

UNAPPROVED

The Monthly Village of Cuba Board Meeting was held on Monday, July 13, 2009 at 7:00 pm in the Cuba Village Hall, 17 E. Main St.

PRESENT: Deputy Mayor Judith Zayac, Trustees Patricia Petroni, Michael Doyle and John Wells.

ALSO PRESENT: Superintendent o Public Works Richard Hall, Clerk/Treasurer Diane Wilson, 1st Asst. Fire Chief Kevin Nutt, David Weatherly, Don Donovan, Ben Heckathorn, Kinley Corp., Paul C. Richards, P.C. Richards, Sue Scott and Ann Scott.

GUESTS: David Weatherly came to the Board meeting asking permission to keep 2 hens and 2 roosters at his residents of S. Park St. He had also written for permission to keep them after he already had them. Judy read portions of Village Code, Article II, Animals Generally, one she cited was Section 76-12 concerning permit required and 76-13, which talked about restrictions. A copy of this law was given to Mr. Weatherly. Trustee Petroni told Mr. Weatherly that roosters would not be allowed in the Village, as there have already been complaints about them. She also stated that the animal control officer Linda Botens would be contacted about his roosters and the Andrus's who also ask permission to keep the rooster that **wandered** into their yard. The Board will also ask Ms. Botens to inspect the chicken coops. They would like to have her look at the placement of the coops; protection of the birds and that food is kept in rat proof containers. Trustee Wells asked if Mr. Weatherly is asking to keep the chickens (hens)? Mr. Weatherly said yes. The Board granted him permission to keep the hens, upon inspection of the coop by Ms. Botens.

At this time the bids for the Palmer Opera House were opened, being that **there** were contractors in attendance and the Board did not want them to wait until the end of this meeting to hear the bids.

GENERAL CONSTRUCTION

1.	Telco Construction, Inc. 500 Buffalo Rd. East Aurora, NY 14052	\$627,000.
	Alternate #1	40,000
	Alternate #2	10,000

	Alternate #3	10,500
	Alternate #4	6,700
2.	Patrick Development Corp. 8600 Transit Rd. East Amherst, NY 14051	808,300
	Alt. #1	41,900
	Alt. #2	17,400
	Alt. #3	25,300
	Alt. #4	6,700
3.	Kinley Corporation P.O. Box 1190 Olean, NY 14760	729,218
	Alt. #1	49,765
	Alt. #2	2,423
	Alt. #3	4,172
	Alt. #4	13,142
4.	Cox-Schepp Northeast, Inc. 315 Gregory St. Rochester, NY 14620	808,700
	Alt. #1	40,900
	Alt. #2	12,800
	Alt. #3	20,500
	Alt. #4	25,200
5.	The Peyton Barlow Co., Inc. 360 Delaware Ave., Suite 300 Buffalo, NY 14202	577,000
	Alt. #1	41,900
	Alt. #2	14,900
	Alt. #3	14,500
	Alt. #4	16,400
6.	Sickles Corporation 218 Hardwood Ave. Caledonia, NY 14423	1,027,720
	Alt. #1	42,600
	Alt. #2	10,400
	Alt. #3	10,500
	Alt. #4	6,675
7.	A-1 Construction & Painting Inc. 299 Kenmore Ave. Tonawanda, NY 14223	990,000

	Alt. #1	55,000
	Alt. #2	25,000
	Alt. #3	25,000
	Alt. #4	75,000
8.	Cummins Construction Box #5, Center Street Cuba, NY 14727	496,226
	Alt. #1	42,700
	Alt. #2	12,400
	Alt. #3	20,664
	Alt. #4	26,200
9.	Frank J. Marianacci, Inc. 6905 Route 5 & 20 Bloomfield, NY 14469	621,000
	Alt. #1	41,700
	Alt. #2	15,400
	Alt. #3	20,900
	Alt. #4	16,300

HVAC CONTRACT

1.	Rinker Oil Corporation P.O. Box 74 Cuba, NY 14727	183,363
2.	D.V. Brown & Associates, Inc. 567 Vickers St. Tonawanda, NY	228,000
3.	Superior Heat Co. 3461 North Benzing Rd. Orchard Park, NY 14127	127,467
4.	Mazza Mechanical Services, Inc. 430 North 7 th Street Olean, NY 14760	161,300

PLUMBING CONTRACT

1.	Ackerman Plumbing Inc. 678 Sheridan Dr. Tonawanda, NY 14150	119,579
	Alt. #1	27,301
2.	Kandefer Plumbing & Heating 2247 Union Rd.	69,212

	West Seneca, NY 14224 Alt. #1	22,883
3.	DV Brown & Associates, Inc. 567 Vickers St. Tonawanda, NY 14150 Alt. #1	97,787 47,481
4.	Circle Mechanical 2345 Foote Ave. Extension Jamestown, NY 14701 Alt. #1	55,000 25,900
5.	MKS Plumbing Corp. 19 Ransier Dr. West Seneca, NY 14224 Alt. #1	76,000 20,000

ELECTRICAL CONTRACT

1.	CIR Electrical Construction Corp. 400 Ingham Avenue Buffalo, NY 14218 Alt. #1 Alt. #5	21,900 2,500 112,500
2.	Kel-Kur Electric, Inc. 5364 Little Rd. P.O. Box 101 Cuba, NY 14727 Alt. #1 Alt. #5	19,474 2,540 127,580
3.	D.E. Burt Electric 4699 Route 305 Cuba, NY 14727 Alt. #1 Alt. #5	104,679 23,951 80,728
4.	Ahlstrom Schaeffer Electric Corp. 46 Hopkins Avenue Jamestown, NY 14701 Alt. #1 Alt. #5	35,400 3,900 119,500

Trustee Doyle said that the Cuba Friends of Architecture have a meeting on July 16 at 7:00 pm and they will review these bids. He doesn't know how long

this will take. Once the CFA knows what bids to accept they will recommend contractors to the Village Board at a board meeting.

MINUTES: Clerk Wilson copied the minutes of 6-8-09 and 6-18-09. **A MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE JOHN WELLS AND PASSED TO APPROVE THE MINUTES OF 6-8-09.** The minutes of 6-18-09 will be tabled for approval at the August board meeting.

BILLS: The Board was given copies of the Abstract of Vouchers 25-125 totaling \$211,381.75 to be approved for payment this month. The breakdown of these bills is as follows:

General Fund	\$127,291.46
Water Fund	5,670.75
Sewer Fund	12,224.12
Capital Fund	66,195.42

Clerk/Treasurer Wilson went over a few items on this months abstract. Noted that fire equipment that was damaged in the County Rte 20 fire was replaced and insurance payment was received for this. First quarter Library Contract payment made, Fire Dept. contract paid. There were two items for the Cuba Friends of Architecture; these were paid through early release of Restore NY funds and a loan from the CFA, not any Village monies. Principal and Interest was paid on the N. Branch loan at Five Star Bank and the principal and interest for the new fire truck was paid to the emergency services department of the NYS Dept. of State. The insurance for the fire department was paid to Lawrence Dye Ins.

WITH NO FURTHER COMMENTS ON THE BILLS, A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE PATRICIA PETRONI TO PAY THE MONTHLY BILLS.

POLICE REPORT: Chief Fries dropped off his report for the month. This report is on file in the Village Hall. This report included uniform traffic tickets, motor vehicle accidents and calls for service.

FIRE DEPARTMENT REPORT: 1ST Asst. Chief Kevin Nutt reported on the June 2009 activities of the department.

- ❑ Cuba trucks 6 & 9 went to Allegany for parade. Each Truck took first place each. (\$75.00)
- ❑ Cuba 3 standby at lake for July 3rd fire works
- ❑ P.E.S.H. surprise visit 7-10-09 CFD checked out good
- ❑ County Convention went well. Will be in Cuba in 4 yrs.
- ❑ Aerial's inspection completed/passed.
- ❑ Cuba 9 stood by in the City of Olean for a funeral of one of their members.
- ❑ The Aerial is on mutual aid for the City of Olean now as they

Have one, but Cuba is the **closest** if another is needed or theirs is out for repair.

The department thanked the Village and Town for all the help during the recent events. Some discussion took place on policy regarding the fire department filling pools. After a brief discussion it was decided to leave it the same as it has always been done.

The department also reported on the alarms for 2009.

Trustee Petroni asked about the alarms at Cuba Memorial Hospital. There seems to **be** many false alarms. The law was discussed and Chief Nutt asked for a copy of the law. Then the fire department can follow through with the Village on these false alarms, so that proper action can be taken. Trustee Petroni also thought that a meeting should be set up with the Village's Public Safety Committee, the fire department and the hospital to address these alarms.

At this time Deputy Mayor Zayac asked Sue Scott if she had anything to present to the Board as she arrived after the meeting had started. Ms. Scott was just wondering about the discussion on the chickens. Trustee Petroni explained the Board's decision. Ms. Scott was concerned about another neighbor and his shelter for his chickens. She didn't feel it was roomy enough, especially when the weather gets colder. It was noted by the Board that he did not ask permission to keep these chickens in the Village. Ms. Botens will be contacted on this as well as a house in her neighborhood that harbors more animals than are allowed by Village law.

BUILDING INSP./CODE ENF. OFFICER REPORT:

June 11th-Picked up the mail at the office and drove thru the Village.

June 13th-Violation notices were written on several complaints.

June 15th-Attended the Planning Board meeting.

June 16th-Permits were written for John Hupp and William Klatte for pools. The permits were left at the office for pickup the next day.

June 23rd-Picked up the mail at the office and inspected the footings at Hall's at 14 Woodruff St.

Checked the lighting at the parking lot at Sergeant's Trucking on Main St. over a complaint of a resident that the lights were shining in their bedroom window.

June 28th-Letters were written to Mr. Zimmerman, Zim's Lumber, over the LP tank replacement and James Kocher, the Antique Shop over the porch on the front of the building.

June 29th-Inspected Andrea Bunk's pellet stove at 65 W. Main St.

July 1st-Checked the mail at the office.

July 7th-Inspected the apartment rented by Julie Aber's for existing code and found many violations. The apartment is at 28 ½ Chapel St.

July 8th-Violation notice was written for Gerald Schermer for violations found at the apartment at 28 ½ Chapel St.

July 11th-Met with Charlie from Charlie's restaurant over a home he wants to build behind the restaurant. He has some details to work on and will get back with me.

Checked the mail at the office.

WWTP REPORT: n/a

SUPERINTENDENT OF PUBLIC WORKS: Mr. Hall reported the following:

- 1) A thank you letter was sent to NYRW for the sewer camera work they did for the Village.
- 2) Removed a tree from Genesee Pkwy, per tree board.
- 3) Put up the Alpaca banner (a couple of times) Rick asked if when he takes the banner down can he put the garlic festival banner up if ready to be put up?
- 4) Tied up Christmas light cords and it looks much better.
- 5) Mowing lawn at 30 Grove St. Clerk Wilson asked Mr. Hall that when the mowing season slows would he give her the bills on this property as to invoice the property owner for payment. If not paid then this will be put on the 2010 Village taxes.
- 6) Put up <—> sign at the end of Medbury Ave. per P. Gaeta request. A no parking from here to bridge sign has been ordered and will be put up for the south end of W. Main and Mill St.
- 7) Cleaned ditch on Windsor St.
- 8) Read water meters.
- 9) Picnic tables & garbage can to Pkwy. For Chamber event.
- 10) Made and installed "FOR SALE" sign Chapel St. property.
- 11) Replaced catch basin grate, Prospect St.
- 12) Repaired transmission coolant line on 2000 F550 and also repaired leaking fuel tank on sweeper. (new one just under \$1,000. made repair for as little over \$100.)
- 13) Met with Clark/Patterson engineer for sewer manhole verifications.

- 14) Cut down sod in subway on E. Main St. (not finished) Tim Timbrook told Rick that the state likes the looks of this and they are going to look into doing this on 446 to 186.
- 15) Emergency sewer dig-Medbury Ave. Mr. Hall explained that Village engineer, Tom Swift called Albany and this will be covered under the funds the Village will be receiving from EFC (ARRA funding). He also explained to the Board what is being done at that location and why.
- 16) Wood cabinets w/drawers full goodies given to the SPW from a house that was sold on Spring St., which the SPW went to retrieve from that location.
- 17) Response letter was received from Tim Timbrook of NYSDOT about the Myrick property. Mr. Timbrook would like to meet and see if there can be anything done.
- 18) Street paving inventory has been completed. Will give the Board a copy of this at the next Board meeting. Some talk took place on the upper end of Bristol St. Check on the width, wondering if it has to be that wide? More investigation will take place on this.
- 19) The N. Park Wesleyan Church asked Rick if the church could paint the fire hydrants? They would like to use red & silver. Rick talked to the fire department and they said that the hydrants are Village property and they have no thoughts on this. Rick thought since the hydrants tops have been colored coded for amount of flow, he thought this could be changed to numbering them. The Board thought this was okay.

CLERK/TREASURER REPORT: Clerk Wilson reported that she had a park variance for Willowbank Park, lifting of the open container law for a company picnic, Sargent Trucking. The date would be September 12th, 2009 from 10am to 8pm. **A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JOHN WELLS TO LIFT THE OPEN CONTAINER LAW FOR WILLOWBANK PARK, SEPT. 12, 2009. THIS WAS PASSED UNANIMOUSLY.**

Clerk Wilson informed the Board that water/sewer bills went out for July. Water approximately 38,000 and sewer 43,000.

The following list of designations from May 31, 2009 fiscal year ending were presented to the Board to be reserved:

GENERAL FUND

A1640-47	Garage improvements	\$ 500.00
A1990-4	Contingency (Union)	20,000.00
A5110-2	Street Equipment (new truck)	22,000.00
A5142-45	Salt Storage Shed (village share)	6,780.00

A6989-4	Town/Village Plan	820.00
A8140-2	Storm Sewer Equip.	2,000.00
A8140-4	Storm Sewer Contractual	2,000.00
A9030-8	FICA (for retirement)	1,000.00
A9060-8	Hospitalization (for retirement)	2,000.00

WATER FUND

F8310-4	Water Adm. Contractual	2,000.00
F8340-2	Transmission Equip.	4,000.00
F8340-4	Transmission Contractual	5,000.00
F8340-47	Transmission Improvements	10,000.00

A MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE MICHAEL DOYLE AND PASSED TO RESERVE THE ABOVE FUNDS.

Clerk/Treasurer Wilson gave to the Board the year-end amendments and transfers for the May 31, 2009 fiscal year. These amendments and transfers are to balance out the fiscal year. These will be attached to these minutes on file in the Village Hall. **A MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE JOHN WELLS AND PASSED TO GIVE PERMISSION TO THE CLERK/TREASURER TO MAKE THESE BALANCING ENTRIES.**

Ms. Wilson stated that due to the Veterans Exemptions and Aged Exemptions being omitted from some of the 2009 Village taxes the 2009-2010 Fiscal Year budget had to be amended. At the Special Board Meeting of 6-18-09, the Board gave permission to the Clerk to send the corrected bills and send refunds to those who had paid their taxes prior to being sent the corrected bill. This has been done. The amount of taxes not to be collected because of the exemption errors is \$4,797.17. Bringing the taxes to be collected down to \$604,733.76. This will be added to the fund balance in hope that fiscal year ending May 31, 2009 balances will cover this loss of revenues.

A MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE JOHN WELLS AND PASSED TO AMEND THE 2009-2010 FISCAL YEAR BUDGET BY \$4,797.17.

COMMITTEE REPORTS: The Finance Committee met on Friday, July 10th at 8:00 am with Clerk/Treasurer Wilson. Went over was the May 31, 2009 Revenue and Expense Report without the amendments and transfers. The General and Water funds **are** doing fine, but the sewer still needs some more income coming in. This will be watched. The committee went over the year-end reserves and the amendments and transfers. Will schedule another meeting towards the end of August 2009, this will be announced.

MAYORS REPORT: A reminder that the August monthly Board meeting has been changed to August 17th, 2009 at 7:00 pm due to vacations.

OLD BUSINESS: Was covered previously in these minutes.

NEW BUSINESS: Animals was also discussed earlier in the meeting.

The following resolution was offered by Trustee Patricia Petroni, who moved its adoption, seconded by Trustee John Wells, to-wit:

A RESOLUTION AUTHORIZING THE VILLAGE TREASURER TO EXECUTE VARIOUS DOCUMENTS

WHEREAS, the Board of Trustees of the Village of Cuba has adopted a bond resolution on January 20, 2009 authorizing the issuance of \$2,100,000 bonds to finance improvements to the wastewater treatment plant and collection system; and

WHEREAS, the Village plans to issue obligations to the New York State Environmental Facilities Corporation ("EFC") and is required to execute various documents with EFC in order to proceed; and

WHEREAS, it is desired to delegate certain powers to the Village Treasurer in order to proceed with EFC; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Trustees of the Village of Cuba, Allegany County, New York, as follows:

Section 1. The Village Treasurer is hereby authorized to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in the preambles hereof, or a portion thereof, by a bond, and/or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 2. The power to issue and sell notes for said class of objects or purposes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the Local Finance Law.

Section 3. This resolution shall take effect immediately.

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

Deputy Mayor Judith Zayac	Aye
Trustee John Wells	Aye
Trustee Patricia Petroni	Aye
Trustee Michael Doyle	Aye

The resolution was thereupon declared duly adopted.

WITH NO FURTHER BUSINESS TO DISCUSS A MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE JOHN WELLS AND PASSED TO ADJOURN THIS MONTHLY BOARD MEETING.

TIME: 9:13 PM

RESPECTFULLY SUBMITTED
D. WILSON