

Public Hearing
Of the Town Board of the Town of Cuba
On Resolution To Exceed NY State Tax Cap of 0.73%

Held at the Cuba Library, 39 East Main Street, Cuba, NY

Present:

Supervisor: Robert Carney
 Council Persons: Joseph Miller, Steven Nease, Daniel McGraw
 Also, Present: Nancy Orcutt, Town Clerk
 Absent: Jerry Scott, Council Person

Supervisor Carney called the Hearing to order with the Pledge of Allegiance at 6:30 pm.

With only two people in attendance, Carney explained the need to override the tax cap for the 2016 budget. There have been several workshops between the council members and heads of departments. They have been whittling down the figures to near bare bones. There will be one more workshop to finalize the preliminary budget for the November 1st availability for public viewing. The health insurance and mandated retirement increases alone put the Town over the 0.73% limit. In the past 5 years that the tax cap has been in place, the Town has kept under the 2% limit by using the unexpended funds. Now that the funds are spent, there is the need to pass a local law authorizing a property tax levy in excess of the limit established in General Municipal Law 3-c. The Town is required to submit to the Office of the State Comptroller the information they used to calculate the tax levy limit for the Town. The Board will continue to be frugal in spending. At 6:57 pm Miller motioned to close the hearing, seconded by McGraw. All in favor, passed.

Regular Meeting
Of the Town Board of the Town of Cuba

Held at the Cuba Library, 39 East Main Street, Cuba, NY

Present:

Supervisor: Robert Carney
 Council Persons: Joseph Miller, Steven Nease, Daniel McGraw
 Also, Present: Nancy Orcutt, Town Clerk,
 Dustin Burch, Police Chief & Ambulance Administrator,
 Chad Smith, Highway Supt.
 Absent: Jerry Scott, Council Person

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

Approve Minutes of Previous Meeting 09/08/2015: McGraw motioned to accept the Minutes as presented. Miller seconded, all in agreement, motion passed.

Approve Supervisor's Report for September: The General Fund received \$46,814.28 and disbursed \$69,985.43 while the Highway Fund Received \$138,627.83 and disbursed \$26,301.68. Miller motioned to accept the Supervisor's Report as presented, seconded by McGraw. All in favor, passed.

Approve General & Highway Abstracts for October: Nease motioned to approve the Abstract, Miller seconded, all agreed, passed. The General Fund is \$73,514.10 and the Highway Fund totaled \$23,192.30.

Board Comments: McGraw noted that the Water Street lot that is for sale is no longer listed. He offered to find another realtor to list with and will return next month with quote/contract. His offer was accepted by Carney. McGraw also requested a Sewer District report be submitted monthly, same as Police, Highway, etc. Dana Harvey will be notified to submit the report monthly to the Clerk for distribution.

Police Department Comments: Cuba Police responded to 296 calls to service and developed 28 cases from these. The Police Department handled 11 motor vehicle accidents, 6 in the Town, 4 in the Village, 0 on the Lake and 1 on I-86. There were 28 Traffic Stops conducted with 24 Traffic Summons issued, 13 in the Town, 8 in the Village, 2 on the Lake and 1 on I-86. The Police Department also handled 5 noise complaints, 11 motorist assists, 0 funeral escort, 8 vehicle lock-outs, 0 parking tickets/complaints, 6 domestic disputes, and 6 other agency assists. The Police Department assisted the Ambulance on 14 calls. The Police Department conducted 2 safety car seat installations. Pill drop offs completed were 5. Business funds escorts totaled 17. Patrols checked Cuba businesses 21 times and properties of residents out of town 13 times.

The Village will hold Trick-or Treating on Saturday, October 31 between 6 & 8 pm. Free glow sticks are available at the police department for the children to help make them more visible.

Ambulance Comments: Cuba Ambulance Service responded to a total of 45 calls to service. Of those calls 24 were taken to Olean General Hospital, 9 sign-offs, 1 Mercy Flight and 9 were stand-by, 2 DOA, and 1 call cancelled. Out of 15 Critical Care calls, Cuba took 14 and Olean 10, 1.

Highway Department Comments:

Worked performed included the following services:

- Worked on Jackson Hill Road
- Ditching on Bump and Beebe Hill roads
- Changed crossover pipe on Beebe Hill Road
- Took old sand and salt out of sand and salt building and presser washed wall, sealed and repainted wall
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Equipment Repairs:

- Replaced U-bolt shackles
- Rebuilt the snow plow for Sterling
- Replaced lift cylinder on Sterling

Dog Control Officer Comments:

- ❖ Handled 3 calls with disputes between neighbors

Code Enforcement Comments:

- Picked up and dropped off permits
- Fielded questions
- Permit written for a deck at 4201 Hamilton Hill Road
- Second violation notice written for 85 South Shore Road
- Violation notice written for unsafe building at Maple Lane and Route 305
- Permit written for an addition to 233 West Shore Road
- Permit written for a re-roof and deck extension at 33 South Shore Road
- Certificate of occupancy written for 8947 Burlingame Road
- Permit written for a deck at 85 South Shore Road

Old Business:

CRCS has agreed to a shared services agreement that utilizes the Cuba Police Department for School Resources Officer services.

The majority of the new building has been completed. Phones and security system will be installed later this month. The Servers are to be moved the 2nd week in November. The emergency exit modifications are underway.

The sewer pump upgrade at the school is completed.

New Business:

Resolution to amend the budget: Miller offered the motion to amend the budget reflecting appropriation line transfers that were previously omitted in error by the accounting firm. McGraw seconded, all in agreement, passed.

Budget: The tentative budget has been compiled. The last workshop will be on October 20, 2015 at 6pm with the Board and department heads. There will be a public hearing scheduled for November 10 concerning the preliminary budget. The preliminary budget will be available for review at the Town Clerk's Office during regular business hours beginning the first week in November.

Resolution to exceed the tax cap: The resolution is attached at the end of the Minutes.

Resolution to proceed with B.A.N.: Carney explained that the Town would like to borrow \$45,000 to be able to complete the Town Hall and do some minor upgrades on the old building. There is still the need for Police bays, to complete the storage room and locker room, the evidence room, install an on demand water heater, fencing and window film. The old building will be used for dog shelter and highway storage. Once in the new building, substantial savings will be seen immediately as the heating bills are now over \$2,000 in the winter months. After some discussion, Miller motioned that the Town Board should authorize the B.A.N. in the amount of \$45,000 with the stipulation that when the Water Street property is sold the funds will be used make a balloon payment on the B.A.N. Nease seconded, roll call vote showed all voted aye with Scott being absent. The resolution is attached to the end of the minutes.

At 8:00 pm Miller motioned to go into executive session to discuss personnel. This was seconded by McGraw, all in favor.

At 8:07 pm the regular meeting reconvened where, with no further business to discuss, Miller made the motion to adjourn, followed by McGraw's second. All in favor, adjourned.

Respectfully Submitted,

Nancy A. Orcutt
Town Clerk, Town of Cuba

At a Regular Meeting of the Town Board of the Town of Cuba, Allegany County, New York, held at the Cuba Library, 39 East Main Street, Cuba, New York on the 13th day of October, 2015, at 7:00 P.M. the following were:

PRESENT: Robert Carney, Supervisor
Steven Nease, Deputy Supervisor and Councilman
Jerry Scott, Councilman - *absent*
Daniel McGraw, Councilman
Joseph Miller, Councilman

ABSENT: *Jerry Scott*

ALSO PRESENT: Nancy Orcutt, Town Clerk

The following resolution was offered by *Joseph Miller*, who moved its adoption and seconded by *Steven Nease*, to wit:

BOND RESOLUTION DATED OCTOBER 13, 2015 AUTHORIZING THE ISSUANCE OF \$45,000.00 SERIAL BONDS BY THE TOWN OF CUBA, ALLEGANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE PART OF THE COST OF RENOVATIONS TO THE NEW TOWN HALL BUILDING AND FORMER TOWN HALL BUILDING.

WHEREAS, the Town Board of the Town of Cuba, Allegany County, New York, by resolution duly adopted on January 11, 2005 authorized renovations to the new Town Hall building and former Town Hall building for use by the Town of Cuba Justice Court, Police Department, Assessor, Highway Department, Ambulance Department, Town Clerk and Town Supervisor, said renovations to be completed at a price of \$45,000.00, and

WHEREAS, it is now desired to provide for the financing of the renovations of the said new Town Hall building and former Town Hall building;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The renovations of the new Town Hall building and former Town Hall building are hereby authorized at a maximum cost of \$45,000.00.
2. The plan for the financing of said renovations of the new Town Hall building and former Town Hall building is by the issuance of \$45,000.00 serial bonds of said Town, pursuant to the Local Finance Law, which bonds are hereby authorized therefore; further details pertaining to said bonds may be prescribed in another resolution or resolutions of this board.

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ATTORNEYS AT LAW
21 MINARD STREET
FILLMORE, NEW YORK
14735-0182

C-2605-021

3. 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 said notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Said 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.

4. It is hereby determined that the period of the probable usefulness of the aforesaid object or purpose is ten years, pursuant to subdivision 13 of paragraph A of Section 11.00 of the Local Finance Law, and the said bonds will mature over a period not in excess of five years.

5. The faith and credit of said Town of Cuba, Allegany County, New York are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively becomes due and payable.

6. The bonds hereby authorized are declared to be "exempt bonds" under the provisions of the Internal Revenue Code of 1986 inasmuch as the Town of Cuba will not issue more than \$10,000,000.00 of bonds during the year of issue.

7. The validity of such bonds or notes or any bond anticipation notes issued in anticipation of the sale of such bonds may be contested only if:

i. Such obligations are authorized for an object or purpose for which the municipality, school district or district corporation is not authorized to expend money, or

ii. The provisions of law which should be complied with at the date of the publication of such resolution or summary thereof, or certificate, as the case may be, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

iii. Such obligations are authorized in violation of the provisions of the constitution.

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

Robert Carney voting aye

Steven Nease voting aye

Jerry Scott voting absent

Daniel McGraw voting aye

Joseph Miller Voting aye

The resolution was thereupon declared duly adopted.

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21 MINARD STREET
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STATE OF NEW YORK)
)SS.:
 COUNTY OF ALLEGANY)

I, the undersigned, Nancy Orcutt, Clerk of the Town Board of the Town of Cuba, Allegany County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the regular meeting of the said Town Board including the resolution contained therein, held on the 13th day of October, 2015, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting, and that, pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date Given</u>
<i>Cuba Patriot</i>	<u>1-2</u> , 2015

and that further notice of the time and place of such meeting was given to the public by posting such notice in the following places on the following dates, and by giving such notice as follows:

<u>Location of Posted Notice</u>	<u>Other Method of Giving Notice</u>	<u>Date Given</u>
<i>Town Clerk Bulletin Board</i>	<i>Cuba Library Sign Board</i>	<u>1-2</u> , 2015

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Cuba this 13 day of October, 2015.

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Nancy A. Orcutt

 Nancy Orcutt
 Town Clerk
 Town of Cuba

AT A REGULAR MEETING of Town Board of the Town of Cuba, Allegany County, New York, held at the Cuba Library, Cuba, New York at 7:00 p.m. on October 13, 2015, the following were:

PRESENT: *Robert Carney, Daniel McGraw
Joseph Miller, Steven Nease*

ABSENT: *Jerry Scott*

ALSO PRESENT: Nancy Orcutt, Town Clerk

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE
Town of Cuba
OF LOCAL LAW NO. 1 OF 2015 [01-2015]

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Cuba for a public hearing to be held by said Governing Body on October 13, 2015 at the Cuba Circulating Library, to hear all interested parties on a proposed Local Law entitled **A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c**, and

WHEREAS, notice of said public hearing was duly advertised in the CubaPatriot, the official newspaper of said Town on 10-13, 2015 and,

WHEREAS, said public hearing was duly held on October 13, 2015 at 6:30 p.m. at the Cuba Library, East Main Street, Cuba, New York and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, the Town Board of the Town of Cuba, after due deliberation, finds it in the best interest of said Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cuba hereby adopts said Local Law No.1 of the year 2015 entitled:

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c

a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Cuba, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

I, Nancy Orcutt, Town Clerk of the Town of Cuba do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Cuba on October 13, 2015, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Robert Carney	<u>✓</u>	_____
Steve Nease	<u>✓</u>	_____
Dan McGraw	<u>✓</u>	_____
Jerry Scott	<u>absent</u>	_____
Joseph Miller	<u>✓</u>	_____

Dated: 13 October, 2015

Nancy A Orcutt
Nancy Orcutt, Town Clerk

