

CUBA LAKE DISTRICT Board of Commissioners  
Minutes of the Regular Meeting Held March 12, 2009  
At the District's Office, 31 Water Street, Suite 8

Chairman Sweet called the regular meeting to order at 7pm.

**Present:** Lynn Sweet  
Dave Shemeld  
Jerry Collins  
Jay Morris  
Joseph Higgins

**Also Present:** Secretary, Isabel Warren  
Treasurer, Andrew Lindquist-excused  
Lake Manager-Scott Barrey

**Recognition of Guests: Dean Benham, Robert McGarvey**

Discussion on assessments for Cuba Lake

1. Beardsley Company says assessments are legal and correct based on sales, he feels opposing the reevaluation would not change anything.
2. Beardsley Co contends the usage of leased land is exclusive to the leaseholders. Thus the leased land is taxable.
3. Due to legal restriction any action by the Lake district would be initiated after the final tax roles on July 1<sup>st</sup>.
4. The District will do a search for legal counsel.
5. Individual actions by home owners:
  - Hearing with Beardsley Company on 3/29/2009 and 4/5/2009 with 10 minutes per grievance. If you missed the March 14th deadline you can still call the Cuba Assessors
  - Next is the grievance hearing with assessors late in May, if unsatisfied with this outcome, you can ask for a small Claims assessment review( SCAR)
  - Last resort is an article 78 filing for legality of assessment (very expensive for all parties)

**A resolution was made to retain a lawyer to represent Cuba Lake District in negotiating a settlement with the Town of Cuba on the issue of the new assessments. Motion seconded. 4 yes, 1 no(D. Shemeld) MOTION CARRIED.**

**Approval of Minutes:** Motion made and seconded to accept minutes from February 12, 2009. 5 yes 0 no, MOTION CARRIED.

**Treasurer's Report:**

Following review of reports for the **District Budget** circulated by the Treasurer, a motion was made and seconded to accept the Treasurer's reports for filing. 5 yes, 0 no, MOTION CARRIED.

Following presentation of the **List of Claims of the General Account, 858.62\_**. Motion was made and seconded to pay the accounts as listed. 5 yes, 0 no, MOTION CARRIED.

**Management Budget:**

Following review of the **Budget and the Cash Balance Reports** for February 2009 circulated by the Lake Manager.

**Approval of budget will be held until next reporting(end of year)**

Following presentation of the **List of Claims of the Management Account** in the amount of \$\_4027.41\_. Motion was made and seconded to pay the accounts as listed. 5 yes, 0 no, MOTION CARRIED.

**Correspondence:** see attached Index of Correspondence.

### **Action List Review:**

Item #1-Will keep looking for new office space.

Item #2-Will need new signature cards for the bank when Andy takes over financial duties from Karen. Andy will send out lease bills on April 1, 2009.

Item #3-Inundation report has been held up while two software programs are integrated.

Item #4- The sale of the land at the south end of the dam to DEC did not take place. Scott will contact Mrs. Bennett about the trees to be removed. Scott is waiting for confirmation on all tree removal from the DEC

Item #8-Dredging is on hold waiting for permitting.

Item #10-Scott is proceeding with other permits for future dredging.

Item #11-There is one last lease fee to be collected. Scott is pursuing this.

Item #12-Scott will be meeting with Jack Hart to draw up the encumbrance letter for OGS. Scott will send a final copy of the budget to all the commissioners.

Item #13-It will cost anywhere between \$8000-\$30,000 to do a dam inspection. There is still discussion as to whose responsibility it is; OGS or CLD?

Item #14-Scott say they will rebuild the pump they already have.

Item #15-Scott has a quote of \$18/belt and they will need 32 belts.

Item #16-Scott received confirmation that Fema funds are in the mail for \$41,427. \$11,639 and \$3262.50 have been approved for cost overruns and administrative fees, respectively.

Item #17-A motion was made and seconded to authorize contacting Senators Young and Giglio on changes to the navigation law section PAR 46aaaa. 4 yes 1 no(Jay Morris).

Item #21-No action taken by OGS on status of lot #106.

Item #22-The survey done on the property at the NE end of the dam determined that the property is not owned by Thomas Rhow. There has been no response from OGS.

### **Lake Manager's Report:**

- SEMO Funds – waiting on amended contracts
  - Waiting on check for \$ 41,427.00
  - Our overruns have been approved for \$ 11,639.00
  - Our administrative costs have been approved for \$ 3,262.50
- Inundation mapping still has to be computer rendered. Still waiting. Problem with program.
- Permits Written
  - 09-02-267 Davison – remove boat house
  - 09-03-315 Hook – remove boat house

### **Committee Reports:**

1. **Building and Lot Improvements/Lake Maintenance**-Jerry Collins, Jay Morris, and Joe Higgins  
See manager's report.
2. **Budget and Finance**-Jerry Collins, Dave Shemeld and Andrew Lindquist, ex officio.  
Discussed in action list items.
3. **Water Quality**-Dave Shemeld, Joseph Higgins, Scott Barrey  
Reports may be received by April 15.
4. **State Relations**-Jay Morris, Lynn Sweet.  
Discussed under action list items.
5. **Public Relations and Dispatch.** Dave Shemeld  
Will wait until reports on water quality come in to do Dispatch.

### **NEW BUSINESS:**

### **FOR THE GOOD OF THE LAKE:**

An email letter was received from Marjanne Van der Horst asking CLD to seek legal counsel on the new assessments at the lake.

**ADJOURNMENT:**

Motions was made and seconded to adjourn the meeting. 5 yes and 0 no. MOTION CARRIED.

Meeting adjourned at 8:47 pm

Respectfully submitted,

Isabel Warren

Next Meeting April 9, 2009 at 7PM