

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 Wednesday, May 11, 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 - Excused

Jerry Collins

ALSO PRESENT: Treasurer Andrew Lindquist

Secretary Pam Konieczka

Attorney John M. Hart, Jr.

Lake Manager Dave Bosworth

GUESTS: Jim Mostacato – Lot #35

Larry Kus – Lot #7

Stan & Sue North – Lot #53

Larry Congdon – Lot #70

Jane Sader – Lot #270

Mike Marsh, Branch Manager of First Tier Bank in Cuba

- Larry Congdon expressed concerns on getting charged double on his garbage pickup. His refuse fee to Allegany County covers a year and the District covers the 6-month summer pickup of garbage. The Commission has no solution.

- Larry Kus would like to see year round pickup of the garbage. Commissioner Sweet stated that it has been discussed in previous meetings, and that it wouldn't be manageable.

CORRECTIONS: - Commissioner Collins was stated in seconding the motion for the building and lot approval for Colburn and it should have been Commissioner Bradley.  
- Commissioners asked that the date of the next meeting be recorded in the minutes each time.

APPROVAL OF MINUTES: Motion was made by Commissioner Collins to accept the minutes of the April 14, 2005 meeting, seconded by Commissioner Laine. All in favor 4 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 4 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 Collins. All in favor 4 yes, 0 no. MOTION CARRIED.

AMOUNT: \$ 1,386.80

Following review of reports of the Management Budget circulated by the Lake Manager,

Dave Bosworth, Commissioner Collins moved to accept the Lake Manager's reports for filing seconded by Commissioner Laine. All in favor 4 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 4 yes, 0 no. MOTION CARRIED.

CORRESPONDENCE: See attached Index of Correspondence.

LAKE MANAGER'S REPORT:

Lake Manager Dave Bosworth reported the following:

- The Abbotts Creek sediment basin was approved by the DEC and Army Corp. Advertisement to bid 5/2/05 with a pre bid meeting on 5/19/05. The bid opening will be 5/26/05 with work on the stream not to begin before 6/15/05 and the work to be complete by 9/15/05.

- A complaint was filed with the Division of Waters DEC against the Strezlec Farm over placement of calving pens. Dave handed out a report from Integrity Waste Management Systems. Commissioner Shemeld asked how this occurred. Dave Bosworth explained how the process works. Dave asked that the representative from the Integrity Waste Management Systems work along with the District and maybe develop a filtering pond or sediment basin below the pond. Dave has tried to reach Fred Sinclair and will continue to do so.

Dave also spoke with Derwood Say regarding the calving pens and their location. He then spoke with Brad Whitsel to get the location changed. Dave has also filed a complaint with the Department of Water in Buffalo to get the problem corrected. He will follow up with their response. Commissioner Sweet stated that the DEC has always promised to get any information to the District regarding these types of matters and we have yet to see anything. Attorney John M. Hart, Jr. reported we may be able to negotiate for a consent order under the freedom of information act. But the Cuba Lake District would have to pursue for it.

- Dave has set up an on site inspection at Mount Monroe Sediment Basin with both SEMO and FEMO representatives for 5/25/05 at 1:00 PM. Fred Sinclair told Dave that he thinks it would be probable in getting a grant through them if they are taking the time for the inspection. The grant would pay 75% of the project. Dave has also spoken with Oren Smith about buying 3 ½ acres from him for this project. Commissioner Sweet wonders if we may already own this land. Attorney John M. Hart, Jr. stated that the Cattaraugus Abstract Company may have a detailed map to identify this. Attorney Hart will get Dave the Abstract.

- Dave, Commissioner Sweet and Commissioner Laine attended a Town of Cuba meeting where information was stated about the sewer project. Commissioner Shemeld stated that he would have like to have been notified of the meeting and would have attended. Commissioner Sweet reported that J. C. Smith from NYS did a presentation on grants and loans at the meeting. In order to get things moving, Barb Deming Supervisor Town of Cuba must sign to get the application started. She agreed to meet with J. C. Smith to get this done. That will complete the application and get us on the list. Commissioner Shemeld asked if the District would be getting any documentation of this. And asked what the general plan is toward the public. Dave Bosworth was told by Tom Swift with Clark/Patterson that getting on the list is the start and that he can't foresee any kind of

vote happening until at least 3 – 5 years.

- Discussion ensued on the Order to Show Cause – Easement Agreement. Judge Curtain issued this Commissioner Sweet suggested a mailing be sent out to the cottage owners with this information. He would like to see that each owner follows up with a letter to Judge Curtain. These comments/letters are required to be sent by 5/26/05. Commissioner Shemeld will draft a mailing and get approval from the other Commissioners.

- Commissioner Shemeld reported that the dredging at Slotman's went well and that Mr. Slotman is happy. The sample soil testing results should be done the following week. Dave shared some information had soil sampling that had been done in the past. Dave will provide updated information at a later time.

- Dave reported that he received a call from Peter Sullivan and stated that they would be serving papers for eviction at Lot #106. The papers were to be served on Tuesday, 5/10, to Ms. Brooks, but she was not at the residence. They will attempt to serve them again. The State is threatening to tear down the residence at that lot. The Nation has gone in and blocked off driveways, boarded up windows and asked residents to leave the homes of land that Ms. Brooks says she owns.

- Attorney John M. Hart, Jr. handed out a letter written to the owners of Lot #39 regarding the construction issues. Commissioner Shemeld was taken with the fact that once the District and the neighbor to this lot both accepted that the construction was okay; that having them take the deck off the structure should be evaluated. Commissioner Shemeld feels the Building and Lot Committee members should look at the site and make a determination. Jane Sader, a previous commission member, stated that she feels the attitudes have changed with cottage owners and they feel they can do what they want. Mrs. Sader feels the rules have got to be enforced. She also asked when Mr. Lenny Brown is going to remove his Sunoco sign. Commissioner Sweet stated that the State had notified him to remove the sign, but nothing has happened. Stan North asked if the Town of Cuba had guidelines and it was responded that the Town's are different than the District's. Commissioner Shemeld suggested we use a checklist from the Land Use Guidelines. Commissioner Sweet provided the following recommendations to be discussed.

- 1) Only accept plans drawn to scale.
- 2) Plot plans must be surveyed
- 3) A copy of the original layout from the town assessor
- 4) After approval by Commissioners, the District will submit plans to Building Inspector
- 5) After building is laid out, the Commissioners will inspect size before the foundation can be poured.
- 6) Set points of inspection as building progresses
- 7) Any building or lot improvements started without approval, the District will issue a stop order immediately to the lease holder
- 8) Initial plan must include all paving and drainage plans
- 9) Provide a lay out of any changes during construction.

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- Dave requested a resolution be made by the Commissioners to resolve to adopt a Mitigation Plan.

Cuba Lake District

Cuba lake Board of Commissioners  
P. O. Box 201  
Cuba, NY 14727

Resolution

WHEREAS, the Cuba Lake District, with the assistance from Allegany County Soil & Water Conservation District, Department of Public Works, and Office of Emergency Services has gathered information and prepared the Allegany County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, the Allegany County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Cuba Lake District is a local unit of government that has afforded the citizens and opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Cuba Lake Board of Commissioners has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Cuba Lake Board of Commissioners that the Cuba Lake District adopts the Allegany County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this 11th day of May 2005 at the meeting of the Cuba Lake Board of Commissioners.

Motion to accept this resolution made by Commissioner Collins, seconded by Commissioner Laine, there being 4 ayes, 0 nays, MOTION CARRIED.

COMMITTEE REPORTS:

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

a. Alwan – Lot #26 – request to remove damaged shrubs and replace with wooden 4' privacy fence.

b. Blaske – Lot #72 – request to build new home. Dave will get better plans before submitting for approval.

c. DiCerbo – Lot #39 – Building and Lot Committee members will meet at that lot to discuss what to do going forward.

Motion was made by Commissioner Collins to approve the above building and lot improvement for Alwan, seconded by Commissioner Shemeld. All in favor 4 yes, 0 no.

MOTION CARRIED.

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

- Committee members will set a time to meet to discuss the Budget for 2006.

3. WATER QUALITY – Erick Laine, Dave Shemeld, Dave Bosworth-Lake Manager

- Commissioner Shemeld attended the FOLA conference and will write a short report of what he learned at the conference.

4. STATE RELATIONS COMMITTEE – Erick Laine, Lynn Sweet

- Nothing to report.

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

- A mailing will be sent regarding the Order to Show Cause – Easement Agreement.

FOR THE GOOD OF THE LAKE:

A. Legal Avenues of Code Enforcement

1. Utter Properties at the Lake

- The Utter property at Lot # 274 still has brush in the lawn. They have stated that it will be removed. Lake Manager, Dave Bosworth will call them again.

OLD BUSINESS:

A. Public Sewer Project

- Commissioner Shemeld asked why there hadn't been an email sent from Clark/Patterson on an update of the sewer project. Commissioner Sweet provided information on the meeting held by the Town of Cuba with representatives from Clark/Patterson and NYS.

B. Location of voting for Annual Election

- Attorney John M. Hart, Jr. stated he will write a letter to Catharine Young requesting to alter the rules on voting for the Annual Election so that they can be held at the Cuba Lake District Office at 15 E. Main Street, Cuba, New York.

NEW BUSINESS:

A. Dana Harvey told Dave Bosworth that he may be accepting another job offer in Virginia and asked if he could take a 6 month leave of absence and if he came back he would still have a job with the District. The Commissioners stated that they couldn't promise a job if he comes back, but that he would certainly be considered. Dave will explain to Dana and keep the Commissioners updated of his choice in leaving or not.

B. Mike Marsh with First Tier Bank expressed how he would like to see the Commissioners chose to move their bank accounts to First Tier since they do the handling of the lease payments for the District. He explained some of the accounts they could offer. The Commissioners will look into it.

Jim Mostacato with the Cuba Lake Cottage Owners reminded everyone of the Annual Spring Clean Up to be held on May 21, 2005 at Whitford's, Lot #365.

The next regular meeting of the Cuba Lake District will be held on June 9, 2005.

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

Meeting adjourned at 9:26 p.m.

Respectfully Submitted,

Pam Konieczka

District Secretary