

MEETING
April 4, 2011

A regular meeting of the Town Board of the Town of Busti was held on April 4, 2011 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 Jesse M. Robbins
Councilwoman Marsha L. Hern
Councilman Richard A. Sanders
Councilman Kenneth J. Lawton

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, Lorie Robbins, Tim Young, William Burke, Lee Fischer, Jim & Carol Toth, Busti-Lakewood Recreation Director Diana Peterson, Highway Superintendent Melvin J. Peterson and Lakewood-Busti Police Chief John Bentley.

Supervisor reported that the Jamestown Board of Public Utilities meeting will be on April 26th on water issues.

Highway Superintendent Peterson reported on highway maintenance on roads, intersections and the "Home of the Southwestern Trojan Champions" signs will be up soon.

Lakewood-Busti Police Chief Bentley reported 937 incidents for March, total year to date, 2,780.

Supervisor Sullivan moved the following resolution which was duly seconded by Councilman Lawton:

RESOLUTION AFFIRMING ALLOCATION OF WATER PROJECT COSTS TO
WATER DISTRICT 7A

WHEREAS, the Office of the State Comptroller has asked the Town of Busti to provide details about the allocation to Water District 7A of a share of borrowing made for water projects installed new water lines and services within Water Districts 3 and 5, and

WHEREAS, none of the members of the current Town Board were in office in 2003, nor have any personal knowledge of the projects, but have undertaken a review of the project files in consultation with the Town Clerk and Town Attorney,

NOW, THEREFORE, BE IT RESOLVED

1. That the Town Board makes the following findings of fact:

- a. Between Big Tree Road and Southwestern Drive the centerline of Baker Street forms the southern boundary of Water District 3 and the northern boundary of Water District 7 Residents on the north side of Baker Street live in Water District 3; those on the south side of Baker Street live in Water District 7.
 - b. Beginning in 2001 the Town undertook three separate projects that installed approximately 2.6 miles of water line on Baker Street between Big Tree Road and Southwestern Drive.
 - c. The approximate 1.9 miles of line between Winch Road and Southwestern Drive were completed by two projects begun in 2001 and 2002, respectively.
 - d. The third stretch of .7 miles from Big Tree Road to Winch Road was installed by the Jamestown Board of Public Utilities in 2004 at no cost to the Town of Busti.
 - e. The water lines were physically located in Water District 3 so their expense is fully chargeable to that district, but because residents of Water District 7 on the south side of Baker Street also would connect to and benefit from the line, the Town Board determined that they also should bear some of the project cost. The benefited section of Water District 7 between Big Tree Road and Southwestern Drive came to be designated Benefit District 7A (sometimes Water District 7A), and all of the residents within it received notice of the Water District 3 projects and were involved in the public hearings held thereon.
 - f. The share of expenses to be allocated to Water 7A was not established in the original documents approving the projects, nor in the original bond resolution and proceedings. However, once the project expenses were known, the Town Supervisor and Town Bookkeeper allocated \$124,000 of the total project cost to Water 7A. This number appears to have been calculated by charging Water 7A half the cost of the installation of 1.9 miles of line on Baker Street between Winch Road and Southwestern Drive at \$22.40 per linear foot, amounting to \$112,360, together with another \$11,560 as a share of administrative costs.
2. That the Town Board hereby affirms the determination of the prior Town Board, Supervisor, and Bookkeeper that it was proper to charge Water District 7A a total of \$124,000 for projects installing water lines along Baker Street between Big Tree Road and Shadyside Drive.

Upon roll call vote, all aye.

Councilman Sanders moved the following 2011 Agreement with Southwestern Central School for tax collection which was duly seconded by Councilman Lawton:

AGREEMENT

This agreement made and entered into this 4th day of April, 2011 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;
6. The Town of Busti will mail out late notices to all unpaid homeowners after November 15th. Mailings, postage and paper shall be supplied by Southwestern.
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 \$8,000.00 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, 2011;
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
By: Kathleen A. Sullivan, Supervisor
Upon roll call vote, all aye.

Southwestern Central School
By: Daniel George, Superintendent

Councilman Lawton moved the appointment of Mary Eggleston for a five year term for the Board of Assessment Review Board replacing David Fredlund retroactive October 1, 2010 which was duly seconded by Councilwoman Hern.

Upon roll call vote, all aye.

Councilman Sanders moved the following appointment of Robert Whitman as a permanent member of the Zoning Board of Appeals and Denise Klizek to an alternate member which was duly seconded by Supervisor Sullivan.

Upon roll call vote, all aye.

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

RESOLVED, that Court Clerk Elizabeth Davis be authorized to attend the 8th Judicial District Sealing Seminar on April 15th at 10:00 a.m. at the Chautauqua County Courthouse.

Upon roll call vote, all aye.

Councilman Sanders moved that Jack Knowlton be paid as follows for cemetery maintenance which was duly seconded by Councilwoman Hern:

Busti Cemetery \$325 per mowing to \$350.

Bentley Cemetery \$145 per mowing to \$160.

Wellman Cemetery \$95 per mowing to \$105.

Upon roll call vote, all aye.

Supervisor Sullivan noted the following correspondence:

Planning Board Minutes March 16, 2011.

Worker's Compensation Ultimate Liability.

Time Warner Cable re: agreements with programmers.

Sample of the new BPU Statement coming in the spring.

Genesee Country Museum sponsored by Busti Historical Society.

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

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. 5 from warrant #175 to and including warrant #214 in the amount of \$71,594.86.

Upon roll call vote, all aye.

Councilman Lawton stated that he appreciated the Watershed Comprehensive Plan meeting that was held on Tuesday, March 29th and optimistic that Busti will take a lead role for all the communities that are touching the lake.

Upon motion duly made by Supervisor Sullivan the meeting adjourned at 7:05 p.m.

Diane M. VanDewark, Town Clerk