

CUBA LAKE DISTRICT Board of Commissioners  
Minutes of the Regular Meeting Held May 14, 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-excused  
Jay Morris  
Joseph Higgins

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

**Recognition of Guests:** Chris Finnemore, Deputy Sheriff, Marjanne Van der Horst, D. Bruce Smith, Jamie Pierotti

**Deputy Finnemore** stated the ranger's cottage is ready for the summer. He hopes they have a busier season. Sheriff Deputies will spend some of their time talking to people at their docks. Deputy Finnemore stated the 46aaaa of the navigation law is sufficient. People should report complaints to the sheriff, and they will follow up. There was a lengthy discussion on reporting violations that are not observed by the sheriff's department. The hours the sheriff department is on the lake was questioned. Deputy Finnemore says they are open to suggestions on how the lake should be patrolled.

**Marjanne Van der Horst** wanted to know about the lawyer hired by the district and possible actions to be taken on the reassessment issue. She asked if a set value could be set on each leased article of land to include the lease value and the building value. The lawyers know there is a formula and may use it, if it is suggested.

**Jamie Pierotti** stated that the public should be made aware of the boating regulations the commissioners are talking about. The public needs a chance to respond. He requested the lowering and raising of the lake level go back to the original dates because of concerns about doing construction. The vote to change the dates was stronger from those who live on the lake all year around. If there were enough requests for permits to do break wall work, the date could be determined by this factor. It was suggested Mr. Pierotti might do a proposition for the August vote.

**Approval of Minutes:** Motion made and seconded to accept minutes from April 16, 2009. D. Shemeld stated he felt the minutes were incorrect and produced an amended version of the minutes. L. Sweet said the minutes must be voted on first as is and then a motion to amend could be brought up. 3 yes 1 no (D. Shemeld) MOTION CARRIED. Motion made and seconded to amend the minutes per D. Shemeld's amendments. 2 yes 2 no ( L. Sweet, J. Morris) MOTION NOT 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. 4 yes, 0 no, MOTION CARRIED.

Following presentation of the **List of Claims of the General Account**, \$2192.31. Motion was made and seconded to pay the accounts as listed. 4 yes, 0 no, MOTION CARRIED.

**Management Budget:**

Following review of the **Budget and the Cash Balance Reports** for April 2009 circulated by the Lake Manager, motion made and seconded to accept. 4 yes, 0 no. MOTION CARRIED.

A. Lindquist stated there are still amounts that he questions. He will speak to D. Di Tana, accountant from BWB.

Following presentation of the **List of Claims of the Management Account** in the amount of \$15112.11. Motion was made and seconded to pay the accounts as listed. 4 yes, 0 no, MOTION CARRIED.

A. Lindquist requested GFC be hired to do the payroll for the management fund at a cost of \$240 for the year. A motion to hire GFC to do the management fund payroll at a cost of \$240/year was made and seconded. 4 yes 0 no MOTION CARRIED.

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

### **Action List Review:**

Item #1-All financial records have been taken over by A. Lindquist.

Item #2-A motion was made and seconded to hold an emergency meeting with the lawyer on 5/23/09 to discuss possible legal actions to be taken against the town of Cuba's reassessment. 4 yes 0 no, MOTION CARRIED

L. Sweet will contact Paul Taylor, attorney at Phillips Lyttle, LLC, for the meeting with the public. I. Warren will make arrangements for a meeting place, notices in the papers and contact CLCOA to contact residents about the meeting. Motion was made and seconded to accept the lawyer's projected expenses of \$10,000 for an article #7 and \$5000 for an article #78. 4 yes 0 no, MOTION CARRIED.

Item #3-Inundation report is still not complete. S. Barrey received a summary sheet.

Item #4-There has been no comment from the DEC on removing willow tree from north end of dam.

Item #5-Dana and S. Barrey will remove tree from south end of dam and burn the stump.

Item #6-Stumps will be cleaned up on the dam and clean up and fencing will be done at the spillway as recommended by the DEC.

Item #8-Dredging will be done next year. The permits are in place.

Item #19-Markers and shallow buoys will be put in by the state.

Item #23-S. Barrey will meet with Jack Hart to discuss budget for next year and develop an encumbrance value for the budget submittal to OGS.

Item #29-J. Hart is looking at the wording for the Cuba Lake Fishing Access Agreement with the DEC.

Item #32-There has been no comment from Thomas Pohl, OGS on the status of lot #106.

Item #34-A resolution on the property at the NE corner of the dam is being worked on.

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

- Harvester will go in the water this week
- Looked at pontoon boat for \$ 2,300.00 to use as work barge
- Clearing at Rawson about 50%
- Repairing concrete at spillway
- Allegany County Sheriff's Dept. Boater Safety Class on June 27
- Inundation mapping still has to be computer rendered.

- Data is being rendered
- Permits Written
  - 09-07-217 – Steve Austin - construct walkway to boat lift
  - 09-08-216 – Dan Davison - cut dying tree
  - 09-09-341 – Jeff & Jane Bradley – reposition boat lift and walk way
  - 09-10-277 – LJ & Donna Sweet – build roof over existing deck
- Request for permit for Cottage 43 – John Fitzpatrick
  - Break wall
  - Demolition of existing cottage
  - Construct new cottage

A motion was made and seconded to allow demolition and break wall work with proper permits on lot #43. 4 yes 0 no. MOTION CARRIED

**Committee Reports:**

1. **Building and Lot Improvements/Lake Maintenance**-Jerry Collins, Jay Morris, and Joe Higgins

Discussion and determination on LUR issues from Building and Lots Committee.

The DEC has fined owners of lot #277 \$550 for no permit. The issue for lot #225 is in the hands of the lawyers. D. Shemeld spoke to the Buffalo DEC law enforcement division. The reports gave the investigating officer's name and the issue with lot #277 has been resolved by agreement. There has been no resolution on lot #225. Motion was made and seconded to table further discussion until DEC has taken final action. 1 abstain (L. Sweet), 2 yes, 1 no ( D Shemeld). MOTION CARRIED.

It is felt there needs to be more definition on repair vs. altering/building.

2. **Budget and Finance**-Jerry Collins, Dave Shemeld and Andrew Lindquist, ex officio.

Begin work on 2010 budget See action report.

3. **Water Quality**-Dave Shemeld, Joseph Higgins, Scott Barrey

CSLAP report is in for last year. We will only be allowed to do one point of testing.

4. **State Relations**-Jay Morris, Lynn Sweet.

5. **Public Relations and Dispatch.** Dave Shemeld

**NEW BUSINESS:**

Adopt calendar for budget hearing and annual election. See action list.

A motion was made and seconded to purchase a recording device to be used at all meetings. 4 yes 0 no, MOTION CARRIED.

**FOR THE GOOD OF THE LAKE:**

1. The sewer system contract has been approved for \$3.2 million with \$800,000 for auxiliary expenses. The contractors will work out of the CLD office if needed.
2. It was reported that there is more wildlife on the lake this year.
3. S. Barrey is gong to build bat houses to combat the mosquitoes.
4. WRP Rawson flooding-beaver dams can not be touched. It is protected land. S. Barrey will take a look to see what might be done.

**ADJOURNMENT:**

Motions was made and seconded to adjourn the meeting. 4 yes and 0 no. MOTION CARRIED.

Meeting adjourned at 9:11 pm  
Respectfully submitted,  
Isabel Warren

Next Meeting June 11, 2009 at 7PM