

**Regular Meeting**  
**Of the Town Board of the Town of Cuba**  
 Held at the Cuba Library, 39 East Main Street, Cuba, NY

**Present:**

Supervisor: Barbara Deming  
 Council Persons: Robert Carney, Joseph Miller, Jeffrey Dahill, Steven Nease  
 Also, Present: Nancy Orcutt, Town Clerk, Dustin Burch, Police Chief & Ambulance  
 Administrator, Chad Smith, Highway Supt.

Supervisor Deming called the meeting to order with the Pledge of Allegiance at 7:00pm.

**Public Comments:** Jeff Bradley is sitting in as correspondent for the Lake. Supervisor Deming announced that long time attendee to the meetings, Lynn Volk, has passed away after a short illness. He will be truly missed.

**Approve Minutes of Previous Meeting 04/08/2014:** Miller motioned to accept the Minutes as presented. Nease seconded, all in agreement, motion passed.

**Approve Supervisor's Report for April:** The Supervisor's Report showed the General Fund received \$783.90 and disbursed \$86,755.80; Highway Fund received \$0 and disbursed \$60,278.07. Dahill motioned to approve the Supervisor's Report as presented, seconded by Miller. All in favor, motion passed.

**Approve General & Highway Abstracts for May:** Carney motioned to approve the Abstract seconded by Dahill. All in favor, motion passed. The General Fund is \$37,710.17, Highway Fund is \$9, 1563.66, and the Sewer Fund is \$36,774.90.

**Board Comments:** Miller commented on the presentation given at the Opera House on the revitalization of Main Streets.

**Clerk's Comments:** Stewart Freeman has applied for a renewal of the Junk Yard Permit for Route 446. Nease motioned to approve, seconded by Dahill, all in favor, motion passed.

Orcutt made a proposal to the Board to start accepting credit and debit cards for Clerk Services. The company offering the services is Expresspay, a division of the same company that provides the online tax collection services set up by the County. Several points were discussed, such as there is no machine to swipe cards. The clerk will go to the website for payments and input the necessary information provided by the customer to complete the transaction. Since there is no cost to the Town for the service, the person using the service will be charged just under 3% plus a .28 cent transaction fee. The money is deposited directly into the Clerk's Account. The Town and County Tax bills will be able to be paid in the same manner or at the convenience of the taxpayer from their own computer at home. Taxes will be deposited into the Tax Account. At the end of the discussion, Miller motioned for the Clerk to set up the system, seconded by Carney. Because there would no longer be a need for a third account for the sporting licenses, Dahill motioned for the Clerk to close the account, seconded by Miller. All in favor, both

motions passed. It will take some time to get everything set up and in place. No date is set as of yet for the service to go into effect.

**Police Department Comments:** Cuba Police responded to 328 calls to service in April and developed 19 cases. The Police Department handled 7 motor vehicle accidents, 3 in the Town, 4 in the Village, 0 on the Lake and 0 on I-86. There were 15 traffic summons issued (5 in the Town, 9 in the Village, and 1 on the Lake). The Department also handled 1 noise complaint, 7 motorist assists, 17 vehicle lock-outs, 3 parking tickets, 8 other agency assists, and 8 domestic disputes. The Police Department assisted the Ambulance on 14 calls. Twenty-six pill drop offs were completed and 34 business funds escorts were completed. Patrols monitored the elementary and high school zones and completed 23 walkthroughs.

The PBA is having a chicken barbecue on June 7 at Fireman's Park from 11 am until gone. This will benefit the K-9 Unit to fund any unforeseen expenses. A grant for a radar board to use on the Lake has been sent in. Burch is looking into traffic flow signs to alleviate expected congestion around the Lake with the opening of the Indian Casino. Burch also commented that he has been approached by citizens about 2 officers in the car at one time. The department is field training new officers, and the trainees work shifts at no charge to the Town.

**Ambulance Comments:** Cuba Ambulance responded to 27 calls for service in the month of April. 18 of those calls were taken to Olean General Hospital, 3 were taken to Jones Memorial Hospital and 4 were sign offs. 10 of these calls were critical care with Cuba handling 5 and MTS 2, and Olean 10 handling 3. 10 of these calls were in the Village of Cuba, 11 in the Town of Cuba, 2 on the Lake, 2 in New Hudson, 1 mutual aid to West Clarksville.

The Nasal Narcan training is complete for all EMTs.

**Highway Department Comments:**

Worked performed in April included the following services:

- Cutting brush on Stout and Prospect streets
- Ditching on Stout Road
- Swept all roads once, some twice
- Grading dirt roads, about 5 left
- Started hot patching pot holes

Equipment Repairs:

- Serviced excavator
- Serviced grader, parts are becoming hard to find
- Replaced exhaust on sterling
- Replaced air dryer on Peterbilt

The condition and age of the grader was discussed at length. Smith is to research leasing a new one.

**Dog Control Officer Comments:**

- ❖ Responded to a call about the welfare of a dog/ all OK
- ❖ An unidentified dog running at large in the Village was taken to Joyful Rescues
- ❖ Two complaints that dog owners are not keeping their dogs properly restrained
- ❖ Report of missing dog/found

- ❖ Two dogs corralled until DCO arrived. Identified and returned to owner
- ❖ Report a dog "nipped" at a walker. Will talk to owner
- ❖ Followed up on dangerous dog cases and delivered unlicensed dog tickets

**Code Enforcement Comments:**

- Inspected footers at 9207 West Cuba Road
- Permit was written for the demo and rebuild of a garage on Maple Lane
- 4260 Route 305 had final inspection and certificate of occupancy written
- Permit written for a new home at 349 North Shore Road.

**Old Business:**

**Town Prosecutor:** Miller has exhausted all possibilities of Cuba maintaining a Town Prosecutor. As long as the current DA is in office, he will not allow this to happen in Allegany County.

**Town Hall Agreement:** The Board reviewed the agreement between the School and the Town on the takeover of the Annex Building as Town Hall. After some discussion Miller motioned to have Deming sign the agreement. This was seconded by Dahill. With the agreement of the Board, motion passed.

**New Business:**

**North Cuba Cemetery:** The Town is in need of a caretaker for the cemetery as the current one is moving away. After a brief discussion the subject was tabled until next month.

**Local Speed Limits:** Nadine Lemmone, Albany Legislative Advocate, has submitted a resolution for the Town's consideration giving local governments the ability to set their own speed limits. After some discussion, Carney motioned to accept the resolution, seconded by Miller. All in favor, passed. A copy is attached at the end of the Minutes.

**Job Track Agreement:** Tabled for further review.

**EMB-RMSCO Agreement:** This has to do with the debit cards use by the Police and Highway Departments for insurance. An agreement needs to be signed to coincide with the Affordable Care Act. Miller motioned to allow Deming to sign the agreement. Dahill seconded, all agreed. Motion passed.

**Mowing Contracts:** Since no bids have been submitted for the care of Town Hall and Water Street Properties, Dave Fries and Dave Fuller will be approached concerning the opportunity.

A motion to adjourn to executive session to discuss personnel was made by Carney and seconded by Dahill at 7:48 pm. All in favor, passed.

At 8:10 pm, the meeting reopened where Carney motioned to relieve Alan Sweet from the Ambulance Squad. Motion seconded by Dahill. All agreed, passed.

Thomas Feneran, Brian Quinn and Sierra Rose were hired as drivers for the Ambulance by motion from Miller and second from Dahill. All agreed, passed.

At 8:13 pm the meeting was adjourned by Dahill's motion, Carney's second and agreement of the Board.

Respectfully Submitted,

Nancy A. Orcutt  
Town Clerk, Town of Cuba

DRAFT

Resolution of the [village, town/city of] CUBA

Concerning: Local Control of Speed Limits

Date: 5-13-14

WHEREAS, lowering speeds on our local roads can be an effective way to improve the safety of our community. Speed kills. Vehicles traveling at higher speeds cause more crashes because drivers don't have time to slow down. Crashes at higher speeds are also more deadly, because of the physics involved. Vehicle on pedestrian crashes that occur at 30 mph are ten times as deadly as crashes which happen at 20 mph.

WHEREAS, lowering speeds is especially important in areas that attract pedestrian traffic—such as business and residential areas—and where children congregate, given that children lack the ability to accurately perceive vehicle speeds until they begin puberty. In 2012, New York State had the worst record in the nation for pedestrian and bicyclist fatalities—27% of the fatalities on our roads were either a pedestrian or a bicyclist. These are preventable deaths.

WHEREAS, despite the fact that New York State is a home rule state, existing state law prohibits municipalities from setting their own speed limits. Villages and cities can lower their speed limits to 25 on a street-by-street basis, but counties and non-suburban towns must petition the Department of Transportation to do even that. No municipality can adopt an area speed limit that is lower than 30 miles per hour. In order to attain the authority to change the limit, municipalities must get a state law passed, a time-consuming procedure that is rarely successful. There are 932 towns, 62 cities, 551 villages, and 62 counties in New York State. Changing the law one municipality at a time is a piecemeal approach that makes no sense.

WHEREAS, villages, towns and cities with the power to choose a lower speed limit would have a powerful, low-cost tool to create calmer and safer streets; and calmer streets have been proven to promote retail activity and increase residential property values.

WHEREAS, our constituents, correctly, hold us accountable for their health, safety and welfare in a way that comports with our jurisdictions' distinct characteristics. In order to protect them and help our communities thrive, we need the ability to set our localities' own speed limit. To force an inflexible, one-size-fits-all statutory scheme on all of us is an untenable state mandate.

NOW, THEREFORE, BE IT RESOLVED that the [village, town city] of [CUBA] recognizes the importance of local decision-making in a home rule state, and asserts that municipalities should have the authority to lower the speed limit on local roads, in appropriate areas, to improve the safety of our New York State communities.

**BE IT FURTHER RESOLVED** that the [village, town, city] [board, council] authorizes the [Mayor/Supervisor] to sign on to the attached letter to the Governor requesting that the state law be changed to provide municipalities with more home-rule authority over speed limits.

**BE IT FURTHER RESOLVED** that this resolution will be sent to:

Our state senator and assembly member  
Senator Robach, Chair of the NYS Senate Transportation Committee  
Assemblyman Gantt, Chair of the NYS Assembly Transportation Committee  
Speaker Silver  
Senate Majority Leader Skelos  
Senate Majority Leader Klein  
Governor Cuomo