

REGULAR MEETING
January 20, 2015

A regular meeting of the Town Board of the Town of Busti was held on January 20, 2015 at 6:45 p.m., at the Town Highway Building, 3646 Lawson Rd., Jamestown, New York with the following members present:

Supervisor Jesse M. Robbins
Councilman Richard B. Thor
Councilman Brett A. Muccheck - Absent
Councilman Todd M. Hanson - Absent
Councilman Kenneth J. Lawton

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: Attorney Joel H. Seachrist, Highway Superintendent Melvin J. Peterson, Lakewood Busti Police Chief John Bentley, Code Enforcement Office Jeffrey Swanson, Post Journal Reporter Mallory Diefenbach, Stephen Frankson, Patricia Fincher, and Phil Strand.

Mr. Frankson stated that he would like to see the blinking traffic lights located at the Five-Corners in the Hamlet and at the Southwestern Dr./Baker St. intersection changed to three-color traffic lights. He, also, asked if there has been any discussion in regards to connecting to the Sugar Grove sewer system. His last concern was that there was no manger scene displayed at the Hamlet triangle during the recent Christmas season. Chief Bentley suggested that the town request to have New York State do a traffic/speed study in regards to the traffic light situation.

Chief Bentley reported 490 incidents year to date. Court Officer Meghan Bentley has resigned as of the end of January; the department will begin seeking a replacement.

Town Clerk Darlene Nygren reported County Town Tax Collection has started. Gail Fischer from NYS Archives visited the office on Thursday, January 15th and completed an assessment of the town records and the need for a records room. She will be submitting a letter to the town and recommends that the town applies for a grant from the Local Government Records Management Improvement Fund. The deadline for the grant application is anticipated to be March 1st. Town Clerk Nygren will forward Ms. Fischer's letter and formal recommendation when it is received.

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

RESOLVED, Supervisor Robbins be authorized to submit a letter to the county requesting a speed study be done for the intersections of Baker Street/Southwestern Drive and Baker Street/Big Tree Road, which could lead to placing a three-color traffic light at both locations.

All aye, Carried.

Highway Superintendent Melvin J. Peterson reported that the highway morning crew was called in to work on Monday, Martin Luther King Day, due to the weather. The department moved the court furniture and equipment on Friday, January 16th with the help of the Village of Lakewood Highway Department. The headlights for the new truck were donated by Trucklite, who would like assessment of how they work with the heavy snow plowing and heavy duty work that the truck will be used for.

Supervisor Robbins noted that there are currently two vacancies on the Planning Board and one vacancy on the Zoning Board of Appeals.

Supervisor Robbins noted it was 7:00 p.m. and time to open the Public Hearing for the Local Law No. 1-2015.

Supervisor Robbins moved to open the public hearing which was duly seconded by Councilman Thor.
All aye, Carried.

Councilman Thor reviewed why the Local Law is being proposed. At the January 5th town board meeting

Joshua and Amy Pike shared their interest in purchasing property on Cramer Road to build a building for boat storage and maintenance. The property is located in the Light Manufacturing and Research District and under the current Zoning Code this type of business is not an allowed use. The Pikes asked the board to consider amending the code to would allow that type of business in the LMR district. The proposed local law would permit the storage and repair of boats and other marine equipment within the Light Manufacturing and Research and Development District, subject to special use permit issued by the Zoning Board of Appeals. Mr. Strand, Lakewood-Busti Properties, LLC, stated that he owns a self-storage business on Cramer Road and wants to ensure that any new business development in that area would be held to the same standards as his and the other businesses currently located in the district. Councilman Thor noted that the law includes verbiage stating that the boat storage would be required to comply with the screening, landscaping, and lighting provisions in the LMR. Mr. Strand asked if outside boat storage would be allowed, Attorney Joel Seachrist noted that the law would not prohibit the outside storage of boats; however, he believes that it is the intention of the Zoning Board of Appeals to encourage that such storage be kept away from the main roads. Mr. Strand's concern is the impact of the outside storage on his business. Code Enforcement Swanson noted that he believes the Pikes intend to leave a wooded area between the properties.

Supervisor Robbins moved that the Public Hearing be closed at 7:10 p.m. All in favor, carried.

Local Law No. 1 of 2015 was referred to the Chautauqua County Planning and Economic Development Department pursuant to Section 239-m of the General Municipal Law for review; the said department responded in a letter dated January 15, 2015 stating "based on this review the proposed actions would have no significant county-wide or inter-community impact and that the project would be a matter of local concern."

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

WHEREAS, the Town of Busti has proposed Local Law No. 1 of 2015, which would permit the storage and repair of boats and other marine equipment within the Light Manufacturing and Research and Development District, subject to special use permit issued by the Zoning Board of Appeals, 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. 1 of 2015 and authorizes the Supervisor to complete Part III of the EAF accordingly.

Upon roll call vote, all aye.

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

**TOWN OF BUSTI
RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2015**

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 January 20, 2015 at the Town Highway Building, 3646 Lawson Road, to hear all interested parties on a proposed Local Law to permit the storage and repair of boats and other marine equipment within the Light Manufacturing and Research and Development District, subject to special use permit issued by the Zoning Board of Appeals, 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 January 20, 2015 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 January 15, 2015, 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. 1 of 2015, 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.

Upon roll call vote, all aye. Carried.

Supervisor Robbins referred to a contract with the City of Jamestown Board of Utilities for the BPU District 23-5 Corners and Orr St. The contract which has expired authorized the BPU to charge a 10% charge above the normal 150% rate; the additional percentage was remitted to the Town of Busti on an annual basis. Supervisor Robbins noted that money received, approximately \$343/annually, was to be used towards repairs on the line.

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

RESOLVED, Supervisor Robbins be authorized to submit a letter to City of Jamestown Board of Public Utilities asking that they continue to billing the 160% and remitting the 10%-adder to the town on an annual basis.

Upon roll call vote, all aye.

Code Enforcement Officer Swanson submitted a proposed addition of fees to the current Building/Code Enforcement Fees for board approval. He explained that the Secretary of State requires fire inspection on places of assembly. The fees would cover the expense of implementing the inspections. Councilman Thor suggested working with the local fire departments to help with inspections. Councilman Lawton inquired how these organizations would be notified of the inspection and the fee. Attorney Seachrist suggested that a letter of information be sent stating that future fire inspections would be required.

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

RESOLVED, the board accepts the addition to the current Building/Code Enforcement Fee Schedule as follows:

New York State Required Fire/Safety Inspection

Residential Housing

Up to 15 Units		\$50
	Return visit for violations	\$25
16 or more Units		\$100
	Return visit for violations	\$50

Commercial/Industrial

0-14999 sq. feet		\$50
	Return visit for violations	\$25
15,000 sq. feet and above		\$100
	Return visit for violations	\$50

Supervisor Robbins moved to authorize Highway Superintendent Melvin J. Peterson to post roads as required or needed which was duly seconded by Councilman Lawton:

RESOLVED WHEREAS, it is the Town of Busti Highway Superintendent's opinion that vehicles weighing more than six tons per axle can do severe damage to town highways; and

WHEREAS, the Vehicle and Traffic Law, Section 1660, provides that town boards may by local law, ordinance, order, rule or regulation exclude from the use of town highways vehicles weighing in excess of four tons, now therefore be it

RESOLVED, that in accordance with Section 1660 of the Vehicle and Traffic Law of the State of New York that it is hereby ordered by the Town Board of the Town of Busti that all town highways maintained by the Town of Busti be closed to vehicles weighing in excess of six tons per axle, except for the purposes of local delivery, upon the posting of a sign to that effect upon such highways by the Town Highway Superintendent; and be it further

ORDERED, that upon application to the Town Board, vehicles weighing in excess of six tons per axle may travel upon posted roads if granted a permit to do so by the Town Board; and it is further

ORDERED, that such highway or highways shall remain closed to such vehicles until such time as the Town Highway Superintendent shall cause the sign posting such notice to be removed from such highway or highways, it is further

ORDERED, that any person or persons violating this order shall be penalized in accordance with Article 45 of the Vehicle and Traffic Law of the State of New York; and it is further

ORDERED, that the Town Clerk of the Town of Busti shall cause a copy of this order to be published in the official legal newspaper of the Town.

Upon roll call vote, all aye.

Supervisor Robbins moved 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, and the Joint Recreation Fund for Abstract No. 30 from warrant #1005 to and including warrant #1026 in the amount of \$24,042.86 and Abstract 2 from warrant #7 to and including warrant #24 in the amount of \$25,699.86.

Upon roll call vote, all aye.

Supervisor Robbins moved to accept the town board minutes of December 15, 2014 and the added business minutes to 2015 Organizational Minutes.

All aye.

Councilman Lawton reported there has been discussion with the county and Southern Tier Brewery regarding a possible bike race and/or tour around Chautauqua Lake, which would include part of the Town of Busti.

Councilman Thor noted the Town of Busti has been offering programs such as swimming and over 30 Basketball that are meeting at the Southwestern Central School. These programs fall under the town's liability insurance and could put the town at risk; to ensure that the risk is limited he believes that the town needs to look at new policies and procedures for programs that the town provides liability insurance for. He and Councilman Lawton will be meeting with a Risk Management Specialist from NYMIR and it is his recommendation that following that meeting the town audit the programs to ensure that they have proper procedures and certifications. Councilman Thor noted that the town is required to develop a plan of how they intend to save 1% which equals \$16,000 for consolidations and Shared Services and then report to Chautauqua County by March 2nd. He believes that the town can meet that goal with the Code Enforcement Officer shared agreement with the village and the sale of the Quonset Hut.

Supervisor Robbins noted that the court is meeting for the first time at 125 Chautauqua Avenue and that the next scheduled board meeting will also be at 125 Chautauqua Avenue. The annual audit will be done at the

next town board meeting on February 2nd and therefore there will be new business addressed on that date.

Highway Superintendent Peterson reported that Cummins Engine has a water line that runs from their plant to Harmony Auto. They are requesting to place a fire hydrant on town property on Baker Street to allow future pressure tests for the line.

Supervisor Robbins moved to adjourn the meeting at 7:52 p.m.

Respectively Submitted by:

Darlene H. Nygren, Town Clerk