

REGULAR MEETING

December 21, 2009

A regular meeting of the Town Board of the Town of Busti was held on December 21, 2009 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
Councilwoman Marsha L. Hern
Councilman Lyle T. Hajdu
Councilman Richard A. Sanders

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

Present at the meeting were: Angelo & Diane Terrano, Town Justice Walter H. Dahlgren and Joyce Dahlgren, Jesse Robbins, Highway Superintendent Melvin J. Peterson, Zoning Officer Charles Stafford and Lakewood-Busti Police Chief John L. Bentley

Highway Superintendent Melvin J. Peterson reported on highway activities.

Lakewood-Busti Police Chief John L. Bentley reported 9,350 incidents for December.

Councilman Hajdu gave the oath of office to Town Justice Walter H. Dahlgren.

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

RESOLVED, that payment be made in the amount of \$19,868.78 (\$15,000 principal and \$4,868.78 interest) on the bond for the Vukote Drainage District retroactive December 15, 2009.

Upon roll call vote, all aye.

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

RESOLVED, that payment be made to the New York State Retirement System in the amount of \$51,591.

Upon roll call vote, all aye.

Supervisor Sullivan moved to change the title for Melanie Eddy to Building Code and Zoning Enforcement Officer which was duly seconded by Councilwoman Hern:

All aye.

Supervisor Sullivan offered the following Bond Anticipation Note in the amount of \$622,500 for the Five Corners Water with payment of (\$41,500 principal and \$24,102.46 interest) which was duly seconded by Councilman Hazzard:

BOND ANTICIPATION NOTE CERTIFICATE DATED DECEMBER 19, 2009,

CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN \$622,500 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 \$622,500 in anticipation of the sale of said bonds. Said note shall be dated December 18, 2009, shall be numbered 5, shall be of the denomination of \$622,500, shall bear interest at the rate of two and eleven hundredths per centum (2.11%) per annum, payable at maturity, shall mature one year hence, December 17, 2010. Said note is callable on January 21, 2010. 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 therefor is \$622,500.

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.

UNITED STATES OF AMERICA
STATE OF NEW YORK
COUNTY OF CHAUTAUQUA
TOWN OF BUSTI
BOND ANTICIPATION NOTE, 2009

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 twenty two thousand five hundred dollars (\$622,500) on December 17, 2010, together with interest thereon from the date hereof at the rate of two and eleven hundredths per centum (2.11%) per annum, payable at maturity. Said note is callable on January 21, 2010. 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 is callable on January 21, 2010.

This note may not be converted into registered form.

This note is one of a total authorized issue of \$622,500 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 18, 2009. CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN \$622,500 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 18, 2009.

Upon roll call vote, all aye.

Councilman Hazzard thanked everyone on the board and appreciated working with them.

Supervisor Sullivan also thanked Paul for his twenty-nine years of service to the town.

Supervisor Sullivan noted the following correspondence:

NYS Department of Environmental Conservation re: Village of Lakewood
Freshwater Wetland LW-3 Notice of Violation.

Zoning Board of Appeals Minutes December 2, 2009

Supervisor Sullivan moved to go into executive session to review the grant proposal

regarding a payment agreement to Donald Bloomquist which was duly seconded by Councilman Hazzard.

All aye.

Councilman Hazzard moved to return from executive session which was duly seconded by Councilwoman Hern.

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 and the Hazeltine Public Library for Abstract No. 22 from warrant #962 to and including #1001 the amount of \$176,710.50.

Upon roll call vote, all aye.

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

Diane M. VanDewark, Town Clerk