donation request
- NYMIR – Anti-Harassment Policy – comprehensive handbook for members.
- American Red Cross – Asking for nominations for a "hometown hero"
- FairPoint Communications – Merger with Consolidated Communications
- NYS Office of Community Renewal – Scheduling a comprehensive monitoring visit for the dam breakwall repair project.
- Chautauqua County Real Property Tax Services – Information on partial payment of property taxes and scheduled meeting on July 19th.

- Governor Andrew Cuomo – Signed legislation ending child marriage in New York – age raised from 14 to 18 years old.
- Royal Family Kids – 2017 camp being held August 7-11, 2017 at Camp Findley
- Williamson Law – Annual support fee increasing 2% for 2018
- H. Sicherman & Co. – Regarding the monitoring of the OCR grant consultant
- NYS Dept. of Public Service – Overview of National Grid’s proposal and information on how to participate in public statement hearings.

Reports:

- Highway/Cemetery Committee – Councilman Watrous reported that Superintendent Himelein and the highway crew have been working with the state as well as other towns on the millings on Sunnyside Road (Route 426). He also has installed stop signs that the insurance company recommended at Woodland Shores and Eighth Avenue. Superintendent Himelein asked that a resolution be made so the speed limit would be the same, 30 mph, around the west side of the lake. The speed needs to be consistent on Shadyside, Ball Diamond and Parsonage Roads. Superintendent Himelein would like to put the 1970 Oshkosh and the 1997 International dump trucks up for bids as they have not been road worthy for a number of years. The town board is in agreement with selling the trucks. Councilman Watrous said the Superintendent reported to him that the 2005 loader has antifreeze showing up in the oil and they are currently using the Town of French Creek’s loader. They are planning on doing the repair work in house on the loader. He reported to Councilman Watrous that the part-time seasonal help is working out well. Superintendent Himelein reported to Supervisor Brumagin that an unknown person’s heavy equipment was dragging on Hazen Road and did some damage to the road. They will have to re-mill portions of the road. Highway Superintendent Himelein reported to Supervisor Brumagin that the roller the four towns plan to purchase will to be leased for two months and the lease fee will go towards the purchase price. By doing this, any service or repair will be the responsibility of the owner during the lease period.
- Assessor – Heather Young-Deyell’s report for June 2017 was distributed. Supervisor Brumagin reported Heather will be working for the Town of Poland as well. Councilman Luce reported he has posted the 2017 final equalization rate on the town’s website.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$2,947.00 for the month of June 2017. She has paid the Supervisor \$2,107.86, NYS Ag and Markets for dogs, \$24.00, NYS Health Dept. for marriage licenses, \$45.00, and NYS DEC \$770.14.
- FL Area Chamber of Commerce – Sherri Schenk reported that the duck race sponsored by the chamber on July 4th was a huge success this year. July 22nd will be “kids day” sponsored by Our Own Candle Company. July 29th is a “block party” sponsored by the Alexander Findley Community Library and the Chamber is not sponsoring the community yard sales this year.
- FLVFD – Supervisor Brumagin reported that the Findley Lake Fire Department board has notified her that they will be conducting a one-time capital & equipment fundraising campaign and are mailing letters out to all property owners in the Town of Mina.
- CEO/Building Inspector – Melanie Eddy’s report for June 2017 was distributed.
- Supervisor – Supervisor Brumagin distributed financial statements for June 2017. She is working on the American Red Cross Shelter survey.

New Business:

- Senator Young Grant – Councilman Wilcox made a motion, seconded by Councilman Luce for Supervisor Brumagin to change the focus of the \$50,000 grant request from the dam breakwall repair project and the sewer project to the purchase of a new weed harvester and shore conveyor by the Findley Lake Watershed Foundation.
Motion carried unanimously.
Ayes – 4 Brumagin, Luce, Watrous, Wilcox
Nays – 0
- The town has been notified that the tentative equalization rate is 100%. Councilman Luce made a motion, seconded by Councilman Wilcox to pay the assessor the incentive payment when the town receives notification from NYS ORPTS that the final equalization rate for CAP #4 is 100%. All were in favor.
Ayes – 4 Brumagin, Luce, Watrous, Wilcox
Nays – 0
- Supervisor Brumagin stated the Historical Society was founded 25 years ago on July 25, 1992 and she will prepare a proclamation, recognizing the historical society for this significant milestone.
- ADA policy, grievance procedure and ADA Coordinator – Supervisor Brumagin presented an ADA policy and grievance procedure to the town board and recommended that Town Clerk, Sherrie Tanner and Deputy Town Clerk, Audrey Sliker be appointed to the roles of ADA Coordinator and Deputy ADA Coordinator, respectively. Councilman Watrous made a motion, seconded by Councilman Wilcox to adopt the recommendations of Supervisor Brumagin. Motion carried unanimously.
Ayes – 4 Brumagin, Luce, Watrous, Wilcox
Nays – 0

TOWN OF MINA NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Mina will not discriminate against qualified individuals with disabilities on the basis of disability in its services, program, or activities.

Employment: The Town of Mina does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Town of Mina will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town of Mina programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Town of Mina will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Mina-Findley Lake Community Center Town of Mina offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Mina, should contact the office of Sherrie Tanner, Mina Town Clerk and ADA Coordinator at PO Box

38, 2883 North Road, Findley Lake, NY 14736, at minatownclerk@findleylakeny.us, or at 716-769-7204 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Mina to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden. Complaints that a program, service, or activity of the Town of Mina is not accessible to persons with disabilities should be directed to Sherrie Tanner, Mina Town Clerk and ADA Coordinator at PO Box 38, 2883 North Road, Findley Lake, NY 14736, at minatownclerk@findleylakeny.us, or at 716-769-7204.

The Town of Mina will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

TOWN OF MINA GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Mina. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the Town of Mina.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Sherrie Tanner
Mina Town Clerk and ADA Coordinator
PO Box 38
2883 North Road
Findley Lake, NY 14736

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Mina and offer options for substantive resolution of the complaint.

If the response by the Mina Town Clerk/ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Mina Town Supervisor or his/her designee.

Within 15 calendar days after receipt of the appeal, the Mina Town Supervisor or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has

been returned to the Mina Town Clerk/ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days. All written complaints received by the Mina Town Clerk/ADA Coordinator or his/her designee, appeals to the Mina Town Supervisor or his/her designee, and responses from these two offices will be retained by the Town of Mina for at least three (3) years.

- Fair Housing Plan and Officer - Supervisor Brumagin recommended the town adopt a Fair Housing Plan and appoint an officer to enforce the plan. Councilman Luce made a motion, seconded by Councilman Watrous to adopt the following Fair Housing Plan and to appoint Melanie Eddy as the Fair Housing Plan Officer. Motion carried unanimously. Ayes – 4 Brumagin, Luce, Watrous, Wilcox
Nays – 0

**TOWN OF MINA
FAIR HOUSING PLAN
July, 2017**

I. Introduction

The Town of Mina understands the importance of taking action to further fair housing in the community and is committed to meeting its responsibilities in this respect as a recipient of Federal Community Development Block Grant funds. To ensure that residents are aware of fair housing provisions under Federal and State law and of the processes and assistance available to obtain compliance with existing statutes, the Town has developed this Fair Housing Plan. The Plan describes the procedures developed to further fair housing in the community.

II. Availability Of Information

The Town's Fair Housing Plan recognizes that public knowledge of fair housing provisions is the first step in expanding equal opportunity. Toward that end, the Town has taken, or will take the following actions:

A. *Appoint a Fair Housing Officer*

The Fair Housing Officer, Melanie Eddy, Building Inspector/Zoning Code Enforcement Officer, appointed by the Town Board, has the following responsibilities:

1. Maintain Federal and State fair housing information in the Town Community Development Department including brochures issued by the U. S. Department of Housing and Urban Development (HUD) and the New York State Division of Human Rights.
2. Record initial information regarding housing discrimination complaints on a standard form.

3. Forward copies of all complaints to and, as appropriate, consult with the Fair Housing/Equal Opportunity Division of the applicable HUD Office.

B. *Provide Information*

The Town will make available, upon request, copies of applicable Federal and State laws which contain anti-discrimination provisions, including: Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15) of the State of New York.

C. *Promote Fair Housing Activities and Available Resources*

The Town will designate the month of January as *Fair Housing Month* and will promote said designation through Common Council proclamation.

The Town will further promote fair housing and housing resources by posting Fair Housing posters in visible locations within all Town buildings.

III. Discrimination Complaints

The Town will provide information and assistance to individuals who feel that they have been the victims of discrimination in regard to housing.

A. *Discriminatory Housing Practices*

For the purpose of this Plan, a discriminatory housing practice means an act that is unlawful under sections 804, 805, 806 or 818 of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). Such discriminatory housing practices include discrimination in the sale or rental of housing, discrimination in the provision of brokerage services, or interference, coercion, or intimidation, as defined under the Act, on the basis of race, color, religion, national origin, sex, handicap or familial status.

B. *Receiving Complaints*

The Fair Housing Officer will record information on a standard form to ensure that a complete file is established. Following this, the Fair Housing Officer will then contact the Department of HUD and/or the New York State Division of Human Rights to review the particulars of the complaint and request guidance in the formal filing of the complaint in cases where the individual decides to use this method. Copies of all complaints will also be forwarded to the Fair Housing and Equal Opportunity Division of the HUD Office in Buffalo, New York. If the complainant decides to take his/her case directly to Federal Court, the Town will consult with the County Bar Association on the appropriate procedures to be followed and the procedure for securing affordable legal services if the individual is of low- or moderate-income.

- Community Bank amendment to Third Party Custody Agreement – Supervisor Brumagin reported that the town received a letter from Community Bank stating they have new procedures in place and are recommending an amendment to the Third Party Custody Agreement. Supervisor Brumagin explained that the amendment is intended to provide adequate pledged collateral coverage daily to protect the town’s cash balances in the event of a bank default. Councilman Wilcox made a motion, seconded by Councilman Watrous for Supervisor Brumagin to sign the amendment to the contract. Motion passed unanimously.
Ayes – 4 Brumagin, Luce, Watrous, Wilcox
Nays – 0
- FLVFD donation of tennis court property – The Findley Lake Volunteer Fire Department is offering to deed the tennis court parcel of property to the town with the agreement that the fire department may use the property for training purposes. The town would be responsible to have the town’s attorney draw up the paperwork for the transfer of property. Councilman Luce made a motion, seconded by Councilman Wilcox to accept the property. Motion carried unanimously.
Ayes – 4 Brumagin, Luce, Watrous, Wilcox
Nays – 0

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Luce moved, seconded by Councilman Wilcox, to pay the monthly claims. In the General Fund claim #162 through #190 in the amount of \$18,299.32 and in the Highway Fund claim #85H through #94H in the amount of \$57,268.61 was approved to pay. Motion carried unanimously.
Approved: Ayes – 4 Brumagin, Luce, Watrous, Wilcox
Nays – 0

Supervisor Brumagin reported voucher #146 to the Findley Lake Volunteer Fire Department for \$100.00 was subtracted from last month’s general abstract as the fire department is donating the tennis/basketball courts to the town. Highway Superintendent Himelein reported to Supervisor Brumagin that the roller the four towns plan to purchase will to be leased for two months and the lease fee will go towards the purchase price. By doing this, any service or repair will be the responsibility of the owner during the lease period.

Other Business/Actions:

- Councilman Watrous made a motion, seconded by Councilman Wilcox to adopt the following resolution. Motion carried unanimously.
Ayes – 4 Brumagin, Luce, Watrous, Wilcox
Nays – 0

Resolution #12-17

As recommended by the town’s insurance company, that the Town of Mina formally request a speed study be conducted by Chautauqua County Department of Public Facilities for Shadyside, Parsonage, and Ball Diamond Roads.

- Councilman Luce expressed concern that the speed limits on some of the streets on the west side of the lake need to be lower than the 30 mph that is currently posted.

- Supervisor Brumagin reported that she has been notified that letters from Chautauqua County Health Dept. to property owners within 250' of the lake should be going out in July regarding mandatory inspections on septic systems. Also, there was a recent article in the Jamestown Post Journal regarding "Findley Lake Votes 'No'" on the formation of a sewer district.

As there was no further business to come before the Board, Supervisor Brumagin moved to adjourn the meeting at 8:38 p.m.

Respectfully submitted,
Sherrie R. Tanner
Town Clerk