

## REGULAR MEETING

February 1, 2010

A regular meeting of the Town Board of the Town of Busti was held on February 1, 2010 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  
Councilwoman Marsha L. Hern  
Councilman Lyle T. Hajdu  
Councilman Richard A. Sanders  
Councilman Jesse M. Robbins

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, Michelle P. McIntyre, Douglas Hoisington, Lorie Robbins, Jeff Swanson, Donald Bloomquist, Michael Pufpaff, Eugene Archer, Timothy Switaj, Attorney Joel H. Seachrist, Highway Superintendent Melvin J. Peterson and Lakewood-Busti Police Chief John L. Bentley.

Eugene Archer appeared before the board regarding payment for foreign insurance to the Busti Fire Department.

Tim Switaj appeared before the board regarding the proposed property purchased by the town.

Doug Hoisington appeared before the board regarding capital projects for the Hazeltine Public Library.

Lakewood-Busti Police Chief John L. Bentley reported on police activities and noted 830 incidents for January.

Highway Superintendent Melvin J. Peterson gave the highway report.

Donald Bloomquist and Michael Pufpaff appeared before the board on grant proposals.

Supervisor Sullivan offered the following agreement with Southwestern Central School for tax collection which was duly seconded by Councilman Hajdu:

### AGREEMENT

This agreement made and entered into this 1st day of February, 2010 by and between:

TOWN OF BUSTI

121 Chautauqua Avenue

Lakewood, New York hereinafter referred to as "Town of Busti"

and

SOUTHWESTERN CENTRAL SCHOOL

600 Hunt Road, W. E.

Jamestown, New York hereinafter referred to as "Southwestern"

WITNESSETH

1. Southwestern shall be responsible for sorting tax bills provided by the Chautauqua County Department of Real Property Tax Services and for mailing the same at the school's expense;
2. Southwestern shall provide a lock box system with M & T Bank in conjunction with the tax collection done by the Town of Busti;
3. The Town of Busti shall be responsible for printing of receipts of tax bills as they are paid and/or requested at the Town of Busti;
4. Southwestern shall be responsible for providing envelopes, and postage paid envelopes for mailing receipts;
5. The Town of Busti will make daily deposits directly to the bank account maintained by Southwestern for its tax collection;
6. The Town of Busti shall provide daily reports to Southwestern of taxes collected by the Town of Busti and deposits made in Southwestern bank account which shall include the lock box payments;
7. The Town of Busti will utilize the Williamson Tax Collection System;
8. The Town of Busti shall be responsible for taking and fielding all calls with any questions about Southwestern taxes during the tax collection period;
9. The Town of Busti will provide Southwestern and the County of Chautauqua with a report of uncollected taxes at the end of the tax season;
10. The Town of Busti will prepare an alphabetical collected report to Southwestern and Chautauqua County Department of Real Property Tax Service at the end of the tax season;
11. The Town of Busti will be paid the sum of \$7,500.00 by Southwestern for the services provided by the Town of Busti to Southwestern pursuant to this understanding; which payment shall be made not later than December 1, 2010;
12. Southwestern shall pay any and all expenses associated with the purchase and installation of any computer software required by the Town of Busti to collect Southwestern School taxes.

Town of Busti

Southwestern Central School

Upon roll call vote, all aye.

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

RESOLVED, that the A7410.400 library budget be amended to the amount of \$61,950 for the Lakewood Memorial Library.

Upon roll call vote, all aye.

Supervisor Sullivan offered the following motion which was duly seconded by Councilman Hajdu to extend the agreements with County of Chautauqua for the Shadyside Road Debris Basin/Construction Wetland Project from January 1, 2010 to June 30, 2010 & Demonstration Project from January 1, 2010 to December 31, 2010.

Upon roll call vote, all aye.

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

RESOLVED, that the town amend the 2010 Agreement with the Town of Ellicott for assessing services under 4b as follows: "ELLCOTT shall retain ownership of all computer equipment and software purchased by the Town of Ellicott during the term of this AGREEMENT".

Upon roll call vote, all aye.

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

RESOLVED, that payment be made to the New York State Policemen's Retirement System in the amount of \$10,487.00 for William C. Johnson retroactive January 27, 2010.

Upon roll call vote, all aye.

Supervisor Sullivan offered the following Bond Anticipation Note for 172,088 and interest payment of \$5,677.42 retroactive January 27, 2010 for Water 8 South Main Street Extension which was duly seconded by Councilman Sanders:

BOND ANTICIPATION NOTE CERTIFICATE  
DATED JANUARY 26, 2010.

CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI,  
CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE  
ISSUANCE OF AN \$172,088 BOND ANTICIPATION NOTE OF SAID  
TOWN TO PAY THE COST OF A WATER DISTRIBUTION SYSTEM  
TO SERVE THE TOWN OF BUSTI ERNEST LEVIN WATER  
DISTRICT NO. 5 AND THE TOWN OF BUSTI HELEN P. ANDREWS  
WATER DISTRICT NO. 7 IN 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 June 18, 2007, duly adopted by the Town Board of said Town on said date, authorizing the issuance of \$202,650 bonds of said Town to pay the cost of the construction of water improvements, including mains, land or rights-in-land, and other incidental costs in connection therewith to serve the Ernest Levin Water District No. 5 and Helen P. Andrews Water District No. 7 in said Town (period of probable usefulness, 40 years) which is not an assessable improvement, 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 \$172,088 in anticipation of the sale of said bonds. Said note shall be dated January 26, 2010, shall be numbered 1, shall

be of the denomination of \$172,088, shall bear interest at the rate of three and twenty nine hundredths per centum (2.17%) per annum, payable at maturity, shall mature on July 26, 2010, and both principal of and interest on said note shall be payable in lawful money of the United States of America at JP Morgan Chase, Buffalo, New York. Provided that such note may be redeemed prior to maturity on or after February 26, 2010 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 therefore is \$172,088.

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

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, 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, 2010

No. 1 \$172,088

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 two hundred one hundred seventy two thousand eighty eight dollars (\$172,088) on July 26, 2010, together with interest thereon from the date hereof at the rate of two and seventeen hundredths per centum (2.17%) 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, 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 \$202,650 issued pursuant to proceedings duly adopted by the Finance Board of the Obligor, on June 18, 2007, and also pursuant to: "BOND ANTICIPATION NOTE CERTIFICATE DATED JANUARY 26, 2010. CERTIFICATE OF THE SUPERVISOR OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, AUTHORIZING THE ISSUANCE OF AN

\$172,088 BOND ANTICIPATION NOTE OF SAID TOWN TO PAY THE COST OF A WATER DISTRIBUTION SYSTEM TO SERVE THE TOWN OF BUSTI ERNEST LEVIN WATER DISTRICT NO. 5 AND THE TOWN OF BUSTI HELEN P. ANDREWS WATER DISTRICT NO. 7 IN SAID TOWN.

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 January 26, 2010.  
Upon roll call vote, all aye.

Councilman Sanders reported on the Southern Tier Family Church sanitary sewer review which was referred to Councilman Sanders and Councilman Hajdu.

Supervisor Sullivan noted the following reports and correspondence:

Chautauqua County Department of Finance report on payments made to the supervisor in 2009.

Building reports for October-December 2009.

Highway Inventory report.

Busti Fire Department Officers for 2010.

State of New York, Department of Transportation for Public Hearing regarding culvert replacement on corner of Route 394 and Hillcrest Avenue.

United States Environmental Protection Agency re: EPA's Municipality Environmental Compliance Initiative has identified a pattern of violations with federal environmental statutes and regulations in municipal operations.

Paul J. Caflish – Thank you to the Lakewood Fire Department & Rescue.

NYS Department of Environmental Conservation re: Water withdrawal reporting.

Notice of grant money received for South Main Street Water Extension NYS State comptroller in the amount of \$40,000.

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

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.2 from warrant #22 to and including #58 in the amount of \$86,861.59.

Upon roll call vote, all aye.

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

All aye.