

REGULAR MEETING

June 18, 2012

A regular meeting of the Town Board of the Town of Busti was held on June 18, 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 Richard B. Thor
Councilman Todd M. Hanson
Councilman Kenneth J. Lawton
Councilman Richard A. Sanders

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: Rebecca J. Anderson, Loren & Gloria Parker, Angelo Terrano, Tim & Candy Young, Laurie Robbins, Joel H. Seachrist, Busti-Lakewood Recreation Director Diana Peterson, Lakewood-Busti Police Chief John Bentley, Highway Superintendent Melvin J. Peterson and Post Journal Reporter David Phillips.

Rebecca J. Anderson presented a bid proposal to purchase town properties located on First and Second Avenue.

Lakewood-Busti Police Chief John Bentley reported 5,420 incidents year to date.

Highway Superintendent reported on highway activities. It was noted that David Mick has provided and donated all electrical supplies for the Lawson Park pavilion.

Supervisor Robbins made the following motion to accept the Negative Declaration for Local Law No. 2 which was duly seconded by Councilman Sanders:

WHEREAS, the Town of Busti has proposed Local Law No. 2 of 2012, which would allow certain secondary uses in the Industrial (I) District by special use permit issued by the Town Board, 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 long 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. 2 of 2012 and authorizes the Supervisor to complete Part III of the EAF accordingly.

Upon roll call vote, all aye.

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Hanson:

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 June 4, 2012 at the Town Hall, 121 Chautauqua Avenue, Lakewood, to hear all interested parties on a proposed Local Law permit certain uses secondary to the primary manufacturing uses permitted within the Industrial District by special use permit, 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 June 4, 2012 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, the County Planning Department by letter dated May 31, 2012, sent in response to a referral made pursuant to Section 239-m of the General Municipal Law, has advised that the proposed Local Law is of local option, and

WHEREAS, the Board has determined that the adoption of the local law is a Type I 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. 2 of 2012, 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.

Town of Busti
Local Law No. 2 2012

A LOCAL LAW REGULATING SECONDARY USES IN THE INDUSTRIAL
DISTRICT

Be it enacted by the Town of Board of the Town of Busti, County of Chautauqua and State of New York, as follows:

SECTION 1. AUTHORITY.

This local law is promulgated pursuant to the authority granted by:

1. Article IX of the New York State Constitution, §2(c)(10);
2. New York Statute of Local Governments, §10(1) and (7);
3. New York Municipal Home Rule Law, §10(1)(i) and (ii) and §10(1)(a), (11), (12), and (14);
4. New York Town Law §130 (11)(peace, good order and safety), (15)(promotion of public welfare); and
5. New York Town Law §64(17-a)(protection of aesthetic interests), (23)(general powers).

SECTION 2.

The following use is hereby added to the list of uses permitted subject to securing a special use permit from the Town Board of the Town of the Busti within the Industrial District pursuant to Section 91-480(2):

- Secondary commercial tourism/recreation use, which for the purpose hereof shall be defined as a use secondary to the primary manufacturing use of a parcel designed to complement and support the primary use by permitting the manufacturer to market its brand and provide facilities and events of interest to its customer-base, including but not limited to, factory tours, restaurants or cafes selling products manufactured on-site, retail shops, and other similar uses designed to attract and entertain tourists and other customers of the manufacturing facility, provided that such secondary use shall comply with Section 91-805 hereof.

SECTION 3. VALIDITY AND SEVERABILITY

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional or unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Upon roll call vote, all aye.

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

RESOLVED, that upon the recommendation of Busti-Lakewood Recreation Director the following employees be approved for the 2012 summer youth Program:

Sara Peterson	Playground Supervisor	\$ 7.90/hr.
Nicole Bush	Counselor	7.80/hr.
Jen Wells	Counselor	7.60/hr.
Kyle Radack	Counselor	7.25/hr.
Brooke Hnatyszyn	Counselor	7.25/hr

The playground program is an 8 week program that runs 5 days/wk from 8am-5pm for youth ages 5 to 12 years old. The program will start Monday, June 25th and run through Friday, August 17th.

Upon roll call vote, all aye.

Supervisor noted that the dedication in memory of George A. Simpson for his donation of land at Vukote will be held on June 25, 2012 at 6:00 p.m.

Supervisor Robbins noted the following correspondence:

Nationwide Retirement solutions regarding New Retirement Specialist Kevin Calegari.

State of New York Department of Public Service regarding Lifeline Telephone Program.

Planning Board Minutes June 13, 2012.

Supervisor Robbins made the following motion which was duly seconded by Councilman Thor:

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. 10 from warrant #424 to and including warrant #469 in the amount of \$28,740.30.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:12 p.m.

All aye.

Darlene H. Nygren, Deputy Town Clerk