

The Village of Cuba held its Monthly Board Meeting on Monday, February 9, 2009 at 7:00 pm in the Cuba Village Hall.

PRESENT: Mayor Thomas Taylor, Trustees John Shelley, David Sweeten, Judith Zayac and Michael Doyle.

ALSO PRESENT: Clerk/Treasurer Diane Wilson, Superintendent of Public Works Richard Hall, WWTP Operator Lloyd Lewis, Fire Chief Derek Clement and Cindy Dutton, Cuba Circulating Library. Paul and Vicky Gaeta were in attendance for the Public Hearing on the Local Laws "Outdoor Wood burners", but they were informed that the law had not been received from the Village Attorney so the Public Hearing will have to be rescheduled. The Clerk informed them to watch the legal notices in the paper for the next public hearing date.

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

GUESTS: Mrs. Dutton informed the Board on the Library's mission. She stated that circulation for 2008 was 54,878, the sixth greatest of the 45 libraries in the Southern Tier Library System. She encouraged everyone to check out their web page at www.stls.org/Cuba. The Library's public access computers were used 7726 times in 2008, which is about 40 users per day. The Library hosted 49 programs in 2008 and Mrs. Dutton outlined some of these programs. The 2008 children's services continue to be strong. The financial information for the Library was also touched on as well as achievements for 2008. Mayor Taylor reminded everyone that the BAH will be held at the Library on 2-11-09. He also thanked her for giving her presentation.

MINUTES: The Board was given copies of the minutes of the Board meeting on 1-12-09 and the Public Hearing on 1-20-09. These minutes were reviewed and with no changes to these minutes a **MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE DAVID SWEETEN AND PASSED TO APPROVE THE MINUTES OF 1-12-09. A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE JOHN SHELLEY AND PASSED TO APPROVE THE MINUTES OF 1-20-09.**

BILLS: Clerk/Treasurer Wilson copied the Board on the Abstract of Vouchers 532-603 in the amount of \$139,845.19 with the breakdown as follows:

GENERAL FUND	\$61,714.17
WATER FUND	\$13,061.69
SEWER FUND	\$12,855.40
CAPITAL FUND	\$52,213.93

Ms. Wilson pointed out some items on this abstract, one a vendor name changed on the seventh line down first page should read "Bene-Care Agency" not "Benefactor Funding Corp." Also noted that some of the equipment which the fire department lost in the recent fires has been replaced with insurance money already received. Also the payments to Flynn Battaglia Architects and Stuart Brown Associates for the opera house were made. The funding comes from Restore NY Grant not from the Village; the grant money is channeled through the Village.

Superintendent Hall has two bills that did not come in soon enough to be put on the Abstract. One from Buffalo Crushed Stone for salt/sand mix in the amount of \$2,573.83 and the seconded from Parts Associates water line repair fittings in the amount of \$75.06.

A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JUDITH ZAYAC AND WAS APPROVED TO PAY THE ABOVE MONTHLY BILLS AS WELL AS THE TWO PRESENTED BY THE SUPERINTENDENT.

POLICE REPORT: N.A.

FIRE DEPARTMENT REPORT: Chief Clement reported the following.

Update on the guys from the Friendship fire collapse: Aaron Appleby was treated and released the day of the fire for minor injuries, Bryant Hughes will be released for full activity on March 1st, Nick Sweet is still restricted from work and will be going to the doctors again the first week of March.

The department has had a streak of bad luck; on Monday January 26th they had a structure fire on County road 20 where they were in the overhaul stage of the fire and when a second floor ceiling collapsed trapping Jason Jones. Jason was treated and released that day for bruises and abrasions. Resulting from the collapse, smoke was forced down the stair well and out the front door where Jim Kupiec was standing causing upper respiratory and lung burns. Jim was transported to ECMC by Mercy Flight where he spent 9 days in ICU burn unit and 2 days in a step down room, and was sent home Friday, February 6th. He is now home resting under supervised care.

As the Chief reported last month after the Friendship Fire they were visited by PESH (Public Employee Safety and Health). They received citation from that visit. They cited for interior personal mask fit test, which was 2 months past due. They have until mid March to correct this problem and they are about 50% compliant already and should have the rest done on Feb. 17th.

Due to having two incidents with injuries in a 5-week period they were visited once again by PESH on Jan. 28th. PESH only inspected things related to the person injured in the first fire. On this visit they did a full department inspection, where they looked at all safety of the fire hall and all documents and procedures. Preliminary report was that there were about 9 or 10 items in question, but CFD will not receive the citations from this visit for a couple of weeks. With what items they already know about, they have started to correct these issues as well.

Due to the fires in the past few months CFD has a large amount of equipment damaged and in need of replacement. The first insurance claim for the Friendship fire has been paid out and they have been slowly receiving the new equipment as it comes in. However, there are still two more claims to make, one from Echo Lanes fire and also one from the County Road 20 fire.

Churchville Fire Equipment will be in on Feb. 11th to do our OSHA mandated annual inspection on our Air Packs. The company comes and does a thorough inspection of each pack as well as a certification flow test.

Cuba 6 (rescue) had an air dryer go bad last month on the trucks air system. Lyman's Truck Service has since been in and replaced this item.

Cuba 9 (ladder truck) would not start the day of the County Road 20 fire; they brought in Lyman's Truck Service to look at the truck that day. They found that the shoreline charging system had malfunctioned and quit working resulting in damage to the alternator and the batteries. The alternator and half of the batteries have been replaced, and they are awaiting the rest of the batteries to come in as well as the new shoreline-charging unit.

The department responded to 20 incidents for January. Mayor Taylor was sorry to hear about all the difficulties. Chief Clement stated that both incidents were deemed accidental. He also informed the Board to check out the Cuba Fire Departments' web site at cfdsmokeeaters.com for all updated information and events. Jason Butts and Bryant Hughes are doing a good job with this site. There is also a link to it on the cubany.org web site.

BUILDING INSPECTOR/CEO REPORT: Mr. Putt could not attend this meeting, but he did send a written report. The Mayor asks that this report be recorded in these minutes.

January 20th-Stopped by the Village Hall and checked the code box and talked to Mayor Taylor about Jasper Auto demolition of the house next door. The Mayor advised me to write the demolition permit.

January 25th-I inspected the chimney at 24 Chapel Street for Katie Williams. This chimney is in the back of the house and has not been used in a year. I found it to be safe. The front chimney has been torn down after a chimney fire. She doesn't know if she will have a new chimney installed. She is considering a pellet stove. She will get a permit if she does.

January 29th-A permit was written for the demolition of 4 Elm St. for Richard Caster.

I talked to Cummins Construction to see what the progress was on the inside of the vet clinic. This is almost completed.

February 3rd-I dropped the demolition permit off at the office for Richard Caster.

A second violation notice was written to Zims Lumber over the propane tank not in compliance.

WASTEWATER TREATMENT PLANT: Operator Lewis reported that on Jan. 7th the new termination board in the UV System A bank failed. He put another one in and on Jan. 9th this one also failed. At this time he ordered a new termination board and asked Koester associates technician to come and find out what the problems was. It was found that it was a moisture problem in the power distribution box. He fixed that problem and installed new board, which seems to be working fine now. He will send back the termination board that was only 3 days old under warranty replacement. He cleaned the UV System three times this month. He needs to change the bulbs in the B bank, but this can't be done until good weather and will try to get this done on Wednesday of this week as it will be warmer. He took the tractor back to the dealer for power steering and fuel problems. The power steering is working fine, but the fuel line leak seems to be reappearing. Mr. Lewis will replace lines himself. He thanked Steve Nease from the Town of Cuba for hauling this tractor to the dealer and picking it back up. Ordered the three variable speed drives. Once they are received, the salesman will sit down with Mr. Lewis and fill out the refund form.

Trustee Doyle asked if he takes much septage or Leachate? Lloyd explained and said this time of year he takes more than in the summer months. This is a little income to help defray costs at the plant.

SUPERINTENDENT OF PUBLIC WORKS: Superintendent Hall reported the following:

1. Plowing and sanding as needed.
2. Shoveling walks and bridges as needed.
3. Removed snow from Main St. as well as other locations.
4. New sander installed and working well.
5. Shut water off 59 Maple St. (maintenance person working for foreclosure company found the ceiling over the kitchen down and water spraying). As a result of searching for probable water leak, David Hardman from CRCS Elementary School called and said he had a valve left on or malfunctioned. A short discussion took place on how to prevent vacant buildings having water problems when there is no heat. It was thought maybe if the utility companies could notify the Village when they turn heating source off. Superintendent Hall will contact the utilities on this.
6. Serviced equipment between storms/new tires on '98 Chevy and 2006 pickup.
7. Cleaned various sewer laterals & mains-3 frozen sewer lines due to the frost going so deep this year.
8. Picked up Christmas trees.
9. Started "Pot Hole Patrol" with cold patch.
10. Cleaned off catch basins.

11. Installed new STOP sign by Four Seasons again. When the weather breaks will install sign with concrete.
12. Service line water leak on Watt Rd.
13. Cut nuisance trees corner of Cherry and Prospect Sts. as per request of Mayor Taylor.
14. Thanks to the Town of Cuba for assisting with ice jam removal just below Mill St. footbridge.
15. Took Jeff to lunch before heading to Iraq or as Rick calls it the "Bad Place".
16. Plus normal routine jobs: Underground locates. Brush and steel goods day, daily water tests, Etc.

He is looking forward to starting sewer project on Hardy St. and will be working on Board room renovation this week. Rick also stated that he received a thank you card from the Environmental Science class and CRCS. He and Randy Snyder gave tours of both the well houses and spoke on just the water system. Also a very nice letter was received from Mrs. Ploetz, the teacher for this class, which Rick read to the Board.

The South Street lighting project is moving right along and walkers seem to like the repositioning of the lights as it shines on the sidewalks better. Trustee Doyle noticed that the trees in front of Dooley's home on South St. seem to be blocking sight. Rick said that there are a couple others that will need to be looked at.

CLERK/TREASURER REPORT: Clerk Wilson would like to set the budget workshop dates for the 2009-2010 fiscal year budget. The dates chosen by the Board are March 12 and 26 at 6:00 pm in the Cuba Village Hall. Also a reminder that budget estimates need to be in the Clerk's office by March 1st.

A park application for the use of Chamberlain Park was received from Janet Rhodes. She would like the use of the park on July 25, 2009 from 8am to 7 pm for a family reunion. She is asking on this application for a variance to have alcoholic beverages at this reunion. **A MOTION WAS MADE by TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE JOHN SHELLEY AND PASSED TO GIVE PERMISSION FOR MRS. RHODES TO HAVE ALCOHOLIC BEVERAGES AT THIS FAMILY REUNION.**

The Clerk stated that the Library report for the month was received in this office and is on file in this office for anyone to review.

An insurance check for fire department equipment damaged in the recent fires was received. This check was for the Friendship fire and was in the amount of \$24,514.68 and a small one for \$250.00. Chief Clement stated that he has two other claims to file and is in the process of doing this.

COMMITTEE REPORTS: Trustee Doyle stated that on February 4th a code committee meeting was held. In attendance was Pastor Sunny Mauser from the Methodist Church as well as Linda Botens and members of the Youth Court. It was a very informative meeting as to the duties of the youth court. Also Pastor Sunny was impressed with the youth court and would like to work with them

with counseling or community service for the area youths that have be brought forward to the youth courts. The youth court could possibly be used if a curfew is implemented. There is however a lot more to discuss concerning curfew.

Cats were also discussed with Ms. Botens. She is looking into several state programs, but with funding being cut out of the state budget, there may not be any funds available to help with spaying and neutering of cats. Discussion took place on a chemical that is put in food to attract feral cats and work as a birth control measure. But again, this costs money and funding probably will not be available. This is still in a discussion process as well as curfews.

Trustee Doyle also informed the Board that Frank Hunter from Elm Street Academy has volunteered some of his students to help the CFA with some painting. Mr. Doyle also talked to him about sidewalks and it was thought that maybe these students could also do a sidewalk, survey of the Village to address sidewalks not in compliance using mapping of the property. They may even be able to do measurements and costs. It was a great presentation from the Elm Street Academy representatives at the last BAH.

Trustee Shelley stated that there have not been any Personnel Committee meetings lately.

Also no finance meetings. Clerk/Treasurer Wilson stated that she would like to have a meeting with the finance committee in May after the budget process is over.

The next code committee meeting has been scheduled for March 4th at 6:00 pm.

MAYORS REPORT: Mayor Taylor had a letter to the editor on house numbering. This is the law according to Fire Code of NYS Section 505.1 and Property Maintenance Code of NYS Section 303.3 requiring;

1. New and existing buildings shall have approved address numerals
2. The numbers shall contract the background
3. The Arabic numbers shall be a minimum of 4 inches in height with a stroke of 0.5 inches.

Exceptions: buildings identified as a part of countywide 911 numbering system. The Mayor stated that very valuable time is lost during an emergency, if the emergency responders have to spend time trying to locate your house. This would also help postal carriers.

The village crew will give this notice to homeowners without house numbers when water meters are read the first week in March and again the first week in June. After this point the Code Enforcement could violate any home without numbers.

OLD BUSINESS: A new Public Hearing Date for changes to the Vehicle and Traffic Code of the Village and the Outdoor Wood Furnace/Boiler, which was

sent to the Village Attorney in December of 2008 to be put in Local Law form; will have to be rescheduled as these laws have not been received as of this date. **A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE MICHAEL DOYLE TO SET A DATE OF APRIL 1, 2009 AT 6:00 PM FOR A PUBLIC HEARING ON THE ABOVE. THIS WAS PASSED UNANIMOUSLY.** It was noted that the code committee would like to review the law once received from the Attorney before the hearing. Also note that a legal notice will be put in the paper and posted at the Village Hall on the date and time of the hearing.

NEW BUSINESS: An engineering proposal for services was received from Clark Patterson Lee for Sanitary Sewer System Improvements. The cost of these services would be \$180,000. which does not include costs for any topographical or property surveys or costs associated with obtaining any property easements that may be required. The proposal of services they will provide is attached to the agreement, which is on file. **A MOTION WAS MADE BY TRUSTEE JUDITH ZAYAC AND SECONDED BY TRUSTEE JOHN SHELLEY TO ACCEPT THE ENGINEERING SERVICES PROPOSAL AS WRITTEN FROM CLARK PATTERSON LEE IN THE AMOUNT OF \$180,000. THIS PASSED UNANIMOUSLY.**

Two proposals were received to prepare a Comprehensive Economic Development Plan for the Village/Town of Cuba Plan. These proposals were from MRB Group out of Rochester, NY and Stuart I. Brown Assoc. also out of Rochester. Both proposals were very comparable, but after a meeting held by the Village/Town Officials

The decision was made to recommend Stuart Brown Associates for this project. **A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JOHN SHELLEY AND PASSED TO ACCEPT THE PROPOSAL FROM STUART BROWN ASSOCIATES TO PREPARE A VILLAGE/TOWN OF CUBA COMPREHENSIVE ECONOMIC DEVELOPMENT PLAN.**

A Resolution authorizing CWSRF Application and agreement for project financing was distributed. This resolution needs to be passed by the CWSRF (NY Clean Water State Revolving Fund) applicant and submitted to EFC (Environmental Facilities Corp.) as part of the application for CWSRF financing. The resolution authorized the execution and filing of a CWSRF application and execution and delivery of a finance agreement and other documents necessary for the CWSRF financing.

WHEREAS, the Village of Cuba here in called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project described as: **Village of Cuba Wastewater Collection and Treatment System Improvements** and identified as CWSRF Project Number C9-6609-01-00 herein called the "Project", is desirable and in the public interest, and to that end it is

necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentally of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted And continued pursuant to the New York State Environmental Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY the Village of Cuba Board of Trustees as follows;

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required:

<u>Thomas Taylor</u>	<u>Mayor</u>
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3. The official designated above is authorized to make application for financial assistance under CWSRF Program for either short-term or long-term financing or both.

4. One (1) certified copy of this Resolution shall be prepared and sent to the New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.

5. This Resolution shall take effect immediately.

A MOTION WAS MADE BY TRUSTEE MICHAEL DOYLE AND SECONDED BY TRUSTEE JOHN SHELLEY AND PASSED THE ABOVE RESOLUTION UNANIMOUSLY.

WITH NO FURTHER BUSINESS TO DISCUSS A MOTION WAS MADE BY TRUSTEE DAVID SWEETEN AND SECONDED BY TRUSTEE JOHN SHELLEY TO ADJOURN THIS BOARD MEETING.

TIME: 8:08 PM

RESPECTFULLY SUBMITTED
D. WILSON