

**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, Timothy Ramsey,  
**Also, Present:** Nancy Orcutt, Town Clerk, Chad Smith, Hwy. Supt., Dustin Burch, Police Chief & Ambulance Administrator, Dana Harvey, Sewer District # 5 Maintenance  
**Absent:** Daniel McGraw, Council Person

Supervisor Carney opened the meeting at 7:00 pm with the Pledge of Allegiance.

**Public Comments:** Doug Rettig would like the Town Board to revisit the topic of a local ordinance pertaining to false alarms. The Town and Village should have a local ordinance in place in the event of multiple false alarms going off at the same location. This ordinance would provide a resolution to the situation. The Board agreed they will consider this again.

Rettig also talked about Peddler Permits. The Town does not require permits as the Village does. The peddler needs to check in with the Police Department, who will issue a letter to them to verify their authenticity. If a resident ever questions someone at their door, they may call the Police Department for verification.

**Approve Minutes 8/9/2016:** Miller motioned to accept the Minutes as presented by the Clerk. The second came from Ramsey, all in favor, passed.

**Approve Supervisor's Report for August:** The General Fund received \$5,355.51 and disbursed \$57,139.04 while the Highway Fund received \$245.29 and disbursed \$29,781.64. Miller motioned to accept the Supervisor's Report as presented, seconded by Nease. All in favor, passed.

**Approve General & Highway Abstracts for August:** The General Fund is \$50,244.62 and the Highway Fund totaled \$16,375.81 Miller motioned to accept the Abstract as presented plus the addition, seconded by Nease. All in favor, passed.

**Police Department Comments:** Cuba Police responded to 260 calls to service for August and developed 33 cases from these. The Police Department handled 10 motor vehicle accidents. There were 37 traffic stops conducted with 37 Traffic Summons issued. The Police Department also handled 2 noise complaints, 6 motorist assists, 10 vehicle lock-outs, 1 parking tickets/complaints, 8 domestic disputes, and 11 other agency assists. The Police Department assisted the Ambulance on 12 calls. Pill drop/needle offs completed were 2. Business funds escorts totaled 16. Patrols checked Cuba businesses and properties 28 times.

**Ambulance Comments:** Cuba Ambulance Service responded to a total of 34 calls to service for the month of August. Of those calls 19 were taken to Olean General Hospital, 1 went to Jones Memorial, 7 sign-offs, 1 was mutual aid, 2 were refusals, and 1 was taken by Mercy flight. 16 of these calls were critical care with Cuba handling 16 and Olean 10 handling 0.

**Highway Department Comments:**

Worked performed in August included the following services:

- Ditching on Bump Road
- Graveling Bump, Hopkins and Beebe Hill
- Grading Dirt roads
- Chip sealed West Main Street

**Equipment Repairs:**

- Put new blower cage in Mack
- Put new air governor in Peterbilt
- Put two new bearings in Harley rake
- Put rim on front of tractor

**Dog Control Comments:**

- Complaint of a dog bite, person was nipped and wanted to just make sure dog was up to date on its shots. Verified.
- Took 2 unidentified dogs to Joyful Rescues. Dogs were licensed the following day and picked up
- Unidentified dog found at Murdock's. Took to Joyful Rescues.

**Code Enforcement Comments:**

- Permits written for a metal roof, 1 pole barn, demo and rebuild garage
- Performed 1 final inspection
- Fielded several phone calls concerning projects

**Facilities Committee:** PESH inspection is finished and the Town is in compliance.

**Old Business:**

- **Keller Hill Bridge** project has been postponed until spring of 2017
- **Crown Vic** received a sealed bid after the deadline. After a brief discussion, Miller motioned to put it in the Monroe county auction in October as discussed last month. There will be a \$1200 minimum bid. If it does not sell this time, sealed bids will be advertised again. Nease seconded. All in favor, passed.

**Water Street Property:** The single bid received was for \$10,000 and the offer came from Dustin Burch. After a brief discussion, it was decided that it is better to have the property back on the tax roll creating revenue and being developed rather than remaining vacant. The proceeds of the sale will be returned to the building fund where it originated. The following resolution was passed;

**Whereas**, the Town of Cuba owns property on Water Street originally intended to be utilized for a new Town Hall, and

**Whereas**, the need has passed for this use of the property due to the purchase of a building from the school district, and

**Whereas**, the property has been listed with two separate realtors with no interest from any potential purchasers,

**Whereas**, the property was advertised for sale through sealed bids,

**Now therefore**, with a single bid being received, the Town Board, by motion from Joseph Miller and second from Timothy Ramsey, has accepted this bid in the amount of \$10,000 from Dustin Burch.

A roll call vote showed Ramsey, yea, Nease, yea, Miller, yea, Carney, yea, McGraw, absent.

This resolution passed and the Attorney for the Town will be contacted to start the paperwork. This is subject to a permissive referendum.

- **"Think Differently" Resolution** is tabled until this can be reviewed

**New Business:**

- **CRCS/CPD:** The School is providing funding of \$25,000 for a School Resource Officer for 40 weeks at 25 hours a week. They also have \$3,000 set aside for training materials. Jeremy Clawson has been selected to fill this position. He already has the training necessary.
- **Association of Towns Dues** for 2017 will be \$900. Dues are based on revenues of the Town.
- **Accord Corp** sent a notification of housing rehabilitation project proposals. The funding will improve communities by providing decent, safe, energy efficient housing. This is geared toward elderly and low and moderate income persons with disabilities. The Town will be notified when and if the grants are awarded for our area.

At 7:32 pm Miller motioned to adjourn to executive session. Ramsey seconded, all in favor.

The regular meeting reconvened at 8:50 pm where Miller motioned the Town should adopt a resolution to take the preliminary steps to challenge the Seneca Nation about taking the Tracewell building off the Cuba tax rolls. Nease seconded, all in favor, passed. The Resolution is attached at the end of the Minutes.

Miller motioned The Town Board, who implemented the K-9 program, now due to labor/management issues, should cancel the program. Ramsey seconded the motion, all agreed, passed.

Miller motioned that effective September 1, 2016 Dana Harvey be appointed as Sewer District # 5 Manager. He will be a salaried employee earning \$10,000 annually with a monthly paycheck. This was seconded by Ramsey. Carney, Miller and Ramsey agreed, while Nease is opposed. The \$100 stipend will no longer be paid.

At 8:59 pm Miller motioned to adjourn the meeting, seconded by Nease. All in favor, passed.

Respectfully Submitted,

Nancy A. Orcutt  
Town Clerk, Town of Cuba

PROPOSED RESOLUTION FOR TOWN OF CUBA REGARDING SENECA NATION OF INDIANS PLACING LANDS INTO "RESTRICTED FEE STATUS" PURSUANT TO 25 U.S.C. §1774 ET SEQ.

WHEREAS, the Town of Cuba has received notification from Maurice John, Sr., as the President of the Seneca Nation of Indians, that the Seneca Nation is moving forward with the placement of the former Tracewell lands into restricted fee status pursuant to 25 U.S.C. §1774 et.seq., and

WHEREAS, the Town Board of the Town of Cuba believes that such an action will have a serious negative financial impact upon the Town of Cuba, and

WHEREAS, the Town of Cuba does not have sufficient information to determine whether the Seneca Nation of Indians has fully complied with the provisions of the Seneca Nation Settlement Act of 1990, regarding "Land Acquisition" off of its tribal properties, and

WHEREAS, the Town of Cuba wishes to protect its residents and taxpayers, including the Seneca Nation of Indians, and to operate in full compliance with federal and state laws,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board of the Town of Cuba hereby authorizes the Supervisor and Town Attorney to communicate with the U.S. Department of the Interior, Bureau of Indian Affairs, and all other involved federal and state agencies, to express its opposition to the proposed placement of any property in the Town of Cuba into "restricted fee status" pursuant to 25 U.S.C. §177.
2. That the Town Board of the Town of Cuba specifically questions whether the Seneca Nation of Indians used funds appropriated pursuant to the Seneca Nation Settlement Act of 1990 to acquire any property located in the Town of Cuba, as required by said Act.
3. That the Town Board of the Town of Cuba hereby directs its Supervisor and Town Attorney to request documentation from the President of the Seneca Nation of Indians and the Department of the Interior showing how the funds appropriated by the aforesaid statute were actually used by the Seneca Nation of Indians.
4. That the Town Board of the Town of Cuba hereby expresses its opposition to having a valuable taxable parcel of real property currently listed on the Town of Cuba's taxable real property tax roll, removed from such taxable status without appropriate arrangements for off-setting payments to cover the important services provided by the Town of Cuba to all properties within its boundaries.
5. That the Town Board of the Town of Cuba directs its Supervisor and Town Attorney to take the actions directed in this resolution within the time limits provided for in Section 9(c) of the Seneca Nation Settlement Act of 1990.