

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, January 13, 2005 at the Cuba Lake District Office, 15 E. Main Street, Cuba, New York

Chairperson Lynn Sweet called the regular meeting to order at 7:00 p.m. and asked the secretary to call the roll:

ROLL CALL: Lynn Sweet Dave Shemeld

Erick Laine Jeff Bradley

Jerry Collins

ALSO PRESENT: Treasurer Andrew Lindquist

Secretary Pam Konieczka

Attorney John M. Hart, Jr. - Excused

Lake Manager Dave Bosworth

GUESTS: Jim Mostacato

Tom Swift with Clark/Patterson Reported the Following

Key points in the response letter from the DEC regarding the sewer project around the lake:.

The DEC suggested that the Town of Cuba be a product sponsor.

Some type of archeological study will probably have to be done.

The "rumor" regarding the Seneca Nation of Indians possibly building a casino on the Seneca Nation lands at the lake should not have been mentioned and the Commissioners agreed. Lake Manager, Dave Bosworth will contact Mr. Jackson from the DEC for clarification..

Another work session should be set up including the following representatives:

Cuba Lake Commissioners

Town and Village of Cuba

Tom Swift

Catherine Rees

Town of Ischua

Seneca Nation of Indians

A meeting was tentatively scheduled for February 10, 2005 at 3:00 pm.

Lake Manager, Dave Bosworth will coordinate with those people.

CORRECTIONS:

APPROVAL OF MINUTES: Motion was made by Commissioner Bradley to accept the minutes of the December 9, 2004 meeting, seconded by

Commissioner Collins. All in favor 5 yes, 0 no. MOTION

CARRIED.

TREASURER'S REPORT: Following review of reports of the District Budget circulated by the Treasurer, Commissioner Bradley moved to accept the Treasurer's reports for filing, seconded by Commissioner Laine. All in favor 5 yes, 0 no. MOTION CARRIED.

Following presentation of the List of Claims for the General Account, Commissioner Laine moved to pay the accounts as listed, seconded by Commissioner Bradley. All in favor 5 yes, 0 no. MOTION CARRIED.

AMOUNT: \$ 2,088.59

Following review of reports of the Management Budget circulated by the Lake Manager, Dave Bosworth, Commissioner Bradley moved to accept the Lake Manager's reports for filing seconded by Commissioner Laine. All in favor 5 yes, 0 no. MOTION CARRIED.

Following presentation of the List of Claims for the Management Account, Commissioner Shemeld moved to pay the accounts as listed, seconded by Commissioner Collins. All in favor 5 yes, 0 no. MOTION CARRIED.

CORRESPONDENCE: See attached Index of Correspondence.

LAKE MANAGER'S REPORT:

Lake Manager Dave Bosworth reported the following:

The Cuba Lake District received a FEMA check covering damages from high water events in May and June of 2004.

Mr. Bosworth shared an application regarding the Hazard Mitigation Grant/Mt. Monroe Sediment Basin that was prepared by Allegany County Soil & Water Environmental Planner. The Commissioners were all impressed with the application and the work that was put into it.

Karen Perrigo, Accountant for the Cuba Lake District requested in writing an increase in her salary per year from \$3,800.00 to \$4,000.00.

Motion was made by Commissioner Laine to increase Karen Perrigo, Accountant for the Cuba Lake District, her yearly salary from \$3,800.00 per year to \$4,000.00 per year.

Seconded by Commissioner Collins. All in favor 5 yes, 0 no. MOTION CARRIED.

The next item for discussion was the need for immediate action to repair the leaking spillway which was unexpectedly found to be seriously damaged when the Lake was let down in November. Dave Bosworth reported that he had indications that approval for the work was imminent from the Seneca Nation of Indians. This approval was critical since negotiations are ongoing in the Federal Court action but not yet finalized. Mr. Hart confirmed that New York law would permit an emergency approval of the repairs since they needed to be undertaken and completed before lake is brought back to recreational levels in the spring. Mr. Bosworth mentioned that the contractor would also have to comply fully with the Seneca Nation of Indian TERO laws, a copy of which has been previously circulated to the commissioners. Mr. Bosworth described the approach planned to repair the spillway and also advised that while an exact cost of the work could not be specified, it was expected that it would ultimately be about \$70,000. He also advised that he has been in touch with the Office of General Service concerning the planned funding method.

On motion of Commissioner Laine, seconded by Commissioner Collins the commissioners unanimously found that repair of the spillway qualified as an emergency arising from an unforeseen situation which affects a public property and which requires immediate action which cannot await public bidding of the contract. They then authorized the engagement of L.C. Whitford, Inc. to undertake the necessary repairs once Seneca Nation consent was obtained.

Mr. Bosworth handed out a second draft of the Fourth Year Management Budget.

COMMITTEE REPORTS:

1. BUILDING & LOT IMPROVEMENTS/PARK MAINTENANCE – Jerry Collins, Jeff Bradley

DiCerbo – Lot #39 – request to demolish existing barn and replace with a new barn. Pending approval from the Commissioners that Mr. Bosworth check to see if the new barn will be built far enough away from the road to allow for proper parking.

Pike – Lot #5 – request to tear down existing home and build a new home. Pending approval from the Commissioners that Mr. Bosworth will check to see if the owners are going to provide enough space for adequate parking.

Keeley – Lot #237 – request to put an addition on to the existing home consisting of 195 square feet as well as an addition to the kitchen of 110 square feet, roof replacement, some interior work and cutting down of trees.

Cecchi – Lot #366 – request to demolish existing home and rebuild a new home. Also will be replacing the existing breakwall.

Motion was made by Commissioner Shemeld to approve the above building and lot improvements pending the issues for the requests for DiCerbo and Pike are taken care of. Seconded by Commissioner Laine. All in favor 5 yes, 0 no. MOTION CARRIED.

2. BUDGET & FINANCE – Jerry Collins, Dave Shemeld, Andy Lindquist, ex officio

Lake Manager Dave Bosworth presented the Fourth Year second draft Budget for the Management of Cuba Lake.

WATER QUALITY – Erick Laine, Dave Shemeld, Dave Bosworth-Lake Manager
Commissioner Shemeld asked if the District could do more testing of the water quality of the Lake. He feels the CSLAP reports do not address the bacteria count and wondered if the District could add this type of testing?

Commissioner Sweet stated that the District did do more recent testing of the water quality of the lake and would provide those reports. Commissioner Sweet also felt the District could do more testing on their own once the lake water is back to summer levels.

4. STATE RELATIONS COMMITTEE – Erick Laine, Lynn Sweet

Nothing to report

PUBLIC RELATIONS & COMMUNICATIONS – Dave Shemeld, Dave Bosworth-Lake Manager

-Commissioner Shemeld stated that the Quarterly Newsletter will be published and mailed this month.

FOR THE GOOD OF THE LAKE:

Legal Avenues of Code Enforcement

OLD BUSINESS:

Public Sewer Project

NEW BUSINESS:

Retainer fee for Attorney John M. Hart, Jr.

Attorney John M. Hart, Jr. stated that with the District now having a Lake Manager that he feels his retainer fee should be lowered. He will present the new fee amount at the February meeting.

Meeting Change for March

The regularly scheduled meeting for Thursday, March 10 has been moved to Wednesday, March 16. The District secretary will take care of the proper notification.

Cuba Lake District Book

Commissioner Shemeld asked if there was a better way to communicate the information in the Cuba Lake District book. Discussion ensued and a representative from the District

will contact the Patriot.

Cuba Town Board Member

Commissioner Bradley suggested that it may be a good idea to have a property owner of the lake run for the Cuba Town Board. It may be in our best interest.

Motion to adjourn meeting made by Commissioner Bradley, seconded by Commissioner Laine. All in favor 5 yes, 0 no. MOTION CARRIED.

Meeting adjourned at 9:32 p.m.

Respectfully Submitted,

Pam Konieczka

District Secretary