

August 13, 2020

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
Martin Proctor.....Councilman
Dick Watrous.....Councilman

Absent: Ernie Roache.....Councilman

Attended by: Roarke Baldwin, LeAnne Becker, Jann Bowman, Larry Bowman, Julie Emory, Harold Heximer, Bill Himelein, Rudy Klimo, Tania Klimo, Sherri Schenk

Minutes: Motion was made by Councilman Watrous and seconded by Councilman Burmaster to accept the minutes of the July 9, 2020 meeting as presented. Motion carried.

Comments/Concerns from those present:

The following short-term rental property owners spoke about concerns regarding the zoning law that went into effect on 7/11/20:

- Tania Klimo’s concern was in regard to the maximum number of people being permitted to stay at both of their rental units.
- Rudy Klimo said that the Planning Board should have listened to the voices of short term rental owners. He listed income to the town, owner income, helping the economy and employing local residents as benefits to the town.
- Larry Bowman expressed concerns about being required to live in the short term rental for 31 days when they own a home on Findley Lake and have a couple of short term rentals as well. He also had concerns about limited parking and septic system requirements.
- LeAnne Becker spoke about concerns with her property being close to the lake and that she was told by another STR owner that her current septic system may not pass inspection if it was installed before 2015.
- Harold Heximer stated he was disappointed to not be notified that the public hearing on short term rentals was taking place. He was also confused about the reason for having to stay in the STR for 31 days each year.
- Sherri Schenk asked that the Town notify people in a different manner than what they currently do. She realizes that the Town publishes legal notices in the Jamestown Post Journal which is required but thinks they should also post on-line for example on the Town’s website.
- Roarke Baldwin stated he was also concerned about the 31 day stay by owner at the property and stated he didn’t feel that the point of contact should have to be available within 15 minutes.
- Town Board Member Steve Burmaster stated he would have liked to have been in on the Planning Board conversations when they were recommending the new laws. He is concerned about the occupancy per bedroom and the restriction of only one house per property. He expressed concern that if a neighbor complains it could be more of a personal issue and not have anything to do with the short term rental.

- Supervisor Brumagin thanked them all for sharing their concerns and stated she would like to talk or meet with any of them individually who are interested in doing so and that would help her understand how the concerns they raised impact each of them.

Comments/Concerns from those not present:

- Councilman Watrous reported that he has received complaints about Schofield farms and the noxious odor that regularly reaches homes around the lake. Councilman Burmaster said he'd also heard similar complaints. Supervisor Brumagin stated that three years ago when this was brought to the town board's attention that she contacted the state regarding any action the town could take and was told that town government may not enact any laws that would impact farming practices. She will share that information with the town board at the next meeting.

Novel Coronavirus (COVID-19) Pandemic:

- Supervisor Brumagin reported the following in regard to the COVID-19 Pandemic:
 - Federal:
 - Supervisor Brumagin reported that Congress is currently discussing funding assistance for states and local governments but they have not come to any agreement on it.
 - New York State:
 - Governor Cuomo's Executive Order #202 (New York on PAUSE) Disaster Emergency Declaration; currently there have been 55 updates/modifications.
 - Governor Cuomo's Executive Order #205 (Quarantine Restrictions on Travelers Arriving in New York, information on NYS DOH COVID-19 travel advisory: currently travelers from 33 states must self-quarantine for 14 days (Ohio has just been taken off list).
 - Unified Court System – 8th District Administrative Judge Paula Feroletto has issued guidelines for local courts. Court appearance tickets that were issued between March 16 and June 1, 2020 are now being rescheduled, however, the courts are still not scheduling evictions and criminal cases.
 - Town of Mina:
 - Community Center – Supervisor Brumagin reported that the cafeteria is now set up for social distancing for meetings with 24 or less people. Also the Young at Heart Senior's Room is being prepared as a shared meeting/conference room.

Old Business:

- Supervisor Brumagin reported on the French Creek/Mina Court merged justice position. The Governor signed into law the legislation in time for the shared justice position to be included on the November 2020 ballot. As of December 31, 2020 the single justice positions in the Towns of French Creek and Mina will be dissolved and replaced with the merged position.
- South Ripley Solar Project – Supervisor Brumagin reported that the project has received a ruling from New York State Board on Electric Generation Siting and the Environment confirming pre-application award of intervenor funding available to the Town of Ripley and the hose companies in the Ripley Fire District.
- LED Light Replacement School Street Park – The paperwork has been submitted to National Grid and Kayline for processing the incentive payment to the Town.
- Harvest Festival Plans – Supervisor Brumagin reported that the businesses involved in organizing the Harvest Festival met and made the decision to cancel this year's festival

due to the restrictions for social distancing and other requirements while New York State is limiting activities due to the pandemic. Also discussed the possibility of moving the event off Main Street in future years to make it safer for those attending as pedestrians many times walk in the streets and the streets remain open to vehicle traffic.

- Accessible Parking – Supervisor Brumagin reported that NYS moved quickly on the request from the Town and signs are in place for the accessible parking requested on Main Street. Superintendent Himelein will submit a work permit to NYSDOT to stencil the accessible parking symbol on the pavement at both of the Main Street locations.
- NYS Picnic Access Area on Sunnyside – Supervisor Brumagin reported that the property title and deed are being researched by the town attorney.
- Sewer District Work Group – Supervisor Brumagin reported the group met on Tuesday, August 11th, and Marty Proctor, Karl Kimmich, Bill Boria, Ed Mulkearn and herself are on the workgroup. She asked Councilman Proctor to report on the meeting. He reported they discussed what the current interest might be by property owners in forming a sewer district. The County cannot be involved because at least two municipalities have to be interested in working together for it to be considered a shared services project. The Village of Sherman and the Town of French Creek (Peek'n Peak's centralized sewer system) are not interested in participating in the project. He also reported that a moratorium on the inspection of septic systems that the County Health Department imposed while shared centralized sewer services were being analyzed is now being lifted. He shared that the County plans to send out a letter to approximately 130 property owners within 250 feet of the lake whose septic systems are either not on file with the County or they are over 30 years old informing them that the inspection process will begin when the County has the resources to move forward.

Correspondence:

- Charter Communications – Upcoming changes.
- Town of Mina Code Enforcement Officer – ZBA public hearing on property for Harold Heximer to place a 6' x 8' shed at 2284 Shadyside Road.
- NYS Legislative Commission on Rural Resources – Summer 2020 issue.
- Chautauqua County Office of Emergency Services – Requesting letter of support.
- NYS Archives – Update on new LGS-1 Records Retention Schedule for Municipalities.
- Barbara & Don Proctor – Letter expressing concern over unsafe boating practices on Findley Lake.
- Real Property Tax Services – Notifying the town that they have issued a Certificate of Satisfaction of the Tax Warrant.
- State of NY Department of State – Informing the Town that Local Law #1-2020 was filed on July 1, 2020.
- Chaut. County Board of Elections – Notifying the Town which offices are up for election in November 2020.
- Boy Scouts of America – Notifying the Town that the national organization of Boy Scouts of America has filed for Chapter 11 bankruptcy.
- Spectrum – 2020 annual privacy notice.
- NYS Department of Public Service – Lifeline Program Resources During the COVID-19 Pandemic.
- NYS Town Clerks' Association – Notification that membership payment was received.
- Philadelphia Insurance Company – Findley Lake Recreation Leagues – Reinstatement notice.

Reports:

- Highway Superintendent – Superintendent Himelein’s report was handed out. He reported that the John Deere 544L loader was ordered on 7/21/2020 after reviewing bids through Sourcewell. The 2005 loader will be traded in with the purchase. The new Chevy 3500 dump truck has been delivered and is in use. Kidder Road has been paved and gravel shoulder work has been completed. Roadsides have been mowed two times this year. They are working on brush trimming for full rights of way since it’s been six years since it was last done. Several Towns worked together on paving and shoulder work. Thanks go to Clymer, French Creek, Harmony, Ripley, North Harmony and Westfield. He reported that the Kopta Road intersection has been paved. He is ready to order the ten wheeler new plow truck that will be financed through USDA Rural Development.
- Recreation Committee – Supervisor Brumagin reported that the outdoor courts resurfacing project at the School Street Town Park has been completed except for the installation of fencing, sleeves for the tennis net, and the purchase and erection of signage.
- Planning Board – Supervisor Brumagin reported that the Planning Board is working on the comprehensive plan including how to gather community input during the pandemic with focus groups and surveys.
- Assessor – Heather Young-Deyell’s report was handed out for July 2020. She reported that the application for cyclical reassessment aid has been sent to the state with the potential of receiving up to \$5 per parcel for the 2020 reassessment project and that Mina has 1,658 parcels. August is the month for sales verifications for all sales occurring in the previous year. This includes photos and roadside inspections of all “arms length” transactions. A copy of the database has been sent to Chautauqua County Real Property Tax Office for processing of school tax bills.
- Town Justice – Supervisor Brumagin reported that the justice clerk requested integrating the special COVID-19 JCAP grant approved by the town board last month with a larger JCAP grant due by October 1st.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$2,292.00 for the month of July 2020. She has paid the Supervisor \$2,025.21, NYS Ag and Markets for dogs \$22.00, NYS Health Dept. \$112.50 and NYS DEC \$132.29. She reported that the new hunting license sales had been going well until Thursday afternoon when the printer stopped working. She is working with NYS DEC on getting that problem resolved.
- Findley Lake Watershed Foundation – The Watershed Foundation is reviewing the current lake rules and plans to update and publish new rules. Supervisor Brumagin reported that she forwarded the letter to the Watershed Foundation from Barbara & Don Proctor about concerns over unsafe boating practices.
- Findley Lake Volunteer Fire Dept. – Supervisor Brumagin spoke with Peter Howard, President of the FLVFD Board, and the fire department would like the town to send a letter of support for permanent county emergency services.
- Code Enforcement – Melanie Eddy’s report for July 2020 was distributed. She mentioned that the Town of Busti added a \$500 fee for building without a permit and is requesting that the Mina Town Board consider adding a \$500 fee as well.
- Supervisor – Supervisor Brumagin distributed and reviewed the financials for July 2020. She also distributed a July 30, 2020 report on the Town of Mina Certificates of Deposit as well as the impact of COVID-19 on sales tax projections for the Town of Mina. She reported that \$25,000 was loaned from the General Fund to the Highway Fund but will be reimbursed when a highway certificate of deposit matures in September. She also passed

out information from the NYS Association of Towns on the 2021 Town Budget Process and calculating the carryover. She will be requesting 2021 budgets from departments and they will be due to her by September 20, 2020. The final budget has to be passed by November 20, 2020 and the 2021 NYS tax cap for municipalities has been set at 1.56%.

New Business:

➤ USDA Rural Development –

- Supervisor Brumagin reported that the town board needs to ratify the action taken at the July meeting to proceed with purchasing a John Deere loader. Councilman Burmaster made a motion, seconded by Councilman Watrous to purchase a John Deere Loader 544L with the tentative price of \$162,860 less the trade-in of the existing loader estimated to be around \$27,000. Motion carried.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Supervisor Brumagin distributed a Bond Resolution prepared for the Town of Mina by Orrick Bond Counsel authorizing, subject to permissive referendum, the purchase of highway equipment by issuing serial bonds. Councilman Watrous made a motion, seconded by Councilman Proctor to accept the following Resolution #17-20 noting there are 30 days for public concerns to be submitted. Motion carried unanimously.

BOND RESOLUTION #17-20
DATED AUGUST 13, 2020

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF HIGHWAY EQUIPMENT, IN AND FOR THE TOWN OF MINA, CHAUTAUQUA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$465,000, AND AUTHORIZING THE ISSUANCE OF \$370,000 BONDS OF SAID TOWN TO PAY A PORTION OF THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project, NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Mina, Chautauqua County, New York, as follows:

Section 1, The purchase of highway equipment for the Highway Department, each item of which costs \$30,000 or more, in and for the Town of Mina, Chautauqua County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$465,000.

Section 2, The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) By the issuance of not exceeding \$370,000 serial bonds of said Town, hereby

authorized to be issued therefor pursuant to the provisions of the Local Finance Law;

- b) By the expenditure of \$65,000 Federal grants-in-aid monies to be received therefor; and
- c) By the expenditure of \$30,000 other monies hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Mina, Chautauqua County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An Annual Appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Brumagin – Aye
Bumaster – Aye
Proctor – Aye
Watrous – Aye

The resolution was thereupon declared duly adopted.

- Supervisor Brumagin reported that all town employees are required by NYS to take the sexual harassment and discrimination annual training. NYMIR is offering NYS Harassment & Discrimination Annual Training on August 25, 2020.
- Supervisor Brumagin reported that the Zoning Board of Appeals has an alternate position vacancy. Supervisor Brumagin made a motion, seconded by Councilman Burmaster, to appoint Brian Sullivan to the ZBA as an alternate effective September 1, 2020 through December 31, 2021. All were in favor and the motion passed.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Supervisor Brumagin reported that NYMIR, the town's business insurance carrier, has made two cyber security recommendations for the Town of Mina. She will contact 3-C Communications to assist with responding to those recommendations.
- Justice Court Assistance Program (JCAP) Grant – Councilman Proctor made a motion, seconded by Councilman Burmaster for the Justice Clerk to apply for up to \$30,000 through the JCAP Grant that is due October 1, 2020. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Supervisor Brumagin reported that a maintenance agreement with the NYS Department of Environmental Conservation for the fishing access area is eligible to be renewed. This is for the town's assistance with mowing the area and allowing the docks and kayak launch to be stored at the highway building during the winter months. Councilman Proctor made a motion, seconded by Councilman Watrous to enter into the maintenance agreement with DEC for \$600 per year. Motion carried.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Chautauqua County EMS – Supervisor Brumagin reported that the FLVFD would like the town to send a letter of support for a permanent certificate of need for ambulance services as the County is already providing these services. Councilman Proctor made a motion, seconded by Councilman Burmaster to send the letter of support. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0

- Findley Lake Nature Center – Supervisor Brumagin reported that the FL Nature Center has been focusing on trails and plans to increase maintenance of the trails behind the Community Center. It is requested that the lease between the Town and the Findley Lake Nature Center be renewed. Councilman Burmaster made a motion, seconded by Councilman Watrous to renew the lease for the Findley Lake Nature Center. Motion passed.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Young at Heart – Supervisor Brumagin reported that the Young at Heart group has not met for several months due to COVID-19. She met with Judy Hunt, president of the group, about setting up the seniors’ room for a shared conference area. Judy spoke with some of the members and they agreed to that arrangement. The room needs to be reorganized and some of the furniture needs to be removed before setting up the conference area.
- Recreation Committee – Supervisor Brumagin reported that the Recreation Committee is asking for approval to submit a grant request to the Findley Lake Community Foundation to finish paying for the Outdoor Courts project. Councilman Watrous made a motion, seconded by Councilman Proctor to submit the request. Motion carried unanimously.
Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0
- Supervisor Brumagin reported that the Town has a few furniture/equipment items at the Community Center that need to be disposed of partially due to the recent generous donation from 1st National Bank in Erie of office furniture and partitions. She will compile a list of furniture and equipment no longer needed for the town board to decide on disposal.
- The next regular town board meeting will be held on Thursday, September 10, 2020 at 7:00 pm.

Payment of Monthly Claims/Transfers:

- Payment of Monthly Claims/Transfers – The monthly claims were examined. Councilman Watrous moved, seconded by Councilman Burmaster, to pay the monthly claims. In the General Fund claim #162 through #189 in the amount of \$14,871.23 and in the Highway Fund claim #86H and #96H through #108H in the amount of \$35,100.83 were approved to pay. Motion carried unanimously.
Approved: Ayes – 4 Brumagin, Burmaster, Proctor, Watrous
Nays – 0

Other Business/Actions:

- Supervisor Brumagin reported that she will plan to send the agenda and materials that have actionable items to the Town Board a couple of days prior to the meetings so that council members have a chance to review those documents before the meeting.
- As there was no further business to come before the Board, Councilman Proctor moved to adjourn the meeting at 8:34 p.m.

Respectfully submitted,

Sherrie Tanner
Town Clerk