

REGULAR MEETING

December 1, 2008

A regular meeting of the Town Board of the Town of Busti was held on, December 1, 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 Richard A. Sanders
Councilwoman Marsha L. Hern
Councilman Paul R. Hazzard - 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, Randy Milks, Tim Young, Randy Sargent, Randy Holcomb, John Francisco, Chief John Bentley and Highway Superintendent Melvin J. Peterson.

Highway Superintendent Melvin J. Peterson requested the town to purchase of a new snow plow.

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

RESOLVED, that the town accept the quote from Henderson Truck Equipment and purchase a 2008 Henderson RSP 11-36 reversible plow in the amount of \$6,205.00. Upon roll call vote, all aye.

Lakewood-Busti Chief John Bentley reported on receiving a safety grant in the amount of \$6,000. Year to date 7,569 incidents.

Engineer Tolman asked the board regarding the building permit for Mark & Troy Johnson at 1390 Trask Road in the Conservation Agricultural District questioning the use of the property. This was referred to Zoning Officer Charles Stafford and Attorney Joel Seachrist.

Supervisor Sullivan noted the letter from County Executive Gregory J. Edwards regarding amendments made to the Agreement with County of Chautauqua for Watershed Community for Demonstration Project (08-26-01E).

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

RESOLVED, that the following amendments be made to the County of Chautauqua Watershed Agreement.

1. Paragraph 1. Services is amended to provide that the total allocation has been increased to One Hundred Twenty Thousand and No/100 Dollars (\$120,000.00) and the

determination to approve the project will be based upon the merits of the project and the availability of such funds.

2. Paragraph 2. Payment is amended to provide that County shall pay Town a sum not to exceed Ten Thousand and No/100 Dollars (\$10,000.00) per project during the term.

3. Paragraph 3. Term is amended to extend the term from July 1, 2008 to December 31, 2008.

All other terms and conditions of said Agreement shall remain in full force and effect. Upon roll call vote, all aye.

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

RESOLVED, that the following Bond Anticipation Note be renewed for E. Robert Bootey Water District No. 3, Ernest Levin Water District No. 5 and Helen P. Andrews Water District No. 7 retroactive on November 17, 2008:

**BOND ANTICIPATION NOTE CERTIFICATE DATED NOVEMBER 17, 2008.
CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI,
CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN
\$887,285.78 BOND ANTICIPATION NOTE OF SAID TOWN IN CONNECTION
WITH VARIOUS WATER DISTRICT PURPOSES.**

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

1. Pursuant to a bond resolution dated September 16, 2002, duly adopted by the Town Board of said Town on said date, authorizing the issuance of bonds in the amounts and for the purposes set forth in the schedule below, which are assessable improvements, 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 \$887,285.78 in anticipation of the sale of said bonds. Said note shall be dated November 17, 2008, shall be numbered 1, shall be of the denomination of \$887,285.78, shall bear interest at the rate of three and seventy-seven hundredths per centum (3.77%) per annum, payable at maturity, shall mature six months hence, May 18, 2009, and both principal of and interest on said note shall be payable in lawful money of the United States of America at the JPMorgan Chase Bank, in Buffalo, New York. Such note is not a renewal note. Provided that such may be redeemed prior to maturity on or after January 17, 2009 upon 5 days notice, at par.

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 therefor is \$887,285.78.

3. Such \$887,285.78 bond anticipation note shall be allocated as follows

- a) \$561,810.31 to pay the cost of the increase and improvement of the facilities of Water District #3 in said Town (period of probable usefulness forty years).
- b) \$140,552.58 to pay the cost of the increase and improvement of the facilities of Water District #5 in said Town (period of probable usefulness forty years).
- c) \$184,922.89 to pay the cost of the increase and improvement of the facilities of Water District #7 in said Town (period of probable usefulness forty years).

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 at private sale to JP Morgan Chase Bank, in Buffalo, New York, at a price of not 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.

Dated: Lakewood, New York
November 17, 2008.

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

No. 1 \$887,285.78

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 Eight Hundred Eighty Seven Thousand Two Hundred Eight Five Dollars and Seventy Eight Cents (\$887,285.78) on May 18, 2009, together with interest thereon from the date hereof at the rate of three and seventy seven hundredths (3.77%) 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 be redeemed prior to maturity on or after May 18, 2009, upon five (5) days notice, at par. This note may not be converted into registered form.

This note is one of a total authorized issue of \$887,285.78 issued pursuant to proceedings duly adopted by the Finance Board of the Obligor, on September 16, 2002, and also pursuant to:

"BOND ANTICIPATION NOTE CERTIFICATE DATED NOVEMBER 17, 2008. CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN \$887,285.78 BOND ANTICIPATION NOTE OF SAID TOWN IN CONNECTION WITH VARIOUS WATER DISTRICT PURPOSES."

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 November 17, 2008.

Upon roll call vote, all aye.

Engineer Rex Tolman reported to the board on grant applications for Sunset Pond and Shadyside Water Quality for \$70,900.

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

RESOLVED, that the town approve the submission of the grants for Sunset Pond in the amount of \$130,200 and Shadyside Water Quality Grant in the amount of \$70,900. Upon roll call vote, all aye.

Supervisor Sullivan moved to purchase signs for the Southwestern Trojans 2008 Class C Football State Champions which was duly seconded by Councilwoman Hern. All aye.

Engineer Rex Tolman reported on the progress of Loomis Park regarding the basketball court and tennis courts.

Supervisor Sullivan noted the following reports and correspondence:

Chautauqua County Planning Department re: Preliminary Review Meeting of State Ag District #12 Revision.

Gray Insurance Agency re: insurance quote from Utica Mutual Insurance Company.

Charles Stafford re: letter to Michael Bishop regarding traffic concern.

State of New York Public Service Commission re: In the Matter of Reviewing and Amending the Electric Submetering Regulations.

Zoning Board of Appeals Minutes November 19, 2008.

Joel Seachrist re: property owned by Elizabeth J. Bradt (403.08-2-53).

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

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. 23 from warrant #854 to and including #894 in the amount of \$65,672.68.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Sullivan the meeting adjourned at 8:00 p.m.

Diane M. VanDewark, Town Clerk

