

The Cuba Village Monthly Board Meeting was held on Monday, May 14, 2007 at 7:00 pm in the Cuba Village Hall, 17 E. Main St., Cuba.

**PRESENT:** Mayor Thomas Taylor, Trustees Michael Doyle, John Shelley, Judith Zayac and David Sweeten. Superintendent of Public Works Richard Hall and Clerk/Treasurer Diane Wilson.

**ALOS PRESENT:** Richard Klein, Bldg. Insp/CEO, Don Donovan, Derek Clement, Fire Chief, Jerry Scott, Town Councilman, Ellen Scott and David Crowley.

**THE MAYOR OPENED THE MEETING WITH THE PLEDGE OF ALLEGIANCE.**

**GUESTS:** David Crowley wanted to say that the parks and streets look very nice and the crew was doing a good job.

**MINUTES:** Clerk Wilson copied the Board on the minutes of the April 12, 2007 Board Meeting. She noted that the name of Jim Bradley was omitted from the paragraph on the first page the Mayor thanking him for his service to the Village. **A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE JOHN SHELLEY TO APPROVE THE MINUTES OF 4-12-07 WITH THE CORRECTION LISTED ABOVE. THIS WAS PASSED UNANIMOUSLY.**

**BILLS:** Clerk/Treasurer Wilson gave the Board the Abstract of Vouchers 676-758 totaling \$70,022.82 to be approved. The breakdown is as follows:

GENERAL FUND	\$39,330.25
WATER FUND	12,739.63
SEWER FUND	17,952.94

Trustee Zayac asked what the \$630.00 bill for the Village Attorney John Cappellini entailed. Ms. Wilson got the bill out and told her what it involved. She also said that maybe the employment applications could be downloaded. The Clerk will take a look at this.

**A MOTION WAS MADE BY TRUSTEE DAVID SWEETEN AND SECONDED BY TRUSTEE MICHAEL DOYLE TO PAY THE MONTHLY BILLS TOTALING \$70,022.82. THIS PASSED UNANIMOUSLY.**

**POLICE REPORT:** Chief Fries dropped off a written report to the Board. The month of April the activities were as follows:

Uniform traffic tickets in the Village	15
Motor vehicle accidents Village	1

There were 223 calls for service and 29 cases and these were listed on a separate page, which is on file in this office.

Town Councilman Scott reported that he had received a complaint that there should be stricter enforcement of the two-hour parking on Main Street. He will relay this message to the police chief.

**FIRE DEPARTMENT:** Chief D. Clement reported the following:

1. He and 6 other firemen attended a smoke tower training held by the Allegany Fire Dept., at the City of Olean Training Tower on Sunday, 4-22-07. This was a search and rescue training for interior personal and they also had equipment vendors on site as well.
2. The department provided trucks for the Cuba Little League Parade on Saturday, May 5, 2007.
3. Cuba provided the Ladder Truck to display the American Flag at the funeral service for the Wellsville Fireman on Monday, May 7<sup>th</sup>.
4. Cuba 2 (pumper) has had a new water pumper installed and also had a problem with the air dryer on the air tank and was replaced. Cuba 3 (pumper) has a problem with the air dryer also and is scheduled to go for service this week. Cuba 7 (tanker) had a problem with the brakes and was sent for service. There was a problem with the brake calipers and they had to be replaced. Cuba 6 (rescue) has had regular service work done. All trucks

were DOT inspected with the exception of Cuba 3, which is not due for a few months.

5. Dairy Week will be June 6-0 we are working diligently to get the grounds ready for the festivities.

The department responded to 12 incidents in April

Car Fire-1	Motor Vehicle Accident-4
Structure Fire-3	Landing Zone (mercy fl)-2
Stand by-1	Brush-1

Trustee Sweeten ask the Chief to let the fire department truck committee to set another meeting with the Village on discussing a new truck(s). A meeting will be set once the fire dept. committee is informed.

**BUILDING INSP./CEO:** Mr. Klein reported that the Cuba Cheese Shoppe has started working on their addition. Ray Perkins from the First Baptist they have first option to purchase the old Laundromat on Spring St. (Fitchner bldg.) They would like to turn it into a parking lot. He needs to fill out the zoning application for this and it has to go before the Planning Board. He had a meeting about this with Mr. Klein and he was given all paperwork associated with this. Mr. Klein also asked for a sketch of their proposal. Trustee Doyle asked if there have to be drainage put in and he was told yes and if there were lighting restrictions and yes there is and Mr. Perkins was informed on this.

Rinker Oil has not started their renovations as of yet, because a permit has not been written. Mr. Klein is waiting for a stamped drawing from the engineers.

Erick Laines Secretary called and wanted information on the Village of Cuba's' beautification efforts. Trustee Shelley faxed to her all the information he composed.

Giant Food Mart had a slight delay as one of the owners of contracting company passed away. But they have now continued on with the project.

Inspected the pole building being built at Firemen Park and also did a safety inspection on the bleachers and the snowmobile bridge.

**SUPERINTENDENT OF PUBLIC WORKS:** Superintendent Hall reported that repairs were done on two water main breaks. The 2006 Water Quality Report has been done and sent to the Pennysaver for publication and is on the website as well as copies in the Village Hall.

Project Review for the North Branch Road were given by Midland Asphalt and is as follows:

“North Branch Road in the Village of Cuba was investigated for signs of distress on 4-26-07. The reason for this investigation was complaints of numerous potholes over the surface of the road. This road was not surface treated prior to winter as typical projects are and may be the root cause of the distress. On the date of the investigation, signs of distress were not observed due to the continued efforts of the Village of Cuba to maintain the road. The road was found to be in excellent shape except for one area that indicated a potential drainage problem. Samples were taken with the purpose of evaluating particle size and quality of material. The results of these analyses will be used to determine if this road can be surfaced with a wearing course or if additional remediation needs to be performed on the sub-base prior to surface treatment. Tests completed on the material and pictures taken onsite indicate material meets specifications for a modified Dense Binder. This was the goal of the process. The clay content has been reduced by evidence of gradation and sand equivalency data. The only way to improve this base would have been to stabilize with asphalt emulsion instead of Calcium Chloride. However, cost becomes the major issue with this decision. It is the opinion that the minor distresses caused by winter are not evident any longer and present no further damage to the road. The next step would be to sweep the road and apply a surface course. Either hot mix or cold mix methods could be used. It is important to address the heavy haul trucks noticed on the road during the investigation. These trucks could be detrimental to the new surface in either case and hence a review of the design related to future use should be considered. Another issue to discuss is the drainage at the top

of the hill indicated by picture of sample 3. It is important to fix this drainage problem and in addition fix any other drainage problems discovered since this investigation prior to placement of the new surface course." More discussion took place on the N. Branch Road including the cost of cold mix and hot mix for the month of May. Trustee Sweeten stated that this should be tabled further as more discussion needs to take place and a committee level. Superintendent Hall asked if they would like salesmen from both companies come and talked to the Board and answer questions? The Board thought this would be good, a meeting will be scheduled. Mr. Hall also stated that they would be putting a weep drain in on N. Branch Road. The Little League Field was taken care of for opening day. The skate park was sealed before putting down the equipment. Drain was put in on Medbury Ave. and Union St. and follow-up work is to be done to finish project. Thanked the Cuba Fire Department for allowing the Village to use a truck to hose down the sidewalks on Main St. Also thanked his crew for the work they have done this past month. The blacktop plant opened later then expected, therefore pot holes have not yet been done. They will be done before Dairy Week. Will be working on lawn repairs from water problems and tree removal. Trustee Sweeten asked if they go over side streets a second time with the sweeper. Mr. Hall stated that they sweep Main St. every Friday and go over any side streets that may need it. All streets have been done once with the exception of Bristol St. as this street tears the brooms up, therefore this street is usually done last. Trustee Doyle wanted to know if the basketball court in Willowbank Park is going to be sealed. Mr. Hall stated yes. The easement to fix a drainage problem on Genesee St. was not signed and the owner felt that the work that will be done on Hardy St. should take care of her water problem.

**CLERK/TREASURER:** Ms. Wilson reported that her and Mayor Taylor went over the recreation application received and decided on whom to hire this year. They are as follows:

PARK

Cynthia Colley-Director  
Derek Edwards-Assistant  
Jillian Maxson-Assistant  
Johanna Sprague-Assistant

POOL

Ruthanne Hardman-Lifeguard  
Ashley Andrus-Lifeguard  
Katie Desautels-Lifeguard  
David Dye-Lifeguard  
Catherine Ronolder-Lifeguard  
Leah Sampson-Lifeguard  
Ethan VanTassel-Lifeguard

Two park use applications were received. Clerk Wilson asked if the applicant hasn't asked for a variance and sometimes they do not submit application until just before use or ask for the park that week, there is not time to get board approval, could she approve at her discretion? The Board said she could. The two applications were from Pat Grimes, both for Chamberlain Park on June 8<sup>th</sup> and July 29<sup>th</sup>. **A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JUDITH ZAYAC TO APPROVE THE TWO PARK USE APPLICATIONS.**

Clerk Wilson informed the Board that the construction crew from I86 called about National Grid pole #12 on the on ramp west bound. They needed to remove the pole for construction work. After contacting National Grid a letter was written by the Clerk asking for the light and pole be removed during the construction process and that after construction completed the Village wants the light put back up. Received a letter back from National Grid and the light will be put back up and during the time it is not in service we will not be billed for it.

**COMMITTEE REPORTS:** Trustee Zayac stated that the Mayor had a meeting with Michael Conner; Vice President of Western NY & Pennsylvania Railroad after a letter was sent to Bill Burt, President of the Railroad. Mr. Conner made a proposal. The RR considers the Prospect St. an orphan. He feels legal fighting would cost a lot of money for both, although the report on bridge was a real eye opener for the RR. He does feel that the bridge might cause a derailment and needs to come done.

He says the railroad will assist the Village in this process with manpower and equipment, and would support the Village in obtaining a grant or grants to erect another pedestrian bridge. After Trustee Zayac sent a letter to Senator Catherine Young's office asking for support with this bridge. A grant was received for \$10,000. This can be used for design of new bridge or new bridge. An official letter has not been received from the RR regarding the conversation the Mayor had with Mr. Conner. The Board is cautious on the ownership responsibility, even though research on this would be costly; Trustee Doyle feels the only support we will get for grant funding from the RR would be just a letter. He feels that the once the letter from the railroad is received and response letter should be sent by the Village stating our position and continue having the Village Attorney investigate ownership for liability purposes. Trustee Zayac agrees with this. Also a letter should be sent to our Senators and Congressmen about this situation and ask for their help. Trustee Shelley also said that the Village insurance company should be contacted to find out who is liability if something happens with this bridge or someone gets hurt while it is demolished?

Trustee Shelley said that the finance committee has not met recently. Clerk/Treasurer Wilson stated that the will meet soon. With the new committees being set a time has not been set. It is almost the end of the year and this will have to be reviewed. Trustee Shelley stated that two grants were received to help with the I & I engineering report and testing. Received from Assemblyman Giglio office \$6,750. and from Senator Young's office \$6,800. The Village is very grateful for this. Smoke testing should begin on May 23<sup>rd</sup>.

Trustee Doyle was approached by Ruth Doyle on asking the Board to look into putting a shuffleboard court in Willowbank Park. Ideally a system that could be put up and taken down when not in use would be good. This will be looked into.

**MAYORS REPORT:** Mayor Taylor asked Superintendent Hall about he stood with the Gazebo. It is still tabled until further information available.

The rest of the trees purchased through the tree grant will be planted in the next couple of weeks. Brief discussion took place on the bank at Willowbank Park, no decision yet.

Mayor Taylor reported that Carl Racibor who chaired the Tree Board has resigned and John Doyle has been appointed Chairperson to take his place and another member needs to be appointed. Mr. Racibor did a great job while he was on the Board. Also Robert Gleason has resigned from the ZBA. Village Attorney has been conferring with the Cuba Memorial Hospital working on the application of User Fee guidelines for the Village.

Letters were sent to U.S. Senator Clinton, U.S. Senator Schumer, NYS Senator Young, Congressman Kuhl and Assemblyman Giglio asking for their support in moving the Post Office back up on Main St.

Mayor Taylor talked briefly about a letter he would like to send to Mary Quigley of Community Bank on one the items in our Strategic Plan. This would be the landscaping of their property at the entrance to the central parking lot off the west side of Genesee St. He help is asked in this endeavor. **A MOTION WAS MADE TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JUDITH ZAYAC AND PASSED TO SEND THIS LETTER.**

I was asked if Community Bank still plans to refurbish Clyde Brown Park. Mayor Taylor said that they were.

Mayor Taylor asked the Board if they would consider a siphon to all planning and zoning board members who complete the 4 hour course required by the NY Department of State according to Chapter 662 effective January 1, 2007? Trustee Zayac would agree with \$50.00 per member who shows proof of completing the 4-hour training and mileage reimbursement if they travel for this training. This also can be taken on the internet. **A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JUDITH ZAYAC TO IMBURSE ANY PLANNING OR ZONING MEMBER \$50.00 UPON PROOF OF COMPLETION OF THE 4 HOUR TRAINING REQUIRED.** Hours can also be carried over from year to year if you have had more than 4 hours training per

year. **A MOTION WAS MADE BY TRUSTEE JOHN SHELLEY AND SECONDED BY TRUSTEE MICHAEL DOYLE TO ADOPT CHAPTER 662 OF THE NYS DEPARTMENT OF STATE CONCERNING TRAINING FOR PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS, EFFECTIVE 1-1-07.**

The following resolution concerning smoke testing was presented to the Board:

RESOLUTION AUTHORIZING NEW YORK RURAL WATER ASSOCIATION ASSIST THE VILLAGE OF CUBA IN CONDUCTING INFLOW AND INFILTRATION (I&I) INVESTIGATIONS.

**BE IT RESOLVED**, that the Board of Trustees of the Village of Cuba, Allegany County, State of New York:

**WHEREAS**, the Village of Cuba would like to hire New York Rural Water Association to assist the Village and supply smoke testing equipment and training on conducting smoke testing

**WHEREAS**, the Village of Cuba with the Board of Trustees to sign a waiver to hold New York Rural Water Association harmless and indemnification agreement with concern to the smoke testing, which will be on file in the Clerks office.

**A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE DAVID SWEETEN AND PASSED THIS RESOLUTION WITH THE FOLLOWING VOTE.**

<b>TRUSTEE MICHAEL DOYLE</b>	<b>AYE</b>
<b>TRUSTEE JOHN SHELLEY</b>	<b>AYE</b>
<b>TRUSTEE DAVID SWEETEN</b>	<b>AYE</b>
<b>TRUSTEE JUDITH ZAYAC</b>	<b>AYE</b>
<b>MAYOR THOMAS TAYLOR</b>	<b>AYE</b>

Mayor Taylor talked to Allegany County Public Works Dept. concerning the new tipping fees, which increased \$5.00 to \$35.00 per ton. He asked if they would consider the Village fiscal year in the first payment due and they said they would not this will become effective January 2008.

**OLD BUSINESS:** none

**NEW BUSINESS:** Trustee Shelley asked if anyone had any opinion on the letter received from the Tree Board dated 4-23-07? This was a brief discussion on this and it was decided to send this to committee to discuss further.

Trustee Doyle informed the Board on the Town of Cuba agreeing to apply for an Appalachian Regional grant to form a shared strategic plan for the community with the Village of Cuba. This would also include the lake and the Chambers involvement. This was discussed with the Board at a prior committee meeting. **A MOTION WAS MADE BY TRUSTEE DAVID SWEETEN AND SECONDED BY TRUSTEE JOHN SHELLEY AND AGREED UNANIMOUSLY TO APPLY FOR THIS GRANT JOINTLY.**

Clerk Wilson asked the Board to look over a letter received from the Cuba Friends of Architecture concerning the bill from Stuart Brown Associates. According to the agreement with the CFA the Village is not responsible for any of these fees even though the fees are reimburseable by the Restore NY grant once received. The CFA does not have the funding at this time for the services already provided by Stuart Brown Associates. The Clerk cannot pay the invoice #34812 in the amount of \$697.50 without Board approval. She also wanted to inform they board she has about \$3,000. in the Capital Acct. to cover these costs right now, but once that is gone, there is no other funds to cover any other expenses. **A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE JOHN SHELLEY AND PASSED TO PAY INVOICE #34812 TO STUART BROWN ASSOCIATES.**

Fire Chief Clement reported that he obtained a copy of a form used by the Friendship Fire Dept. in reporting all fires to the Code Enforcement Officer. Mr. Klein thought these forms were good. Chief Clement will find out where these forms were ordered.

**A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE  
AND SECONDED BY TRUSTEE JOHN SHELLEY TO GO  
INTO EXECUTIVE SESSION TO TALK ABOUT PERSONNEL  
ISSUES. TIME: 8:28 PM**

**A MOTION WAS MADE BY TRUSTEE DAVID SWEETEN  
AND SECONDED BY MICHAEL DOYLE TO GO OUT OF  
EXECUTIVE SESSION. TIME 9:20PM**

**A MOTION WAS MADE BY DAVID SWEETEN AND  
SECONDED BY TRUSTEE DOYLE TO ADJOURN THIS  
MEETING.**

**TIME: 9:20 PM**

**RESPECTFULLY SUBMITTED  
D. WILSON**