

THE DISTRICT DISPATCH

The Cuba Lake District Board of Commissioners Information Letter

January February 2006 – Happy New Year [& Happy Valentines Day] to All

The January issue was delayed so that we could bring you the results of late developing information.

The HEADLINES:

We're moving! [Again!]

Prior to the end of February, the District office will again be moved. The new office will be in a "loft" area on the South end of the Old Mill building on Bull Street, Cuba, NY. The formal location is Suite 8, 31 Water Street, Cuba, NY. A 10 year lease has been negotiated at a monthly rent of \$125 plus utilities. See "the rest of the story" on page 2.

06/09 is coming:

The three-year lease period (03/06) has come to an end. By April end, leaseholders should receive new leases for signature, to cover years 2006 through 2009 (06/09).

BE AWARE! The State Office of General Services (OGS) advises that those people who did not sign a lease for the period 03/06 will not; repeat, will not receive a new 06/09 lease for signature. If you do not receive a new 06/09 lease for signature by May End, you are strongly urged to contact the:

Deputy Commissioner of Real Property Management and Development
New York State Office of General Services
Mayor Erastus Corning II Tower, 41st floor
The Governor Nelson A. Rockefeller Empire State Plaza
Albany, New York, 12242.

Without a lease you chance forfeiting your right to be on the leasehold. Records available to the District indicate that approximately 8.5% of the lots have questionable lease arrangements. See related article "leaseholder information" on page 3.

Lake Management Fund Budget is released to State for Approval:

At a total planned expenditure of \$167,200, the Lake Management Fund Budget for fiscal year 06/07 has received sign-off by the Commissioners for issue to the State OGS for approval as required by the Lake Management Agreement. In accord with the new Cooperative Management Agreement between the State and the Seneca Nation of Indians, the proposed budget and a suggested meeting schedule was sent to a Nation representative to enable receipt of the Nation's comments to the proposed budget. Unfortunately the Nation was unable to accommodate the schedule and has suggested a meeting at some future date for discussion of any comments they might have. For more see "Management Fund Budget", page 3. For related story see "Cuba Lake Manager" on page 2.

Lease fees due:

Lease fees come due in April. It is important to note that fees collected in 2006 will support the budget for year 07/08. From information available to the District, lease fees collected in 2005 represented approximately 96% of fees due for the year. Additionally, total past due for all years, based on information available, is in excess of \$30,000.

Failure to pay lease fees on a timely basis threatens your right to the leasehold and threatens an increase in fees for your neighbors to cover the loss of funds and/or cost of collection. Please pay on a timely basis, we'd like to see you stay at the lake.

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Moving - the rest of the story:

In September, 2005 the District office was moved to #106 South Shore Road in anticipation of reaching agreement with the State's Office of General Services (OGS) on an equitable lease arrangement. In mid November, based on the State's offer of rent at \$1100 per month, with a reduced rate (\$208 per month) for the first year in exchange for major maintenance costs, the Board of Commissioners determined that at that level of cost, it would be better for the District to move out of #106. Upon being advised of the Board's decision, the OGS representative requested that the District stay at #106, rent free, but covering normal maintenance and utilities, through until "Spring" at which time a decision for the long term would be worked out.

Despite that agreement, on January 9, 2006 a letter was received from an attorney representing the Executive Department, Office of General Services stating that if the District could not agree to the lease arrangements originally offered by the State, then the facility at #106 would have to be vacated by the end of January; and, the State would secure the premises and arrange for alternate disposition of the property. The Commissioners responded that the office would be moved and requested an extension to February end for vacating the premises.

Trusting that the alternate disposition of cottage #106 will not require a draw against the Management Fund budget, the action taken by the Board of Commissioners will result in an estimated savings of over \$13,000 per year which represents just under 8% of the Management Fund budget.

The new location, shown below, is owned and operated by Allegany Region Enterprises of Wellsville. A split-level, the upper space will be used as the Lake Manager's office; the lower space as the meeting place for the Commissioners.



Office Space, Lower Level



Office Space, Upper Level

Cuba Lake Manager:

Dave Bosworth who has done an outstanding job as Lake Manager over the last several years, has decided to take a more serious approach to retirement. To accommodate his decision and at the same time, maintain the benefit of his experience; and, considering the level of special projects activity; the Board of Commissioners and Dave have reached an agreement to a reduced requirement of Dave's time of availability. In Essence, Dave will be available during the summer months, May through October, as he has been in the past. In the winter months he will maintain contact and follow District activity through direct communication with the commissioners and through liaison with Dana Harvey.

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The District can still be contacted year round via telephone and by e-mail or FAX. Or, for urgent items, contact any of the commissioners. We wish Dave the best in his expanded retirement and look forward to working with him for as long as possible under this new arrangement.

Management Fund Budget: (continued from page 1)

The funds available to the District through this process are provided by the fees paid by the leaseholders on an annual basis. Other special funding is available depending on circumstance, from FEMA or SEMO. Over the course of the current Management Agreement, the District will have had available some \$800,000 in lease fees and another \$100,000 in outside funding. In addition to general maintenance and Management Agreement administration costs, this money has been or is planned to be used for the management and execution of major projects including major sediment removal, spillway repairs, sediment basins at Munger Hollow and Abbott's Creek and in the future, sediment control at Mt. Monroe and from Rawson Creek. Also the money provides for weed harvesting activity through the summer which based on last year, is seen as an increasing requirement. Major budget cost areas for 06/07 compared to the budget for 05/06 are:

- Administration expense, down 17%, mainly due to impact of the Lake Manager agreement.
- Weed cutting and other Maintenance, up 20%.
- Sediment control and other major projects, up 290%, due to the planned project for a sediment control basin at Mt. Monroe tributary (which will not be fully funded for a start in 2006); and, the commitment to the pending wetlands project in Rawson Creek.
- Total budget, up about 2%.

Projects such as the sediment basin at Mt. Monroe are somewhat dependant on other funding. With outside funding, as may have been anticipated from sources such as FEMA, being increasingly harder to get, projects may be delayed to future years as funds are amassed for the effort; and, it is necessary that the Board of Commissioners take more aggressive action for collection of lease fees. To avoid being subjected to penalty fees (9%) or other associated collection costs, it is in your best interest to pay your lease fee(s) on a timely basis.

Leaseholder Information:

It is extremely important to have all leaseholder information updated and correct. Lease documents and contact information are the keys to maintaining continuity of "ownership" for the leaseholder. If you have suffered the tragedy of a death in the family or have had other reasons to have revised the leaseholder name of record; you are encouraged to ensure the lease documents are legally revised to reflect those changes. Necessary transfer forms to effect a change can be obtained from the District Secretary, Pamela Konieczka, phone 716-372-4775 or from District Counsel, Jack Hart.

It is noted that, legally, invoices for lease fees must be invoiced to the leaseholders and addresses of record so, again, to avoid problems, make sure your lease information is current and legal.

It is also noted that the name and address on the lease agreement is the information included in the annual Lake Book information. Any necessary revisions should be sent to Pam by March end, latest.

Land Use Restrictions and Controls:

The Commissioners are initiating a project to review and update as deemed necessary the Land Use Restrictions and Controls (Restrictions). The current Restrictions, adopted by vote in August 1999, can be found at <http://www.cubalake.org/pages/815227/index.htm> or by contacting the District through the Lake Manager or the District Secretary.

The goal of this project is to provide the most comprehensive set of restrictions possible by reducing any ambiguities; and, making sure the rules are consistent with our community's needs and therefore making them more enforceable. The commissioners making up the committee are Jerry Collins, Jeff Bradley and Dave Shemeld. Resources to the committee include the Dave Bosworth, Jack Hart and a consultant, Carol Horowitz, Allegheny Planning Services, who was involved in the original draft of the current document.

In addition, new project application forms are in draft which will provide the leaseholder with clearer submittal requirements and will have restriction information immediately available enabling the leaseholders to insure

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their project conforms to the restrictions or properly notes where a variance is being requested. Refer to the informal web site www.ourcubalake.com to follow information as it develops.

If you wish to share your thoughts with the committee, please address your note to any of the commissioners on the committee and mail to PO Box 201, Cuba, NY 14727; or, e-mail to commissioners@cubalake.org to the attention of "Land Use Committee". While any of the commissioners are willing to listen to your thoughts on the subject, you must submit those thoughts in writing to receive the attention of the committee. We look forward to receipt of your comments.

Boater's Guide, some reminders:

Navigation Law Updates (2006) - Early Warning:

Personal Watercraft - Minimum Age of Operation

On July 28, 2005 Governor Pataki signed a law amending Section 49, Subdivision 1-a of the Navigation Law raising the minimum age of operators of personal watercraft (PWC) to fourteen (14). This new law took effect January 1, 2006.

In order to minimize the impact on riders currently under the age of fourteen (14) certain allowances have been made to phase in this new law.

Until January 1, 2009, those **operators age ten (10) through thirteen (13) that have a boating safety certificate may continue to operate a PWC if they are accompanied by someone over 18 years of age holding a safety certificate of their own;** and, within 500 feet on another personal watercraft or vessel; and, within sight of the personal watercraft.

This law affects only the operation of PWC's. Anyone over the age of ten (10) that holds a boating safety certificate can still operate a motor boat alone.

The above information was extracted from <http://nysparks.state.ny.us/boating/navigation.asp>, should you have any question on how the law impacts your personal situation, contact the Allegany County Sheriff's office for clarification of the law.

A Boating Safety Certificate is a certificate issued by the Commissioner, the United States Power Squadron, United States Coast Guard Auxiliary, or in the case of a non-resident his/her home state or country, as a result of completing a [boating safety course](#).

In New York, you must attend a classroom course and hold a safety certificate if:

- You operate a personal watercraft, regardless of your age, in New York State.
- You wish to operate a motorboat and you are at least 10 years old and less than 18 years old.
- If you are less than 10 years old you may operate a motorboat (non-PWC) only if someone over 18 or someone between the ages of 10 and 18 who holds a safety certificate, is on board with you.

Currently scheduled courses posted on http://nysparks.state.ny.us/boating/cls_boat.asp?sortBy=2 include:

1. Rushford Town Hall, Rushford, Allegany Saturday, April 15, 2006 LaFever, Michael (585)437-2017 This course is intended for students 18 years of age and older.	2. Rushford Town Hall, Rushford, Allegany Saturday, July 08, 2006 LaFever, Michael (585)437-2017 This class is for adults and children
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A safety certificate issued to a resident of another state or country is acceptable provided the certificate is carried while operating in New York State. Please note the certificate must be issued by the state or country of residence, and should be NASBLA (National Association of State Boating Law Administrators) approved.

Commissioners: E-mail - commissioners@cubalake.org

Lynnford J. Sweet, Chairman
(585) 968-1735

Erick J. Laine, Deputy Chairman
(585) 968-1279 or (716) 372-7952

Jerry Collins, (585) 968-0112
Jeff Bradley, (585) 968-3949
Dave Shemeld, (716) 968-3928

Web site – www.cubalake.org

Lake Manager: E-mail – cubalakedistrict@yahoo.com

Dave Bosworth, (585) 968-0500;

Mail Address: Cuba Lake District, PO Box 201, Cuba, NY 14727

Location: Cuba Lake District Office, Suite 8, The Old Mill, 31 Water St. Cuba, NY

Other officials:

Jack Hart, Counsel (716)373-1600
Andrew Lindquist, Treasurer (585) 968-3269
Pamela Konieczka, Secretary (716) 372-4775

Meetings – District office; 2nd Thursday of each month; beginning at 7:00 PM (Exceptions are published in local newspapers.)