

REGULAR MEETING
September 20, 2010

A regular meeting of the Town Board of the Town of Busti was held on September 20, 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 Kenneth J. Lawton
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, Dan Buteria, Tillie Solomonson, Michael Kuchta, Zoning Officer Charles Stafford, Busti-Lakewood Recreation Director Diana Peterson, Highway Superintendent Melvin J. Peterson and Lakewood-Busti Police Chief John Bentley.

Dan Butera, 2844 Garfield Road, appeared before the board regarding stormwater overflow on his property. Attorney Joel H. Seachrist has contacted Chautauqua County Soil and Water Conservation for their recommendations.

Tillie Solomonson inquired about the results of survey for the comprehensive plan to residents. The deadline is September 30th for replies.

Lakewood-Busti Police Chief John Bentley reported 923 incidents for August.

Highway Superintendent Melvin J. Peterson reported that his highway department is mowing roadsides and digging ditches.

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

WHEREAS, the Town Board of the Town of Busti, Chautauqua County, New York (hereinafter referred as the Board) has followed with interest the spoken and published information relating to the Marcellus Shale (hereinafter to as the Marcellus) natural gas production potential in New York State; and

WHEREAS, the Board recognized the dire and declining financial position of the State of New York and the analogous local need for employment and economic stimulation; and

WHEREAS, the Marcellus is larger in size (65 million acres) than the Barnett Shale in Texas (3 million acres) with a production potential of fifty (50) years or more; and

WHEREAS, the DEC has been conducting a comprehensive review of the environmental issues pertaining to horizontal drilling and hydro-fracturing related to gas production in the Marcellus and it appears that the regulations relating to the production of natural gas in New York State are and will be the most controlling in the United States; and

WHEREAS, it is the opinion of this Board that the opponents to gas production in New York State have lost sight of the fact that the landowner is the original environmentalist, having been referred to as conservationists – by definition, a person who advocates conservation of natural resources. Furthermore, opponents also have lost sight of the fact that gas companies have been and will continue to produce gas in New York State by vertical drilling, and if horizontal drilling is prevented vertical drilling will continue. The board notes that one horizontal well per 640 acres is far more protective of the environment than numerous vertical wells in the same acreage because it has a smaller environment footprint; that numerous vertical wells will result in greatly increased traffic, greatly increased noise, greatly increased water consumption, greatly increased waste product; with the entire industry expanded beyond necessity; and

WHEREAS, it appears from published reports from the DEC that the watershed for New York City will be protected and there will be no environmental impact on that region; there will be no environmental impact on the western region of New York State; and each region, in addition to the entire State, will benefit economically from the revenues realized from the gas industry.

NOW, THEREFORE, IT IS RESOLVED, that the Town of Busti Board respectfully requests the State Legislature stand aside regarding the issue of drilling in the Marcellus and allow the DEC to complete the sGEIS and issue permits for horizontal drilling; and further in the event of the State Legislature passes legislation for a moratorium of any length, crating a delay or total ban of drilling in New York State that Governor Paterson veto any and all such legislation and permit the Marcellus industry to progress.

FURTHER, the Town Clerk of the Town of Busti is instructed to forward this resolution passed this 20th day of September, 2010, to the Supervisors and Mayors of all municipalities in the County of Chautauqua, to Busti's State representative in Albany, and to Governor Paterson.

Upon roll call vote, all aye.

Building and Code Officer Melanie Eddy presented a request for building permit fines which was referred to Town Clerk Diane M. VanDewark to contact other towns on what fines they charge.

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

Resolution to reappoint Janet Briggs, Michael White, Daniel Anderson, James Butler, Linda Anderson replacing Leon Anderson to the Planning Board retroactive April 1, 2009 for seven years; and reappointing Douglas Hooper to the Zoning Board of Appeals retroactive April 1, 2009 for five years.

Upon roll call vote, all aye.

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

RESOLVED, that the proposed 2011 Busti-Lakewood Recreation be submitted to the Village of Lakewood for their approval.

Upon roll call vote, all aye.

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

RESOLVED, that notifications be mailed to residents for unpaid water accounts stating that unless payment is made to the Jamestown City Treasurer's Office by October 21, 2010 the amount will be levied on their 2011 county and town tax bill.

Upon roll call vote, all aye.

Supervisor Sullivan offered the following resolution on restricted parking at the Busti-Lakewood Community Building which was duly seconded by Councilman Lawton:

RESOLVED, that the Town Board does hereby restrict use of the parking lot owned by the Town of Busti at the Busti-Lakewood Community Building, 9 West Summit, Lakewood, New York, to the volunteer staff administering and the patrons participating in the programs offered at the BLCB, and be it further

RESOLVED, that the Highway Superintendent is hereby authorized to purchase and install appropriate "no parking" signs in accordance with this resolution, and be it further

RESOLVED, that the Busti-Lakewood Police Department is hereby authorized to issue parking tickets for violations of this resolution, which shall be enforced in the same manner and with the same penalties as Section 56-100 (Parking) of the Town of Busti Code.

Upon roll call vote, all aye.

Supervisor Sullivan noted the following reports & correspondence:

Retirement Party for Merle Elkin on October 25th at 6:30 at the Lakewood American Legion.

Building reports for March, April, May, June & July 2010

Decision on Eric Ecklof regarding Chautauqua County Self Ins. Fund.

Liquor license renewal for Thomas Trusso d/b/a South Hills Country Club.

Zoning Board of Appeals Minutes August 25, 2010

Time Warner Cable re: agreements with programmers.

Invitation for Lakewood Fire Department Muster & Review on October 2, 2010.

State of New York Public Service Commission re: Hearings – Niagara Mohawk Power Corporation d/b/a National Grid – electric rates.

Notice of a tour of Rochester's Green infrastructure practices on September 22, 2010.

Busti Apple Festival September 26th 11:00 a.m. to 5:00 p.m.

Christmas Tree Lighting scheduled for December 4, 2010

Supervisor Sullivan offered the following motion which was duly seconded by

Councilman Lawton:

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. 16 from warrant #663 to and including #706 in the amount of \$71,542.49.

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