

**Organizational Meeting**  
**Of the Town Board of the Town of Cuba**

Held at the Cuba Circulating Library, 39 E, Main Street, Cuba, NY 14727

**Present:**

**Supervisor:** Barbara Deming  
**Council Persons:** Robert Carney, Lynnford Sweet, Joseph Miller, Jeffrey Dahill  
**Also Present:** Nancy Orcutt, Town Clerk, Dustin Burch, Police Chief,  
Gary Fries, Ambulance Administrator

At 6:55 PM, prior to the Organizational Meeting, Nancy Orcutt, Town Clerk, administered the Oath of Office to the following new Town Officials; Barbara Deming, Supervisor and Board of Ethics, Joseph Miller and Jeffrey Dahill, Council Persons, Merlin Briggs and Thomas Cucchiaro, Assessors, Steven Nease, Highway Superintendent, Richard Patter, Dog Control Officer, and Gary Gluck, Board of Ethics.

Immediately following, Supervisor Deming opened the Organizational Meeting with the Pledge of Allegiance. Deming announced the following information.

**Town Officials:**

<b><u>Supervisor</u></b>	Barbara Deming 585-968-1853
<b><u>Deputy Supervisor</u></b>	Robert Carney 716-474-7145
<b><u>Town Clerk/Collector</u></b>	Nancy Orcutt 585-968-8113
<b><u>Town Justice</u></b>	James Keough 585-968-3587
	Paul Conklin 585-968-3699
<b><u>Council</u></b>	Robert Carney 716-474-7145
	Lynnford Sweet 585-968-1735
	Joseph Miller 585-808-5100
	Jeffrey Dahill 716-485-8271
<b><u>Assessor</u></b>	Merlin Briggs 585-968-1409
	David Crowley 585-968-2783
	Thomas Cucchiaro 585-968-3732
<b><u>Board of Review</u></b>	Michael Miller 585-968-3732
	William Warren 585-968-3215
	William Allis 585-968-2171
<b><u>Highway Supt.</u></b>	Steven Nease 585-968-4243
<b><u>Town Historian</u></b>	David Crowley 585-968-2783
<b><u>Dog Control Officer</u></b>	Richard Patterer 716-307-2208
<b><u>Police Chief</u></b>	Dustin Burch 585-968-1666
<b><u>Ambulance Admin.</u></b>	Gary Fries 585-968-1666
<b><u>Code Enforcement</u></b>	Walter Putt 716-378-7255
<b><u>Attorney for the Town</u></b>	David Pullen 585-567-2222
<b><u>Fair Housing Admin.</u></b>	Nancy Mereday

A motion offered by Sweet, seconded by Carney, to maintain the Town bank accounts as they have been in past years. All in favor, motion passed.

Carney motioned to appoint Gary Fries to the post of Ambulance Administrator. Sweet seconded the motion, all in favor, motion passed.

Miller offered the motion to appoint Barbara Deming, Jerry Scott, and Gary Gluck to the Board of Ethics. Carney seconded, all in favor, motion passed.

### **Appointments and Designations for 2012**

The depository is Five Star Bank for all account, with the exception of the Town Clerk's Account, which are with Community Bank.

Monthly meetings will be the second Tuesday of the month at 7PM at the Cuba Library, 39 E. Main St., Cuba, NY.

**The official newspaper** is the Cuba Patriot

**Deputy Supervisor** is Robert Carney

**Registrar of Vital Statistics** is Nancy Orcutt

**Deputy Town Clerk** is Jeff Orcutt

**Police Commissioner** is Barbara Deming

**Historian** is David Crowley

**Dog Control Officer** is Richard Patterer

**Ambulance Administrator** is Gary Fries

### **Committee Appointments for 2012**

**Police Committee** is Barbara Deming and Dustin Burch

**Highway Committee** is Robert Carney and Steven Nease

**Ambulance Committee** is Lynnford Sweet and Gary Fries

**Equipment Committee** is Robert Carney, Steven Nease, and Dustin Burch

**Budget Committee** is the entire Town Board

**Board of Ethics Committee** is Barbara Deming, Jerry Scott, and Gary Gluck

**Fair Housing Administrator** is Nancy Mereday

**Regular Meeting**  
**Of the Town Board of the Town of Cuba**

Held at the Cuba Circulating Library, 39 E. Main St., Cuba, NY

Present:

Supervisor: Barbara Deming

Council Persons: Robert Carney, Lynnford Sweet, Joseph Miller, Jeffrey Dahill

Also Present: Nancy Orcutt, Town Clerk, Dustin Burch, Police Chief,  
 Gary Fries, Ambulance Administrator

Immediately following the Organizational Meeting, Deming opened the Regular Meeting of the Town Board. With the Pledge of Allegiance already said, she proceeded to item two on the Agenda.

**10 Minutes for Public Comments:** Cale Ungermann questioned the 2% Tax Cap mandated by New York State. Deming explained the Town is within the Cap. The State issued a formula for computing the total tax levy and handed him a copy. The Budget Cap for 2012 for the Town had to come under \$1,290,698.00 and the Town is approximately \$700 under that total.

Lynn Volk asked about the new tax for the Joint Fire District. At the Hearing held in November, the Town and Village Boards passed a resolution to form the District, subject to a permissive referendum. This means a petition is circulated and a specific number of minimum signatures need to be obtained to bring the decision to a public vote. The Town did receive a petition with more than the required number of signatures. Deming stated this would be discussed in detail later in the meeting.

**Approve Minutes of Previous Meeting 12/13/2011:** Sweet motioned to accept the Minutes as presented by the Clerk; Carney seconded the motion, all in favor, Minutes approved. There were questions concerning the posting of the Minutes on the website. The Clerk explained that what happened is that when there is a Special Meeting, the Regular Meeting Minutes are attached to the special meeting. In the future, Orcutt will see to it that the Minutes are placed in both sections.

**Approve the Supervisor's Report for December 2011:** Sweet motioned to accept the Supervisor's Report as given, seconded by Dahill, all in favor motion passed. The General Fund received \$16,397.84 and dispersed \$134,594.38, while the Highway Fund received \$25,313.09 and dispersed \$39,513.48. The Capital Fund received and dispersed \$18,345.74.

**Approve General & Highway Abstract for January 2012:** The General Fund dispersed \$36,857.85, Highway, \$28,502.37, and the Capital Fund, \$73,728.99. Sweet motioned to approve the Abstract, seconded by Dahill. All in favor, motion passed.

**Clerk's Correspondence:** The Legion has applied for a Raffle License for 2012. Sweet motioned to accept the application, seconded by Miller. With total Board agreement, application accepted. In 2011, The Town took full responsibility for the licensing of dogs.

Cuba has 704 dogs licensed for 2011, 518 being renewals and 186 new licenses. Currently 693 licenses are active leaving 11 dogs licensed to late renewals. The Clerk also started in March 2011 selling Landfill tickets for the County. There were 80 tickets sold generating revenue of \$78.50 for the Town.

**Board Comments:** New Board members were welcomed. Miller and Dahill commented they are always available. Deming also welcomed new officials, Tom Cucchiaro, Assessor, and Richard Patterer, Dog Control Officer.

**Police Department Comments:** Cuba Police responded to 252 calls to service and developed 46 cases from these calls. The PD handled 19 motor vehicle accidents, 11 in the Town, 3 in the Village, and 5 on I-86. There were 31 traffic summons issued; 7 in the Town, 12 in the Village, 11 on the Lake, and 1 on I-86. The Department also handled 5 noise complaints, 8 motorist assists, 1 funeral escort, 23 vehicle lockouts, 1 parking ticket, 8 other assists, and 6 domestic disputes. The PD assisted the Ambulance on 10 calls. The Department conducted four safety car seat installations. As a reminder, another child ID session at the Library will be held on January 26 from 4PM – 7PM.

Carney asked if the Police reports could be on the website. Southern Tier West can add another line on our current site so the activities of the Department can be available for the public to view.

**Ambulance Comments:** Cuba Ambulance responded to 22 calls in December, with 18 transported to OGH. Out of these, 7 were critical care with Cuba handling all 7. There were three sign-offs. Thirteen calls were in the Village, 7 in the Town and 1 was on the Lake. The Ambulance handled one call for New Hudson. The new ambulance went into service on December 14, 2011. There is one small problem covered by warranty. The bus garage/ambulance shared services building is working out well so far. Aaron Appleby spearheaded the program. Fixing up and organizing is coming along well. Fries thanked all those who have helped to get things in order. Dahill asked about the agreement between the School and the Town. At this time, the agreement is verbal; both Boards have approved the joint service at their Board Meetings. The Police cars are now being stored inside. The move of the ambulances has created much needed space. A landline phone will be necessary in the future.

**Fire Department Comments:** Fire Chief Kevin Nutt reported the County meeting in Rushford is January 18. Nick Sweet will be at the fire hall Saturday, January 21 from 10AM – Noon. Training is taking place on January 24. Equipment night is January 31. Applications for new membership are coming in. Lighting for the fire hall will be updated, saving about \$1400 annually. Calls for December include a controlled burn, two false alarms, CO call, MVA, furnace motor smoldering and a car roll over.

**Highway Department Comments:**

Projects for the month of December:

- ✓ Plowing and sanding on 12 days
- ✓ Ditching on lower Hubbell hill
- ✓ Driveway pipe extension on Health Camp Road
- ✓ Cutting brush on Hubbell hill and Jackson Hill
- ✓ Cleaned plugged sluice pipe on Beebe Hill

- ✓ Repaired discharge sluice pipe on Beebe Hill

Equipment repairs include:

- ✓ 2003 Sterling exhaust and steering linkage repaired, inspection
- ✓ 1994 utility vehicle serviced
- ✓ 1994 Woodchuck brush chipper serviced
- ✓ 2009 Peterbilt tail light repaired
- ✓ Repaired fan in furnace
- ✓ F-550 Plow repaired

Nease noted that radios would need to be updated soon. Also the agreement for mutual aid needs to be renewed. This passed on the motion of Miller and second from Dahill.

Annual Report of Material Used:

- 805.71 tons of 7F blacktop
- 40.07 tons of binder
- 490.21 tons of rock salt
- 2226.05 tons of anti-skid sand
- 224 loads of crushed gravel \$31,086.72
- 106 loads of bank run gravel \$10,436.76
- 31 loads of screened gravel \$3,738.60
- 37 loads of oversized \$3,330.86
- 17 loads of asphalt millings \$4,590.00
- Cold mix paved .8 miles of North Branch Road
- Cold mix paved .2 miles of Townline Road
- Hot mix paved 700 feet of North Branch Road
- Chip sealed Maple Lane, Hammond Road, and Hilltop Road
- Gravel improvements to upper Hubbell Hill Stowell, and Beebe Hill roads
- 6 sluice pipe replacements (cross over pipes)
- 3 driveway replacements
- Roadside ditches cleaned on all of Hubbell Hill, Health Camp, upper part of Bump Road and Beebe Hill Road
- Spent 9 days cleaning up and making roads passable after the April flooding
- 9 FEMA projects pending reimbursement.

**Code Enforcement Report:** One insulation inspection

**Dog Control Report:** No report submitted by Steiner for December 2011.

**Old Business:**

**Single Audit:** The audit is now final and the report is forthcoming.

**New Ambulance:** Already covered.

**Sewer District #5:** Since there is a problem with the check valves, all the valves need replaced. The terms of the Grant stated all parts need to be American made. A change order submitted to Environment Facilities Corp. (EFC) and Rural Funding can add the cost of replacement to the loan. Discussion took place to sue for replacement cost. Deming explained if the Town were to take it to court, it would be a lengthy and expensive process. She has discussed this with two lawyers already. In the end, it would cost more to fight it than to pay for the valves and have it completed in a timely manner. The total is about \$270,000 for the replacements including restoration. The manufacturer of the valves has been through many lawsuits and they have won every case. Several other ideas presented were ways to enable the recovery of the cost of the valves. Documentation will take place when replacing the valves to see if the installation and backfill process was correct. There is concern this may be a part of the problem. A letter of intent will be sent to all those connected to the project, saying the Town may wish to seek reimbursement for the additional cost.

**Highway Union Contract:** The contract is completed and signed. Thanks go out to Sweet and Carney for their efforts.

**Ambulance Bay:** This has been already covered.

**Time Warner Contract:** All documents have been filed with Time Warner in late December. It takes several months for everything to fall into place with the FCC.

**Community Development Block Grant:** There is Grant money available for refurbishing the bus garage/ambulance bays under a shared services program. There are many things that could be done to enhance the use and appearance of the building Sweet motioned to write a grant for funding, seconded by Miller. All in favor, motion passed. Gary Fries has offered to write the Grant.

**New Business:**

**Telephones:** The Town has been looking into a company to help manage the phone service. Spector turned out to be the best choice. Service is still provided by Verizon, Spector is the go-to service to help with problems or upgrades. Sweet motioned to sign on with the company, saving about the cost of one phone bill per year. This was seconded by Carney, all in agreement, motion passed.

**Fire Department/Village Agreement/Election:** As mentioned earlier, a petition submitted under the permissive referendum brings the decision of the

formation of the Joint Fire District to a public vote. The Special Election needs held between February 19 and March 4, 2012. An agreement made between the Village and the Town is for the two to operate under the old contract until the vote is completed. The situation of the contract may be invalid depending on the outcome of the vote. Both agreed this is the best route to take for now. It was discussed if the Village would vote in the Special Election. The conclusion was drawn that the Village is a part of the Town, and should be given the right to have a say. Carney motioned to allow the Village to vote, seconded by Sweet, all in favor, motion accepted.

**Attorney Retainer:** Moved to Executive Session.

At 8:10PM, Carney motioned to adjourn the meeting to go into Executive Session. This part of the meeting is to discuss personnel.

At 8:53PM the regular meeting reconvened. Deming motioned to sign the retainer with David Pullen, seconded by Carney. Sweet, Miller and Dahill disagreed. Sweet motioned to advertise for an Attorney for the Town, seconded by Miller. Sweet, Miller and Dahill, yes, Deming and Carney, no. Motion to advertise for an Attorney for the Town passed.

The next meeting will be held on February 14, 2012 at the Cuba Library meeting room at 7PM.

Respectfully Submitted,

Nancy A. Orcutt  
Town Clerk  
Town of Cuba







