

REGULAR MEETING  
November 5, 2012

A regular meeting of the Town Board of the Town of Busti was held on November 5, 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 - 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: Diane Terrano, John Francisco, Brett Muccheck, Jack Knowlton, Cathy Card, John Francisco, Tim Young, Gene Swanson, Phineas DeMink, Lloyd & Sandra Munsee, Judy Beckerink, Corry Moore, Jim Dahlie, Tom Vavala, Lori Robbins, Deputy Clerk Darlene Nygren, Warren VanDewark, Attorney Joel H. Seachrist, Busti-Lakewood Recreation Director Diana Peterson, Highway Superintendent Melvin J. Peterson, Lakewood-Busti Police Chief John Bentley and Post Journal Reporter Dennis Phillips.

Tim Young reported that the Busti Veteran's Memorial Service will be on Monday, November 12, 2012 at 10:45 a.m.

Corry Moore appeared before the board to encourage the police contract with the Village of Lakewood.

Lakewood-Busti Police Chief John Bentley reported 868 incidents for October with 9,620 to date. No parking signs for the winter season are being placed in the town.

Town Clerk reported this was the last day for Southwestern Central School tax collection.

Supervisor Robbins noted the following reports and correspondence:

Building Permit Report for October  
September Supervisor's Report on file  
State of New York Department of Agriculture & Markets re: Municipal Shelter Inspection Report for the Chautauqua County Humane Society done on 10/15/12.  
Southern Tier Brewing Company's intent to renew liquor license for 2013.  
Zoning Board of Appeals Minutes for October 24, 2012.  
Time Warner Cable re: Agreements with programmers to expire and notice regarding CableCard devices.

Highway Superintendent reported on highway activities.

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

RESOLVED, that Court Clerk Elizabeth Davis be authorized to attend the fall training at the Erie County Courthouse, Buffalo, New York on Friday, November 9, 2012.  
Upon roll call vote, all aye.

Supervisor Robbins moved to accept the minutes of October 15<sup>th</sup> & October 18<sup>th</sup> which was duly seconded by Councilman Thor.  
All aye.

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

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. 19 from

warrant #799 to and including warrant #845 in the amount of 105,350.43.  
Upon roll call vote, all aye.

Councilman Lawton reported that a utility pole holding electric lines to the administration building is in need of repair which was referred to Highway Superintendent Melvin J. Peterson.

Councilman Hanson reported that the next Comprehensive Plan meeting will be held on Wednesday, November 7, 2012 at 7:00 p.m.

Councilman Thor reported he attended a critical issue session at the James Prendergast Library on November 1, 2012 on hydraulic fracturing.

Supervisor Robbins noted it was 7:00 p.m. and time for the public hearing on the application of Phineas & Sara Demink, d/b/a Southern Tier Brewing, 2072 Stoneman Circle, Lakewood, New York for a Special Use Permit for a band shelter allowing small music performances in the Industrial District. Said property is known as Section 385.00, Block 1, and Lot 44.2 of the official tax map of the Town of Busti.

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

Proof of publication was placed on file.

Concerns by residents in attendance were: Days and hours of operation during the summer/fall, parking, bathrooms, maximum occupancy, smell and garbage. This was referred to Town Attorney Joel H. Seachrist to set up guidelines for the board to review.

Supervisor Robbins moved to close the public hearing which was seconded by Councilman Thor:  
All aye.

Supervisor Robbins noted the public hearing on the application of Gene Swanson of 108 Oakland Avenue, Lakewood, New York, for a Special Use Permit to operate a general automotive repair shop in the Highway Commercial District. The property is located at 4471 Chautauqua Boulevard, Lakewood, New York. Said property is known as Section 385.05 Block 5 Lot 7 of the official tax map of the Town of Busti.

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

RESOLVED, that the public hearing be declared open.

All aye.

Proof of publication was placed on file.

No one present spoke on behalf of the application

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

RESOLVED, that the public hearing be declared closed.

Supervisor Robbins offered the following resolution which was duly seconded by Councilman Thor:

RESOLVED, that the consideration for a special use permit have been met and that the application of Gene Swanson to operate a general automotive repair shop at 4471 Chautauqua Boulevard, Lakewood, New York, be approved for three years under the following conditions:

FIRST, that signs be limited to the current signs.

SECOND, that the operation within the building goes on when the back door is closed.

THIRD, that there be no more than two inoperable automobiles located upon the property at any one time, those automobiles being located in front of the building, not in the back or either side of the building.

FOURTH, that there be no business carried on at the site after 10:00 p.m. and no earlier than 7:00 a.m.

Upon roll call vote, all aye.

Supervisor Robbins moved to open the public hearing on the 2013 Budget which was duly seconded by Councilman Thor:  
Upon roll call vote, all aye.

Proof of publication was placed on file.

No one was present on behalf of the budget.

Councilman Lawton moved to close the public hearing which was duly seconded by Councilman Thor:  
Upon roll call vote, all aye.

Supervisor noted the approval of the budget will be held on November 19, 2012.

Supervisor Robbins moved 2013 Lakewood-Busti Police Contract in the amount of \$360,000 for approval which was duly seconded by Councilman Hanson, Councilman Thor amended the motion noting that this an extension of the existing contract with all wording remaining the same.  
Upon roll call vote, all aye.

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

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Diane M. VanDewark, Town Clerk