

CUBA LAKE DISTRICT
P.O. BOX 307
OLEAN, NEW YORK 14760

The regular monthly meeting of the Cuba Lake District Board of Commissioners was held on Thursday, July 11, 2002 at the Cuba Library, 39 E. Main Street, Cuba, New York
Deputy Chairperson Lynn Sweet called the meeting to order at 7:05 p.m. and asked the secretary to call the roll:

COMMISSIONERS PRESENT: Erick Laine, Lynn Sweet, Jeff Bradley, Wayne Schlifke - arrived at 7:10, Walt Lang - Excused
ALSO PRESENT: Treasurer Andrew Lindquist, Secretary Pam Konieczka, Attorney John M. Hart, Jr.
GUESTS: Jim Mostacato, Bonnie Ringgenberg

Mr. Mostacato raised the following questions on behalf of the Cottage Owners Association:

- There is concern about the spillway and who actually owns it? Who is liable if something is to happen there?

Discussion ensued about the problems of people using that area and if someone is to get hurt. Commissioner Laine suggested that signs be put up and if anything was to happen we would be covered. Commissioner Laine suggested that maybe the District should meet with the Allegany County Sheriff's Department, Cottage Owners, and DEC and maybe even include someone from the Legislature. He feels that maybe a deadline on this issue should be set for May of next year. He suggested maybe getting the newspapers involved and running an article on the situation.

Commissioner Sweet asked Attorney Hart if a sign would be able to be put at the spillway. Attorney Hart stated that it could be done.

Commissioner Schlifke stated that the cottage #113 next to the spillway has been vandalized and maybe the owner should be contacted. The owner is Duane Glover of Cohocton.

- Another question raised was in regards to the boat launch. Will the size of the boats and how many allowed into the Lake be monitored?

Commissioner Laine was not aware of a limit of how many boats could be allowed on the Lake. Commissioner Sweet stated that there is a noise level ordinance the regulations. Commissioner Schlifke stated that these issues are covered under the local laws and the boat launch would have to be monitored by someone. Attorney Hart stated that there would be certain days that the boat launch would have to be monitored and that there is an negotiated document to look at addressing these issues. Commissioner Laine told Mr. Mostacato to let the Cottage Owners Association know that they will have an opportunity to address these issues.

APPROVAL OF MINUTES: Motion was made by Commissioner Schlifke to accept the minutes of the June 13, 2002 meeting, seconded by Commissioner Bradley. All in favor 4 yes, 0 no. MOTION CARRIED.

TREASURER'S REPORT: Following review of reports circulated by Treasurer, Commissioner Schlifke moved to accept the Treasurer's reports for filing, seconded by Commissioner Laine. All in favor 4 yes, 0 no. MOTION CARRIED.

-Commissioner Schlifke commented that the legal fees being paid out is going to be over budget. Commissioner Sweet will contact Dan Spitzer to see if he can provide and estimate of what the total cost may come to be.

-Commissioner Sweet questioned an invoice for BDI. Commissioner Bradley stated that he believes they are parts for the conveyer that Dana Harvey charged. Commissioner Bradley will contact Dana Harvey and have BDI send a more detailed invoice. Commissioner Sweet asked the Treasurer not to pay the invoice until further detail was provided.

-Treasurer Andy Lindquist asked where to send payment for Shawn Mountain and Commissioner Sweet told him to send it to his Olean address.

Following presentation of the List of Claims, Commissioner Laine moved to pay the accounts as listed, seconded by Commissioner Bradley. All in favor 4 yes, 0 no. MOTION CARRIED.

AMOUNT: \$

CORRESPONDENCE: See attached Index of Correspondence.

COMMITTEE REPORTS:

1. BUILDING & LOT IMPROVEMENTS - Walt Lang, Jeff Bradley

a. Armbruster - Lot #332 - pending approval from OGS.

b. Collins - Lot #81 - requesting approval to tear down existing cottage and rebuild a new home. Commissioner Lang has a few more details to get from them before submitting for approval from OGS.

- Commissioner Sweet stated that he spoke with Ken Taft and that the DEC is responsible for new break walls being built but not new docks.

- Commissioner Schlifke stated his concern about the size of some of the new homes being built around the Lake and what it could do to the water quality. He feels the District should be aware of the regulations in regards to the percentage of land that is left after a structure is built. He also stated that with more and more people choosing to live at the Lake year round, we might want to think seriously about a public sewer system being done in the future.

2. FINANCE - Jeff Bradley, Lynn Sweet, Andy Lindquist, ex officio

a. Presentation of 2003 budget, discussion ensued.

b. Budget must be filed with secretary 30 days before Election (August 24, 2002).

c. Budget Hearing must be 10 days before Annual Election (to be held at regular meeting on August 8, 2002).

d. Resolution to adopt preliminary Budget, see resolution attached.

3. PARK MAINTENANCE - Wayne Schlifke, Walt Lang

- Some cottage owners have approached Commissioner Shlifke as to why the weed cutter hasn't been out more. Commissioner Sweet stated that Dana Harvey and his helper have been out in the Lake cutting weeds every day and that they are doing a good job.
- Commissioner Sweet stated that the roof had been looked at on the Ranger's Cabin and that there is too much structural damage done. Commissioner Laine will contact a person he knows to look at the job.

4. WATER QUALITY - Erick Laine, Lynn Sweet

- Commissioner Laine stated that Tom MacAlhaney with Clark/Patterson has brought in a new engineer, Peter McMaster, who is well versed in sedimentation and pollution control. Tom would like to meet with the Commissioners along with Peter, to discuss the catch basin issue at Rawson Creek. Commissioner Laine will try to set up a meeting at his Boat House on August 1 between 2:00 and 3:00 on that afternoon. He will email or call everyone to let him or her know.

5. STATE RELATIONS COMMITTEE - Erick Laine, Lynn Sweet

A. BUDGET UPDATE

- Attorney Hart suspects that at least \$100,000.00 will arrive to the District in the next couple of weeks.
- Cottage owner Jim Mostacato asked on behalf of the Cottage Owners Association if this budget would be public knowledge. Commissioner Sweet felt that it could be published on the website of www.cubalake.org and maybe made available at the Cuba Library.

B. SENECA NATION OF INDIANS LITIGATION UPDATE

- Attorney Hart stated that Attorney Dan Spitzer is well engaged as far as the letter to the Governor of New York on behalf of the cottage owners. The Attorney firm Hodgson Ross feels the Governor will not change his mind and that a lawsuit will be initiated.
- Attorney Hart received information from Hodgson Ross wanting the cottage owners to sign a Substitution of Counsel and Notice of Appearance. Attorney Hart doesn't feel we are ready to authorize this to happen. There are still cottage owners that are against this issue. Commissioner Laine felt we should still proceed. Attorney Hart will contact Dan Spitzer and will proceed accordingly.
- Attorney Hart also stated that Dan Spitzer would like to approach Amo Houghton and remedy the situation by agreeing on dollars and not ejection. He also stated that the Attorney General has the power to make this change. Attorney Hart suggested that Commissioners Sweet and Laine talk to Dan Spitzer and see how the situation should be approached.
- Commissioner Laine stated that he feels compensation to the Seneca Nation of Indians is due.

OLD BUSINESS:

- LAKE MANAGER

- Attorney Hart had no new information.
- Commissioner Schlifke suggested that the District might want a current Lake Manager from somewhere to attend a meeting and give their input. Jim Mostacato mentioned that Barb Utter stated at a Cottage Owners Association meeting that she knew of someone.
- Commissioner Laine suggested that the commissioners get together soon to discuss the position.

Tentatively a meeting will be set up for July 30 at 4:00 at Commissioner Laine's Boat House.

NEW BUSINESS:

1. The four election officials will be Barb Utter, Marlene Schlifke, Mary Reichman and Joan Collins. Bonnie Ringgenberg who was in attendance at the meeting offered to be an alternate.

- Commissioner Bradley read a letter that Mr. Armbruster wrote to the District concerning the Lake water being brought down in October instead of November. He has break wall work that needs to be done and this makes it difficult. Commissioner Sweet suggested that he be told to look at the website and see the dates that have been chosen for water levels.

- Commissioner Schlifke commented on how nice the Cuba Lake website is.

Motion to adjourn meeting made by Commissioner Bradley, seconded by Commissioner Schlifke. All in favor 4 yes, 0 no. MOTION CARRIED.

Meeting adjourned at 8:32 p.m.

Respectfully Submitted,

Pam Konieczka