

## REGULAR MEETING

August 4, 2008

A regular meeting of the Town Board of the Town of Busti was held on August 4, 2008 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

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

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: Angelo & Diane Terrano, Dale Kester, Tim Young, Jessie Robbins, Wendy Gesaman, Hazel Karpin, Tim & Pauline Wells, Roger Anderson, Ray Bryant, Jack Marcinick, Lakewood-Busti Police Chief John Bentley, Highway Superintendent Melvin J. Peterson, Attorney Joel Seachrist and Zoning Officer Charles Stafford.

Dale Kester, 1452 Hunt Road, appeared before the board asking for permission to have a drain pipe for water runoff into the Town of Busti wetlands from his property.

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

RESOLVED, that upon the approval of counsel Supervisor Sullivan be authorized to sign a license agreement giving permission for the drain pipe runoff into the Town of Busti wetlands.

Upon roll call vote, all aye.

Attorney Joel Seachrist noted that the town is waiting for the survey to be completed for Canal Road.

Wendy Gesaman is interested in a parcel known as 384.12-4-35 (20-5-23) on Second Avenue. This was referred to Joel Seachrist to check on the progress of the county tax foreclosures.

Highway Superintendent Melvin J. Peterson is paving Wellman Road and Park Street. In shared serviced the highway department helped of the Village of Lakewood do some black topping and in return helped on Burton Road.

Lakewood-Busti Chief John Bentley presented the July report with 686 incidents. He also noted getting a grant from Cathy Young's office for speed limit signs on Southwestern Drive and flashing signs on Hunt Road in school zones. The grant received

was \$50,000.

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

RESOLVED, that the town accept the bid from Vantage Equipment for a 2008 L90F for \$116,907.44 with trade in of \$72,511.00 making the net price \$44,396.44.

Upon roll call vote, all aye.

Supervisor Sullivan moved to renew the following Bond Anticipation Note for Ernest Levin Water District No. 5 and Helen P. Andrews Water District No. 7 in the amount of \$187,060 with principal and interest payment of \$23,290.56 retroactive July 28, 2008 which was duly seconded by Councilman Hazzard:

**BOND ANTICIPATION NOTED CERTIFICATE DATED JULY 28, 2008.**

**CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN \$187,060 BOND ANTICIPATION NOTE OF SAID TOWN TO PAY THE COST OF A WATER DISTRIBUTION SYSTEM TO SERVE THE TOWN OF BUSTI ERNEST LEVIN WATER DISTRICT NO. 5 AND THE TOWN OF BUSTI HELEN P. ANDREWS WATER DISTRICT NO. 7 IN SAID TOWN.**

I, undersigned Supervisor of the Town of BUSTI, Chautauqua County, New York (the "Town"), DO HEREBY CERTIFY:

1. Pursuant to a bond resolution dated July 21, 2008, duly adopted by the Town Board of the Town on said date, authorizing the issuance of \$187,060 bonds of said Town to pay the cost of the construction of water improvements, including mains, land or rights-in-land, and other incidental costs in connection therewith to serve the Ernest Levin Water District No. 5 and Helen P. Andrews Water District No. 7 in said Town (period of probable usefulness, 40 years) which is not an assessable improvement, and delegating to me, as chief fiscal officer, power to authorize the issuance of and to sell bond anticipation notes of said Town in anticipation of the issuance and sale of said bonds, including renewals thereof, which power is in full force and effect and has not been modified, amended or revoked, I HEREBY AUTHORIZE the issuance of a bond anticipation note of said Town in the principal amount of \$187,060 in anticipation of the sale of said bonds. Said note shall be dated July 28, 2008, and shall be number 1, shall be of the denomination of \$187,060, shall bear interest at the rate of three and twenty hundredths per centum (3.20%) per annum, payable at maturity, shall mature in six months hence, January 26, 2009, and both principal of and interest of said note shall be payable in lawful money in the United States of America at JP Morgan Chase Buffalo, New York, such note is not a renewal note.

2. The specific object or purpose for which said note is hereby authorized to be issued is to pay the cost of the aforesaid specific object or purpose. The amount of serial bonds to be issued therefore is \$187,060.

3. No bond anticipation notes are presently outstanding or have heretofore been issued in anticipation of the sale of said bonds.

4. Such note shall be executed in the name of said Town of Busti, Chautauqua County, New York, by its Supervisor, sealed with its corporate seal, and the same shall be in substantially the form attached hereto. Such note is hereby sold in private sale of JP Morgan Chase Buffalo, New York, at a price of note less than par and accrued interest, if any. To the best of my knowledge and belief, no officer or employee of said Town has an interest in the sale of said note prohibited by Article 18 of the General Municipal Law, as amended.

UNITED STATES OF AMERICA  
STATE OF NEW YORK  
COUNTY OF CHAUTAUQUA  
TOWN OF BUSTI  
BOND ANTICIPATION NOTE, 2008

No.1

\$187,060

The Town of Busti, in the County of Chautauqua, a municipality of the State of New York (herein called the "Obligor"), hereby acknowledges itself indebted and for value received promises to pay to the bearer of this note the sum of one Hundred Eighty Seven Thousand Sixty Dollars (\$187,060) on January 28, 2009, together with interest thereon from the date hereof at the rate of three and twenty hundredths per centum (3.20%) per annum, payable at maturity. Both principal of and interest on this note will be paid in lawful money of the United States of America at JP Morgan Chase Bank in Buffalo, New York.

This note may not be redeemed at any time prior to maturity.

This note may not be converted into registered form.

This note is one of a total authorized issue of \$187,060 issued pursuant to proceedings duly adopted by the Finance Board of the Obligor, on July 21, 2008, and also pursuant to: "BOND ANTICIPATION NOTE CERTIFICATE DATED JULY 28, 2008. CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN \$187,060 BOND ANTICIPATION NOTE OF SAID TOWN TO PAY THE COST OF A WATER DISTRIBUTION SYSTEM TO SERVE THE TOWN OF BUSTI ERNEST LEVIN WATER DISTRICT NO. 5 AND THE TOWN OF BUSTI HELEN P. ANDREWS WATER DISTRICT NO. 7 IN SAID TOWN.

The faith and credit of the Obligor are hereby irrevocably pledged for the punctual payment of the principal of and interest on this note according to its terms.

It is certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have

been performed precedent to and in the issuance of this note, exist, have happened and have been performed, and that this note, together with all other indebtedness of the Obligor is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the Obligor, in accordance with the proceedings authorizing this note, has caused this note to be signed and its corporate seal to be hereunto affixed as appears below, and this note to be dated as of July 28, 2008.

Upon roll call vote, all aye.

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

RESOLVED, that Town Justice Walter Dahlgren and Part-time Court Clerk Nancy Jordan be authorized to attend a seminar to be held on August 7, 2008 in Buffalo, New York with expenses to be paid by the town.

Upon roll call vote, all aye.

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

RESOLVED, that Assessor Randall G. Holcomb be authorized to attend a seminar in Hudson Valley, New York from September 20<sup>th</sup> to the 24<sup>th</sup> with all expenses to be paid for by the town.

Upon roll call vote, all aye.

Town Clerk Diane M. VanDewark reported on a comparison of phone costs between Time Warner Cable and Windstream Communications. Upon her recommendation the town will continue with phone services from Windstream Communications for three years.

Supervisor Sullivan noted the following correspondence:

Garfield Church building proposal referred to Joel Seachrist for local law recommendation.

Public Hearing to be held on August 20<sup>th</sup>, 2008 at 10:00 A.M. on the discontinuance and removal of Winchester Road Bridge.

State of New York sealed bids for the sale of property at 240 Fairmount Avenue in the Village of Lakewood

State of New York, Office of Real Property Services re: Distribution of 2008 Star administrative aid.

State of New York, Public Service commission re: Verizon New York Inc.'s Network Review Plan.

County Executive Gregory Edwards re: seminar to discuss funding opportunities for municipal water.

Zoning Board of Appeals Minutes July 23, 2008

Planning Board Minutes July 9, 2008

Busti Hamlet Development Meeting August 7, 2008 at 7:00 p.m.

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. 14 from warrant #528 to and including #569 in the amount of \$60,015.10.

Upon roll call vote, all aye

Upon motion made by Supervisor Sullivan the meeting adjourned at 7:50 p.m.

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Diane M. VanDewark, Town Clerk