



VILLAGE OF CUBA

17 East Main St.
Cuba, New York 14727
www.cubany.org

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Michele Miller - Mayor
Steve Raub-Deputy Mayor
Jim Barnes- Trustee
Elizabeth Miller- Trustee
Thomas Taylor- Trustee

Corine Bump- Clerk/Treasurer
Lori Sweet- Deputy Clerk
Richard Hall- DPW Superintendent
Kevin Margerum- Code Enforcer

PRESENT: Mayor Michele Miller, Trustee Tom Taylor, Trustee Steve Raub

Via Zoom- Trustee Liza Miller, trustee Jim Barnes,

ALSO, PRESENT: Corine Bump Clerk/ Treasurer- Roman Cavalletti of the Sewer Treatment Plant

Via Zoom- Rick Hall DPW Superintendent

GUESTS: Cindy Colley, Kathy Chamberlain- Michelle Denhoff and Kier Dirlam Allegany County Planning

Also Present Via Zoom Cindy Dutton from the Cuba Patriot, Dave Crowley Town Historian

Mayor miller opened the January 11, 2021 meeting with the pledge of allegiance at 7:00 pm.

Mayor Miller thanked all in attendance.

GUESTS: Michelle Denhoff and Kier Dirlam from Allegany County Planning attended to discuss the timeline and steps for the Cuba Community Comprehensive Plan. The plan has been in development stages since early 2020 with both Mayor Miller and The Town of Cuba's Supervisor Lee James actively contributing as well as other Community members from both the Village and Town of Cuba. Michelle and Kier will meet with the Town of Cuba Tuesday 1/12/21 to continue progress with the plan and answer any questions that come about. The preliminary SEQR form has been filled out for review. Notices will need to

be sent by the lead agency to the Towns of Clarksville, Friendship, Ischua, Hinsdale, New Hudson, Angelica, Allegany County, NYS DOT, and any other relevant agency of the SEQR undertaking and offer a copy of the Comprehensive Plan. It is available on the County Planning Board's website. Once the Allegany County Planning Board has reviewed the plan the SEQR will need to be filed with The NYS DEC Environmental Notice Bulletin and a negative declaration declared. It is also suggested to send a copy of the plan to the NYS Dept. of State along with an approval resolution as with any other law. A joint meeting date and a public hearing date will need to be determined. After discussion Tom Taylor made a motion to allow the Town of Cuba to be the lead agency for the Comprehensive Plan with Steve Raub offering a second. All in favor and the motion carried.

Historian Dave Crowley suggested changing a few of the outdated photos with more recent "historical" photos. Michelle said that would be an easy change.

MINUTES:

Discussion took place on the minutes of the 1/11/2021 Meeting. The minutes were forwarded to the Board for review prior to tonight's meeting.

TRUSTEE RAUB MADE A MOTION TO ACCEPT THE MINUTES AS WRITTEN WITH TRUSTEE BARNES GIVING A SECOND. ALL IN FAVOR AND THE MINUTES WERE APPROVED.

BILLS:

The bills were reviewed by Mayor Miller and Trustees Raub and Taylor prior to tonight's meeting.

TRUSTEE TAYLOR MADE A MOTION TO APPROVE THE BILLS WITH TRUSTEE RAUB OFFERING A SECOND. ALL IN FAVOR AND THE MOTION CARRIED.

Approval of Claims and Bill Payment: Abstracts Voucher #'s 202100337-202100390

General Fund- A\$ 51,380.60, F \$18,538.36 G- \$12,480.41=\$82,399.37

POLICE REPORT: N/A

BUILDING INSP./CEO:

December 22

Met with assessors to deliver building permit copies and discuss ongoing projects

December 28

Met with owner of an East Main St. property in reference to water leak on the owner's side of the curb-stop. Owner to contact me with plans for repairs within 1 week. Failure to do this will result in issuance of an order to remedy.

December 31

Met with new owner of a South St. property to discuss proposed building project. Owner was advised to contact the electric utility to discuss utility easements and proximity of electrical wires to planned work. Inspector is concerned about possibly blocking a utility pole from future access by the public utility.

January 6

Met with Dan Dunbar at an E. Main St. property for an office space renovation (owned by Mr. Robinson). Advised Mr. Dunbar to contact a design professional to review the ongoing work. A building permit will be issued when plans are received and reviewed. I provided contact information for 2 design professionals.

January 7

Spoke with Mr. Hall after receiving a call about combining sewer and water piping in a common trench at an E. Main Street property. Mr. Hall called Mr. Dunbar to advise him how to proceed.

January 11

Served an Order to Remedy for conditions present at an East Main St. residence, also served notice for a hearing for the same address. The dwelling could be placarded as not to be occupied if the owner fails to comply with the Order. Applicable law provides the occupant opportunity to dispute the Code Officer's stated observations or intent to placard the structure.

WASTEWATER PLANT REPORT:

- The Plant is running well. Oakley and Roman submitted the DMR, and everything was within limits.
- Roman attended basic operations and lab classes at Morrisville and passed both with 90% plus.
- Roman will be leaving for the activated sludge class Sunday Jan 31st and will return Thursday Feb 4th .
- Roman will be applying to NYWEA for permission to sit for the 2A

wastewater test, as soon as he can after completing the class. Roman is hoping that the DEC will allow him to be the chief operator as they did Robert until he had his time in to test for the 3A.

- We had a rush of high water due to the excessive rain fall and snow melt December 24 th and 25 th . We were able to keep the plant running and did not have to report anything to the DEC, or NY Alerts.
- We now have the village “Tan Truck” at the STP full time. We will use this to take in samples, check the wells and reservoir on weekends and run errands.
- We have constructed and installed a new suction system for the effluent high flow tractor pump.
- We are hoping to coordinate a training on the flood gate with Kris Krzos once Jim returns.
- We are hoping to coordinate getting a line jetted the next time that the jetter is out. We feel that we have a line that needs to be cleaned within the plant. This is not an emergency need.
- We are researching correction of a few short falls in the alarming system at the plant.
- Roman states there needs to get a more reliable internet source. DSL would be strongly recommended due to the fact that it still works while the power is out. Although we need updates on our monitoring and alarming system, this helps us keep an eye on the plant remotely.
- Amanda and Roman trained on the UV lifting system, and cleaned out the UV channels. The UV racks were cleaned and inspected. We have some maintenance repairs to be made which we have been discussing.
- The Sewer Treatment Plant has an old set of scales for Chlorine Gas Cylinders that are no longer in use. Friendship Water District would like to borrow them until their scales can be repaired or replaced. Is it possible to loan them to Friendship?
*Full report on file at the clerk’s office.

SUPERINTENDENT’S REPORT:

- 1) Monthly Water Test Results for E. coli/Coliform – Both “Negative” also took “Nitrate” samples from both well houses
- 2) Scrape streets/shovel walks & bridges and treat as needed. Amanda did ride along training on all the routes and feels ready to plow
- 3) Cold patching potholes
- 4) Filled in holes where tree stumps were ground out with gravel
- 5) Finished cutting, splitting & stacking the wood from trees cut this year
- 6) Hauled snow multiple times from the usual locations. Main St. once.
- 7) Cleaned snow off catch basins twice to accommodate snow melt & rain
- 8) Put up snow fence in W. B. Park to help keep sledders out of the creek
- 9) Kept up with resetting Christmas decorations with all of the rain
- 10) Brought one of the sitting benches from storage back to the shop and sanded it down and applied several coats of spar varnish. Other benches still look good.

- 11) Built steps to get into building outside of reservoir. Always been one large step in and out. This will be safer.
 - 12) Cleaned sewer mains on Spring St. and Woodruff St.
 - 13) Ran water "Blow-Off" on Willow St. due to it being a dead-end line.
 - 14) Installed new water & sewer service at 119 East Main St.
 - 15) Water Issues: Replaced water shut-off for 40-44 West Main St.
 - 16) Equipment: Put new nozzle/sprayer on sweeper. Serviced the backhoe. Serviced trucks #1, #3, & #9. (This also included changing the transmission filters) International dump truck had to be repaired at Kendal Karn Auto. The steering box needed a total rebuild.
- *Full report on File at the Clerk's Office. *

CLERK/TREASURER REPORT:

- The NYS 1, and the Retirement report all have been accepted and paid in addition to the NYS 45. The 941 is complete and will be compared to the W2's when they are run with Logics for tomorrow.
- Corine Completed the Mandatory Occustar Information regarding driver queries/ screenings for 7 Village Employees. All consents are in the employee files and a mandatory Query will be completed once yearly. The cost is less than \$2 per token to screen the drivers through NYS. All new hires must be queried as well going forward before employment begins.
- The Caucus packets are prepared and have been giving to the Party representatives.
- Lori and Corine printed the water and sewer bills and the recycling schedule for 2021. They worked with Oakley and Tiffany from Friendship as well as a few refuse truck employees to obtain the tentative 2021 pickup schedule. ***SUBJECT TO CHANGE*** on a moment's notice due to Covid-19 Pandemic.
- Lori packaged both the bills and the schedules and postmarked them for 1/4/2021. They were taken to the post office 1/4/2021 and many received them 1/5 but many started paying online prior to yearend 2020.
- Lori ensured all the Hometown Hero- records are current from 2018 to present day in an excel sheet.
- Lori and Corine updated all journals so that we can issue revs. and exps. To the board in time for the meeting financial review.
- Documentation continues to be requested by all Village employees for Covid-19 tracking and potential State reimbursement if instances occur.
- The mandatory Sexual Harassment training still needs to be taken by several employees. It will be taken by Board members at the 1/11/2021 at the committee session and employees 1/12/21 during the workday. It is interactive on the NYS Comptroller's website.
- There was an issue with the last payroll of the year. The way the calendar fell- there were actually 53 pay weeks so Logics had to "rebuild/add" a the last week. The building of the 2021 pay year has been rebuilt by Logics for weekly and monthly employees.

*Full report on File at the Clerk's Office.

committee reports:

Mayor's report:

Mayor Miller, Catherine Rees and Tom Becker are continuing work on the grant as well as with Barton and Loguidace to discuss grant/ funding opportunities.

The caucus for the March 16, 2021 election will be January 25th at 6:30 pm for the democrats and 7:00 pm for the republicans at the Village of Cuba Hall 17 E Main St. Cuba, NY 14727.

Mayor Miller worked with Catherine Rees and members of the board to create an Ethics/ Conflict of Interest Policy which is required by the funding sources for any possible loans. A copy of a draft was sent to all Village board members 12/23/2020 for review for tonight's meeting.

Trustee Barnes made a motion to approve the Ethics and Conflict of Interest Policy as presented. It reads as follows:

ETHICS & CONFLICT OF INTEREST POLICY

Resolution relating to a code of ethics and a board of ethics for Village of Cuba. Be it resolved and ordained by the Village Board of the Village of Cuba, Allegany County, New York as follows:

**Article I
Intent of the Village Board**

Section 1. Statement of legislative intent. The Village Board of the Village of Cuba recognizes that there are state statutory provisions mandating villages to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this village as part of our state's important system of local government. It is the purpose of this resolution to implement this objective through the establishment of standards.

Section 2. The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the State of New York and also in addition to common law rules an judicial

decisions relating to the conduct of Village Officers to the extent that the same are more severe in their application than this local law.

Section 3. The purpose of the conflict-of-interest policy is to protect this tax exempt organization (Village) when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or trustee of the Village or might result in the possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to Villages.

Article II Definitions

1. Interested Person

Any trustee, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which the Village has a transaction or arrangement,
- b. A compensation arrangement with the Village or with any entity or individual with which the Village has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Village is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that aren't insubstantial.

A financial interest isn't necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

Article III Standards

- a. No Village employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- b. No Village employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- c. No Village employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- d. No Village employee shall engage in any transaction as representative or agent of the Village with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge his official duties.
- e. A Village employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.
- f. Each Village employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- g. Each Village employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- h. No Village employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the village in which such employee serves or its employed.

Article IV Procedures

1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all

material facts to the trustees and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

3. Procedures for Addressing the Conflict of Interest

a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.

b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the governing board or committee shall determine whether the Village can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement isn't reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested trustees whether the transaction or arrangement is in the Village's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

4. Violations of the Conflicts of Interest Policy

Section 4. Violations

a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

c. Violations. In addition to any penalty contained in any other provision of law, any such village employee who shall knowingly and intentionally violate any of the provisions of this local law may be fined, suspended or removed from office or employment in the manner provided by law.

Article V
Records of Proceedings

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article VI
Compensation

- a. A voting member of the governing board who receives compensation, directly or indirectly, from the Village for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Village for services is precluded from voting on matters pertaining to that member's compensation.
- c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Village, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Article VII
Annual Statements

Each trustee, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- a. Has received a copy of the conflict of interest policy,

- b. Has read and understands the policy,
- c. Has agreed to comply with the policy, and
- d. Understands the Village is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article VIII
Periodic Reviews

To ensure the Village operates in a manner consistent with charitable purposes and doesn't engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with the Village's management conform to the Village's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and don't result in inurement, impermissible private benefit, or in an excess benefit transaction.

Article IX
Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Village may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

Article X
Effective Date
Administration
Village of Cuba Board of Trustees
1/11/2021

Section 1. This resolution shall take effect immediately.

(Drafted 1/11/2021)

Trustee Taylor asked Mayor Miller for an update on the Main St. Grant. One project has been completed and payment given with another set to be completed by the end of January or mid-February. The other two projects have been granted extensions through June 2021.

Old Business: N/A

New Business: Clerk Treasurer Bump mentioned that a quote came in this afternoon for a new postage meter. A new meter was purchased in 2016 by former Clerk Treasurer Wilson. The current postage meter will no longer be recognized by the United States Postal Service according to ACME Business machines. The board tabled discussion for right now.

A MOTION WAS MADE BY TRUSTEE RAUB TO EXIT THE REGULAR BOARD MEETING AND ENTER EXECUTIVE SESSION TO DISCUSS EMPLOYMENT AND TRAVEL WITH TRUSTEE TAYLOR OFFERING A SECOND. THE BOARD ADJOURNED THE REGULAR MEETING AND MOVED INTO EXECUTIVE SESSION AT 8:22 PM.

TRUSTEE TAYLOR MADE A MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 8:58 PM WITH TRUSTEE RAUB OFFERING A SECOND. ALL IN FAVOR AND THE BOARD MOVED OUT OF EXECUTIVE SESSION AND BACK INTO REGULAR MONTHLY BOARD MEETING AT 8:58 PM.

TRUSTEE RAUB MADE A MOTION TO NAME ROMAN CAVALLETTI'S JOB TITLE AS OPERATOR OF THE WASTEWATER TREATMENT FACILITY WITH TRUSTEE BARNES OFFERING A SECOND. ALL IN FAVOR AND THE MOTION CARRIED.

TRUSTEE RAUB MADE A MOTION TO SET THE SALARY FOR THE OPERATOR OF THE SEWER TREATMENT PLANT OF \$43,264.00 PER YEAR WITH TRUSTEE BARNES OFFERING A SECOND. ALL IN FAVOR AND THE MOTION CARRIED.

DUE TO THE CURRENT GLOBAL PANDEMIC THE BOARD HAS INCREASED THE COST FOR REIMBURSED DAILY MEALS FOR A VILLAGE OF CUBA, NY EMPLOYEE TRAVELING OUT OF TOWN TO ATTEND A TRAINING FOR AN EXTENDED OVERNIGHT STAY TO \$40 PER DAY. A MOTION WAS MADE BY TRUSTEE TOM TAYLOR WITH A SECOND OFFERED BY TRUSTEE RAUB. ALL IN FAVOR AND THE MOTION CARRIED.

TRUSTEE TAYLOR MADE A MOTION TO ADJOURN THE JANUARY MEETING AT 9:04 PM WITH TRUSTEE RAUB OFFERING A SECOND. ALL IN FAVOR THE MEETING ADJOURNED AT 9:04 PM.

Respectfully Submitted,

Corine Bump

Clerk/ Treasurer