

REGULAR MEETING  
October 1, 2012

A regular meeting of the Town Board of the Town of Busti was held on October 1, 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, Anthony Barone, Paul Andrews, Karin Flynn, Betsy Shepherd, Gerald Holmes, Harry Blose, Mike SanFilippo, John Francisco, Lori Robbins, Brett Muecheck, Darlene Nygren, Legislator P. J. Wendel Jr., Highway Superintendent Melvin J. Peterson, Busti-Lakewood Recreation Director Diana Peterson, and Busti-Lakewood Police Chief John Bentley.

Town Clerk Diane M. VanDewark presented her August clerk's report and reported on the Southwestern Central School tax collection.

Busti-Lakewood Police Chief John Bentley reported 905 incidents for September.

Supervisor Robbins noted that the Town of Busti Employee Handbook is being reviewed by Councilman Lawton and Town Clerk Diane M. VanDewark.

Legislator Paul J Wendel appeared before the meeting explaining county concerns.

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

RESOLVED, that many towns in Chautauqua County are in support for the sale of the Chautauqua County Home and moved that the Town Board hereby support the sale of the county home in a fiscally minded and time appropriate manner.

Upon roll call vote, all aye.

Supervisor Robbins noted the following bids for one 2012 or newer 20 Ton Tilt-bed Trailer which were opened by Highway Superintendent Melvin J. Peterson and Town Clerk Diane M. VanDewark on October 1, 2012 at 12:00 noon.

Vantage Equipment, 4554 W. Saile Drive, Batavia, NY 14020, New Towmaster T-40T Trailer \$24,106.00.

George & Swede, 7155 Big Tree Road, Pavilion, NY 14525, Interstate 40TDL \$23,292.00 delivered, \$23077.00 not delivered, optional ramps \$978.00.

George & Swede, 7155 Big Tree Road, Pavilion, NY 14525, Towmaster T0-40T \$24,573.00 delivered, \$24,347.00 not delivered, optional ramps \$1402.00.

General Welding & Fabricating, Inc. 991 Maple Road, Elma, NY 14059, 1 CAM Model 20CAM825TASTT 20 Ton Split Tilt Trailer \$19,479.00.

The bids were tabled until the next meeting on October 15, 2012.

Harry Blose appeared before the board regarding heavy trucks on Lawton Road. After discussion by the board Highway Superintendent Melvin J. Peterson will consider posting Kortwright Road for vehicles

weighing in excess of six tons per axle.

Supervisor Robbins noted that it is 7:00 p.m. and time to open the hearing on Local Law No. 4 of 2012 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C which was duly seconded by Councilman Sanders  
Upon roll call vote, all aye.

Proof of publication was placed on file.

No one was heard on behalf of this local law.

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

Councilman Lawton moved to adopt the following local law No. 4 which was duly seconded by Councilman Hanson:

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN  
GENERAL MUNICIPAL LAW SECTION 3-C.**

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. Legislative Intent**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Busti, County of Chautauqua, pursuant to General Municipal Law § 3-c, and to allow the Town of Busti, County of Chautauqua, to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

**Section 3. Tax Levy Limit Override**

The Town Board of the Town of Busti, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

Upon roll call vote,  
Supervisor Robbins, aye,  
Councilman Thor, aye.  
Councilman Hanson, aye

Councilman Lawton, aye  
Councilman Sanders, aye.  
Adopted.

Lakewood Memorial Library President Paul Andrews along with Anthony Barone, Karin Flynn, Betsy Shepherd and Gerald Holmes were present on behalf of the library regarding the need for a budget adjustment for 2013. Mr. Andrews thanked the board for their continued support for the library.

Supervisor Robbins noted the transfer of property to Rebecca Anderson, subject to permissive referendum and moved the following resolution which was duly seconded by Councilman Lawton:

**WHEREAS**, the Town of Busti advertised for bids in relation to the sale of six parcels on or near Second Avenue, designated on the official tax map of Chautauqua County as Section 384.12, Block 4, Lots 18, 20, 21, 30, 31 and 32, and

**WHEREAS**, the Town's policy for the sale of town-owned property requires the Town Board to consider the community impact of each bid, including reduction of community blight, potential for improvement of the tax base, neighborhood beautification, and other similar facts deemed relevant by the Town Board, and

**WHEREAS**, Rebecca Jean Anderson has proposed to purchase the parcels for \$800.00 in cash and also to pay for the demolition and removal of a derelict house and garage located on the parcels, which removal is valued at several thousands of dollars, and

**WHEREAS**, the removal of the two structures will reduce the number of blighted structures and beautify the neighborhood, and

**WHEREAS**, the Town Board finds it in the best interests of the Town and its taxpayers to accept the said bid of Rebecca Jean Anderson,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town, in regular session duly convened, does hereby:

1. Authorize and direct the Supervisor to execute and deliver to Rebecca Jean Anderson such instruments as are necessary to convey the said parcels for \$800.00, for which the Town shall not provide a survey or abstract of title;
2. Require that the deed shall be subject to a restrictive covenant requiring the buyer to demolish and remove the garage and house on the parcels within one year of the transfer, and if the demolition is not accomplished timely the parcels will revert to the Town and it shall be permitted to demolish and remove the two derelict structures at the buyer's expense; and
3. Note that this resolution is subject to permissive referendum as permitted by law.

Upon roll call vote, all aye.

Supervisor Robbins noted the following reports and correspondence:

Dog Control Officer Inspection Report.  
September Building Report  
Clerk's August Report  
Association of Towns 2012 Fall Personnel & Ethics School November 2, 2012 Syracuse, NY.  
Planning Board Minutes September 12, 2012.  
Nationalgrid re: Application of Niagara Mohawk Power Corporation for a Certificate of Environmental Compatibility and Public Need Authorizing Construction of 115 Kilovolt Transmission Facilities from Applicant's Existing Electrical Finley Road Switch Structure located in the Town of Portland to Applicant's Existing Falconer Station located in the Town of Ellicott.  
Chautauqua County Department of Health: re: Approval of Plans with Conditions Shadow Creek Subdivision Water Main Plans Busti.

Village of Lakewood re: Betsy Shults, 1 Pine Ave. for application for height & rear yard set-back variances 140, 142, 144 & 146 Chautauqua Avenue.

Supervisor Robbins noted the 2013 Budget along with the Busti-Recreation Budget which the board will review at the next board meeting on October 15, 2012.

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. 17 from warrant #727 to and including warrant #765 in the amount of \$41,892.13.

Upon roll call vote, all aye.

Supervisor Robbins moved to accept the minutes of September 17, 2012 seconded by Councilman Thor:  
All aye.

Councilman Hanson reported on the comprehensive profile draft should be on the website in the next few weeks.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:30 p.m.  
All aye.

---

Diane M. VanDewark, Town Clerk