

The Village of Cuba Board of Trustees held their monthly Board Meeting on Monday, May 13, 2013 at 7:00 pm in the Cuba Village Hall, 17 E. Main St.

**PRESENT:** Mayor Thomas Taylor, Trustees Andrew Swift, Michael Doyle, Lon Sweet and Judith Zayac.

**ALSO PRESENT:** Richard Hall, SPW, Diane Wilson, Clerk/Treasurer, Wayne Butts, President Fire Dept., Nick Sweet, 1st Asst. Fire Chief, Jason Butts, 2<sup>nd</sup> Asst. Chief Fire Chief, Cindy and Doug Rettig, Bob Clark, Olean Times Herald, Police Chief Dustin Burch, Alan Zayac and Jim Wetherby.

**THE MAYOR OPENED THE MEETING WITH THE PLEDGE OF ALLEGIANCE AND WELCOMED EVERYONE.**

**GUESTS:** Judy Zayac was in the audience with her husband as a resident and taxpayer. She talked about the evening of April 9<sup>th</sup> when her neighborhood was invaded by fire trucks and firemen who were burning and practicing at the house across the street from her home. She and 3 other neighbors, were startled by this convergence. She spoke to several of the firemen about her concerns that the neighbors were not notified as a courtesy. She was upset about the safety issues with no one directing traffic or walkers on a busy street to the hospital. Emergency vehicles and firemen were blocking traffic on both sides of the street on Bristol Street. She also wanted to say that she was speaking as a resident, not a Trustee, when she approached the firemen and at this time. Police Chief Burch said that his department will help with traffic control next time and also notify neighbors, and that everyone should work together. 2<sup>nd</sup> Asst. Chief Butts said that with live training you do not want your members to know where the training will be or what the training is. He also said that this house was not going to be burned as this cannot be done anymore. It is to be treated like a live event. Wayne Butts was concerned with the way the firemen were spoken to, being that there were young Junior firemen present and he felt they should have been apologized to. Mr. Rettig felt that this could have been handled differently. Chief Burch said that this situation can be remedied and everyone has learned from this.

**MINUTES:** The Board was given copies of the April 8, 2013 minutes. Clerk Wilson informed the Board that in who was present portion of the minutes Judith Zayac name was in there twice and Andrew Swift was omitted. **A MOTION WAS MADE BY TRUSTEE LON SWEET AND SECONDED BY TRUSTEE ANDREW SWIFT TO APPROVE THE 4-8-13 MINUTES WITH THE CHANGE TO WHO WAS PRESENT AT THAT MEETING. THIS WAS APPROVED UNANIMOUSLY.**

**BILLS:** The Board was given copies of the Abstract of Vouchers 704-775 totaling \$189065.50 with voucher 740 not used on the Friday prior to this meeting. Both the Mayor and Trustee Sweet reviewed these bills and signed off on them. Trustee Sweet inquired about the WWTP internet, what Mr. Lewis uses this for. This is something to

ask Mr. Lewis about. Trustee Sweet thought that there would be something cheaper out there for all three internet users in the Village. Trustee Swift is going to look at possible combining all three on wireless internet. The breakdown of the bills is as follows:

GENERAL FUND	\$147850.22
WATER FUND	\$ 10461.43
SEWER FUND	\$ 25486.09
CAPITAL WWTP	\$ 5267.76

**A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE ANDREW SWIFT TO PAY THE MONTHLY BILLS. THIS WAS APPROVED UNANIMOUSLY.**

Clerk/Treasurer Wilson also gave to the Board a copy of the final Upstate Utilities bill totaling \$34,241.39. This is the final bill for the ARRA project. Hopefully the long term financing will be started within the next couple of months. **A MOTION WAS MADE BY TRUSTEE ANDREW SWIFT AND SECONDED BY TRUSTEE MICHAEL DOYLE TO PAY THE FINAL BILL FOR UPSTATE UTILITIES. THIS TOO PASSED UNANIMOUSLY.**

**POLICE REPORT:** Chief Burch gave his report announcing that the next Neighborhood Network Meeting will be held on May 29<sup>th</sup>, 2013 at 7:00 pm at the A. Arnold Center. They will be discussing the recent drill training at the Cuba Rushford High School campus. Videos and pictures from the drill will be available and will be shown in an effort to educate parents and residents on how they are preparing. Chief Burch stated that the Cuba Police responded to 249 calls in April of which 50 cases developed from these. The department responded to 10 motor vehicle accidents of which 5 were in the Village. One pill drop was completed and two K-9 searches were completed and 2 K-9 demos were done. Once again Chief Burch thanked the residents and business owners that have sent donations for the K-9 Unit.

**BUILDING INSP/CEO:** Mr. Putt submitted his report to the Board and they reviewed it. There were no comments or questions.

**ANIMAL CONTROL REPORT:** It was noted that from Ms. Botens report she has been very busy. Trustee Sweet asked how long she keeps these cats at her residence and Trustee Doyle said "not very long". She has found homes for them quite quickly.

**SPW REPORT:** Mr. Hall went through his report shown public works department this past month.

- Cold patching potholes
- Equipment repairs: repaired rear door seal on the sweeper
- New backhoe is here and licensed. Old hoe and dozer on internet auction
- Put sanders and plows away for the year

- Swept all Village streets then wept 4 roads for the Town and the inboard side of the lake for the County. All shared service.
- Also picked up garbage and swept old school bus garage parking lot where the snow is hauled in the winter
- Pulled a tree out of the creek by Mill St. footbridge
- Water issues: repaired water leak across from Cuba Cheese Shoppe. Two service lines were leaking in basements.
- "Tree City USA" 10 year signs put up
- All park bathrooms in service for the summer
- Flower box tops repainted and asked when to put out? Trustee Zayac will check on this.
- Benches put out on Main St. for summer use.
- Picked up debris from residents lawns from plowing
- Mowing and weed eating parks and I-86 interchange
- Got Little League Park ready for opening day
- Annual Water Quality Report approved by Dept. of Health, advertised and "Certificate of Distribution submitted to Dept. of Health
- Daytime hydrant flushing done. This did not work well. A lot of complaints and other problems.
- Willowbank Park basketball court project-need to clean and seal. Seal Chamberlain Park then Skate Park Equipment can be put out.
- Chamberlain Park cameras very effective, great job by the Cuba Police Department
- Greenway Trail work: tree planting area & parking lot
- Trees down behind WWTP, dredging area behind the plant done and we received the heavy duty barrier to try to keep water away from the plant.
- SPW Hall reported that once again the whole crew has done an awesome job.

**CLERK-TREASURER REPORT:** Clerk Wilson informed the Board that she received an application for use of Chamberlain Park on July 4, 2013 from Chris Austin for a family reunion. They are also asking for permission to have alcohol at this event. The Clerk informed them they needed to check with their home owners insurance on one day coverage for this. **A MOTION WAS MADE BY TRUSTEE ANDREW SWIFT AND SECONDED BY JUDITH ZAYAC AND PASSED TO APPROVE THIS APPLICATION WITH THE ALCOHOL VARIANCE.**

Clerk/Treasurer Wilson asked for a motion to use Unreserved Funds of \$65,000. for the payment on the new backhoe. **A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE LON SWEET TO USE UNRESERVE FUNDS FOR THE PURCHASE OF THE NEW BACKHOE. THIS PASSED UNANIMOUSLY.**

Wayne Butts, President of the Cuba Fire Department asked the Board to lift the Open Container Law for Main Street during the Dairy Week Festivities, Saturday, June 8<sup>th</sup>, 2013. **A MOTION WAS MADE BY TRUSEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JUDITH ZAYAC AND APPROVED TO LIFT THE**

**OPEN CONTAINER LAW ON MAIN STREET ON JUNE 8, 2013 FOR THE DAIRY WEEK FESTIVITIES.**

**COMMITTEE REPORTS:** Trustee Lon Sweet was at the Zoning Board of Appeals meeting last month and the members voted to appoint Patricia Petroni as Chair of this Board. **A MOTION WAS MADE BY TRUSTEE LON SWEET AND SECONDED BY TRUSTEE JUDITH ZAYAC TO APPOINT PATRICIA PETRONI AS CHAIR OF THE ZONING BOARD OF APPEALS. THIS PASSED UNANIMOUSLY.**

**MAYORS REPORT:** Mayor Taylor reported that the Community Clean Up Day will be held on Saturday, May 18 at 10:00 am and everyone is to meet at the Cuba Elementary School

**NEW BUSINESS:**

BOND RESOLUTION DATED MAY 13, 2013.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, RESURFACING OF VARIOUS STREETS THROUGHOUT AND IN AND FOR THE VILLAGE OF CUBA, ALLEGANY COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$200,000 AND AUTHORIZING THE ISSUANCE OF \$200,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Cuba, Allegany County, New York, as follows:

Section 1. The resurfacing of various streets throughout and in and for the Village of Cuba, Allegany County, New York, including costs incidental thereto, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$200,000.

Section 2. It is hereby determined that the aforesaid class of objects or purposes constitutes a Type II action as defined under the regulations of the State of New York, promulgated under the State Environmental Quality Review Act which, by definition, will not have a significant adverse impact upon the environment.

Section 3. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$200,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 5. The faith and credit of said Village of Cuba, Allegany County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each

year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. 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 serial bonds herein authorized, including renewals of such notes is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

**A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE ANDREW SWIFT TO ADOPT THE ABOVE RESOLUTION WITH THE FOLLOWING VOTE.**

<b>TRUSTEE JUDITH ZAYAC</b>	<b>AYE</b>
<b>TRUSTEE LON SWEET</b>	<b>AYE</b>
<b>TRUSTEE ANDREW SWIFT</b>	<b>AYE</b>
<b>TRUSTEE MICHAEL DOYLE</b>	<b>AYE</b>
<b>MAYOR THOMAS TAYLOR</b>	<b>AYE</b>

**OLD BUSINESS:** none

**EXECUTIVE SESSION**

**A MOTION WAS MADE TO GO INTO EXECUTIVE SESSION FOR PERSONNEL ISSUES, THIS MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE ANDREW SWIFT. TIME: 7:43PM**

**A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE ANDREW SWIFT TO GO OUT OF EXECUTIVE SESSION. TIME: 8:08PM**

**A MOTION WAS MADE BY TRUSTEE ANDREW SWIFT AND SECONDED BY TRUSTEE MICHAEL DOYLE TO HIRE UNDERBERG AND KESSLER TO NEGOTIATE FOR UNION CONTRACT EFFECTIVE 6-1-13. THIS TOO PASSED.**

**WITH NO FURTHER BUSINESS TO DISCUSS A MOTION WAS MADE BY TRUSTEE ANDREW SWIFT AND SECONDED BY TRUSTEE LON SWEET TO ADJOURN THIS MEETING. TIME: 8:10PM**

Respectfully submitted

D. Wilson