

July 9, 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 (oath of office and seated at 7:45pm)
Ernie Roache.....Councilman
Dick Watrous.....Councilman

Attended by: Sherri Schenk

Minutes: Motion was made by Councilman Watrous and seconded by Councilman Roache to accept the minutes of the June 11, 2020 meeting as presented. Motion carried.

Comments/Concerns from those present:

- Sherri Schenk inquired as to the status of the public restrooms in Findley Lake and wondered when they would be opening back up. Supervisor Brumagin shared that she provided information to the Findley Lake Watershed Foundation from the County Dept. of Health regarding public restrooms during COVID-19 Emergency Orders and that it is her understanding that the FLWF has opened the public restrooms downtown.
- Sherri Schenk thanked the town for covering the cost of garbage pick-up for the containers downtown. She informed the town board that she and her husband, Jack Hamilton, pull the garbage bags out of the containers each week so that the garbage collector will pick them up.
- Sherri Schenk praised the town for handling the July 4th celebration so well given the restrictions for events as required by NYS Executive Orders during the COVID-19 pandemic. The general consensus was that it went very well. Social distancing appeared to be observed and the parking was handled well. Supervisor Brumagin acknowledged the plan that Matt Hanby, of Matters of the Hearth, fireworks organizer, put in place to deal with safety issues with parking on Shadyside Road and gathering of crowds in the downtown area.

Comments/Concerns from those not present: none

Novel Coronavirus (COVID-19) Pandemic:

- Supervisor Brumagin reported the following in regard to the COVID-19 Pandemic:
 - Federal:
 - Centers for Disease Control & Prevention (CDC) guidelines have not changed.
 - New York State:
 - Governor Cuomo's Executive Order #202 (New York on PAUSE) Disaster Emergency Declaration; currently there have been 49 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 19 states must self-quarantine for 14 days.

- NY Forward – Social Distancing, Face Covering, Large Group Gatherings (up to 50) restrictions stay in effect. Outlines requirements for reopening – each business must have a plan to protect employees and consumers.
- Unified Court System – 8th District Administrative Judge Paula Feroletto has issued guidelines for local courts.
 - Notification re: opening in the 8th District (Buffalo area including Chautauqua County)
 - JCAP (Justice Court Administration Program) COVID-19 Grant; the Town can apply for funding to receive reimbursement for COVID-19 related expenses. The maximum amount of the grant is \$1000.
- Western New York – All four phases are open as of June 30th.
- Chautauqua County:
 - COVID-19 Daily Updates – Chautauqua County Health & Human Services continues to publish daily updates.
 - Supervisors/Mayors briefings are held every other Wednesday evening by County Executive PJ Wendel. Malls in Chautauqua County may open July 10th with the requirement that special air filters be installed in air conditioning units to reduce airborne transmission of COVID-19.
- Town of Mina:
 - Community Center restricted access is planned to be lifted on July 13th and outside doors unlocked during business hours as the Alexander Findley Community Library is scheduled to open to the public on that date. The Town Clerk's office door will be left locked and business will be conducted through the office window. The playground and pavilion opened on June 27th.
 - School Street Park – Park and outdoor courts opened June 27th.
 - Sales Tax – Potential sales tax reduction analysis was distributed and discussed including an improved outlook based upon newly implemented internet sales tax collections.
 - Summer Recreation – The soccer league will start July 13th and will be held three evenings per week. T-ball will start on July 14th and will be held one evening per week. The recreation committee is still deciding on whether or not it is feasible to offer two children's program/events this summer.
 - July 4th – Supervisor Brumagin and Councilman Watrous reported that the 4th of July celebration proceeded well. The Chicken BBQ held by the Findley Lake Volunteer Fire Department, flares around the lake organized by the Alexander Findley Community Library, and fireworks organized by Matt Hanby of Matters of the Hearth with social distancing and parking restrictions seemed to go well.

Old Business:

- Supervisor Brumagin reported that a congratulatory letter from USDA Rural Development in regard to a \$310,000 loan and \$65,000 grant has been received. The Town can now proceed with ordering the pertinent highway equipment.
- Supervisor Brumagin reported on the delay by New York State in advancing the French Creek/Mina Court merger. Supervisor Brumagin reported that she has attempted to reach the governor's office for an update.
- South Ripley Solar Project – Supervisor Brumagin submitted comments for the Town expressing concern regarding the use of heavy construction equipment and that the weight from the equipment might cause damage to Town of Mina roads.

- LED Light Replacement School Street Park – Superintendent Himelein replaced the light bulbs at the courts. With the completion of that work, the rebate process with Kayline and National Grid was initiated.
- Harvest Festival Plans/State Road Closing – Discussion was held concerning the Harvest Festival Plans. Organizers of the event were not in attendance, therefore no action was taken on the request to support the rerouting of traffic off of Main Street.

Correspondence:

- Charter Communications – Upcoming changes.
- Brown Rudnick – Information regarding bankruptcy for Purdue Pharma, L.P.
- Chaut. County Dept. of Health – Informing that the water at the Community Center was deemed “Satisfactory for Human Consumption”.
- Southern Tier West – Registration form and information on fall webinars 2020.
- Clymer Central School – Quarter 3 newsletter.
- Town of Mina Code Officer – Public Hearing on property at 2549 Shadyside Road.
- ABCO Fire Protection – Informing the Town that a former employee of ABCO is providing false information about the company.
- NYMIR – Information on a partial rebate of the Town’s capital contribution.

Reports:

- Highway/Cemetery Committee – Councilman Watrous reported that the new person hired to mow the cemeteries and School Street Park is doing a good job.
- Highway Superintendent – Councilman Watrous reported for Superintendent Himelein who was unable to attend. He reported that equipment was shared as the Towns of Clymer, French Creek, Mina and Sherman worked together on paving roads in all four towns. The 3500 one-ton truck has arrived at the dealership and will be ready for delivery after a new plow has been installed. A 2020 John Deere 544L loader will be ordered under the USDA Rural Development grant/loan program. Information on CHIPS funding was mentioned.
- Recreation Committee – Councilman Roache reported that the outdoor courts resurfacing project at the School Street Town Park has been completed except for the installation of fencing, tennis nets, and the purchase and erection of signage.
- Planning Board – Supervisor Brumagin reported that the Zoning Law was filed with New York State and the effective date of the law #1-2020 is July 11, 2020. The Planning Board is working on developing a process to solicit community input for an updated Comprehensive Plan.

New Business:

- Supervisor Brumagin reported that she contacted the local Republican Committee to inform them of the vacancy on town board caused by the resignation of Councilman Dennis Luce. The committee recommended replacing Councilman Luce with former County Legislator Martin Proctor. Supervisor Brumagin made a motion, seconded by Councilman Watrous to appoint Marty Proctor as Councilman until December 31, 2020. Motion carried unanimously. It was noted that the town council position will appear on the November 2020 ballot for a one-year term to coincide with the expiration of Mr. Luce’s vacated term.

Ayes – 4 Brumagin, Burmaster, Roache, Watrous

Nays – 0

After the vote, Supervisor Brumagin asked Mr. Proctor to come forward and take the Oath of Office. He was sworn in and seated as a councilman.

Reports (continued):

- Assessor – Heather Young-Deyell’s report was handed out for June 2020. She reported that the 2020 final assessment roll has been filed with Chautauqua County Real Property Tax Office and the NYS Department of Real Property Tax Services. A copy of the final roll will be posted on the cap4assessment.com webpage by July 10th. The rearrangement of the office is continuing and has allowed for some much needed filing and purging. August will be spent on sales verifications for all sales within the past year.
- Town Justice – Supervisor Brumagin reported that the justice clerk informed her that the Mina Court will be opening in-person for a limited number of types of non-criminal cases per NYS Court Administration directives.
- Community Center – The Assessor/Code Enforcement Officer/Town Board meeting room is in need of additional electrical outlets and an estimate was received to install them.
- Town Clerk/Tax Collector – The Town Clerk’s report was distributed reporting the collection of fees and sales of \$1,439.00 for the month of June 2020. She has paid the Supervisor \$960.45, NYS Ag and Markets for dogs \$30.00, NYS Health Dept. \$157.50 and NYS DEC \$291.05. A new resolution regarding the new retention and disposition schedule for New York Local Government Records (LGS-1) will be presented next month as the state has not yet released the updated schedule.
- Findley Lake Watershed Foundation – Supervisor Brumagin reported that the weed harvester has been repaired and is back in operation.
- Findley Lake Volunteer Fire Dept. – Peter Howard informed Supervisor Brumagin that the department was able to locate and purchase a used firetruck. Supervisor Brumagin reported that the Foreign Fire Tax monies were received by the Town and an expense to disburse the full amount to the FLVFD is included on the general abstract.
- Code Enforcement – Melanie Eddy’s report for June 2020 was distributed. She is requesting larger fines for repeat offenders who build without first receiving a building permit. Also, now that Local Law #1-2020 has been filed with New York State, she will be sending letters and application forms to short-term rental property owners to comply with the new permit requirements in the law.
- Dog Control – No update on the open position. The Chautauqua County Humane Society has posted the position on its website.
- Supervisor – Supervisor Brumagin distributed and reviewed the financials for June 2020. She also distributed a June 30, 2020 report on the Town of Mina Certificates of Deposit.

New Business (continued):

- USDA Rural Development –
 - Councilman Watrous made a motion, seconded by Councilman Burmaster to purchase a John Deere Loader 544L with the tentative price of \$162,860 before trade-in of the existing loader and a net amount of around \$135,360 after trade-in. The procurement is from Sourcewell List which is an NCL Government Capital that specializes in providing competitive equipment financing programs for municipalities and is an acceptable purchasing method under USDA requirements. Motion carried.
Ayes – 5 Brumagin, Burmaster, Proctor, Roache, Watrous
Nays – 0
 - Supervisor Brumagin reported that proposals were sent to four bond counsel firms asking for quotes and that the Town received two quotes. After following up with both firms for more detail, she and Superintendent Himelein are recommending engaging Orrick out of New York City. Supervisor Brumagin made a motion,

seconded by Councilman Burmaster to engage Orrick Bond Counsel, all were in favor and the motion passed.

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

Nays – 0

- Supervisor Brumagin reported that a Legal Services Agreement was also needed. Supervisor Brumagin made a motion, seconded by Councilman Watrous to accept the Legal Services Agreement from Wright, Wright and Hampton in an amount not to exceed \$3,000. All were in favor and the motion passed unanimously.

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

Nays – 0

- Supervisor Brumagin reported that USDA requires that five town employees be interviewed and she currently has completed four of the interviews.
- Supervisor Brumagin distributed the USDA questionnaire for town board members. The town board members completed the questionnaires at the meeting.
- Supervisor Brumagin reported that Community Bank completed the information required by USDA for ACH (Automated Clearing House) transactions for deposits into and withdrawals from the Highway Checking Account.
- The following USDA Loan Resolution was presented to the Town Board for review and discussion:

Resolution #14-20

USDA LOAN RESOLUTION

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MINA AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS HIGHWAY MAINTENANCE EQUIPMENT FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Mina (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of 370,000.00 pursuant to the provisions of New York State Local Finance; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business – Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon request of the Government if at any time it shall appear to the Government that the Association is able

to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 (c)).

3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request,

and to forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility cause by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$65,000. under the terms offered by the Government; that the Town Supervisor and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Councilman Roache made a motion, seconded by Councilman Proctor to accept the above USDA Loan Resolution #14-20. Motion carried unanimously.

Brumagin – Aye

Burmaster – Aye

Proctor – Aye

Roache – Aye

Watrous – Aye

- Supervisor Brumagin reported that the Findley Lake Volunteer Fire Department reported a balance of \$68,000 in its Equipment Capital Account and that, as required under the contract with the Town, the fire department must receive approval from the Town to use

funds from the account. The department is requesting to use \$60,000 from the account to purchase a used fire truck. Councilman Watrous made a motion, seconded by Councilman Burmaster to approve the use of \$60,000 out of the fire department's Equipment Capital Account to purchase the fire truck. Motion carried unanimously.

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

Nays – 0

- Supervisor Brumagin reported that the Findley Lake Postmaster asked that an accessible parking space be provided in front of the Post Office. The Post Office is owned by Paul Fellingner and Mary Ford and they submitted a letter to the Town requesting support for the erection of a sign for accessible parking. New York State is responsible for erecting the sign designating a space and after that has been completed, the Town can request a highway work permit from NYS to paint an accessible logo on the pavement.

Resolution #15-20

BE IT RESOLVED that at a regular meeting of the Mina Town Board held on Thursday, July 9, 2020 that Town Supervisor Rebecca N. Brumagin informed the Town of Mina Board that a request was made to her office that New York State Department of Transportation erect an accessible parking sign at 10404 Main Street (NY State Routes 426 and 430), Findley Lake, NY in front of the United States Post Office and she requested that the Mina Town Board support the installation of such a sign by New York State designating a parking spot for individuals with disabilities to better access the Findley Lake Post Office.

The resolution was approved upon a motion by Councilman Watrous that was seconded by Councilman Roache.

Ayes – Brumagin, Burmaster, Proctor, Roache, Watrous

Nays – 0

- Supervisor Brumagin reported that Mark Williams who owns property on Main Street verbally requested that there be an accessible parking space designated on Main Street. Councilman Burmaster asked if it would be placed a safe distance from the intersection. Supervisor Brumagin stated that the State would determine through a field inspection what would be an appropriate distance for the location of the parking spot.

Resolution #16-20

BE IT RESOLVED that at a regular meeting of the Mina Town Board held on Thursday, July 9, 2020 that Town Supervisor Rebecca N. Brumagin informed the Town of Mina Board that a request was made to her office that New York State Department of Transportation erect an accessible parking sign at 10365 Main Street (NY State Routes 426 and 430), Findley Lake, NY and she requested that the Mina Town Board support the installation of such a sign by New York State designating a parking spot for individuals with disabilities to better access the retail and service businesses in downtown Findley Lake.

The resolution was approved upon a motion by Councilman Roache that was seconded by Councilman Proctor.

Ayes – Brumagin, Burmaster, Proctor, Roache, Watrous

Nays – 0

- Supervisor Brumagin appointed Councilman Watrous to serve in the position of Deputy Supervisor to replace Councilman Luce who resigned in June.
- Councilman Burmaster made a motion, seconded by Councilman Proctor for the Town Justice to submit a JCAP Grant for COVID-19 related expenses not to exceed \$1,000. Motion carried unanimously.

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

- Supervisor Brumagin reported on the New York State Picnic Access Area on Sunnyside. She will contact the town attorney about how the town can secure a clear deed to the property.
- Supervisor Brumagin reported that the County Sewer District Workgroup has been moved to inactive status by Chautauqua County as it did not receive inter-municipal support. Supervisor Brumagin will be appointing a local workgroup to examine options for the Town's consideration and she appointed Councilman Proctor to serve on this group with her. She will also be appointing representatives from the Findley Lake Watershed Foundation and Chautauqua County.
- Supervisor Brumagin reported that the Findley Lake Triathlon Festival which is organized by Mark Wilson will be held August 1, 2020. He submitted a COVID-19 precautions plan in keeping with the Governor's Executive Orders. Discussion was held.
- Supervisor Brumagin reported that the new one-ton truck has been delivered to the dealership and a new plow will be mounted on the truck before the Town picks it up. Councilman Roache made a motion seconded by Councilman Burmaster to pay the invoice for the truck in an amount not to exceed \$30,000 when the town takes delivery of the truck instead of waiting for approval of the bill at the next town board meeting. Motion carried unanimously.

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

Nays – 0

- Supervisor Brumagin reported she received information on the NYMIR Sexual Harassment and Discrimination annual training and she will email the information to town board members.
- Melanie Eddy requested in her report that the Town develop a fee/fine schedule for repeat offenders who build without a building permit. Town board members discussed the need for more detail on what constitutes an offense and what are the proposed steps that the Town would follow to designate someone as a repeat offender. Discussion was held and the topic will be placed under old business for next month's meeting.
- The next regular town board meeting will be held on Thursday, August 13, 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 #135 through #161 in the amount of \$12,030.28 and in the Highway Fund claim #79H through #95H in the amount of \$146,159.78 were approved to pay. Motion carried unanimously.

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

Nays – 0

Other Business/Actions:

- As there was no further business to come before the Board, Councilman Burmaster moved to adjourn the meeting at 8:52 p.m.

Respectfully submitted,

Audrey Sliker
Deputy Town Clerk