

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, June 9, 2005 at the Cuba Lake District Office, 15 E. Main Street, Cuba, New York

Chairperson Lynn Sweet called the regular meeting to order at 7:05 p.m. and asked the secretary to call the roll:

ROLL CALL: Lynn Sweet Dave Shemeld

Erick Laine Jeff Bradley - Absent

Jerry Collins - Excused

ALSO PRESENT: Treasurer Andrew Lindquist

Secretary Pam Konieczka

Attorney John M. Hart, Jr.

Lake Manager Dave Bosworth

GUESTS: Jim Mostacato – Lot #35

#### CORRECTIONS:

APPROVAL OF MINUTES: Motion was made by Commissioner Shemeld to accept the minutes with changes to be made to the May 11, 2005 meeting, seconded by Commissioner Laine. All in favor 3 yes, 0 no. MOTION CARRIED.

TREASURER'S REPORT: Following review of reports of the District Budget circulated by the Treasurer, Commissioner Laine moved to accept the Treasurer's reports for filing, seconded by Commissioner Shemeld. All in favor 3 yes, 0 no. MOTION CARRIED.

Following presentation of the List of Claims for the General Account, Commissioner Shemeld moved to pay the accounts as listed, seconded by Commissioner Laine. All in favor 3 yes, 0 no. MOTION CARRIED.

AMOUNT: \$ 9,533.56

- Discussion ensued on the figure under sediment control and what it entailed.

Following review of reports of the Management Budget circulated by the Lake Manager, Dave Bosworth, Commissioner Laine moved to accept the Lake Manager's reports for filing seconded by Commissioner Shemeld. All in favor 3 yes, 0 no. MOTION CARRIED.

Following presentation of the List of Claims for the Management Account, Commissioner Laine moved to pay the accounts as listed, seconded by Commissioner Shemeld. All in favor 3 yes, 0 no. MOTION CARRIED.

CORRESPONDENCE: See attached Index of Correspondence.

#### LAKE MANAGER'S REPORT:

Lake Manager Dave Bosworth reported the following:

- The lake is at summer level with water starting to exit over the new spillway.

Commissioner Shemeld made the observation that the water was flowing over only the left end of the spillway which indicated the top surface was not level but he did not know by how much and whether or not it was significant..

Commissioner Laine suggested that Dave Bosworth contact L. C. Whitford to check the level to see if it could be a concern.

- Dana Harvey has finished removing sediment from the Munger Hollow Sediment Basin. He has cut brush on both sides of the dam, and has begun mowing the dam, spillway, Munger Hollow and the Taylor Farm public access. He has been repairing the weed harvester and elevator. The weeds are not ready to be cut as of yet, but with the clear water and sun light, it won't be long.

- Jim Mostacato and Dave Bosworth started the CSLAP testing. The water is very clear they were able to see over 20' deep. The first report has been sent in.

- Bids on the Abbotts Creek Sediment Basin have been received. With L. C. Whitford coming in as the low bidder at a price of \$106,863.00.

Motion to accept the low bid of \$106,863.00 from L. C. Whitford and to begin the work at the Abbotts Creek Sediment Basin was approved by Commissioner Laine and seconded by Commissioner Shemeld. All in favor 3 yes, 0 no. MOTION CARRIED.

- SEMO and FEMA visited the proposed sediment basin at Mount Monroe and told Dave Bosworth that the project is "listed" and would be "ranked". Depending on how high the project ranked, it could be accepted. He was told there is plenty of funds available and that there will be 37 approved projects. Hopefully the District will be one of those accepted. Dave will also find out if we do the purchases/plans first and get reimbursed or if we need to wait.

- Dave handed out a copy of correspondence that Barb Deming, the Cuba Town Supervisor submitted to the DEC that will put the District on a listing of proposed sewer projects. We need to be on the "list" to receive low interest loans for the project.

- Dave received a letter written to Commissioner Sweet from the DEC indicating a history of spills at the Strezlek Farm/Mallard Dairy. The information is available at the District Office for anyone to review.

- Dave met with Mr. Strezlek and the co-owner of his farm representing Mallard Dairy, along with a representative from Cattaraugus County Soil and Water and a biologist from Ducks Unlimited (affiliated with Cattaraugus County Soil and Water). After much discussion of the biologist's concerns for some of the details of the planned wetland area, Dave the District would withdraw the financial backing if the plan did not meet our needs and Mr. Strezlek agreed to withdraw his offer of the land if the biologist or the county made significant changes to the current plan. The biologist and Cattaraugus County representative indicated that they would re-evaluate the project design and get back to the District. Dave will check on this progress before the July 14th meeting. Mr. Strezlek and the Mallard Dairy farm owner also told Dave that they would take some immediate corrective measures by fencing cattle from streams and planting willow trees along the stream banks.

- The biologist also suggested that Dave contact instructor Alan Belford and Dr. James Wolfe of Houghton College for possible field studies along the Rawson Creek. Commissioner Sweet asked what this would cost. Dave Bosworth will request a proposal of what work would be done and what the cost would be. Commissioner Shemeld asked what the primary objective of the program would be and what would be the end result or impact of the study on the Lake. Dave Bosworth was told that it would help identify areas of the stream and erosion concerns.

- Commissioner Shemeld gave a report on the findings from the Alfred Analytical Lab for the soil and surface water samples taken from the Lake and lakebed at the Mount Monroe tributary. Samples were also taken downstream of the Rawson Creek, Abbotts Creek, and Munger Hollow areas. Results were consistent with DEC results from their 2005 Samples. The high levels of Cadmium reported by Dave Slotman based on the 2004 Alfred Analytical results were not repeated in the 2005 results.

Commissioner Shemeld read the draft of a letter to Dave Slotman presenting the findings. Commissioner Shemeld will send a copy of the letter and report to Attorney John M. Hart, Jr. for legal review, Motion was made by Commissioner Laine that the letter be sent to Mr. Slotman; seconded by Commissioner Sweet. All in favor 3 yes, 0 no. MOTION CARRIED.

- Scott Jordan from Cuba-Rushford School contacted Dave Bosworth stating that he has a student who would like to do an in depth study of the fish at Cuba Lake and have a pamphlet printed identifying by pictures and descriptions those various species. Their request is for funding. Commissioner Laine felt it was a good idea. Commissioner Shemeld suggested that maybe they do a report on identifying the different weeds instead as it may be of more value. Dave will request a proposal of the plan and required funding from Scott Jordan. He will suggest that the study be expanded to include weed identification as the subjects have an impact one on the other.

- Dave handed out a letter written by Tom Krott, Vice-President of the Cuba Rod & Gun Club announcing the Bass Tournament on June 18th and the Pike Tournament on September 17th of this year. He also stated his thanks to the Lake Commission for having the grounds at the lake inlet so well kept.

#### COMMITTEE REPORTS:

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

a. Blaske – Lot #72 – request to construct new home. The Commissioners had asked in the May 11, 2005 meeting for more information on the dimensions of the new structure. Dave Bosworth presented the new information, from Mr. Blaske, but the Commissioners felt it still was not enough. Dave Bosworth will check with Dick Kline and get a copy of his plans and present them at the July meeting.

b. Bennett – Lot #314 – request to build a 24' x 24' garage on deeded land and

to move the existing utility shed (app. 8' x 10') to leased land on the property. The Commissioners questioned whether the width between the road and where the new garage was to be built was sufficient. Dave Bosworth will check with Mr. Bennett and report at the July meeting.

c. Meehan – Lot #28 – request to build a 12' x 20' roof over the existing boatlift not to exceed the height of the existing deck rail.

d. DiCerbo – Lot #39 – Discussion ensued by the Commissioners on the deck dimensions and what should be agreed upon to be built. Attorney John M. Hart, Jr. will send a letter to the leaseholders of this property regarding this matter. A request was also submitted for permission to replace the existing gravel parking area at both Lots #38 & 39 with black top or stamped concrete. Commissioner Shemeld will draft a letter to be sent by the building committee to those leaseholders regarding this request.

Motion was made by Commissioner Laine to approve the request of Mr. Meehan at Lot #28 as directed by the Building & Lot Committee Commissioners with the stipulation that the roof being constructed be no higher than the top railing of the adjacent porch, seconded by Commissioner Shemeld. All in favor 3 yes, 0 no. MOTION CARRIED.

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

- Budget for 2006 will be presented at the July 13, 2004 meeting.

3. WATER QUALITY – Erick Laine, Dave Shemeld, Dave Bosworth-Lake Manager  
- Report was given under Dave Bosworth's Manager's Report.

4. STATE RELATIONS COMMITTEE – Erick Laine, Lynn Sweet

- Attorney John M. Hart, Jr. reported that the Order to Show Cause Hearing on the agreement between the State of New York and the Seneca Nation of Indians has been rescheduled from June 20, 2005 to June 22, 2005 at 2:00 PM in the United States Courthouse, located at 68 Court Street in Buffalo, New York.

- Commissioner Shemeld will draft a change notice for publication in the Patriot and the Olean Times Herald newspapers.

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

- Commissioner Shemeld has prepared a preliminary draft of the next newsletter and will send it to the Commissioners for review and suggestions.

FOR THE GOOD OF THE LAKE:

A. Legal Avenues of Code Enforcement

1. Utter Properties at the Lake

- The Utter property at Lot # 274 is still continuing to be cleaned up.

B. Commissioners Sweet and Shemeld have been receiving complaints of B & S Disposal not recycling items. Commissioner Shemeld spoke with Steve at B & S Disposal and was told that he uses a separate truck to pick up the recyclables. The Secretary will again mention the reported complaints to the representative of the service when they pick up their payment check.

C. Commissioner Shemeld will contact the Allegany County Sheriffs Representative (Tim Hand) to determine the patrol schedule for the July 4th week end

OLD BUSINESS:

A. Public Sewer Project

- Commissioner Sweet met a person to contact at Southern Tier West in Salamanca that could help with ideas on funding. Dave Bosworth will contact this person for more information.

NEW BUSINESS:

A. Resolution to Adopt Newspapers for District-Resolution attached.

B. Resolution to Adopt Official Notice of the Public Hearing on the Preliminary Budget-Resolution attached.

C. Resolution to Adopt Official Notice for Annual Election-Resolution Attached.

The next regular meeting of the Cuba Lake District will be held on July 14, 2005.

Motion to adjourn meeting made by Commissioner Laine, seconded by Commissioner Sweet. All in favor 3 yes, 0 no. MOTION CARRIED.

Meeting adjourned at 10:10 p.m.

Respectfully Submitted,

Pam Konieczka

District Secretary