

REGULAR MEETING

November 5, 2007

A regular meeting of the Town Board of the Town of Busti was held on November 5, 2007 at 6:45 p.m., at the Town of Busti Administration Building, 121 Chautauqua Avenue, Lakewood, New York, with the following members present:

Supervisor Kathleen A. Sullivan
Councilman Lyle T. Hajdu
Councilman Paul R. Hazzard
Councilman Richard A. Sanders
Councilwoman Marsha L. Hern

Supervisor Sullivan called the meeting to order with the salute to the flag and a moment of silence was observed.

Supervisor Sullivan noted the resolution authorizing inter-municipal cooperation in defense of Wal-Mart tax assessment challenge.

Councilman Sanders offered the following resolution which was duly seconded by Councilman Hazzard:

WHEREAS, Wal-Mart Real Estate Business Trust has commenced a legal action to challenge the real property tax assessment for certain property owned by it in the Town of Busti; and

WHEREAS, current assessments of the subject property total \$11,000,000 in the aggregate, and the plaintiff seeks a reduction to the aggregate sum of \$4,500,000, representing a total reduction of \$6,500,000; and

WHEREAS, such a reduction would adversely affect tax revenue streams to the Town of Busti, Chautauqua County, Village of Lakewood, and Southwestern Central School District, and

WHEREAS, by Resolution 216-98 the Chautauqua County Legislature established a policy for the County to participate in the defense of legal challenges to real property tax assessments with an aggregate value of \$1,000,000 or more on the condition that the other involved municipalities meaningfully participate in the defense; and

WHEREAS, the Chautauqua County Legislature, Board of Trustees of the Village of Lakewood, and School Board of the Southwestern Central School District, are all expected to participate with the Town of Busti in the defense of said challenge;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Busti hereby authorizes the Town's participation in the procurement of appraisals and legal defense of the aforementioned real property tax assessments in the Town of Busti; and be it further

RESOLVED, that the Town's share of the expense of the defense shall be calculated based on its proportional interest as reflected by the full value tax rate for the 2008 County, 2008 Town, 2007/2008 School, and 2008/2009 Village rolls; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to execute all documents necessary to accomplish the purposes of this resolution, including any necessary inter-municipal agreements.

All aye.

Supervisor Sullivan offered the following motion which was duly seconded by Councilman Sanders:

RESOLVED, that Judge Merle D. Elkin and Judge Walter H. Dahlgren be authorized to attend the Association of Towns School & Training from February 17th-20th, 2008 in New York City.

Upon roll call vote, all aye.

Supervisor Sullivan noted the quote from Kingsview Enterprises for snow plowing on Canal Road. Town Clerk Diane M. VanDewark will send letters to the residents on Canal Road advising them that they will have to arrange for snow plowing on Canal Road.

Councilman Sanders offered the following motion which was duly seconded by Councilwoman Hern:

RESOLVED, that Court Clerk Elizabeth Davis be authorized to attend the teleconference "Bail Process" on Monday, December 3, 2007 from 6:30 p.m. to 8:45 p.m. at Jamestown Community College.

Upon roll call vote, all aye.

Councilman Hazzard offered the following budget transfers which was duly seconded by Supervisor Sullivan:

<u>Transfers to Account:</u>		<u>Transfers from Account:</u>	
A1110.200 Justice – Equipment	159.94	A1990.4 Contingency	<u>15,097.73</u>
A9950.900 Capital Projects Fund	14,822.79		
A1920.400 Municipal Assoc. Dues	115.00		
	<u>15,097.73</u>		
A7110.100 Parks P.S.	<u>5,005.15</u>	A7110.400 Parks Cont.	<u>5,005.15</u>
<u>A9901.900 Interfund Transfers</u>	<u>7,100.00</u>	A8810.100 Cemeteries P. S.	4,600.00
		A8810.200 Cemeteries Equip	1,500.00
		A88104.00 Cemeteries Cont.	1,000.00
			<u>7,100.00</u>

To adjust budget for "A Fund"

aesthetic purposes.

BE IT FURTHER RESOLVED, that there be no sale of gasoline, diesel fuel and that only such lubricants and oils as are necessary to repair vehicles on the premises be allowed upon the premises. This is issued for two years commencing on November 5, 2007 and ending November 5, 2009.

Property is owned by John J. & Tammy L. Galati II, known as Section 437.07 Block 1 Lot 21.1 of the official tax map of the Town of Busti.

All aye.

Supervisor Sullivan noted that it was 7:00 p.m. and time for the public hearing on the 2008 Budget and offered the following motion which was duly seconded by Councilman Sanders:

RESOLVED, that the public hearing be declared open.
Upon roll call vote, all aye.

Proof of posting was placed on file.

Councilman Sanders made the following motion which was duly seconded by Councilman Hazzard:

RESOLVED, that the board go into executive session to discuss police negotiations.
Upon roll call vote, all aye.

Supervisor Sullivan offered the following motion which was duly seconded by Councilwoman Hern:

RESOLVED, that the board close executive session.
Upon roll call vote, all aye.

Supervisor Sullivan made the following adjustments to the budget:

General Fund Whole Town:

A7110.1 Parks P. S. increase from 40,000 to 65,000
A7110.4 Parks Cont. Exp. increase from 20,000 to 50,000
A8810.1 Cemeteries P. S. increase from 1,000 to 4,000
A8810.2 Cemeteries Equip. increase from 1,000 to 1,500
A8810.4 Cemeteries Cont. Exp. increase from 1,000 to 1,500
A9060.8 Medical Ins. decrease from 52,000 to 35,000
A909 Fund Balance decrease from 149,526 to 99,526
A1001 Tax Revenues Increase from 488,100 to 580,100

General Fund Part Town

B3120.4 Police Cont. Exp. from 265,000 to 300,000

Highway Part Town

DB1001 Tax Revenues decrease from 206,000 to 200,000
DB2665 Equipment sales increase from 25,000 to 50,000
DB909 Fund Balance decrease from 200,000 to 181,000

Hazeltine Public Library
 L7410.1 P. S. decrease from 31,000 to 25,000
 L7410.4 Cont. Exp. increase from 19,400 to 19,100
 L1001 Tax Revenues decrease from 54,000 to 48,500

Huntington Woods Drainage District No. 2
 SD21001 Tax Revenues increase from 3,500 to 4,000
 SD28540.4 Contractual Expense from 3,500 to 4,000
 Upon roll call vote, all aye.

Councilman Hazzard offered the following motion which was duly seconded by Supervisor Sullivan:

RESOLVED, that the budget amendments be approved and the following 2008 budget be adopted.

ANNUAL BUDGET				
FOR THE YEAR 2008				
		Less	Less	Amount
		Estimated	Unexpended	To Be Raised
	<u>Appropriation</u>	<u>Revenues</u>	<u>Balance</u>	<u>By Tax</u>
A- GENERAL	1,107,226.00	427,600.00	99,526.00	580,100.00
B- GENERAL OUTSIDE	343,850.00	289,600.00	19,250.00	35,000.00
DA- HIGHWAY-TOWNWIDE	15,000.00	0.00	15,000.00	0.00
DB- HIGHWAY-OUTSIDE	932,000.00	551,000.00	181,000.00	200,000.00
J- JOINT RECREATION	64,800.00	63,500.00	1,300.00	0.00
L-HAZELTINE LIBRARY	48,500.00	0.00	0.00	48,500.00
TOTALS	2,511,376.00	1,331,700.00	316,076.00	863,600.00
<u>SPECIAL DISTRICTS:</u>				
Drainage SD2	4,000.00	0.00	0.00	4,000.00
Drainage DD002(Vukote)	26,907.00	0.00	0.00	26,907.00
Fire FP002	224,954.00	0.00	0.00	224,954.00
Light 1 LD001	1,600.00	0.00	600.00	1,000.00
Light 2 LD00	5,500.00	0.00	500.00	5,000.00
Light 3 LD003	3,400.00	0.00	700.00	2,700.00
Light 4 LD004	2,900.00	0.00	500.00	2,400.00
Light 5 LD039	300.00	0.00	100.00	200.00
Light 6 LD044	600.00	0.00	300.00	300.00
Sewer S001,002	12,700.00	0.00	0.00	12,700.00
Water 1 WD001	2,200.00	0.00	0.00	2,200.00
Water 2 WD002	2,200.00	0.00	0.00	2,200.00
Water 3 WD021	113,306.00	0.00	0.00	113,306.00

Water 4	WD022	2,000.00	0.00	0.00	2,000.00
Water 5		12,434.00	0.00	0.00	12,434.00
Water 6		22,475.00	0.00	0.00	22,475.00
Water 7A		8,062.00	0.00	0.00	8,062.00
Water 7B		9,182.00	0.00	0.00	9,182.00
Total Special Districts					
		454,720.00	0.00	2,700.00	452,020.00
Grand Total					
		2,966,096.00	1,331,700.00	318,776.00	1,315,620.00
GENERAL FUND ESTIMATED REVENUES					
A1001	Real Property Taxes				580,100.00
A1090	Interest and Penalties on Real Prop. Taxes				30,000.00
A1190	Franchises				10,000.00
A1255	Clerk Fees				4,000.00
A2001	Park and Recreation Charges				1,200.00
A2130	Refuse & Garbage				40,000.00
A2210	Tax & Assessment Services for Other Governments				80,000.00
A2401	Interest & Earnings				15,000.00
A2544	Dog Licenses				5,800.00
A2610	Fines & Forfeited Bail				100,000.00
A3001	PerCapita				40,000.00
A3005	Mortgage Tax				100,000.00
A3820	Youth Programs				1,600.00
A9999	Unexpended Balance				99,526.00
TOTAL ESTIMATED REVENUES					
					1,107,226.00
GENERAL FUND APPROPRIATION GENERAL GOVERNMENT SUPPORT					
A1010.1	Town Board P. S.				22,000.00
A1010.4	Town Board Cont. Exp.				1,000.00
A1110.1	Justices P. S.				82,000.00
A1110.2	Justices Equipment				200.00
A1110.4	Justices Cont. Exp				8,500.00
A1220.1	Supervisor P. S.				12,000.00
A1220.2	Supervisor Equipment				500.00
A1220.4	Supervisor Cont. Exp.				26,000.00
A1355.1	Assessor P. S.				99,567.00
A1355.2	Equipment				2,500.00
A1355.4	Cont.Exp.				50,000.00
A1410.1	Town Clerk P. S.				77,808.00
A1410.2	Town Clerk Equipment				500.00
A1410.4	Town Clerk Cont. Exp.				5,200.00
A1420.1	Attorney P. S.				3,500.00
A1420.4	Cont.Exp.				5,000.00

A1440.4 Engineer Cont. Exp.	0.00
A1620.1 Buildings P. S.	100.00
A1620.2 Buildings Equipment	1,000.00
A1620.4 Buildings Cont. Exp.	31,000.00
A1910.4 Unallocated Ins.	48,000.00
A1920.4 Municipal Assn. Due	2,700.00
A1990.4 Contingent	10,000.00
A3310.2 Traffic Control	0.00
A3310.4 Traffic Control Cont. Exp.	1,000.00
A3510.2 Control of dogs Equipment	200.00
A3510.4 Control of dogs Cont. Exp.	6,000.00
A3650.1 Demo Unsafe Buildings	2,500.00
A5010.1 Supt. of Highways P. S.	75,526.00
A5010.4 Supt. of Highway Cont. Exp	250.00
A5132.2 Garage Equipment	0.00
A5132.4 Garage Cont. Exp.	10,000.00
A5182.4 Street Lighting. Cont. Exp.	12,000.00
A6410.4 Publicity Contract Exp	0.00
A6460.4 Ind. Development Agency	13,000.00
A7110.1 Parks P.S.	65,000.00
A7110.2 Parks Equipment	10,000.00
A7110.4 Parks Cont. Exp.	50,000.00
A7410.4 Library Cont. Exp.	49,075.00
A7450.4 Museum Cont. Exp	1,500.00
A7510.4 Historian	500.00
A7550.4 Celebrations	1,000.00
A7620.4 Adult Recreation	1,000.00
A8090.4 Environmental Cont. Exp.	20,000.00
A8160.1 Refuse & Garbage P. S.	100.00
A8160.2 Refuse & Garbage Equip	100.00
A8160.4 Refuse & Garbage Cont. Exp.	59,000.00
A8810.1 Cemeteries P. S.	4,000.00
A8810.2 Cemeteries Equip.	1,500.00
A8810.4 Cemeteries Cont. Exp.	1,500.00
A9010.8 State Retirement	45,000.00
A9030.8 Social Security	35,000.00
A9055.8 Disability Ins.	900.00
A9060.8 Hosp. & Med. Ins.	35,000.00
A9062.8 Retirement-Other	6,000.00
A9730.6 BAN Principal	41,500.00
A9730.7 BAN Interest	30,000.00
A9950.9 Capital Fund Project	40,000.00
TOTAL	1,107,226.00
GENERAL FUND ESTIMATED REVENUES - OUTSIDE VILLAGE	

LOCAL SOURCES	
B1001 Real Property Taxes	35,000.00
B1120 Distribution by County (Non Property)	250,000.00
B1190 Franchise Fees	25,000.00
B1601 Health Fees	600.00
B2110 Zoning Fees	3,000.00
B2401 Interest & Earnings	2,000.00
B3001 Per Capita	9,000.00
B9999 Unexpended Balance	19,250.00
TOTAL REVENUES	343,850.00
GENERAL FUND APPROPRIATIONS - TOWN OUTSIDE VILLAGE	
GENERAL GOVERNMENT SUPPORT	
B3120.4 Police Contractual Expense	300,000.00
B7140.4 Playgrounds & Rec.	1,000.00
B7320.4 Joint Recreation	15,000.00
B8010.1 Zoning P. S.	16,000.00
B8010.2 Zoning Equipment	100.00
B8010.4 Zoning Cont. Exp.	8,000.00
B8020 .1 Planning P. S.	1,000.00
B8020.4 Planning Cont. Exp.	1,000.00
B9010.8 State Retirement	250.00
B9030.8 Social Security	1,400.00
B9055.8 Disability Insurance	100.00
TOTAL EXPENSES	343,850.00
HIGHWAY - TOWNWIDE	
REVENUE	
DA9999 Unexpended Balance	15,000.00
TOTAL	15,000.00
HIGHWAY APPROPRIATIONS - OUTSIDE VILLAGE	
DA5120.2 CAPITAL OUTLAY	100.00
DA5120.4 Capital Outlay Cont. Exp.	14,900.00
TOTAL	15,000.00

HIGHWAY REVENUES - OUTSIDE VILLAGE	
DB1001 Real Property Taxes	200,000.00
DB1120 Non-Property Tax Distribution by County	390,000.00
DB2401 Interest & Earnings	14,000.00
DB2665 Equipment Sales	50,000.00
DB2770 Misc. Revenue	5,000.00
DB3501 Consolidated Highway	92,000.00
DB9999 Unexpended Balance	181,000.00
TOTAL	932,000.00
HIGHWAY APPROPRIATIONS - OUTSIDE VILLAGE	
DB5110.1 General Repairs P. S.	147,000.00
DB5110.4 General Repairs Cont. Exp.	230,000.00
DB5112.2 Capital Outlay	92,000.00
DB5130.2 Machinery	150,000.00
DB5130.4 Machinery Cont. Exp.	30,000.00
DB5142.1 Snow P. S.	120,000.00
DB5142.4 Snow Cont. Exp.	68,000.00
DB9010.8 State Retirement	28,000.00
DB9030.8 Social Security	20,000.00
DB9055.8 Disability Insurance	200.00
DB9060.8 Hospital & Medical	40,000.00
DB9062.8 Retirement-Other	6,800.00
TOTAL APPROPRIATIONS AND OTHER USES	932,000.00
JOINT RECREATION REVENUE	
J1081 Village of Lakewood	15,000.00
J1082 Town of Busti	15,000.00
J2025 Facility Charges (Rent)	3,000.00
J2401 Int. and Earnings	1,500.00
J2705 Program Registration	28,000.00
J2770 Misc. Revenue	1,000.00
J9999 Unexpended Balance	1,300.00
TOTAL REVENUES	64,800.00
JOINT RECREATION EXPENDITURES	
J7320.1 Personnel Services	23,000.00
J7320.2 Joint Rec Equipment	1,000.00
J7320.4 Joint Rec Contract	21,000.00

J1620.4 Building Maintenance	15,000.00
J9010.8 State Retirement	900.00
J9030.8 Social Security Retirement	1,600.00
J9055.8 Disability Insurance	100.00
J1990.4 Contingency Account	2,000.00
J9062.8 Retirement Other Uses	200.00
TOTAL JOINT YOUTH PROJECT	64,800.00
HAZELTINE PUBLIC LIBRARY FUND APPROPRIATIONS	
L7410.1 Library Personnel	25,000.00
L7410.4 Library Cont. Exp.	19,100.00
L9010.8 State Retirement	1,600.00
L9030.8 Social Security	2,600.00
L9055.8 Disability Insurance	200.00
TOTAL APPROPRIATIONS AND OTHER USES	48,500.00
HAZELTINE PUBLIC LIBRARY REVENUE	
L1001 Real property tax	48,500.00
TOTAL REVENUES	48,500.00
LIGHTING DISTRICTS	
SL1 1001 Real Property Taxes	1,000.00
SL1 9999 Unexpended Balances	600.00
Total Revenues	1,600.00
SL1 5182.4 Contractual Expense	1,600.00
Total Appropriations	1,600.00
SL2 1001 Real Property Taxes	5,000.00
SL2 9999 Unexpended Balance	500.00
Total Revenues	5,500.00
SL2 5182.4 Contractual Expense	5,500.00
Total Appropriations	5,500.00
SL3 1001 Real Property Taxes	2,700.00
SL3 9999 Unexpended Balance	700.00
Total Revenues	3,400.00
SL3 5182.4 Contractual Expense	3,400.00
Total Appropriations	3,400.00

SL4 1001 Real Property Taxes	2,400.00
SL4 9999 Unexpended Balance	500.00
Total Revenues	2,900.00
SL4 5182.4 Contractual Expense	2,900.00
Total Appropriations	2,900.00
SL5 1001 Real Property Taxes	200.00
SL5 9999 Unexpended Balance	100.00
Total Revenues	300.00
SL5 5182.4 Contractual Expense	300.00
Total Appropriations	300.00
SL6 1001 Real Property Taxes	300.00
SL6 9999 Unexpended Balance	300.00
Total Revenues	600.00
SL6 5182.4 Contractual Expense	600.00
Total Appropriations	600.00
WATER DISTRICTS	
SW1 1001 Real Property Taxes	2,200.00
Total Revenues	2,200.00
SW1 9951.1 Other Uses	2,200.00
Total Appropriations	2,200.00
SW2 1001 Real Property Taxes	2,200.00
Total Revenues	2,200.00
SW2 9951.9 Other Uses	2,200.00
Total Appropriations	2,200.00
SW3 1001 Real Property Taxes	113,306.00
Total Revenues	113,306.00
SW3 9710.6 Bond Principal	15,000.00
SW3 9710.7 Interest	28,987.00
SW3 9730.6 BAN Principle	30,000.00
SW3 9730.7 BAN Interest	24,319.00
SW3 9951.9 Other Uses	15,000.00
Total Appropriations	113,306.00
SW4 1001 Real Property Taxes	2,000.00

Total Revenues	2,000.00
SW4 9951.9 Other Uses	2,000.00
Total Appropriations	2,000.00
SW5 1001 Real Property Taxes	12,434.00
Total Revenues	12,434.00
SW5 9730.6 BAN Principal	6,350.00
SW5 9730.7 BAN Interest	6,084.00
Total Appropriations	12,434.00
SW6 1001 Real Property Taxes	22,475.00
Total Revenues	22,475.00
SW6 9730.6 BAN Principal	21,102.00
SW6 9730.7 BAN Interest	1,373.00
Total Appropriations	22,475.00
SW7A 1001 Real Property Taxes	8,062.00
Total Revenues	8,062.00
SW7A 9730.6 BAN Principal	4,118.00
SW7A 9730.7 BAN Interest	3,944.00
Total Appropriations	8,062.00
SW7B 1001 Real Property Taxes	9,182.00
Total Revenues	9,182.00
SW7B 9730.6 BAN Principle	5,122.00
SW7B 9730.7 BAN Interest	4,060.00
Total Appropriations	9,182.00
FIRE PROTECTION DISTRICT	
SF3410.4 Contractual Expense	224,954.00
SF1110 Real Property Taxes	224,954.00
SEWER DISTRICT APPROPRIATIONS	
SS8120.2 Sewage Collecting System	100.00
SS8120.4 Contractual Expense	600.00
SS8130.4 Sewage Treatment and Disposal	12,000.00
Total Appropriations and other use	12,700.00

SEWER DISTRICT REVENUES	
SS1001 Real property taxes	12,700.00
Total Revenues	12,700.00
DRAINAGE DISTRICT APPROPRIATIONS	
SD8540 Contractual Expense	1,400.00
SD9730.6 Principal	15,000.00
SD9730.7 Interest	10,507.00
TOTAL	26,907.00
DRAINAGE REVENUE	
SD1001 Real property taxes	26,907.00
TOTAL	26,907.00
HUNTINGTON WOODS DRAINAGE DISTRICT APPROPRIATIONS	
SD2-8540.4 Drainage Contract Exp.	4,000.00
SD2-9730.6 BAN Principal	0.00
SD2-9730.7 BAN Interest	0.00
TOTAL	4,000.00
SD2-1001 Real Property Taxes	4,000.00
TOTAL	4,000.00
SCHEDULE OF SALARIES OF ELECTED TOWN OFFICERS	
Supervisor Sullivan	12,000.00
Councilman Hazzard	5,500.00
Councilman Lawton	5,500.00
Councilman Hajdu	5,500.00
Councilman Sanders	5,500.00
Councilwoman Hern	5,500.00
Justice Elkin	11,000.00
Justice Dahlgren	11,000.00
Highway Superintendent Johnson	75,526.00
Town Clerk VanDewark	50,308.00

Upon roll call vote, all aye.

Councilman Hazzard offered the following motion which was duly seconded by Councilman Sanders:

RESOLVED, that the town accept the Independent Health IDirect 3 Series at no cost to the employees with the town picking up the deductible and the policy be

reinstated if the premiums rise above \$850 per month and that we ask the employee to contribute the difference for health insurance.

Upon roll call vote, all aye.

Councilman Sanders offered the following motion which was duly seconded by Councilman Hajdu:

RESOLVED, that the town contact our Town Engineer Rex Tolman and request him to look at the floor at the Busti-Lakewood Recreation Building.

All aye.

Supervisor Sullivan noted the following reports and correspondence:

Lakewood-Busti Police incident reports

State of New York, Department of Transportation re: Rtes 394 & 62 in the Town of Carroll, Ellicott, Busti & City of Jamestown & Villages of Lakewood & Frewsburg regarding single course milling & overlay asphalt pavement.

Chautauqua County Office of County Executive information sheets.

State of New York, Department of Transportation & Attorney Joel Seachrist re: closing of Winchester Road Bridge.

State of New York, Office of Real Property Services re: School Tax Relief (STAR) program for the year 2007.

Zoning Board of Appeals Minutes October 24, 2007.

Article on Chief Knowlton receives Honorary Chief, US Coast Guard.

Time Warner Cable re: agreements with programmers.

Supervisor Sullivan offered the following motion which was duly seconded by Councilman Hajdu:

RESOLVED, that Supervisor Sullivan be authorized and directed to pay the presented General Fund, Highway Fund, Joint Recreation and Hazeltine Public Library bills for Abstract No. 19 from warrant #764 to and including warrant #816 in the amount of \$168,845.00.

Upon roll call vote, all aye.

Upon motion duly made and seconded the meeting adjourned at 8:46 p.m.

Diane M. VanDewark, Town Clerk