

REGULAR MEETING  
November 17, 2008

A regular meeting of the Town Board of the Town of Busti was held on, November 17, 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 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: Angelo & Diane Terrano, Randy Milks, Tim Young, Randy Sargent, Eric Ecklof, Gregory Johnson, Tammy DeVlieger, Randy Holcomb, John Francisco, Recreation Director Diana Peterson, Zoning Officer Charles Stafford, County Legislator Rudy Mueller Lakewood-Busti Police Chief John Bentley and Highway Superintendent Melvin J. Peterson.

Assessor Randall G. Holcomb reported to the board that the town will need to do a 2009 revaluation due to depreciation falling under 5%.

Highway Superintendent requested to accept the state bid for a dump box for a highway truck in the amount of \$13,600.

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

RESOLVED, that the town authorize the purchase of the dump box in the amount of \$13,600.

Upon roll call vote, all aye.

Lakewood-Busti Police Chief John Bentley reported 725 incidents for the month of October making 7,200 total to date.

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

**AUTHORIZING THE SUPERVISOR TO CONVEY TITLE TO A PAPER  
STREET TO THE CHAUTAUQUA COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY AND TO DISCHARGE MORTGAGE**

**WHEREAS**, the Town of Busti holds title to an unnamed and undeveloped access road in the General George Stoneman Business Park (the "paper street"); and

**WHEREAS**, the Town also holds a certain mortgage from the Chautauqua County

Industrial Development Agency (CCIDA), recorded in the Chautauqua County Clerk's Office on January 18, 1989 in Liber 1855 of Mortgages at page 99 (the "Mortgage"), which covers all of the business park except for parcels described in three prior partial releases of the mortgage granted in 2001 and 2004,

**WHEREAS**, the CCIDA is negotiating with a developer to purchase and develop the eastern part of the business park, including the land that surrounds the paper street, and

**WHEREAS**, it appears that an access road will no longer be needed, and the Town Board believes it to be in the best interests of the Town and its residents to convey the paper street to the CCIDA to encourage potential development in the business park, and

**WHEREAS**, the CCIDA has requested that the Town discharge the remainder of the business park from the Mortgage in anticipation of the aforesaid sale and has provided a check in the amount of \$20,000.00 in full satisfaction thereof,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Supervisor Sullivan is hereby authorized to execute the deed and accompanying documents necessary to convey the paper street to the CCIDA, and be it further

**RESOLVED**, that Supervisor Sullivan is hereby authorized to execute a Discharge for the 1989 Mortgage that encumbers the business park, provided, however, that such Discharge shall be held in escrow until the sale of the parcel(s) to the developer is completed and the County of Chautauqua assumes ownership of the existing Stoneman Circle and future roadways within said business park.

Upon roll call vote, all aye.

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

**RESOLVED**, that upon notification from the Hazeltine Public Library Board pay rate increases for 2009 will be Tracy Hewitt \$13.00 per hour with five (5) days sick leave and two (2) weeks vacation and Carol Sheldon \$9.00 per hour with (20) twenty hours vacation.

Upon roll call vote, all aye.

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

**RESOLVED**, that payment be made to John Siggins in the amount of \$348.26 for the balance of monies paid by him for the Busti Veterans Monument dedication.

Upon roll call vote, all aye.

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

**RESOLVED**, that payment be made to Chautauqua County Department of Finance for tax foreclosures in the amount of \$11,301.03 for the following properties:

384.18-1-14 (formerly known as 24-2-18) Baker Street in the amount of \$1,536.93

384.18-1-17 (formerly known as 24-2-19.1) Baker Street in the amount of	\$1,338.88
384.18-1-16 (formerly known as 24-2-19.2) Baker Street in the amount of	\$1,392.51
384.12-4-18 (formerly known as 20-5-7) First Avenue	)
384.12-4-20 (formerly known as 20-5-9) First Avenue	)
384.12-4-21 (formerly known as 20-5-10) First Avenue	)
384.12-4-30 (formerly known as 20-5-18) Second Avenue	)
384.12-4-31 (formerly known as 20-5-19) Second Avenue	)
384.12-4-32 (formerly known as 20-5-20) Second Avenue	)
384.12-4-34 (formerly known as 20-5-22) Second Avenue	)
384.12-4-35 (formerly known as 20-5-23) Second Avenue in the amount of	\$3,527.37
384.19-1-29 (formerly known as 24-2-10) 1867 S. Maple Avenue	\$1,842.24
384.08-2-64 (formerly known as 20-23-33) Seventh Avenue	\$ 831.55
384.08-2-63 (formerly known as 20-23-32) Seventh Avenue	\$ 831.55

Upon roll call vote, all aye.

Supervisor Sullivan noted the annual lighting of the Christmas tree on Saturday, December 6, 2007 starting at 5:00 p.m. with a tureen dinner at the fire hall and the lighting of the Christmas tree at the Busti Triangle to follow.

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

RESOLVED, that the town authorize Town Clerk Diane M. VanDewark to sign the agreement with Niagara Mohawk form to attach Christmas decorations to the flag pole at the triangle at the five corners in Busti.

All aye.

Councilman Hazzard offered the following agreement to spend highway funds for 2009 which was duly seconded by Supervisor Sullivan:

#### AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, shall be expended as follows:

1. General repairs. The sum of \$970,000 may be expended for general repairs upon 64.72 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken of such improvements, until the County Superintendent approves the plans, specifications and estimates for such construction.

This agreement shall take effect when it is approved by the County Superintendent of Highways.

Upon roll call vote:

It was adopted.

Councilman Hazzard noted letter from Gray Insurance Agency on insurance quotes for renewals. This was referred to Councilman Hazzard and Councilman Sanders.

Councilman Hajdu reported that he and Highway Superintendent Melvin J. Peterson met with private land owners on Sunset Drive area regarding granting conservation easements for watershed issues. There may be more money available through Chautauqua County and CLMC.

Supervisor Sullivan noted the following reports and correspondence:

Town of North Harmony Annual Estimate for Ashville Fire District Expenditure 2009.

Time Warner Cable re: Agreements with programmers.

NYWEA re: Advanced Panel on Wastewater for Local and Elected Representatives.

Town Board Minutes – November 3, 2008.

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. 221 from warrant #816 to and including #853 in the amount of \$88,606.64.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Sullivan the meeting adjourned at 7:17 p.m.

---

Diane M. VanDewark, Town Clerk