

REGULAR MEETING
December 15, 2008

A regular meeting of the Town Board of the Town of Busti was held on, December 15, 2008 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

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

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

Those present were: Legislator Rudy Mueller, Angelo & Diane Terrano and Highway Superintendent Melvin J. Peterson.

Highway Superintendent Melvin J. Peterson requested to purchase a new 2009 Chevy pickup truck through county bid with trade-in in the amount of \$7,503. The Ford 2009 pickup truck would be \$7,003.

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

RESOLVED, that upon the recommendation of Highway Superintendent the town purchase the 2009 Chevy Pickup truck in the amount of \$7,503 due to the fact that the Ford pickup truck would not be available for 120 days.

Upon roll call vote, all aye.

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

RESOLVED, that the town renew the following Bond Anticipation Note in the amount of \$664,000.

BOND ANTICIPATION NOTE CERTIFICATE DATED DECEMBER 19, 2008.
CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI,
CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE
OF AN \$664,000 BOND ANTICIPATION NOTE OF SAID TOWN TO PAY
THE COST OF THE WATER DISTRIBUTION SYSTEM TO SERVE THE
FIVE CORNERS WATER IMPROVEMENT AREA OF SAID TOWN.

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 20, 2004, 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 acting 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 \$664,000 in anticipation of the sale of said bonds. Said note shall be dated December 19, 2008, shall be numbered 4, shall be of the denomination of \$664,000, shall bear interest at the rate of three and thirty-three hundredths per centum (3.64%) per annum, payable at maturity, shall mature one year hence, December 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.

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 \$664,000.

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

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
December 19, 2008

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

No. 4

\$664,000

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 six hundred sixty four thousand dollars (\$664,000) on December 18, 2009, together with interest thereon from the date hereof at the rate of three and thirty-three hundredths per centum (3.64%) 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 \$664,000 issued pursuant to proceedings duly adopted by the Finance Board of the Obligor, on September 20, 2004, and also pursuant to: "BOND ANTICIPATION NOTE CERTIFICATE DATED DECEMBER 20, 2007. CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN \$664,000 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 December 19, 2008.

Upon roll call vote, all aye.

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

RESOLVED, that Town Justice Merle D. Elkin and Town Justice Walter H. Dahlgren be authorized to attend the Association of Towns Annual meeting from February 15th 18, 2009 with the following disbursed.

- 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 \$100.00
- H. Expenditures for meals:

Sunday February 15th	\$ 40.00
Monday February 16th	40.00
Tuesday February 17th	30.00
Wednesday February 18 th	40.00

BE IT FURTHER RESOLVED, that Town Justice Merle D. Elkin be designated as voting delegate and Walter H. Dahlgren be the alternate delegate.

Upon roll call vote, all aye.

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

RESOLVED, that Supervisor Sullivan be authorized to send letters to County Executive Gregory Edwards, U. S. Senators Hillary Rodham Clinton & Charles E. Schumer, Congressman Brian Higgins, New York State Senator Catharine Young, notifying them that the town is in need of grant money for town engineered capital projects for water lines.

All aye.

Deputy Supervisor noted the following correspondence:

Zoning Board of Appeals Minutes December 1, 2008.

NYS Department of Environmental Conservation, SPDES Permit for Kevin Sturzenbecker d/b/a Garfield Village Mobile Home Park.

Time Warner Cable re: agreements with programmers.

State of New York, Department of Health & Environmental Facilities Corporation
re: Drinking Water State Revolving Fund.

Councilman Sanders offered the following motion which was duly seconded by Councilwoman 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. 24 from warrant #895 to and including #927 in the amount of \$100,621.49.

Upon roll call vote, all aye.

Upon motion duly made by Deputy Supervisor Hazzard the meeting adjourned at 7:10 p.m.

Diane M. VanDewark, Town Clerk