

MINUTES OF SPECIAL MEETING  
CUBA LAKE DISTRICT  
JUNE 24, 2009

ATTENDING:

COMMISSIONERS

LYNN J. SWEET, CHAIRMAN  
DAVID SHEMELD  
JERRY COLLINS  
JAY MORRIS  
JOE HIGGINS

ALSO ATTENDING BY INVITATION

PAUL MORRISON-TAYLOR, ESQ (Phillips Lytle LLP)  
JOHN M. HART, JR., ESQ

CITIZENS ATTENDING

DONALD BOOTH  
D. BRUCE SMITH

The chairman called the special meeting to order at 7:00 PM and advised the meeting was to consult with counsel in executive session in connection with the Town of Cuba revaluation issues.

The chairman asked if any citizen attending would like to speak. Mr. Smith raised objection to having an executive session and if there was an executive session to the exclusion of Cuba Lake taxpayers from attending. In addition, Mr. Smith raised objection to the Chairman participating in the meeting because the Chairman is an elected member of the Town Board. Attorney Hart communicated his opinion that an executive session was proper under the circumstances and that the Chairman could properly participate in the meeting despite being on the Town Board. There followed a discussion about whether to permit other than Commissioners to attend the executive session.

A motion was made, seconded, and approved by all commissioners to go into executive session, without permitting citizen guests to attend, for the purpose of discussing possible litigation concerning the 2009 Town of Cuba revaluation. The Board of Commissioners then adjourned into executive session at 7:10 PM.

The commissioners exited executive session at 7:45 PM and resumed open session.

Upon motion made, seconded, and unanimously approved it was resolved that the District will discontinue its plan to pursue litigation in connection with Town of Cuba 2009 revaluation.

The Commissioners noted for the minutes that the Commission has been concerned that the 2009 assessments of leaseholders on Cuba Lake by the Town of Cuba improperly contained an amount for the value of their leasehold interest. The Board consulted with legal counsel, and after an initial investigation, confirmed that those assessments did contain an amount for the value of the leasehold interest. The Board prepared to proceed with litigation to correct this error. However, the Town of Cuba Board of Assessment Review recognized the impropriety of including an amount for the value of the leasehold interests, took steps to remedy this error by reducing those assessments. Under the circumstances, the necessity of litigation as planned was not necessary. Consequently, the Board decided not to commence litigation this year, but to continue to monitor the situation in the hope that future assessments would not improperly consider the value of leasehold interests.

Prior to adjournment, the Commissioners noted that District cottage owners who had not grieved by filing an RP524, and were upset with their current assessment could commence individual action by making an article 79 filing.

Upon motion made, seconded and unanimously adopted, the meeting was adjourned at 7:50 PM.

Minutes prepared by John M. Hart, Jr.