REGULAR MEETING May 7, 2012

A regular meeting of the Town Board of the Town of Busti was held on May 7, 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: Angelo & Diane Terrano, Lorie Robbins, Warren VanDewark, Tim & Candy Young, Tom Carlson, John Beichner, Casella Waste Management of New York, Inc. Loren & Gloria Parker, Attorney Joel H. Seachrist, Busti-Lakewood Recreation Director Diana Peterson, Highway Superintendent Melvin J. Peterson and Post Journal Reporter David Phillips.

Thank you from Loren & Gloria Parker on his neighborhood looking better with the junk cars gone.

Town Clerk Diane M. VanDewark presented her 2012 tax collection report.

Councilman Thor moved to adopt the Workplace Violence Prevention for town employees seconded by Councilman Hanson:

WORKPLACE VIOLENCE PREVENTION

The Town is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general the Town has adopted the following guidelines to deal with intimidation, harassment or other threats of (or actual) violence that may occur during, after or before business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others.

Conduct that threatens, intimidates or coerces another employee, a customer or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race age or any characteristic protected by federal, state or local law.

All threats of (or actual) violence, both direct or indirect, should be reported as soon as

possible to your immediate Supervisor or any other member of management. This includes threats by employees as well as threats by customers, vendors, solicitors or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a Supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

The Town will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct will be subject to prompt disciplinary action up to and including termination of employment.

The Town encourages employees to bring their disputes or differences with other employees to the attention of their Supervisor or the Town Clerk before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns. Upon roll call vote, all aye.

Councilman Sanders moved the following Agreement with NYSDOT retroactive March 22, 2012 which was duly seconded by Councilman Thor:

SHARED SERVICES AGREEMENT Between NYSDOT and the Town of Busti

THIS AGREEMENT, dated February 15, 2012, is between the People of the State of New York, hereinafter referred to as "State" or "NYSDOT" and the Town of Busti, hereinafter referred to as "Municipality". Pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties' resources. The State and the Municipality agree to share services as follows:

1. Description and Cost of Services, Materials or Equipment to be shared: Provide details of the services, materials or equipment to be shared in the attached standard Schedule A. The total amount of the agreement shall not exceed ten thousand dollars (\$10,000.00). If applicable, indicate that the return exchange will be determined at a later date.

2. The provider's employees shall remain under full supervision and control of the Provider. The parties shall remain fully responsible for their own employees for all matters, including but not limited to, salary, insurance, benefits and Workers Compensation.

3. If the borrowed machinery or equipment is damaged or otherwise needs repair arising out of or in connection with the Recipient's use, the Recipient shall be responsible for such repairs.

4. The Municipality agrees to indemnify the State for any and all claims arising out of the Municipality's acts or omissions under this Agreement.

5. The term of this Agreement shall be for one (1) year. The parties will endeavor to provide no less than thirty (30) days' notice at its intent to extend the Agreement. Either party may revoke this Agreement by providing sixty (60) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

By: NYSDOT – Region 5 Upon roll call vote, all aye. Town of Busti

Supervisor Robbins noted the following Standard Work Day and Reporting Resolution establishing days worked for appointed and elected officials and reporting to the New York State and Local Retirement System. Each year any new elected or appointed employee must submit a consecutive three (3) month record of activities to the town clerk.

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

BE IT RESOLVED, that the Town of Busti, Location code 30123 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body.

Title/Name	Standard		Participates in	Days per month
	Work	Term	Employer's	(Based on
	Day	Begins/	Time Keeping	record of
	(hrs/day)	Ends	System Y/N	Activities)
Town Clerk Diane M. VanDewark	7.50	1/12-12/15	Ν	20
Highway Superintendent Melvin J. Peterson	8.00	1/12-12/15	Ν	20
Upon roll call vote, all aye.				

Highway Superintendent Melvin J. Peterson noted that bids were opened at Noon 12:00 p.m. today and the town received one bid from Casella Waste Management of New York Inc.

Councilman Sanders made the following motion to accept the following bid from Casella

Waste Management of New York Inc. for three years with the exclusion that we cross out: III. Mileage charge for transporting garbage and/or recyclables from current transfer station over a 30 mile radius at Busti Town Supervisor's discretion, loaded per mile charge of \$5.50 and negotiate this at the time if needed which was duly seconded by Councilman Hanson.

I. Lump sum (yearly) bid, not to include landfill or processing fees: Item #6, #7, & #8.

Year	Lump Sum Bid	
1. 6/1/12 - 6/1/13	\$1,910.00/monthly or \$22,920.00/year	
2. 6/1/13 - 6/1/14	<u>\$2,101.00/monthly or \$25,212.00/year</u>	
3. 6/1/14 - 6/1/15	\$2,311.00/monthly or \$27,732.00/year	

II. Per load charge for transporting garbage and/or recyclables from current transfer station within 30 mile radius at Busti's Town Supervisor discretion.

Per Lo	ad Charge	\$ <u>1</u>	52.00	
Yearly Rental Charg	ge for:		Estimated Tons and Loads:	
20 yd. Container	\$ <u>750.00</u>	Garbage :	770 Ton yearly 75 Loads	
30 yd. Container	\$ <u>750.00</u>	Recyclables:	250 Ton yearly 70 Loads	
40 yd. Container	\$ <u>750.00</u>		70 Loads	

2-6 Cubic Yard Front Load Cans \$0.00

Per the contract specifications – If a second compactor is requested there will be a 300.00 per month rental fee added into the monthly cost. Upon roll call vote, all aye.

John Beichner, Casella Waste Management of New York Inc. thanked the town for the partnership they have with the highway department.

Supervisor Robbins noted it was 7:00 p.m. and time to open the public hearing for Thomas Carlson, 3345 Busti-Stillwater Road, Jamestown, New York for a special use permit to renew his application to operate existing auto sales and repair business.

Upon roll call vote, all aye.

Notice of publication was placed on file.

Supervisor Robbins moved to close the public hearing which was duly seconded by Councilman Lawton:

All roll call vote, all aye.

Councilman Lawton moved to approve the application of Tom Carlson for Carlson's Muffler & Brakes, 3343 Busti-Stillwater Road for auto sales and repair station which was duly seconded by Councilman Hanson:

RESOLVED, that there be no exterior storage of auto parts and/or non-operable vehicles provided, however that up to five vehicles only be located within a building or behind a fence (or those showing visible body damage), and be it further

RESOLVED, that all vehicles that are located upon the premises for resale be positioned at least 85' from the center of the highway known as County Route 28, and that there will be no more than fifteen cars for sale and/or not to exceed 20 cars outside on the premises at all times, with customers parking along the side of the building for aesthetic purposes.

BE IT FURTHER RESOLVED, that there be no sale of gasoline, diesel fuel and that only such lubricants and oils as are necessary to repair vehicles on the premises be allowed upon the premises. This special use permit is for three years.

Property is owned by Tom Carlson and known as Section 437.07 Block 1 Lot 21.1 of the official tax map of the Town of Busti.

Upon roll call vote, all aye.

Supervisor Robbins moved that the cost of transfer station stickers be \$50.00 for the 2012-2013 which was duly Councilman Sanders. Upon roll call vote, all aye.

Highway Superintendent Melvin J. Peterson reported on highway activities

Councilman Lawton presented a picture of the sign for the property dedicated by the family of George A. Simpson.

Supervisor Robbins noted the following reports & correspondence: Supervisor's Report for April on file. April Building Permit Report Clerk's Report on Tax Collection General code re: Corrected letter from General Code re: update. Zoning Board of Appeals Minutes April 25, 2012. Local Law 1, 2012 notice of filing.

Supervisor Robbins made 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. 7 from warrant #291 to and including warrant #342 in the amount of \$108,509.27. Upon roll call vote, all aye.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:40 p.m.

All aye.

Diane M. VanDewark, Town Clerk