

## REGULAR MEETING

May 19, 2008

A regular meeting of the Town Board of the Town of Busti was held on May 19, 2008 at 6:45 p.m., at the Busti Highway Garage, 3646 Lawson Road, (Busti) with the following members present:

Supervisor Kathleen A. Sullivan  
Councilman Lyle T. Hajdu  
Councilman Paul R. Hazzard  
Councilwoman Marsha L. Hern  
Councilman Richard A. Sanders - 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, Jessie Robbins, Casey Casselman, Timothy Switaj, Beth Swafford, John Siggins, Randy Erickson, Eugene & Linda Johnson, John Francisco, Tim Young, Randy Sargent, County Legislator Rudy Mueller, Warren VanDewark, Busti-Lakewood Recreation Director Diana Peterson, Highway Superintendent Melvin J. Peterson, Lakewood-Busti Police Chief John R. Bentley, Zoning Officer Charles Stafford.

Busti-Lakewood Recreation Director Diana Peterson noted that she has had several complaints from program participants not being able to park because the parking lot is full. The board suggested that Diana look into the cost of signs stating the parking lot is reserved for the recreation building.

County Legislator Rudy Mueller asked the town board to meet with the Village of Lakewood Board on a fifth Monday during the calendar year. It was suggested that they meet on June 30<sup>th</sup>.

Angelo & Diane Terrano reported they were happy to see the highway department working on the water line on South Main Street Extension.

John Siggins reported that the Historical Society is working on the 2010 Bi-Centennial Settlement of Busti. He is encouraging other groups to attend the next meeting on June 5<sup>th</sup> at the Historical Society Building at 7:00 p.m.

Tim Young reported that the next Busti Hamlet Development meeting is to be held on May 22<sup>nd</sup> at the Busti Fire Hall at 7:00 p.m.

Casey Casselman asked on the progress of the Busti-Stillwater Road water line. Supervisor Sullivan and Councilman Hazzard will be meeting with the Jamestown Board of Public Utilities.

Highway Superintendent Melvin J. Peterson noted approximately 500' to finish South Main Street water line.

Lakewood-Busti Police Chief John Bentley reported on police activities.

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

RESOLVED, that the town accept the donation of the J. C. Matteson monument, with bricks and flag pole from Thomas G. Stone AMVETS Post 1996.  
Upon roll call vote, all aye.

Councilman Hajdu reported there are many problems with Goose Creek and Chautauqua County will be approaching each town to have individual permits with in-kind services from the highway department.

Supervisor Sullivan presented a plaque honoring Eugene A. Johnson. He thanked the board for the many years of service that he was able to provide the town.

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

RESOLVED, that Sandy Kearney be appointed to the Hazeltine Library Board.  
Upon roll call vote, all aye.

Supervisor Sullivan noted the quote from Lakeland Environmental to perform NYS pre-demolition asbestos/lead survey and limited Phase 1 environmental site assessment of former Pennzoil gas station property located at 1786 Forest Avenue.

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

RESOLVED, that the town approve the quote from Lakeland Environmental in the amount of \$2,798.  
Upon roll call vote, all aye.

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

RESOLVED, that Elizabeth Davis to authorized to attend the Chautauqua County Magistrate's Association meeting in Dunkirk, New York on May 28<sup>th</sup> at a cost of \$20 on the implementation of a credit card program.  
Upon roll call vote, all aye.

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

RESOLVED, that the following Bond Anticipation Note be renewed for \$887,285.78 retroactive to May 14, 2008 and that payment be made in the amount of \$57,872.04 for Water Districts E. Robert Bootey Water District No. 3, Ernest Levin Water District No. 5 and Helen P. Andrews Water District No. 7.

BOND ANTICIPATION NOTE CERTIFICATE  
DATED May 14, 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:

I. 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 May 14, 2008, shall be numbered 1, shall be of the denomination of 887,285.78, shall bear interest at the rate of two and thirty-eight hundredths per centum (2.38%) per annum, payable at maturity, shall mature six month hence, November 14, 2008, 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 July 14, 2008, upon five (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.

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 14, 2008, together with interest thereon from the date hereof at the rate of two and thirty-eight hundredths per centum (2.38%) 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 on or after July 14, 2008, 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 MAY 14, 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 May 14, 2008.

Upon roll call vote, all aye.

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

RESOLVED, that Randall Erickson be appointed as Dog Control Officer for the town at an annual salary of \$3,250 which is to be prorated from May 19, 2008.  
Upon roll call vote, all aye.

Supervisor Sullivan noted the following reports and correspondence:

2008 County & Town Collection Report  
Office of Chautauqua County Emergency Services regarding NIMS/ICS courses available.  
Busti Tire Amnesty June 10<sup>th</sup> to June 21<sup>st</sup>.  
Joel H. Seachrist re: Demolition of 1786 Forest Avenue (Pennzoil)  
Seneca Trail 40<sup>th</sup> Anniversary Celebration invitation.

Councilman Hazzard noted the memorandum on tax foreclosures dated April 24, 2008 and offered the following motion which was duly seconded by Supervisor Sullivan:

RESOLVED, that Town Clerk Diane M. VanDewark send a letter to the county requesting the following properties:  
384.08-2-33 Anthony T. Tedesco Sixth Avenue, adjoins town property  
385.05-4-37 Thomas W. Gooch, 4340 Summit, paper street  
402.00-1-59 Scott W. Hagstrom, Big Tree, next to cemetery  
420.00-3-35 Daniel H. Johnson, Busti Stillwater Rd., green space - creek  
420-19-1-28 E. Darlene Smith, 912 Forest, demolish building  
437.07-1-26 Duane Drake, Stillwater, green space - creek

Upon roll call vote, all aye.

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

RESOLVED, that upon the recommendation of Highway Superintendent Melvin J. Peterson he be authorized to bid for highway road oils returnable June 2, 2008.  
Upon roll call vote, all aye.

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 Fund & Hazeltine Public Library for Abstract No. 9 for bills from warrant #304 to and including #339 in the amount of \$89,041.96.  
Upon roll call vote, all aye.

Upon motion duly made by Supervisor Sullivan the meeting adjourned at 7:30 p.m.

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Diane M. VanDewark, Town Clerk

