

REGULAR MEETING

May 18, 2009

A regular meeting of the Town Board of the Town of Busti was held on May 18, 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 Richard A. Sanders
Councilwoman Marsha L. Hern
Councilman Lyle t. Hajdu
Councilman Paul R. Hazzard

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

Those present were: Angelo & Diane Terrano, Tim & Candy Young, Jessie & Lorie Robbins, Harriet & Robert Vergith, John Beichner, Mary Griffin, Jeff & Margaret Swanson, Colleen Anderson, Joe & Sandy Giordano, Gust Swanson, Mark Stow, Randy Sargent, LeRoy McCray, Francis & Jennifer Seamen, Robert & Judy Schultz, Marion Gibbon, Roger & Jeanie Hall, Alden & Sue Wedburg, Michelle McIntyre, Walter & Joyce Dahlgren, Shirley Robbins, Stephen Frankson, Colleen Bucklin, Rick & Barb Nygren, Justin & Stephanie Devereaux, Christine Fosberg, Michael Jones, County Legislator Rudy Mueller, Lakewood-Busti Police Chief John R. Bentley, Highway Superintendent Melvin J. Peterson.

Supervisor Sullivan noted it was 6:45 p.m. and time to open the following bids for the transfer station:

Michael Jones – Jones Carroll Inc.

1. Lump sum (yearly) bid, not to include landfill or processing fees:
6/1/09 – 6/1/10 \$24,000
6/1/10 – 6/1/11 \$24,000
6/1/11 – 6/1/12 \$24,000

Per Load charge for transporting garbage and/or recyclables from current transfer station within 30 miles radius at Busti's Town Supervisor discretion.

Per load charge \$130.00

Mileage charge for transporting garbage and/or recyclables from current transfer station over a 30 mile radius at Busti's Town Supervisor discretion:

Loaded Per Mile Charge \$3.00

Yearly Rental Charge for:

20 yd Container \$.00
30 yd Container \$.00
40 yd Container \$.00

Estimated Ton's and Loads:

Garbage: 770 ton yearly
75 Loads

Recyclables: 250 Ton yearly
70 Loads

Casella Waste Services:

1. Lump sum (yearly) bid, not to include landfill or processing fees:

6/1/09 – 6/1/10 \$19,656

6/1/10 – 6/1/11 \$20,628

6/1/11 – 6/1/12 \$21,660

Per Load charge for transporting garbage and/or recyclables from current transfer station within 30 miles radius at Busti's Town Supervisor discretion.

Per load charge \$144.00

Mileage charge for transporting garbage and/or recyclables from current transfer station over a 30 mile radius at Busti's Town Supervisor discretion:

Loaded Per Mile Charge \$5.50

Yearly Rental Charge for:

20 yd Container \$720.00

30 yd Container \$720.00

40 yd Container \$720.00

Estimated Ton's and Loads:

Garbage: 770 ton yearly

75 Loads

Recyclables: 250 Ton yearly

70 Loads

Supervisor Sullivan referred the bids to Highway Superintendent Melvin J. Peterson for his consideration.

Jessie Robbins appeared before the board regarding the grant from the Empire State Development for Upstate Regional Blueprint Fund & Downstate Revitalization Fund requesting the town to submit for the grant for the Busti hamlet.

Councilman Hazzard noted that applying for the grant it will enable the town to purchase property, remove structures that are already on the land and to build another facility for court/community building, multi purpose buildings and town office building. The town needs to submit the application to know where the town is headed with this grant.

Mark Stow from the County Health Department appeared before the board regarding the town office accepting water samples on behalf of area residents.

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

RESOLVED, that the town will become the drop off point for the water samples on behalf of Chautauqua County and will be reimbursed at a per bottle charge to be set in the next thirty days and then to review annually.

Upon roll call vote, all aye.

Busti-Lakewood Recreation Director Diana Peterson reported she is interviewing for summer playground help.

Stephen Frankson requested that the town put in two street lights at each end of Wing

Road which was referred to Highway Superintendent Melvin J. Peterson.

Jennifer Seamen requested information on the zoning code regulations for camps/trailers at Stateline Speedway. This was referred to Attorney Joel H. Seachrist for his recommendations.

Busti-Lakewood Police Chief John R. Bentley reported 771 incidents for April with 3,600 incidents to date.

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

RESOLVED, that upon the recommendation of Highway Superintendent Melvin J. Peterson he be authorized to hire David Crawford and LeRoy McCray as summer employees for mowing parks at an hourly rate of \$11.23 per hour.

Upon roll call vote, all aye.

Councilman Sanders reported that he met with Councilman Hazzard and Town Clerk Diane M. VanDewark regarding the cost of town water hookups and offered the following motion which was duly seconded by Councilman Hazzard:

RESOLVED, that residential hookup cost for both existing and new homes be \$1,500 and industrial and commercial hookup cost be \$7,000 but this does not include the five spokes water hookup cost in the hamlet at \$4,200 which will stay the same.

Upon roll call vote,

Supervisor Sullivan, nay

Councilman Sanders, aye

Councilwoman Hern, aye

Councilman Hajdu, aye

Councilman Hazzard, aye.

Carried.

Supervisor Sullivan moved to accept the following comprehensive plan committee: Councilman Paul Hazzard, Town Clerk Diane VanDewark, Lakewood Village Clerk Joe Johnson, Planning Board Chairman David Paterniti, Zoning Board Chairman Michelle McIntyre, Mary Eggleston, Bruce Kidder, Attorney Joel H. Seachrist and Supervisor Kathy Sullivan which was seconded by Councilman Sanders: They will meet on Thursday, May 28th at 7:30 a.m.

All aye.

Councilman Hazzard offered the following resolution authorizing transfer of surplus property to Wendy Gesaman subject to permissive referendum which was duly seconded by Supervisor Sullivan:

Notice is hereby given that the Town Board of the Town of Busti (the "Town"), Chautauqua County, New York, at a regular meeting thereof, held on May 18, 2009, duly adopted, subject to a permissive referendum, a resolution, which provided as follows:

WHEREAS, in February 2009 the Town acquired from the County of

Chautauqua a 25' x 120' lot on Second Avenue, designated as tax map Section 384.12, Block 4, Lots 34, and

WHEREAS, it is no longer necessary for the Town to retain the property, and

WHEREAS, Wendy Gesaman has proposed to purchase the property for \$2,000.00, on the condition that she remove the existing structure on the property within one calendar year of the transfer of title to her and pay a \$100 penalty for each month thereafter that the structure remains,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town, in regular session duly convened, does hereby authorize and direct the Supervisor to execute and deliver to Wendy Gesaman such instruments as are necessary to convey the said lot for \$2,000.00, for which the Town shall not provide a survey or abstract of title and subject to the above-stated conditions, all being subject to permissive referendum as permitted by law.

Upon roll call vote, all aye.

Supervisor Sullivan noted letter from Steven R. Gustafson regarding tree removal at 4615 Cowing Road which was referred to Attorney Joel H. Seachrist to respond to his requests.

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

RESOLVED, that the Town of Busti does not wish to serve as lead agency for the construction of the road extension in Stoneman Business Park and that the Lead Agency/General George Stoneman Business Park Stoneman Circle Extension be Chautauqua County Department of Public Facilities.

Upon roll call vote, all aye.

Supervisor Sullivan noted the final engineering plans for Park Street Extension & Garfield Road water main projects.

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

RESOLVED, that the following Bond Anticipation Note be renewed for \$838,195.78 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 18, 2009.

CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI,
CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE
ISSUANCE OF AN \$838,195.78 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 \$838,195.78 in anticipation of the sale of said bonds. Said note shall be dated May 18, 2009 shall be numbered 1, shall be of the denomination of \$838,195.78, shall bear interest at the rate of two and seventy-five hundredths per centum (2.75%) per annum, payable at maturity, shall mature six month hence, November 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 June 16, 2009, 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 \$838,195.78.

3. Such \$838,195.78 bond anticipation note shall be allocated as follows:
- a) \$530,727.54 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) \$132,776.33 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) \$174,691.91 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, 2009

No.1 \$838,195.78

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 Thirty Eight Thousand, One Hundred Ninety Five Dollars and Seventy Eight Cents (\$838,195.78) on May 18, 2009 together with interest thereon from the date hereof at the rate of two and seventy-five hundredths per centum (2.75) 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 June 16, 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 \$1,043,334.00 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 18, 2009
CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA
COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN \$838,195.78
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 18, 2009.

Upon roll call vote, all aye.

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

RESOLVED, that Assessor Randall G. Holcomb be authorized to attend the training for continuing education requirements in Ithaca, New York on July 15th, 16th, & 17th will all training, meals and mileage expenses to be paid for by the town.
Upon roll call vote, all aye.

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

RESOLVED, that the town authorized Cemetery Sexton Jack Knowlton to move the grave of Roy Nelson in the Busti Cemetery at a cost of \$1,100.
Upon roll call vote, all aye.

Supervisor Sullivan noted the following correspondence:

Certificate of Satisfaction for the 2009 Town & County Tax Collection.

Time Warner Cable re: Agreements with programmers.

Certificate of Attendance for Board of Assessment Review Training for Gary Yager, Mary Eggleston and Jim Andrews.

Empire State Development Upstate Regional Blueprint Fund Downstate Revitalization Fund Guidelines.

Chautauqua County Office of the County Executive Gregory J. Edwards re: construction work on Hunt Road.

State of NY, Department of Agriculture & Markets re: Lead Agency Greater Ashville Settlement Sanitary Sewer Service Extension, Towns of North Harmony & Busti.

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

RESOLVED, that Councilman Hazzard and Sanders put together a specific proposal for the Empire State Development for Upstate Regional Blueprint Fund & Downstate Revitalization Fund grant by the next board meeting.
All aye.

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

RESOLVED, that the transfer station sticker charge be \$50 with the purchase of an additional sticker \$20 for the same household.
Upon roll call vote, all aye.

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

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. 9 from warrant #331 to and including #372 in the amount of \$32,850.16.

Upon roll call vote, all aye.

Supervisor Sullivan offered the following motion which was duly seconded by

Councilman Hazzard:

RESOLVED, that upon the recommendation of Highway Superintendent Melvin J. Peterson the town accept the bid from Casella Waste Services.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Sullivan the meeting adjourned at 7:45 p.m.

Diane M. VanDewark, Town Clerk