

REGULAR MEETING
February 6, 2012

A regular meeting of the Town Board of the Town of Busti was held on February 6, 2012 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

Supervisor Jesse M. Robbins
Councilman Kenneth J. Lawton
Councilwoman Richard B. Thor
Councilman Richard A. Sanders – absent

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

Present at the meeting were: Angelo Terrano, Lorie Robbins, William Burk, Court Clerk Elizabeth Davis, Corry Moore, Loren & Gloria Parker, Busti-Lakewood Recreation Director Diana Peterson, Lakewood-Busti Police Chief John Bentley, Highway Superintendent Melvin J. Peterson and Post Journal Reporter David Phillips.

Corry Moore appeared before the board regarding purchasing property owned by the town located on Baker Street. This will be referred to Town Attorney Joel H. Seachrist.

Sue Drago stated she is running for a Lakewood Village Trustee seat on March 20, 2012 and hopes to continue to serve the village residents.

Highway Superintendent Melvin J. Peterson reported on highway activities.

Supervisor Robbins will be at the Busti Highway Garage from 10:00 a.m. to 12:00 p.m. on February 18th to meet with residents.

Busti-Lakewood Recreation Director Diana Peterson reported on recreation activities.

Lakewood-Busti Police Chief John Bentley reported 948 incidents for January with approximately 1,180 incidents to date.

Court Clerk Elizabeth Davis reported on court office activities.

The following resolution was offered by Councilman Lawton, who moved its adoption, seconded by Councilman Thor, to-wit;

RESOLUTION DATED FEBRUARY 6, 2012.

A RESOLUTION CALLING A PUBLIC HEARING OF THE TOWN BOARD OF THE TOWN OF BUSTI, CHAUTAUQUA COUNTY, NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW, TO

CONSIDER AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE HELEN P. ANDREWS TOWN OF BUSTI WATER DISTRICT NO. 7 IN AND FOR SAID TOWN AT A COST OF \$125,250 TO WATER DISTRICT 7A BENEFIT DISTRICT.

WHEREAS, the Town Board of the Town of Busti, Chautauqua County, New York, in 2002 had under consideration a map and plan as well as an estimate of cost for a proposed increase and improvement of the facilities of the Helen P. Andrews Town of Busti Water District No. 7 in and for said Town, consisting of the construction of improvements to the water system of said District, including land or rights-in-land, original furnishings, equipment, machinery, apparatus and other costs incidental thereto; and

WHEREAS, the boundaries of the proposed "Water District 7A" benefit district within the larger water district were and are described as follows:

All that tract or parcel of land, situate in the Town of Busti, County of Chautauqua, State of New York; being a part of lots 7,15,23, town 1, range 12, of the Holland Land Company's Survey, and being bounded and described as follows:

Beginning at the intersection of the centerlines of the Baker Street Extension, County Route 30, with the centerline of Southwestern Drive, County Route 45;

Thence southerly, along the centerline of Southwestern Drive, County Route 45, a distance of 520± feet to a point which is the southeast corner of lands of Dennis L. McDonald as described in liber 1978 of deeds at page 304;

Thence westerly, along the southerly bounds of lands of Dennis L. McDonald, Irvin E. and Margaret W. Borkman, liber 1303 of deeds, page 249, and liber 1214 of deeds, page 460, and along the northerly line of lands of Kenneth A. and Laura L. Benson, liber 1303 of deeds, page 251, a distance of 1018.71 ± feet to the northwest corner of lands of Kenneth A. and Laura L. Benson, liber 1303 of deeds, page 251; said point being the southwest corner of lands of Irvin E. and Margaret W. Borkman, liber 1414 of deeds at page 460; said point being on the easterly bounds of lands of Frank L. and Mary A. Schifano, liber 1991 of deeds, page 575;

Thence southwesterly, along the westerly bounds of lands of Kenneth A. and Laura L. Benson, liber 1303 of deeds, page 251, and liber 1100 of deeds, page 584, and along the easterly bounds of lands of Frank L. and Mary A. Schifano, liber 1991 of deeds, page 575, Norman D. and Wanda M. Cady, liber 2444 of deeds, page 836, and the easterly line of lands of Roger F. and Mary Ann Anderson, liber 2294 of deeds, page 525, a distance of 500± feet to an angle point in the easterly bounds of lands of

Roger E. and Mary Ann Anderson, liber 2294 of deeds, page 525; said point being the southwest corner of lands of Kenneth A. and Laura L. Benson, liber 1100 of deeds, page 584; said point also being the northwest corner of lands of Todd A. and Julie L. Edborg, liber 2450 of deeds, page 539;

Thence southerly, along the easterly bounds of lands of Roger F. and Mary Ann Anderson, liber 2294 of deeds, page 525, and the easterly line of lands of Robert L. Siegel and Dixie Dugan-Siegel as described in liber 2285 of deeds at page 329, and along the westerly bounds of lands of Todd A. and Julie L. Edborg, liber 2450 of deeds, page 539, a distance of 417± feet to the southwest corner of Edborg; said point being the northwest corner of the second parcel described in a warranty deed from Carl W. and Doris A. Levin to Douglas F. and Dana L. Carlson recorded in liber 2370 of deeds at page 44 on 8/21/1997; said point being located N 00°22'52" W 189.48± feet from the northerly bounds of the Niagara Mohawk Power Corporation right of way per the Siegel deed;

Thence westerly, along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and along the northerly bounds of the last parcel of land described in a warranty deed of lands conveyed by Robert L. Siegel and Dixie Dugan-Siegel to Robert L. Siegel and Dixie Dugan-Siegel as described in liber 2285 of deeds at page 329, a distance of 1604± feet to the northwest corner of said last described Siegel parcel; said point being the northwest corner of lands formerly owned by Carl & Doris Levin, liber 1051, page 305; said point being located N 00°29'03" E 176.07± feet from the north line of the Niagara Mohawk Power Corporation right of way per the Siegel deed;

Thence continuing westerly, continuing along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and through lands of Siegel, a distance of 241± feet to the southeast corner of lands of Timothy B. and Mary Carol Matteson, liber 2477 of deeds, page 210;

Thence continuing westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and along the south bounds of lands of Matteson, and along the southerly bounds of lands of Sherwood A. and Jennie M. Sampson, liber 1680 of deeds, page 9, a distance of 975± feet to the southwest corner of lands of Sampson and the west line of Holland Land Company's Survey lot 7;

Thence northerly, along the west line of Sampson, and the west line of Holland Land Company's Survey lot 7, the east line of Holland Land

Company's Survey Lot 15, a distance of 520.68± feet to the northeast corner of the second parcel described in a quitclaim deed from Jean F. Seely to Gerald F. Seely recorded in liber 2215 of deeds at page 52;

Thence westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and along the northerly bounds of the second parcel described in a quitclaim deed from Jean F. Seely to Gerald F. Seely recorded in liber 2215 of deeds at page 52, a distance of 1452.87± feet to the northwest corner of said secondly described parcel and the center of the Shadyside Road; said point being located 750.41± feet as deeded along the centerline of the Shadyside Road, from its intersection with the northerly bounds of a 100 foot wide right of way conveyed to the Niagara Mohawk Power Corporation by deed recorded in liber 1307 of deeds at page 209;

Thence westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and through lands of Patrick G. Hepinger and Judith A. Guild, liber 2467 of deeds, page 637, a distance of 545.95± feet to the westerly line of Hepinger & Guild;

Thence westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and through lands of James C. Fincher, Jr. and Cathryn S. Haverly as described in liber 2435 of deeds at page 486, a distance of 1140± feet to the westerly bounds of Fincher and Haverly; said point being on the easterly line of lands of James R. Lindell, liber 2424 of deeds, page 461;

Thence westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and through lands of Lindell, a distance of 700± feet to the westerly line of Lindell and the westerly line of Holland Land Company's Survey Lot 15;

Thence northerly, along the westerly line of Holland Land Company's Survey Lot 15, the easterly line of Holland Land Company's Survey Lot 23, a distance of 200± feet to the southeast corner of lands of Paul F. and Patricia Hopkins, liber 1300 of deeds, page 494;

Thence westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and along the southerly bounds of Hopkins, a distance of 200 feet to the southwest corner of Hopkins; said point being the southeast corner of lands of John and Mary Jo Salvaggio recorded in liber

2440 of deeds at page 341;

Thence westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and along the southerly bounds of Salvaggio, a distance of 505.5± feet to the southwest corner of lands of Salvaggio;

Thence westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and through lands of Jordan O. Whitmire, Ill, liber 2366, page 217, a distance of 500± feet to the northeast corner of lands of Matthew L. Smith, liber 2460 of deeds page 564;

Thence westerly, still along the southerly bounds of the South & Center Chautauqua Lake Sewer District boundary as shown on the Town of Busti Tax Map Section 4, and along the northerly bounds of Matthew L. Smith, and along the southerly bounds of Whitmire, a distance of 742.5± feet to the northwest corner of Matthew L. Smith and the center of the Winch Road;

Thence northerly, along the centerline of the Winch Road, a distance of 970± feet to its intersection with the center line of Baker Street Extension, County Route 30;

Thence easterly, along the center line of Baker Street Extension, County Route 30, to the point or place of beginning, the intersection of Southwestern Drive, County Route 45. Subject to easements, leases, rights of ways and restrictions of record that may validly affect the above-described parcel,

and

WHEREAS, the improvements installed that benefited the above-described area were a 2" water line running along Baker Street, the northern boundary of Water District 7A benefit district, but physically located in Water District No. 3, and

WHEREAS, in 2002 the legal proceedings establishing the Water District 7A benefit district failed to note that the residents of the benefit district would share part of the expense of such new water line in Water District No. 3, and

WHEREAS, the proposed method of apportioning the costs of such improvement way on an ad valorem basis, and the residents of the benefit district have in fact been paying such expense since the completion of the work, and

WHEREAS, upon the recommendation of the New York State Comptroller it is now desired to call a public hearing on the increase and improvement pursuant to Section 202-b of the Town Law, and, more particularly on the apportionment of \$126,250 of the project costs to Water District 7A;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Busti, Chautauqua County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Busti, Chautauqua County, New York, shall be held at the Town Hall in Lakewood, New York, in said Town, on the 22nd day of February, 2012, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on improvements of the facilities of the Helen P. Andrews Town of Busti Water District No. 7 in said Town, referred to in the preambles hereof, and, particularly to the allocation of \$126,250 of the project costs to the residents of the so-called Water District 7A, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the *Jamestown Post Journal*, the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Busti, Chautauqua County, New York, will meet at the Town Hall in Lakewood, New York, in said Town, on the 22nd day of February, 2012, at 7:00 o'clock P.M., prevailing time, for the purpose of conducting a public hearing relating to the increase and improvement of the facilities of the Helen P. Andrews Water District No. 7 in said Town, completed in approximately 2003, and, particularly with regard to the allocation of \$126,250 of the project costs to the residents of the so-called Water District 7 A, who live on the south side of Baker Street and are connected to the water line running along the north side of Baker Street in Water District No. 3. This public hearing is being held to correct an oversight in the legal proceedings adopted in 2002, upon the recommendation of the New York State Comptroller, and will result in no changes to the formula by which the residents of the Water District 7A benefit district have contributed to the project costs for approximately the last 9 years. At the said time and place the Town Board will hear all persons interested in the subject thereof concerning the same.

Dated: Lakewood, New York,
February 6, 2012.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF BUSTI,
CHAUTAUQUA COUNTY, NEW
YORK
Diane M. VanDewark, Town Clerk

Section 3. This resolution shall take effect immediately.
The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:
Councilman Thor, aye
Councilman Lawton, aye
Supervisor Robbins, aye

The resolution was thereupon declared duly adopted.

Councilman Lawton moved the following motion which was duly seconded by Councilman Thor:

PLEASE TAKE NOTICE THAT a public hearing will be held by the Town Board of the Town of Busti, at 121 Chautauqua Avenue, Lakewood, New York, on the 22nd day of February, 2012, at 7:15 p.m. pursuant to Section 159-135(c) of the Town of Busti's Junked Vehicles Law.

The purpose of such hearing is to permit Lee Fischer and Sharon Fischer and/or the owners of certain junked vehicles located on property belonging to them an opportunity to be heard as to why eleven (11) vehicles located on properties belonging to the Fischer's in the Cottage Park area have not been removed pursuant to a Notice of Apparent Violation served on them on January 18, 2012, and for the Town Board to determine whether the continued presence of such vehicles constitutes a public nuisance and/or a threat to the health, safety and general welfare of the community.

Any resident of the Town of Busti is entitled to be heard upon the matter at such public hearing.

Upon roll call vote, all aye.

Supervisor Robbins moved the following motion which was duly seconded by Councilman Lawton:

RESOLVED, that the town accept the insurance proposal from Gray Insurance Agency in the amount of \$32,157.44.

Upon roll call vote, all aye.

Supervisor Robbins noted the following reports and correspondence:

Inventory of Highway/Parks Machinery, Tools & Equipment Report.

The Senate, State of New York, Senator Catharine M. Young re: Governor Cuomo's proposed CHIPS Funding for SFY 2012-13.

Time Warner Cable re: Agreements & Notice of Foreclosures.

National Fuel re: Contact information.

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

RESOLVED, that Supervisor Robbins 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 #30 to and including warrant #85 in the amount of \$223,630.34.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:00 p.m. to hold the annual town audit.

Diane M. VanDewark, Town Clerk

