

**Special Meeting**  
**Time Warner Cable**  
**Held at Cuba Fire Department**  
**51 E. Main St., Cuba, NY**

**Present:**

Supervisor: Barbara Deming

Council Persons: Lynnford Sweet, Gary Gluck, Robert Carney

**Also Present:** Nancy Orcutt, Town Clerk**Absent:** Jerry Scott, Lynnford Sweet, Council Persons

The Hearing began at 6:45 PM with the Pledge of Allegiance. Deming explained the reason for the meeting was to correct the length of the Time Warner Cable Contract. At the regular meeting held on November 9, 2011, the length of term stated for the contract was five years. This was inaccurate. Carney motioned to extend the contract for ten years, seconded by Gluck, all in favor, motion passed. After a brief discussion, Carney motioned to lobby free internet service. Gluck seconded this, all in favor, motion passed. At 6:52 PM, the meeting adjourned.

**Joint Public Hearing Between the**  
**Cuba Town Board and the Cuba Trustees**  
**Located at Cuba Fire Department**  
**51 E. Main St., Cuba, NY**  
**Regarding Cuba Joint Fire District**

**Present:**

Supervisor: Barbara Deming

Council Persons: Gary Gluck, Robert Carney

Mayor: Thomas Taylor

Trustees: Michael Doyle, Judy Zayac, Patricia Petroni, Andrew Gaeta

**Also Present:** Nancy Orcutt, Cuba Town Clerk, Diane Wilson, Village Clerk, Mark Butler, Attorney for the Cuba Fire Department, David Hardman and Tab Loftis, representing the Fire Department**Absent:** Jerry Scott, and Lynn Sweet, Council Persons

With over twenty people in attendance, Mayor Taylor and Supervisor Deming opened their respective meetings at 7:00 PM with the Pledge of Allegiance. Tab Loftis gave an introduction on the importance of having a Joint Fire District. Dave Hardman followed up with a brief history of the Department. Mark Butler then gave his presentation on what a fire district is and how it operates. A fire district is a political subdivision of the state; it is the same as a town or village. The District becomes the municipal entity; it is responsible for fire protection instead of the Village. The boundaries are the whole of the Town and Village of Cuba and taxes levied on the whole district equally for fire protection. Nothing changes for the Fire Department. The only change is the Authority over the Department, from Village to Fire District.

There is a mandatory public budget process just like for the Town and the Village. There is a statutory cap on the budget and mandatory bond vote for any borrowing, unlike the Town or Village. The District must use low bid process, annual elections, open meetings, annual financial report is required, and an annual outside audit is required and goes on file with the Town and New York State Comptroller.

A Board of Fire Commissioners operates the Fire District. This is equivalent to a Town and Village Board. Its sole purpose is fire protection. Commissioners and the treasurer are publically elected municipal officials while the Secretary is appointed. Qualifications of Commissioner are to be at least 18 years old, not a Chief in the Fire Department, has no arson convictions and he may be a Department member. The initial five commissioners and the treasurer would be appointed to serve until December 31, 2012. The first election would be held on December 11, 2012 and they would take office on January 1, 2013. Terms are staggered based on votes. The first meeting is the organizational meeting with the treasurer as temporary chair. The District Secretary is then appointed.

There is a separate tax across the whole Fire District. It is based on taxable real property in the District. The tax rate equals the budget total divided by the assessed valuation. The estimated rate for Town and Village of Cuba is \$1.67 per thousand. Mr. Butler concluded by stating the benefits of a Fire District are that everyone pays the same rate, it is a single purpose entity whose sole purpose is public safety, it has direct voter approval on commissioner elections and all borrowing and has an open budget process.

After Mr. Butler finished fielding several questions from the audience, Larry Dye introduced himself and gave a detailed list of qualifications he possesses from 50 years of service in Fire Protection with our current Department and Allegany County. He gave his 100% approval of forming a district. Through his insurance agency, they insure 18 Fire Districts. He also told of the overwhelming support of the community over the years to the Department.

Mr. Butler asked the Town and Village Boards to consider the formation of the Joint Fire District. A roll call vote shows Deming, Carney, Gluck, Taylor, Doyle, Gaeta, and Petroni voting yes. Zayac votes no and Scott and Sweet were absent.

The Resolution for the short form SEQR was read and roll call vote shows Deming, Carney and Gluck voting yes, Taylor, Doyle, Petroni, Gaeta, yes, Zayac, abstained, Sweet and Scott, absent.

Attached are the Resolutions of Approval of Creation of Cuba Joint Fire District. All other resolutions are on file in the Town Clerk's Office.

## Resolutions of Negative Declaration Under SEQRA in Connection With Consideration of Creation of Cuba Joint Fire District

WHEREAS, the Town Board of the Town of Cuba duly considered the short form EAF presented to it in connection with the creation of a proposed Joint Fire District with the Board of Trustees of the Village of Cuba,

NOW, THEREFORE it is

RESOLVED, that the said short EAF with both parts 1 and 2 filled out be attached to this resolution for inclusion in the Town's Records, and it is further

RESOLVED, that the proposed creation of a joint fire district could not create any adverse effects as described in Part 2 section C of the EAF because the proposal entails no new construction or activity and is simply a change in the method of paying for the fire protection which is already being provided and it is further

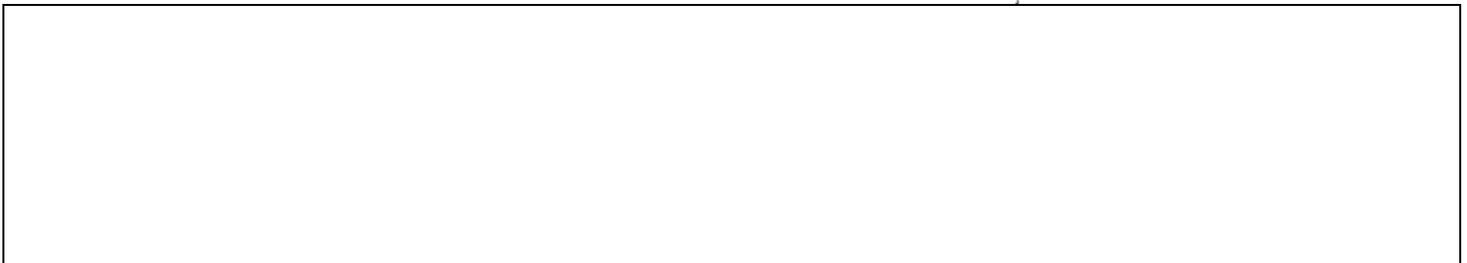
RESOLVED, that the Town issue a negative declaration in connection with the SEQRA review of this project, and it is further

RESOLVED, that the Supervisor is hereby authorized and directed to endorse the said negative declaration on Part 3 of the short-EAF attached hereto.

On the resolution:

1. Barbara Deming
2. [Signature]
3. [Signature]
4. \_\_\_\_\_
5. \_\_\_\_\_

Dated: November 21, 2011



## **Resolutions of Approval of Creation of Cuba Joint Fire District**

### **Town of Cuba**

Resolutions approving the creation and establishment of a joint fire district encompassing the whole of the Town of Cuba and the Village of Cuba.

WHEREAS, The Town Board of the Town of Cuba, following a joint public hearing with the Board of Trustees of the Village of Cuba on November 21, 2011 regarding the establishment of joint fire district encompassing the whole of the Town of Cuba and the Village of Cuba, hereby adopts the following resolutions:

RESOLVED, that the Town Board of the Town of Cuba determines that the notice of public hearing on the formation of proposed Cuba Joint Fire District has been properly published and posted, and it is further

RESOLVED, that such public hearing was duly held, jointly with the Village of Cuba, and it is further

RESOLVED, that the Town has complied with the provisions of the State Environmental Quality Review Act, and has duly issued its Negative Declaration, and it is further

RESOLVED, that all property and owners in the proposed district are benefited, and it is further,

RESOLVED, that all benefited property and owners are located within the proposed district, and it is further,

RESOLVED, that formation of proposed Cuba Joint Fire District is in the public interest, and it is further

RESOLVED, that the creation of Cuba Joint Fire District is approved, subject to permissive referendum as provided in Town Law, and it is further

RESOLVED, that the boundaries of the said Cuba Joint Fire District shall be as set forth in the attached Schedule A, and it is further

RESOLVED, that the said District shall be governed by a Board of Commissioners to be five (5) in number, and it is further

RESOLVED, that the said commissioners shall be elected in the manner described in Town Law section 189-e and Town Law Article 11, and it is further

November 21, 2011

RESOLVED, that the Clerk of this Municipality is authorized and directed to publish and post a notice of adoption of this resolution subject to permissive referendum and it is further

RESOLVED, that upon expiration of the referendum period, if no petition for permissive referendum is filed, the Town Clerk is authorized and directed to file a copy of this resolution with the Allegany County Clerk and the office of the State Comptroller department of audit and control and an affidavit showing that no petition requesting a referendum has been filed and the time to so file has expired, all in compliance with applicable law.

On the resolution:

1. Barbara Deming
2. Robert A. Deming
3. Robert A. Deming
4. \_\_\_\_\_
5. \_\_\_\_\_

Dated: November 21, 2011

Meeting was adjourned with a motion from Carney and the second of Deming at 8:37 PM.

Respectfully Submitted,

Nancy A. Orcutt  
Town Clerk  
Town of Cuba