

UNAPPROVED

The Village of Cuba held a Public Hearing on Local Laws #s 1,2,3, of 2009 at 7:00 pm in the Cuba Village Hall, along with the monthly Board Meeting to follow on Monday, May 11, 2009.

THE MAYOR OPENED THIS MEETING AND PUBLIC HEARINGS WITH THE PLEDGE OF ALLEGIANCE AND WELCOMED EVERYONE.

Mayor Taylor announced at this time that he is appointing John Wells as Trustee to fill the term of John Shelley, which would expire in March of 2010. At which time Mr. Wells can run for the office if he chooses to do so.

THE OATH OF OFFICE WAS GIVEN TO JOHN WELLS BY THE VILLAGE CLERK AT THIS TIME.

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

ALSO PRESENT: Superintendent of Public Works, Richard Hall, Clerk/Treasurer Diane Wilson, 1st Asst. Fire Chief Kevin Nutt, Tom Swift, Engineer Clark Patterson Lee, Aaron Appleby, Paul Gaeta and Police Chief Gary Fries.

THE MAYOR OPENED THE PUBLIC HEARING ON LOCAL LAW #2, 2009, CHAPTER 187 VEHICLES AND TRAFFIC. TIME: 7:05 PM

**CHAPTER 187 VEHICLE AND TRAFFIC
AMEND SECTIONS 187-36, 187-38 AND 187-40
REPEAL SECTIONS 187-15, 187-37**

187-36 EAST MAIN STREET NORTH FROM A POINT 250 FEET
EAST OF THE EAST CURB
LINE GREEN STREET TO
A POINT 50 FEET WEST
OF THE WEST CURB LINE
OF GREEN STREET

ELM STREET EAST ENTIRE LENGTH
187-40 ELM STREET ENTIRE LENGTH

The Mayor asked if there were any comments or questions? Mr. Gaeta asked if there was anything that could be done to make people stop at the intersection of Medbury Ave. and East Main. There are two stop signs there now and "STOP" painted on the street, but people seem to ignore those. He thought possibly an arrow sign like you would see on a dead end street pointed

both ways. He would be willing to pay for part of the sign. Chief Fries thought that this would be a good idea. Superintendent Hall will look into the cost and get back to Mr. Gaeta. Trustee Petroni asked about the milk truck that is parked on the south side of East Main St. going east every night. Is this legal? After a brief discussion on this Chief Fries will look into this.

With no comments or questions on proposed Local Law#2, 2009 Vehicle and Traffic a MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE JUDITH ZAYAC AND PASSED TO CLOSE THIS HEARING. TIME: 7:17 PM

A MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE JUDITH ZAYAC TO ADOPT LOCAL LAW #2, 2009 VEHICLE AND TRAFFIC. THIS LAW WAS ADOPTED WITH THE FOLLOWING VOTE:

TRUSTEE MICHAEL DOYLE	AYE
TRUSTEE PATRICIA PETRONI	AYE
TRUSTEE JOHN WELLS	AYE
TRUSTEE JUDITH ZAYAC	AYE
MAYOR THOMAS TAYLOR	AYE

THE MAYOR OPENED THE PUBLIC HEARING ON LOCAL LAW #3, 2009 CHAPTER 170: SOLID WASTE, ADD NEW SECTION: NON-RESIDENT GARBAGE; AMEND CARDBOARD DEFINITION DELTE DEFINITION: NEWSPAPER; ADD DEFINITION: MIXED PAPERS AMEND SECTION 170-4.

NON-RESIDENT GARBAGE:

ANY GARBAGE, REFUSE OR TRASH OF ANY KIND BROUGHT INTO THE VILLAGE AND LEFT FOR DISPOSAL BY ANY PERSON IS A VIOLATION OF THE SOLID WASTE LAW AND PENALIZED ACCORDING TO SECTION 173-5.

DEFINITIONS:

MIXED PAPERS-NEWS PRINT AND ALL NEWSPAPERS AND NEWSPAPER ADVERTISEMENTS, SUPPLEMENTS, COMICS, AND ENCLOSURES, MAGAZINES, LINED PAPER, COMPUTER PAPER, COPY PAPER AND JUNK MAIL.

CARDBOARD-WOOD PULP BASE MATERIAL WHICH IS USUALLY SMOOTH ON BOTH SIDES WITH A CORRUGATED CENTER. IT SHALL ALSO MEAN BOXBOARD OR PAPER BOARD HAVING THE SAME MATERIAL CHARACTERISTICS AS "CARDBOARD," BUT WITHOUT A CORRUGATED CENTER. IT SHALL NOT MEAN WAX COATED OR GLOSSY OR SOILED CARDBOARD. INCLUDES BROWN PAPER BAGS.

AMEND 170-4A:

ALL RECYCLABLES AS DEFINED HEREIN AND AS MAY BE REQUIRED NOW OR IN THE FUTURE BY ALLEGANY COUNTY TO BE RECYCLED OR AS MAY HEREINAFTER BE DEFINED AND REQUIRED TO BE RECYCLED BY THE VILLAGE OF CUBA SUPERINTENDENT OF PUBLIC WORKS SHALL BE PLACED CURBSIDE BY EACH

RESIDENT IN SEPARATE CONTAINERS FOR COLLECTION, SEPARATING GLASS, TIN CANS, CARDBOARD, MIXED PAPERS AND PLASTIC AND ALL OTHER ITEMS REQUIRED TO BE RECYCLED BY ALLEGANY COUNTY.

AMEND 170-4 C(4)

GLASS MUST BE PLACED IN A REUSABLE CONTAINER

Mayor Taylor asked if there were any questions/comments on this proposed Local Law #3, 2009? With none a MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JOHN WELLS AND PASSED TO CLOSE THIS PUBLIC HEARING. TIME: 7:20PM

A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JOHN WELLS TO ADOPT LOCAL LAW #3, 2009 SOLID WASTE AND PASS WITH THE FOLLOWING VOTE:

TRUSTEE MICHAEL DOYLE	AYE	
TRUSTEE PATRICIA PETRONI		AYE
TRUSTEE JOHN WELLS		AYE
TRUSTEE JUDITH ZAYAC	AYE	
MAYOR THOMAS TAYLOR	AYE	

MAYOR TAYLOR OPENED THE PUBLIC HEARING ON LOCAL LAW #1, 2009 OUTDOOR FURNACES. 7:21 PM

OUTDOOR FURNACES

AUTHORITY AND ENFORCEMENT

- A. This article is adopted pursuant to the authority of Article 2, Section 10 of the New York State Municipal Home Rule Law, and Article 4, Section 4-412 of the New York State Village Law.
- B. The Village of Cuba Code Enforcement Officer, or any other person who hereafter be designated by resolution of the Village Board of Trustees, is hereby authorized in the name and on behalf of the Village of Cuba to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this article.

PURPOSE

Some Village Residents have installed outdoor furnaces for various reasons as an alternative to conventional heating systems for their homes. Concerns have been raised regarding the safety and environmental impacts of these heating devices in residential areas such as the Village of Cuba. It is generally recognized that outdoor furnaces, creates noxious smoke, soot,

fumes, and odors that may be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this article it is the intention of the Village of Cuba Board of Trustees to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Village for the purpose of securing and promoting the public health, comfort, safety and welfare of the Village inhabitants.

DEFINITIONS

As used in this article, the following terms shall have the meanings indicated:

OUTDOOR FURNACE—An accessory structure, designed and intended, through the burning of solid fuel, for the purpose of heating the principal structure or any other site, building or structure on the premises.

VIOLATOR OR ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE—Any person who owns or occupies the property at the time the outdoor furnace has been installed and /or operated.

ss—Construction and operation prohibited

The construction and operation of outdoor furnaces are hereby prohibited within the Village of Cuba.

ss—Pre-existing Outdoor Furnaces

Any outdoor furnace installed and in operation prior to the effective date of this chapter shall:

- A. Not be extended or enlarged.
- B. Use dry, natural, untreated wood for fuel.
- C. Be equipped with a properly functioning spark arrestor and have chimney height of at least twenty feet measured from the ground.
- D. Only be operated from October 1 until March 31.
- E. Not be replaced by another outdoor furnace.
- F. Comply with all Federal, State and Local Laws Rules and Regulations that may apply.
- G. Be considered personal to the current inhabitants of the dwelling. Any transfer of title shall extinguish any rights to continue use.
- H. Requires a permit from the Village of Cuba to be issued by the Code Enforcement Officer and meet all requirements for operation as outlined herein within one year of the effective date of this chapter.

ss—Inspection and Notice

- A. After inspection by the Code Enforcement Officer of any pre-existing outdoor furnace it is determined that there is a violation or non-compliance with this chapter, the person who owns, occupies or is in control of the premises upon which the outdoor furnace is installed, shall be given written notice of any such violation by personal delivery or by certified, return receipt mail by the Code Enforcement Officer.
- B. Within ten days of receipt of such notice, said person shall make the necessary repair or changes. If the changes or repairs are not made within the ten-day period the use of the outdoor furnace will cease and the unity shall be removed from the premises.

ss—Penalties for offenses

- A. Any person who shall violate any provision of this article shall be guilty of a violation as defined in Article 10 of the New York State Penal Law, and shall, upon conviction, be subject to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense. The owners upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter.
- B. Compliance with this article may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this article shall also be subject to a civil penalty of not more than \$250, to be recovered by the Village in a civil action. Each week's continued violation shall be, for this purpose, a separate and distinct violation. The owners upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter.
- C. In the event the Village is required to take legal action to enforce this article, the violator will be responsible for any and all necessary costs incurred by the Village relative thereto, including attorney's fees and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property so affected by including such expense in the next annual Village tax levy against the property. The owners upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter.

ss—Severability; when effective

- A. The provisions of this chapter are severable and the invalidity of a particular provision shall not invalidate any other provisions.
- B. This Chapter shall take effect immediately upon filing in the office of the New York State Secretary of State.

Mr. Gaeta stated that the Board should look at the new EPA standards before adopting this law.

Mr. Appleby commented that he can't open his windows or any outdoor activity in the summer when his neighbors outdoor furnaces is going. He feels the stack is too short, lower than most chimneys on a house. During the winter it does not bother him.

Mr. Gaeta wishes that there had been better communication about his smoke causing his neighbors problems; he was never approached by anyone. He stated that there is new EPA standards and that the newer furnaces don't smoke as much.

Trustee Zayac wanted Mr. Gaeta to know that this law did not come out of one complaint. There were others with smoke problems in the Village as far back as 1998.

Trustee Petroni stated that this is a problem everywhere. All communities have to deal with this. She has personally had to deal with smoke problems in her neighborhood with illegal burning.

Mr. Gaeta asked if fireplaces and woodstoves be pointed out as well as outdoor furnaces? He feels this is another encroachment of government on people's rights. If he had been notified of a complaint he would have addressed it.

Trustee Petroni once again stated that this is not just on his outdoor furnaces it is a health and safety issue throughout the Village for everyone and we, the Village Board have to deal with it and have the public safety of everyone.

Mayor Taylor wanted Mr. Gaeta to know that there is a certain time period in the law that outdoor furnaces cannot be run, which would be October 1 until March 31. Mr. Gaeta was asked if he got a copy of the proposed law and he said he did.

Trustee Doyle stated that technology is part of the problem and newer models now have better technology.

Trustee Wells asked if higher stacks would make a difference? Some discussion took place on this.

Trustee Zayac said that with this in place the Code Enforcement Office could enforce this problem of outdoor furnaces along with other laws regulated woodstoves.

Mr. Appleby stated that he does not want to see outdoor furnaces outlawed, just would like to see higher stacks and not operated in the summer.

Trustee Wells stated that he does not see the Village outlawing outdoor furnaces, woodstoves, etc. Just need some regulating.

Mr. Nutt noted that when the air is heavy the smoke lays low, this is an act of nature. He also commented on how using wood burners to heat water and pools is very cost effective.

Trustee Petroni stated that we can't predict what the future will bring, just need to constraint on the matter at hand.

Trustee Zayac noted that the Board realizes this is a cost savings for people using them versus using other utilities.

Trustee Petroni commented that nowadays more people are staying home and using the outdoors more and with Village properties so close to each other it does create a problem.

Mr. Gaeta urges caution to not over regulate early on.

Trustee Petroni said she is glad the EPA standards are getting stricter and that the Board is not outlawing outside furnaces just putting some restrictions on them.

Trustee Zayac stated that a lot of time was put into this law by the committee as not to make it too restrictive, but to give people the right to use these furnaces without infringing on their neighbors.

Mayor Taylor asked if there were any other comments or questions, with none a

MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE MICHAEL DOYLE TO CLOSE THIS PUBLIC HEARING. TIME: 7:50PM

A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE PATRICIA PETRONI AND PASSED TO ADOPT LOCAL LAW #3, 2009 OUTDOOR FURNACES WITH THE FOLLOWING VOTE:

TRUSTEE JUDITH ZAYAC	AYE	
TRUSTEE JOHN WELLS		AYE
TRUSTEE PATRICIA PETRONI		AYE
TRUSTEE MICHAEL DOYLE	AYE	
MAYOR THOMAS TAYLOR	AYE	

Mayor Taylor thanked the audience for their comments and taking part in the discussion on this law.

GUESTS: Mayor Taylor asked Tom Swift of Clark Patterson Engineers to give a brief explanation on the Village of Cuba Wastewater Collection System. The Mayor also gave a short written report on this as well. Mr. Swift told the Board that the bids for Sewer District #5, lake project, were opened on April 28th and there were several favorable bids. They came in much lower than expected; this bid should be awarded at the Town of Cuba Board Meeting 5-12-09. He stated he estimates that the work at the lake should start sometime in September and should move very quickly. That means the Village should see some revenue from the lake by January 2010 billing. This is good because this would help with the payment of any loan that the Village will have to get for the wastewater collection project in the Village. He asked if the Village Board wanted his firm to continue with the design work and they told him yes. There was some talk on how a video camera would aid in finding the worst infiltration trouble spots and maybe these could be slip lined. More information was given to update the new Board members on what has happened to this point.

POLICE DEPT.: Chief Fries gave his report at this time, as he had to be someplace else. He copied the Board on his written report. In this report it states that there were 7 uniform traffic tickets issued in the Village, 3 MVAs in the Village, also it stated that overall there were 295 calls to service and 26 cases investigated in April.

The Chief also commented on the letter from the Chamber of Commerce wanting to close down West Main Street Friday and Saturday of Dairy week. He feels that this would create a problem for people going to the transfer station, semi trucks, etc. He would suggest not doing this. There were several comments on this and all agreed. Although they do realize what the Chamber is trying to accomplish. The Mayor will contact the Chamber and let them know of this as well as some ideas of alternative spots in the Village for the Antique cars. Kevin Nutt also agreed on this on the fire departments behalf. The Mayor will work with the Chamber on this.

MINUTES: Clerk Wilson copied the Board on the minutes of the April 13, 2009 Board Meeting. Mayor Taylor asked if there were any changes to these minutes. With there being none a **MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE JUDITH ZAYAC AND PASSED TO APPROVE THE MINUTES OF 4-13-09.**

BILLS: Kevin Nutt, 1st Asst. Chief of the fire department had two additional bills to present to the Board, these were not on the Abstract of bills to be paid given to the Board prior to this meeting. One of these bills was from Brico Technologies for radio reprogramming in the amount of \$25.00 and the other was from Lyman Truck in the amount of \$977.77 for repair to a fire truck. With

these two bills the total of Vouchers 755 - 821 is \$76,206.95 to be approved by the Board to pay is as follows:

GENERAL FUND	\$34,860.82
WATER FUND	\$ 5,599.91
SEWER FUND	\$35,361.23
CAPITAL SIDEWALKS	\$ 384.99

Clerk/Treasurer Wilson asked if there were any questions on the Abstract of Vouchers to be paid this month? She also noted to the Board that the bills are available at any time for them to review prior to the Board meeting. **A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE MICHAEL DOYLE AND PASSED TO PAY THE MONTHLY VOUCHERS TOTALING \$76,206.95.**

CUBA FIRE DEPT.: 1st Asst. Chief Kevin Nutt gave the following report:

- May 13, 2009 a class will be held at the Cuba Elementary School at 7:00 pm about recruitment and retention of volunteers.
- Seven firemen went to Olean for a class on May 6th Underground Facilities Protective Organization (UFPO).
- Two firemen and Cuba 9 went to Allegany for training on April 19, 2009.
- Cuba 3 went out for repairs.
- PESH citations received and the department is 75% finished with them. Waiting to get the ladder truck tested. Some discussion took place on why it is taking so long to have this done. Chief Nutt explained that the companies that do this kind of inspection have to come to your facility and that don't like to do just one truck being that they have to travel, would like to have another on their schedule. It takes about three days to do the inspection. There are only about four ladder trucks in this County.
- Dry hydrants will be flow tested on Wednesday, May 13, at 9:00 am by Soil and Water Conservation. The Chief was asked what a dry hydrant was and he explained that they are in rural areas near a pond or other water source to be used in case of a fire in that area as not to have to use village hydrants and to haul.
- May 12, 2009 will be training night.
- May 19, 2009 equipment night.
- The department responded to sixteen (16) calls in April

CODE ENFORCEMENT/BLDG INSP/ZONING OFFICER REPORT: Mr. Putt faxed his report to the Clerk which she copied the Board and the report is as follows:

April 16th Walt Putt received a call from Mrs. Joy, 56 E. Main St, over the neighbor at 60 E. Main St. putting in a driveway and she felt it was too close to her property line. Mr. Putt told her he would meet with her later that night. Walt met with Al Joy at 56 E. Main St. He told Walt where the property lines

were. Walt went over to 60 E. Main and talked with the owner. She explained that they were not ready to put the driveway in and that was a temporary spotting for the driveway. The owners of 60 E. Main will get the proper permits when they are ready.

April 20th Mr. Putt attended the Planning Board meeting.

April 22nd Walt met with First Class Exteriors at 18 Champlain Ave. to go over plans for a small addition.
Stopped at the Also Credit Union to talk about the awning they want to put up.

April 23rd A permit was issued to Steven Sessler for raising a roof at 18 Elm St. Took his check and paperwork to Village office.

May 2nd Met with the owner of 60 E. Main. He wants to replace his front porch and install a driveway.
Met with the owner of Cuba Auto Sales, Stewart Freeman, he wants to put up a 60x72 addition on the rear of the building. He will be turning in plans at the Village office.
Valaro Gas Station has had auto stops installed in front of the propane storage unit.
Talked with the maintenance man from Community Bank. He said they he had removed the steel from the back parking lot.
Inspected footings at 18 Champlain Ave.
Talked to the owner of 8 Champlain Ave. about a porch he wants to install.

WASTEWATER TREATMENT PLANT: N/A

SUPERINTENDENT OF PUBLIC WORKS: Rick Hall reported the following:

- ❑ South St. sewer repair; TV Ferret did video after jetting (cleaning) of sewer main.
- ❑ Cleaned up old bus garage parking lot where we dump snow.
- ❑ Spring hydrant flushing is done.
- ❑ Village streets have all been swept for the first time.
- ❑ Removed tree on Spring St. per Tree Board approval.
- ❑ Picked up brush 2 ½ days to complete.
- ❑ Repaired broken storm drain line between Hardy and Maple Sts.
- ❑ Spring tree planting is complete. Planted 9 trees.
- ❑ Replaced driveway sluice at 108 W. Main St.
- ❑ Two lawn repairs from work done late last fall W. Main St. at Tom Laws and Mrs. Battistoni's.
- ❑ Repaired water leak on Woodruff St. (leaking in joint)
- ❑ Drug and Alcohol training (Rick & Randy) attended in Belfast.
- ❑ Shared service work with County-swept street so they could pave on Main St. in Friendship.
- ❑ Mowing lawns at parks and I-86 interchange.

- ❑ Thanks to the Town of Cuba for use of 10-wheel dump truck and three loads of gravel for the water leak repair.
- ❑ House located at 17 Chapel St. is "GONE".
- ❑ All park bathrooms are in service for the summer.
- ❑ Put out Skate Park equipment/repairs park swings.
- ❑ Upgraded electric to shelter in Chamberlain Park.
- ❑ Park ready for opening day of Little League. A Special Thank You to businessman Tim Resch who donated all of the mulch for the parks.
- ❑ Truck bids were opened on May 11th at 1:00 pm in the Cuba Village Hall. In attendance was Cindy Jerge from Valley Fab, Greg Laker from Cyncon Equipment, Mayor Tom Taylor and Rick Hall, SPW. The following are the bids submitted:

CHASSIS BID

1.	Van Bortal Ford (no exceptions-one addition-brake controller)	2009	\$33,875.00
2.	West Herr Ford	2009	\$34,940.00
		2010	\$36,657.00
	(one exception-n/a with dump lift position)		
3.	Ferrario Dealership (no exceptions)	2009	\$36,022.65

MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JOHN WELLS TO EXCEPT THE LOWEST BID OF VANBORTAL FORD FOR THE CHASSIS IN THE AMOUNT OF \$33,875.00. THIS PASSED UNANIMOUSLY.

PLOW HITCH, CENTRAL HYDRAULIC SYSTEM & DUMP BODY

1.	Unicell (exception w/explanation-hoist, amber lights & bar It)	\$13,097.00
2.	Cyncon Equipment (exception w/explanation-hoist, amber lights)	\$15,148.00
3.	Gorman Enterprises (eight exceptions-not close to specs.)	\$11,995.00
4.	West Herr (eight exceptions-not close to specs.)	\$12,395.00
5.	Valley Fab (exceptions w/explanation-hoist,subframe)	\$16,816.00
6.	Ferrario (exceptions w/explanation-hoist,subframe & bar It)	\$22,469.20

A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE PATRICIA PETRONI TO ACCEPT THE BID FROM UNICELL IN THE AMOUNT OF \$13,097.00, THIS WAS PASSED UNANIMOUSLY.

POOL

Ruthanne Hardman	Head Lifeguard
Ashley Andrus	Lifeguard
David Dye	Lifeguard
Nichol Dye	Lifeguard
Emily Sprague	Lifeguard
Sabrina Dunning	Lifeguard
Seth Dunning	Lifeguard

COMMITTEE REPORTS: N/A

MAYORS REPORT: N/A

OLD BUSINESS: N/A

NEW BUSINESS:

Received a proposal/agreement from Kelly Lathan, Fiscal Advisors & Marketing, Inc. This is for the Wastewater Treatment/Collection Upgrade Project to aid the Village in financial matters as financial advisors. **A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE PATRICIA PETRONI TO ENTER AN AGREEMENT WITH FISCAL ADVISORS & MARKETING, INC. TO AID IN FINANCIAL MATTERS CONCERNING THE WASTEWATER TREATMENT/COLLECTION PROJECT. THIS WAS PASSED UNANIMOUSLY.**

Received from NYS DOT an agreement/contract for the Transportation Enhancement Program PIN: 6754.48, which are being funded by the 2009 American Recovery and Reinvestment Act Resource (ARRA) program. This will fund the Cuba Landmark Connection to the Genesee Valley Greenway. The following resolution was presented to the Board:

**ECONOMIC RECOVERY PROJECTS
MUNICIPAL/SPONSOR RESOLUTION
RESOLUTION #1 OF THIS PROJECT**

WHEREAS, The Cuba's Landmark Connection to the Genesee Valley Greenway Economic Recovery Project (hereinafter "the Project") in the Village of Cuba, in Allegany County, (hereinafter "the Municipality/Sponsor") is (are) eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ration of 100% Federal funds and 0% non-federal funds.

NOW, THEREFORE, the Municipal/Sponsor Board duly convened does hereby:

RESOLVE, that the Municipal/Sponsor Board hereby approves the above Project; and it is hereby further

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through: the Municipality/Sponsor's resources and agrees that the Municipal/Sponsor Board hereby authorizes the Municipality/Sponsor to pay in the first instance the full federal costs and full non-federal costs of any and all phase(s) or portions thereof and hereby appropriates from Capital Fund the funds necessary to complete the Project including all phase(s) or portions thereof

RESOLVED, that the Municipal/Sponsor Board makes a 100% commitment of the non-federal share (if any) of the costs of Construction/Construction Inspection phase(s) of work for the Project(s) or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter "NYSDOT") pursuant to the State/Local Agreement and it is hereby further

RESOLVED, that upon completion of construction of the Project(s), or a fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Municipal/Sponsor Board shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the Mayor of the Village of Cuba is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Projects identified in the State/Local Agreement; and providing for the administration of the Projects and the municipality's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project(s); and it is further

RESOLVED, that this Resolution shall take effect immediately.

Patricia Petroni, Trustee moved the adoption of the resolution. Seconded by Michael Doyle, Trustee. Upon roll call, adopted.

TRUSTEE MICHAEL DOYLE	AYE
TRUSTEE PATRICIA PETRONI	AYE
TRUSTEE JOHN WELLS	AYE
TRUSTEE JUDITH ZAYAC	AYE
MAYOR THOMAS TAYLOR	AYE

Clerk of the Village of Cuba, County of Allegany

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Municipality/Sponsor at a session held on the 11th day of May 2009 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said Village of Cuba, this 11th day of April, 2009.

(SEAL)

_____CLERK

Mayor Taylor asked about the Chamber of Commerce letter asking for the closing of East and West Main Sts. on Saturday, June 6th for Dairy Week Celebration? After discussing the pros and cons of this and alternate locations, the Board felt that closing W. Main would be fine, but not E. Main.

AT THIS TIME A MOTION WAS MADE BY TRUSTEE PATRICIA PETRONI AND SECONDED BY TRUSTEE JUDITH ZAYAC TO GO INTO EXECUTIVE SESSION TO TALK ABOUT TWO PERSONNEL ISSUES. TIME: 9:15 PM

A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE PATRICIA PETRONI TO COME OUT OF EXECUTIVE SESSION. TIME: 9:34 PM

A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE PATRICIA PETRONI TO HAVE EMPLOYEE VALUATIONS DONE EACH YEAR BY THE DECEMBER 31ST FOR ALL VILLAGE OF CUBA EMPLOYEES. THIS PASSED.

WITH NO FURTHER BUSINESS TO DISCUSS A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE PATRICIA PETRONI TO ADJOURN THIS MEETING.

TIME: 9:35 PM

RESPECTUFULLY SUBMITTED
D. WILSON

