

## REGULAR MEETING

April 19, 2010

A regular meeting of the Town Board of the Town of Busti was held on April 19, 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  
Councilman Jessie M. Robbins  
Councilwoman Marsha L. Hern  
Councilman Richard A. Sanders  
Councilman Kenneth J. Lawton - absent

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, Tim Young, Lorie Robbins, Paul Webb, Dan & Rosanne Johanson, Zoning Officer Charles Gustafson, David Crandall and Highway Superintendent Melvin J. Peterson.

Tim Young on behalf of the Busti Development reported on committee news and their next meeting will be on May 20<sup>th</sup>.

Highway Superintendent reported that the department has been digging out ditches in the town. In the Edward F. Loomis Jr. Town Park the parking spots will be paved and starting in mid May the Shadyside Road Debris Basin/Constructed Wetland project will continue.

David Crandall presented a new address number 3559 Lawson Park. This will enable the town to tell residents of the location for easy access for use of the park.

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

RESOLVED, that bond interest payment of \$13,731.25 be made for E. Robert Bootey Water District No. 3 retroactive February 15, 2010.

Upon roll call vote, all aye.

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

RESOLVED that Dog Control Officer Randy Erickson be authorized to attend the training at the Town of Webster on May 17<sup>th</sup> -18<sup>th</sup> with all expenses to be paid by the town.

Upon roll call vote, all aye.

Supervisor Sullivan noted that the Busti roadside cleanup day will be from 9:00 a.m. to noon on May 8, 2010. Residents will meet at the Busti Fire Department to be assigned areas to do roadside clean up. The roadside clean up will be for items that can fit into a

garbage bag. No tires or other large items will be collected.

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

RESOLVED, that Town Clerk Diane VanDewark to authorized to attend a grant application meeting by General Code in Belfast, New York on May 20<sup>th</sup>.

Upon roll call vote, all aye.

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

RESOLVED, that Diana Peterson be authorized to attend a community youth development meeting in Cassadaga, New York on May 7<sup>th</sup> from 9:00 to 4:00 p.m.

Upon roll call vote, all aye.

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

RESOLVED, that Trevor Delahoy be hired as part-time summer parks laborer at \$11.57 per hour.

Upon roll call vote, all aye.

Supervisor Sullivan noted the following reports and correspondence:

Lakewood Fire Department Annual Report 2010.

Dog Control Officer Inspection Report completed on 4/5/2010.

National Grid regarding 2010 Customer Meeting/Energy Efficiency Expo, Wednesday, June 9<sup>th</sup> 8:00 – 3:30 pm at the Buffalo Niagara Convention Center.

Notice of Incident Command-300 Executive Level Management course May 26<sup>th</sup> and 27<sup>th</sup>, Mayville, NY

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

RESOLVED, that the public hearing on Local Law No. 1 at 7:00 p.m. be declared open.

Upon roll call vote, all aye.

Notice of publication was placed on file.

Attorney Joel H. Seachrist noted the Short Environmental Assessment Form and the Negative Declaration. The local law would permit the connection of churches and semi-public uses to the Town of Busti Sewer District No. 1.

Supervisor Sullivan moved to close the public hearing which was duly seconded by Councilwoman Hern.

Upon roll call vote, all aye.

Supervisor Sullivan moved to adopt the resolution for the negative declaration which was duly seconded by Councilman Sanders:

WHEREAS, the Town of Busti has proposed Local Law No. 1 of 2010, which would permit the connection of churches and semi-public uses to the Town of Busti Sewer District No. 1, and

WHEREAS, the proposed law has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed local law, and

WHEREAS, the Board has determined that the proposed law will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby issues a Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed Local Law No. 1 of 2010 and authorizes the Supervisor to complete Part III of the EAF accordingly.

Upon roll call vote, all aye.

Supervisor Sullivan moved the following resolution to adopt Local Law No. 1 of 2010 which was duly seconded by Councilwoman Hern:

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Busti for a public hearing to be held by said Board on April 19, 2010 at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York, to hear all interested parties on a proposed Local Law to modify the Town's sewer regulations, and

WHEREAS, notice of said public hearing was duly published in the *Jamestown Post-Journal* and posted in the Town Clerk's office, and

WHEREAS, said public hearing was duly held on April 19, 2010 at the said time and place and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, a referral to the County Planning Department pursuant to Section 239-m of the General Municipal Law was not required for this action, and

WHEREAS, the Board has determined that the adoption of the local law is an Unlisted action for purposes of the State Environmental Quality Review Act, has prepared an Environmental Assessment Form, and has duly adopted a Negative Declaration finding that the proposed Local Law will not have significant adverse environmental impacts, and

WHEREAS, the Town Board, after due deliberation, finds it in the best interests

of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Busti hereby adopts said Local Law as Local Law No. 1 of 2010, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Busti, and to give due notice of the adoption of the Local Law to the Secretary of State.

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. 7 from warrant #236 to and including #270 in the amount of \$27,289.93.

Upon motion made by Supervisor Sullivan the meeting adjourned at 7:15 p.m.

Supervisor Sullivan moved to reopen the board meeting which was duly seconded by Councilman Sanders.

All aye.

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

RESOLVED, that the town authorize Supervisor Sullivan to sign the sewer hook up user fee and capital fee agreement with the Family Church of the Southern Tier after negotiation based on the numbers the board discussed.

Upon roll call vote, all aye.

Supervisor Sullivan moved to close the meeting which was duly approved.

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Diane M. VanDewark, Town Clerk