

REGULAR MEETING  
November 2, 2015

A regular meeting of the Town Board of the Town of Busti was held on November 2, 2015 at 6:45 p.m., at the Town of Busti Administration Building, 125 Chautauqua Avenue, Lakewood, New York with the following members present:

Supervisor Jesse M. Robbins  
Councilman Jim Andrews  
Councilman Todd M. Hanson  
Councilman Kenneth J. Lawton  
Absent:  
Councilman Brett A. Muccheck

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: Highway Superintendent Melvin Peterson, Lakewood Busti Police Chief John Bentley, Code Enforcement Officer Jeff Swanson, Mary Griffin, Highway Deputy Superintendent Randy Milks, Busti Fire Dept. Chief Michael Volpe, Jack Knowlton, Eric Ecklof, Greg Johnson, John Francisco, Randy Sargent, Jeremy Hasson, Pat Fincher, Thaddeus Lund, George Vito, Susan Lane, David Bargar, Myra Blasius, Kathleen Anderson, Jean & Jerry Holmes, Bob & Judy Schultz, Mark Warner, Judy Hartley, and Krystal Waite – Northwest Insurance Services.

Judy Schultz suggested that the town begin to offer residents the option to be charged a per bag fee at the transfer station with an ID Card. Highway Superintendent Melvin Peterson questioned who would be responsible to collect the fee money and sell the bags. Supervisor Robbins stated that the board would look further into the matter.

Pat Fincher and Judy Hartley stated they were in favor of Bennie Miller operating a saw mill on his property.

Mark Warner questioned if there had been any further discussion or progress regarding the City of Jamestown encroachment on his property on South Avenue. Highway Superintendent Peterson noted that he had spoken to the attorney for the town, who felt that the issue needed to be handled between the resident and the City of Jamestown because the encroachment involves private property. Mr. Warner stated that he has spoken to Jeff Lehman regarding his complaint and has not had any help. Attorney Joel Seachrist suggested that Mr. Warner contact the City Attorney and was not sure that there was anything the town could do but stated that Mr. Warner could contact him and they could discuss the matter further.

Town Clerk Darlene Nygren reported that she and Bookkeeper Susan Williams attended the course Introduction of Governmental Accounting offered by NYS Office of the State Comptroller. Clerk Nygren noted that the office phones were not working today making it impossible to receive calls, retrieve messages, or call out. Windstream has been contacted for repair.

Chief John Bentley reported 9,696 incidents YTD. The department had captured two burglars today and the arrest cleared up to approximately 18 burglaries. Chief Bentley noted that the current town code does not address unauthorized overnight parking in the town parks and suggested that the board consider amending the code to address this. Attorney Seachrist will

include this amendment with the Local Law #3 which will be presented at a public hearing on November 16<sup>th</sup>.

Highway Superintendent Melvin Peterson reported the Highway Department paved a ½ mile on Orr Street which used all the budgeted money for paving in 2015. The department has continued to mow the roadsides and trim trees. The department will be working with the Village of Lakewood Highway Department on Tuesday, November 3<sup>rd</sup> to repair the parking lot at 125 Chautauqua Avenue.

Code Enforcement Officer Jeff Swanson reported that he has continued to receive a large number of building permit applications. Mr. Swanson noted that Calamar has begun to hydro seed and grade the building site and he believes this will eliminate the run off from the site. He asked the town councilmen to create a list of the top ten property maintenance concerns that they would like him to begin addressing. Mr. Swanson asked the board to consider changing the term of Special Use Permits from 3 years to unlimited, with the understanding that if there is a violation the permit would be revoked.

Busti Fire Department Chief Mike Volpe reported the department has had 450 incidents YTD, which includes approximately 140-150 mutual aid. Mr. Volpe noted that the department's pumper tank is currently out of service.

Jack Knowlton reported the Lakewood Fire Department has had 750 incidents YTD, averaging 75 per month which is a huge increase from past years. He noted that an aging population and growing number of businesses on Fairmount Avenue has contributed to the increase in the volume of incidents.

Supervisor Robbins moved to set a public hearing for Local Law #3 for the year 2015 "AMENDING THE USES PERMITTED BY SPECIAL USE PERMIT IN THE CA and CAMP DISTRICTS & PROHIBITING OVERNIGHT PARKING IN TOWN PARKS" which was duly seconded by Councilman Lawton.

Said hearing will take place on November 16, 2015 at 7:00 p.m. at the Town of Busti Administration Building, 125 Chautauqua Avenue, Lakewood, New York.

Upon roll call vote, all aye. Carried.

Highway Superintendent Peterson noted that he has received three bids to remove seven stumps at Bentley Cemetery and three trees & five stumps at Wellman Cemetery. The bids are as follows: Maple Springs – \$900 Bentley and \$1,800 Wellman; Great Lakes - \$800 Bentley and \$1,800 Wellman; and Marsh - \$700 Bentley and \$2,300 Wellman. All companies would like to fit the job in ASAP.

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

**RESOLVED**, Great Lakes be awarded the bid for stump removal in the town cemeteries at a total cost of \$2,600 which includes \$800 for seven stumps at Bentley Cemetery and \$1,800 for three trees and five stumps at Wellman Cemetery.

Upon roll call vote, all aye. Carried.

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

**RESOLVED**, that the Town of Busti will hold a Public Hearing pursuant to Article 405.19 Highway Commercial District-B of the Zoning Code on the following:

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, and Lot 7 of the official tax map of the Town of Busti.

Said hearing will take place on November 16, 2015 at 7:15 p.m. at the Town of Busti Administration Building, 125 Chautauqua Avenue, Lakewood, New York.

Upon roll call vote, all aye. Carried.

Supervisor Robbins moved that Lakewood Women's Club be authorized to place wreaths on veterans' graves at Bentley Cemetery as part of the "Wreaths Across America" program, which was duly seconded by Councilman Andrews. (Note: the Lakewood Women's Club later stated this program will be in 2016)

All aye, carried.

Councilman Lawton inquired to operating hours for the Lakewood Memorial Library. Myra Blasius, President of the Board of Trustees noted that the library was open Monday & Wednesday 9:30am – 5pm; Tuesday & Thursday 9:30 am – 7pm; Friday 9:30am – 3pm; and Saturday 9:30am – 1pm. Supervisor Robbins asked how many volunteers the library had and utilized. Ms. Blasius stated that there was a list of approximately 40 volunteers; however she was unsure of how many volunteers are available on a daily basis.

Randy Milks noted that the town employees with family healthcare coverage were notified that Health Republic will no longer be in business for 2016 and they would need to select another carrier. This change increases the employee contribution significantly for the family coverage. The employees that are being affected are requesting that the town board consider increasing the town's contribution and/or changing the renewal date to January, due to the fact that some carriers will be reducing their rates for 2016 up to 15%. Krystal Waite, Northwest Insurance Services, presented a Town of Busti, 2015 2016 Renewal Analysis; noting the positive and negative points of moving to a January 1 renewal date as well as a contribution analysis and different scenarios if the town chose to change its contribution. Discussion followed. Councilman Lawton stated that he would like the town board to review the options and he would be the point person to gather information from the employees and insurance companies with the intention to report back at the November 16<sup>th</sup> Town Board Meeting. No official action was taken however the board was in agreement with Councilman Lawton.

Supervisor Robbins commented on several articles that have been published in the Post-Journal. He noted that it was reported that the town has had a 9 % tax increase for the past three years, when in reality the town has stayed under the 2% tax cap for the past two years. The 2016 budget will be above the .73% tax cap, with an overall increase of approximately \$181,000. There was an article stating the town overestimated the cost of a bridge culvert; Highway Superintendent Peterson noted that the cost is \$64,000 for the concrete. The 2016 budget includes returning to a 2.5% increase to the fire departments, which is only possible with the tax cap override. It was stated that the town purchased a truck for \$135,000 that was not needed, Highway Superintendent Peterson noted that he would not purchase a truck if it was not needed and that the new truck has been well used. It was noted that there was a budget meeting last year at 9am however, the public hearing on the 2015 budget was held on November 3<sup>rd</sup> at 7pm. It has been stated that the town and village need to begin to work together, Supervisor Robbins noted that he and the mayor talk on a weekly basis and that they held a press conference together on Wednesday, October 28<sup>th</sup>. Another statement said most towns are contributing \$10,000 or more to Chautauqua Lake Association, actually there are two towns that give \$10,000 or more and that \$5,500 is contributed between the Town of Busti and the Village of Lakewood to the CLA. Supervisor Robbins noted

that the town and village has excellent police and fire departments, it is his understanding that some residents would like to see the police force reduced to two sheriff patrols and he is totally against that idea. The increase of the cost to purchase a sticker for transfer station use is due to a \$15,000 increase in the operating contract. Supervisor Robbins noted the two sales of town property without a competitive bid were done in the best interest of the town, as allowed by town policy. The town board saved the town \$44,700 in realtor fees by handling the sales themselves. Supervisor Robbins stated that it is time to stop the publishing of incorrect information and that the truth is what should be published.

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

**RESOLVED**, that Supervisor Robbins be authorized and directed to pay the presented General Fund, Highway Fund, and the Joint Recreation Fund for Abstract No.21 from warrant #772 to and including warrant #812 in the amount of \$31,002.21.

Upon roll call vote, all aye.

Supervisor Robbins moved to accept the town board minutes of October 19, 2015 and October 26, 2015 which was duly seconded.

All aye, carried.

Councilman Hanson noted he and Busti Fire Department Chief Mike Volpe have talked regarding the current contract, the change in the town's contribution, and the need to reopen the contract after the 2016 budget has been adopted. Attorney Joel Seachrist will update the contract and submit it to the town board and fire department for review.

Councilman Hanson met with Highway Superintendent Peterson and reviewed the current equipment and what will be needed in the near future. The department has approximately \$1.6 million in equipment, of which several pieces are old. There are two dump trucks - one is eleven years old and the other is ten years old and a 2003 excavator that has been having some issues. Superintendent Peterson has a report that lists all the equipment, its age, condition, purchase price and when it should be replaced. Councilman Hanson noted that the equipment use time is increased with the increased amount of shared services with other municipalities. He feels that the town and village do a great job of working together and the increase in the tax rate is being well spent and is needed. Superintendent Peterson noted that from 2013/2014 to the current budget salt price has increased 36%, which is a \$15,000 increase.

Supervisor Robbins noted that NYS Office of Comptrollers has completed the audit. The audit report is forthcoming. Supervisor Robbins has requested that the comptrollers return and complete an audit on the Joint Recreation. He noted, again, that the town has received a report stating that its fiscal stress is less than 10%.

Dave Bargar thanked Councilman Hanson for his recent article that was published in the Post Journal, "Why Do My Property Taxes Keep Going Up?". Mr. Bargar noted that we are in a crisis with the increase of cost for insurance, equipment, and other necessary supplies/benefits and asked if there is a model for a multiple year plan, he would like to see the town forecast the future with more than a 30 day window. Attorney Joel Seachrist noted that the state does not allow a long term planning process; it is typically a year to year process. However, there are municipalities that establish a reserve account that would collect money over several years that would be used for a major purchase, like a highway truck. The issue has been that with the tax cap, municipalities have been using up their reserves and not able to raise more funds and remain under the tax cap. Discussion followed. Supervisor Robbins noted that the only debt that the town

has is for the water districts. Councilman Hanson stated that to relieve some of the budget crisis the town needs more revenue, for example through the sales tax; however, the towns will not receive any of the increase in the sales tax increase effective December 1<sup>st</sup>. Another way to increase revenue is with the total town assessments with new construction and noted that the IDA incentives will come to an end at some point and will increase the amount of taxable property. He also noted that the County Town tax bill is 68% driven by the county. Discussion followed.

Supervisor Robbins motioned to adjourn the meeting at 8:03 p.m. which was duly seconded.

Respectively Submitted by:

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Darlene H. Nygren, Town Clerk