

REGULAR MEETING

February 4, 2008

A regular meeting of the Town Board of the Town of Busti was held on February 4, 2008 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.

Those present at the meeting were: Highway Superintendent Melvin Peterson, Recreation Director Diana Peterson, Tim Young, Greg Johnson, Angelo & Diane Terrano, Tim Wells, John Marcinick, Lakewood-Busti Chief John Bentley, Assessor Randall G. Holcomb, Jen Anderson (Moore & Myott, LLP) and Post Journal Reporter Jessica Wasmund.

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

RESOLVED, that upon the recommendation of Highway Superintendent Melvin J. Peterson that he purchase on behalf of the town a four year warranty for \$9,200 for the Valvo highway excavator.

Upon roll call vote, all aye.

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

RESOLVED, that upon the recommendation of Highway Superintendent Melvin J. Peterson that he be authorized to purchase a New John Deer 757 Z-Tractor for \$7,425 with a trade-in of \$3,035 for a balance of \$4,395 from Zahm & Matson Inc. for the parks.

Highway Superintendent Melvin J. Peterson reported on the continued preparation work done by the highway department for the floor at the Busti-Lakewood Recreation Building.

Recreation Director Diana Peterson reported that the new recreation building flooring will be started on Wednesday, February 6, 2008.

Tim Young reported that there will be a meeting for Busti Hamlet Development on Thursday, February 7, 2008 at the Busti Fire Hall at 7:00 p.m.

Lakewood-Busti Police Chief reported that there were 695 calls for service.

Assessor Randall G. Holcomb requested the approval to go back to a three member Board of Review.

Attorney Joel Seachrist presented a verbal report on Canal Road and will give a written opinion to the board. He stated this is a private road owned by the town and not a public highway and that the town maintain access to the canal.

Tim Wells still questioned paying his current tax dollars if other roads in the town are being plowed.

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

RESOLVED, that an interest payment of \$14,443.75 be made for E. Robert Bootey Water 3.

Upon roll call vote, all aye.

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

RESOLVED, that parking be allowed at the town administration building and the recreation building for the July 5th Summer Fest Antique Car Show.

All aye.

Supervisor Sullivan noted correspondence from David Stein for the feasibility of making the Winchester Bridge a walking bridge. Highway Superintendent Melvin J. Peterson stated that an engineer from the railroad will be contacting Attorney Joel Seachrist regarding the bridge

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

RESOLVED, that Assessor Randall G. Holcomb's salary for 2008 be adjusted to \$45,042 effective January 1, 2008 from the Town of Busti.

Upon roll call vote, all aye.

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

RESOLVED, that highway employee Gregory Johnson rate per hour be adjusted to \$21.20 per hour effective January 1, 2008.

Upon roll call vote, all aye.

Deputy Supervisor Sanders offered the following motion which was duly seconded by Councilwoman Hazzard:

RESOLVED, that Town Justice Merle D. Elkin and Town Justice Walter H. Dahlgren be authorized to receive the following disbursements for the Association of Towns Annual meeting from February 18th-21st, 2007.

A. Air fare (if disbursed)

B. Taxi and tip (if disbursed)

- C. Baggage check (if disbursed)
- D. Lodging
- E. Mileage to and from airport (if disbursed)
- F. Parking in airport (if disbursed)
- G. Registration fee \$135.00
- H. Expenditures for meals:

Sunday February 18th	\$40.00
Monday February 19th	40.00
Tuesday February 20th	30.00
Wednesday February 21st	40.00

Upon roll call vote, all aye.

Supervisor Sullivan noted the proposal from HCH Interiors, Inc. for floor replacement of the Busti-Lakewood Recreation Building and offered the following motion which was duly seconded by Councilwoman Hern:

RESOLVED, that the town accept the quote from HCH Interiors Inc. in the amount of \$10,500.

Upon roll call vote, all aye.

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

RESOLVED, that the following resolution ordering the demolition and removal of 1786 Forest Avenue Extension, Jamestown, New York be approved:

**RESOLUTION ORDERING THE DEMOLITION AND REMOVAL OF
1786 FOREST AVENUE**

WHEREAS, Town Code Enforcement Officer Melanie Eddy has made a formal investigation and submitted to the Town Board a report in writing of her findings and recommendations with regard to the former gas station building owned by Pennzoil United, Inc. at 1786 Forest Avenue (the “Structure”), and

WHEREAS, said report finds that the Structure an unsafe structure as defined in the Town’s Unsafe Structures and Collapsed Buildings Law (Article 36-100 et seq.), is beyond repair, and should be demolished and removed, and

WHEREAS, the Town Board concurs with those findings

NOW, THEREFORE, BE IT

1. **RESOLVED**, that the Town Board hereby finds that the Structure is an unsafe structure as defined in Article 36-100 of the Town of Busti Code and hereby orders that Pennzoil United, Inc., demolish and remove it; and be it further

2. **RESOLVED**, that the Town Board shall hold a public hearing on this Order at 7:00 p.m. on March 3, 2008, at which time shall be heard all persons having an interest in

the Structure on the question of whether this Order shall be affirmed, modified, or vacated, and be it further

3. **RESOLVED**, that if Pennzoil United, Inc. fails or neglects to comply with the Order of the Town Board made following the public hearing within the time specified therein, the Town Board may provide by resolution that such Structure shall be demolished and removed by Town employees, by independent contractors, or by other lawful means available to the Town and the expense thereof shall be assessed against the land on which the Structure is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy of an ad valorem levy; and be it further

3. **RESOLVED**, that the Town Clerk is hereby ordered to provide notice of the said hearing to Pennzoil United, Inc. in the manner and with the contents required by Article 36-100 of the Town of Busti Code.

Upon roll call vote, all aye.

Supervisor Sullivan noted the following reports and correspondence:

State of New York Department of Health 1/06 – 12/06 Death Certificates filed at town office.

Busti Fire Department Inc. 2008 Officers.

Chautauqua County Department of Finance monies paid from the Director of Finance to the Supervisor.

Receipt of Intermunicipal Agreement for Wal-Mart in Town of Busti et al.

Veracity Benefits Designs – Bulletin.

Zoning Board of Appeals Minutes – January 23, 2008.

Time Warner Cable agreements with programmers.

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

RESOLVED, that the town go into executive session on a personnel matter.

Upon roll call vote, all aye.

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

RESOLVED, that the board return from executive session to continue the town board meeting.

Upon roll call vote, all aye.

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

RESOLVED, the town hire Scott Meredith part-time for the highway department on an as needed basis up to twenty hours per week at the discretion of Highway Superintendent Melvin J. Peterson at the rate of \$12.00 per hour.

Upon roll call vote, all aye.

Supervisor Sullivan offered the following motion which was duly seconded by

Councilman Hazzard:

RESOLVED, that the town appoint Jamie Gustafson, Mary Ellen Windoft and David Fredlund to a three Board of Assessment Review subject to advise of legal counsel if further action is required by taking the board from a five member board to a three member board.

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

RESOLVED, that Supervisor Sullivan be authorized and directed to pay the presented General Fund, Highway Fund, Joint Recreation Fund and Hazeltine Public Library for Abstract No. 2 from warrant #11 to and including #77 in the amount of \$159,049.71.

Upon roll call vote, all aye.