

**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, Daniel McGraw, Steven Nease

Also, Present: Nancy Orcutt, Town Clerk, Chad Smith, Hwy. Supt.  
 Dustin Burch, Police Chief & Ambulance Administrator,  
 Richard Patterer, Dog Control

Absent: Timothy Ramsey, Council Person, Dana Harvey, Sewer District #5 Manager,

Supervisor Carney opened the meeting at 7:00 pm with the Pledge of Allegiance. There were approximately 7 people in the audience.

**10 Minutes for Public Comment:** Terry Forward stated the two subjects he wishes to talk about are on the agenda and will speak at that time.

**Board Comments:** Nease thanked Terry Forward for mowing the North Cuba Cemetery. Miller wants to look into being able to transfer calls that come into Town Hall to the proper department instead of giving out the phone number for the person to call. The numbers listed on our website seem to be insufficient.

**Approve Minutes for 06/13/2017:** Miller motioned to approve the Minutes as presented by the Clerk. McGraw seconded the motion. All in agreement, Minutes accepted.

**Approve Supervisors Report for June:** The income for the General Fund totaled \$36,453.77. Disbursements totaled \$61,899.46. The Highway Fund's income is \$10,800.00 and disbursed \$23,506.92. Miller motioned to accept the report as presented. It was seconded by Nease. Nease, McGraw, Miller and Carney all voting yes, the motion passed

**Approve General & Highway Abstracts for July:** The General Fund is \$97,345.92 and the Highway Fund totaled \$175,217.51. Included in the General Fund is a \$37,553.00 payment for the capital improvement loan for Sewer District #5. The Highway Fund reflects a \$42,860.03 B.A.N. payment for the 2015 Freightliner with plow package. Miller motioned to accept the Abstract totals. This was seconded by McGraw. Abstracts are accepted by a unanimous vote.

**Supervisor's Comments:** Carney reported Niagara Mohawk and National Grid are holding public hearings concerning the upcoming increase in rates. The notices of where and when these hearings will take place are on the Town Bulletin Board in the main entrance of Town Hall.

**Police Department Comments:** Cuba Police responded to 261 calls to service in June and developed 31 cases from these. The Police Department handled 13 motor vehicle accidents; 6 in the Town, 4 in the Village, 0 on the Lake and 3 on I-86. There were 46 traffic stops conducted with 29 traffic summons issued (9 in the town, 7 in the village, 9 on the lake and 4 on I-86). The Police Department also handled 6 noise complaints, 9 motorist assists, 10 vehicle lock-outs, 1 parking tickets/complaints were issued, 10 other agency assists, and 10 domestic disputes. The Police Department assisted the Ambulance on 8 calls. 2 pill/needle drop offs were completed. 8 business funds escorts were completed. Patrols checked Cuba businesses and properties 14 times. Assistance was provided for traffic control at graduation, security for Celtic Festival and Dairy Days.

**Ambulance Comments:** The Cuba Ambulance Service responded to a total of 33 calls to service in June. Of those, 0 were taken to Jones Memorial, 22 were taken to Olean General Hospital, 5 standbys, and 4 were refusals with 0 sign off. Critical Care calls total 17 with Cuba handling all 17. Mercy Flight was used twice.

**Highway Department Comments:**

Worked performed in June included the following services:

- Sealed Witter, Shaffer, Spring Valley and Jackson Hill roads
- Blacktop Watt Road
- Mowing roadsides
- Patching potholes
- Fixed washouts on some of the dirt roads

**Equipment Repair**

- Changed oil in Sterling and excavator
- Picked up roller from Caledonia Diesel for repairs. It is a 2006 model and parts are no longer available. It is not repaired. Cost to fix approximately \$30,000 and a rental for 6 months would run around \$23,000. Smith is checking other options.

**Dog Control Comments:** A discussion took place concerning a new dog shelter. Patterer explained the differences between the Allegany County and Cattaraugus County ASPCA's. When the discussion ended, Miller motioned to allow Carney to sign the Cattaraugus County ASPCA's contract and initial the appropriate places for services. McGraw seconded the motion; full agreement of the Board passed the motion. The contract will run through the end of 2017 and a new contract will start in January for a full year.

**Code Enforcement Comments:**

- ❖ Answered questions from a Cuba Lake resident about the demo of a cottage and building a new one
- ❖ Permit written for a double wide at 8463 Hubbell Hill Road
- ❖ Permit written for enclosing a deck at 15 South Shore Road
- ❖ Violation notice written for an unsafe building at the corner of Route 305 and Maple Lane
- ❖ Inspected 44 South Shore Road for the foundation
- ❖ Inspected the deck at 260 West Shore Road
- ❖ Permit written for a metal roof at 75 South Shore Road
- ❖ Permit written for a deck at 372 North Shore Road
- ❖ Inspected deck at 272 West Shore Road

**Facilities Report:** The sewer pump at Town Hall has been repaired.

**Old Business:**

**Shared Services:** Allegany County has extended the deadline for this program into 2018. The group was asked to rate eight topics for priority. These will be explored in smaller groups hoping to bring forth more information and ideas.

**NYS Route 305 Update:** Last month an inquiry into lowering the speed limit on Route 305 from Maple Lane to North Shore Road. Carney wrote a letter to Senator Young and the NYS DOT on this subject. The response he received from the DOT was "NO". The reason being a 2015 study was done because of a previous request and it revealed the accident rate is well below the current statewide average of 2.61 accidents per million vehicle miles. Communications are attached in the Minutes Book.

**Tracewell/Seneca Update:** Official paperwork is now in place confirming the Tracewell parcel is now a part of the Seneca Nation reservation and is in restricted fee status.

**AmVets/Klein Property:** The property next to the AMVETS owned by Dana Klein has been deemed unsafe. Code Enforcement Officer Walter Putt has sent via registered mail a violation notice and ordered the building be demolished within 30 days of the receipt of the letter.

**North Cuba Cemetery:** Terry Forward has been appointed to mow the North Cuba Cemetery. He has spent many hours getting it back into shape. Communication broke down after April’s meeting and no one was appointed to the post. Forward took it upon himself to groom the grounds before he knew the Town is responsible for the upkeep. He presented before and after pictures to the Board. The Board thanked Forward for his efforts and agreed to pay him for doing the job and doing it well. Miller motioned to appoint Forward, seconded by Nease. All agreed, passed.

**Sewer District #5 Meter:** The meter behind McDonald’s needs replacing. Dana Harvey asked for three quotes and received two. Cold Springs came in at \$3,200 and Koester’s at \$7,789. Carney authorized Harvey to place the order with Cold Springs.

**New Business:**

**Flood Plan Local Law:** A recent phone conference with the DEC, Supervisor Carney and Town Clerk Orcutt brought to light the Local Law from 1981, including several revisions over the years, warrants the Town to rewrite the local law for Flood Damage Prevention. The introductory Local Law No. 1 of 2017 has been offered for the Board’s review. It is necessary for the protection of health, safety, and well-being of persons and property by provisions designed to provide regulations and controls to minimize public and private losses due to flood conditions in specific areas of the Town of Cuba. With the agreement it now expresses the proper language for acceptance; the resolution was offered by Miller and seconded by Nease. All in favor, accepted.

**BE IT RESOLVED AS FOLLOWS:**

1. That the Town Board of the Town of Cuba accepts and proposed to adopt a local law to be designated as Introductory Local Law No. 1 of 2017 entitled “Flood Damage Prevention Local Law” to protect the health, safety, and well-being of persons and property by provisions designed to provide regulations and controls to minimize public and private losses due to flood conditions in specific areas within the Town of Cuba, and that a copy of the proposed local law is annexed hereto and incorporated into this resolution as though set out in full.
2. That a public hearing be held on August 8, 2017, at 6:30 P.M., at the Cuba Library, 39 East Main Street, Cuba, New York.
3. That the Town Clerk, with the assistance of the Town Attorney, is directed to prepare the legal notice required to be published and to provide such notice for timely publication in the official newspaper.
4. That a copy of such legal notice be posted upon the Town Clerk’s bulletin board as required by law.

Following discussion the foregoing resolution was called to a vote which resulted as follows:

AYES	4		
NOES	0	ABSENT	1

The Supervisor then declared the resolution to be adopted and directed the Clerk to proceed to contact the Town Attorney and to complete the publishing and posting as required by law.

- **The Real Property equalization rate is officially at 91%.**
- After some discussion, Carney motioned to support **WNY Children's Psych Support Resolution**. It was seconded by Miller and approved by all. The full resolution is attached at the end of the Minutes. It is a resolution to keep the facility in West Seneca and to not move the children's facility to the Buffalo Psychiatric Center for Adults.
- **Budget Line Transfers:** An approximate \$1,200 needs to be moved to offset the payment of Social Security and Unemployment Benefits. Miller offered the motion to allow the line transfers, seconded by McGraw. All in favor, passed.

At 7:45 P.M. Miller motioned to move to executive session to discuss litigations, lawsuits and personnel. This was seconded by McGraw, all in favor.

At 8:07 P.M. the meeting reopened on the motion and second of Miller and McGraw respectively. With no further business to discuss, the meeting adjourned with a unanimous vote, motioned by Miller and seconded by McGraw.

Respectfully Submitted,

Nancy A. Orcutt, Town Clerk