

REGULAR MEETING
October 19, 2015

A regular meeting of the Town Board of the Town of Busti was held on October 19, 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 Brett MucHECK
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: Highway Superintendent Melvin Peterson, Code Enforcement Officer Jeff Swanson, Lou Croce – Colonial Voluntary Benefits District Agent, Mary Griffin, James Dahlie, Eugene Archer, Highway Deputy Superintendent Randy Milks, Busti Fire Dept Chief Michael Volpe, Greg Johnson, John Francisco, Randy Sargent, Jeremy Hasson, Rudy Mueller, Pat & Jim Fincher, Thaddeus Lund, George Vito, Susan Lane, Tim & Candy Young, Bob & Judy Schultz, George Vito, Judy Hartley, and Krystal Waite – Northwest Insurance Services.

George Vito questioned when the 2016 budget would be available for public review. Supervisor Robbins noted that it would be available for public review on November 3rd in the Town Clerk's office. Discussion followed.

Ted Lund stated that he is a neighbor of Bennie Miller and is in favor of Mr. Miller having a saw mill on his property. Supervisor Robbins noted that the public hearing has been postponed; the date will be set at the November 2nd's meeting.

Jim Dahlie inquired about the proposed expansion at Southern Tier Brewing and is requesting that the wastewater/sewage issue be corrected before any expansion in operation would take place. Code Enforcement Officer Jeff Swanson noted that the proposed expansion did not involve an increase in the brewing process but rather was for warehouse/bottling space. Mr. Dahlie stated that he had no objection to that type of expansion.

Rudy Mueller reviewed the budget process for the town over the last three years. He asked the board to set the Public Hearing for the 2016 Budget to allow the public to view the budget.

Gene Archer asked for an explanation of when a resident can be heard during the town board meetings. Supervisor Robbins explained that the board follows Roberts Rules of Order for the meetings; residents are given an opportunity to be heard at the beginning of each meeting.

John Francisco voiced his disappointment with the employee health insurance options the past two years and stated that he is hoping to see that change in the future.

Town Clerk Darlene Nygren reported that the following individuals attended the Western Southern Tier Building Officials Association Zoning and Planning Board Conference on September 17th and record of their attendance will be filed for the record: Zoning Board members - Tim Young & Robert Whitman; Planning Board members – Linda Anderson, Janet Briggs,

David Paterniti; Deputy Town Clerk Susan Huffman, and Code Enforcement Officer Jeff Swanson

Highway Superintendent Melvin Peterson reported the Highway Department will be paving Orr Street on Tuesday, October 20th which will expend the money budgeted for paving in 2015. The department has been mowing the roadsides and residents have told Superintendent Peterson how pleased they are with the job that is being done. Superintendent Peterson received a bid from Marsh for the stump removal in the town cemeteries; one bid is still needed.

Code Enforcement Officer asked the board for permission to designate three approved electrical inspectors for residents to use when an inspection is required.

Supervisor Robbins noted it was 7:00 p.m. and time to open the public hearing for “Local Law No. 2 to Override the Tax Levy Limit Established in General Municipal Law 3-C” which was duly seconded by Councilman Hanson.
All aye.

Proof of publication was placed on file.

Mr. Mueller expressed that he felt that it was a mistake to pass this law now; he would like to see the decision delayed until after the 2016 Budget public hearing. Mr. Vito stated that he agreed with Mr. Mueller. Supervisor Robbins noted that the 2016 tax cap is .73%.

Supervisor Robbins moved to close the public hearing at 7:08 p.m. which was seconded by Councilman Lawton.
All aye.

Supervisor Robbins moved to adopt the following Local Law No. 2 to Override the Tax Levy Limit Established in General Municipal Law 3-C” which was duly seconded by Councilman Hanson:

**TOWN OF BUSTI
LOCAL LAW NO. 2 FOR THE YEAR 2015**

**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 2016 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 2016 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, all aye.

Councilman Lawton noted that the law gives the board the ability to go over the tax cap but does not require the board to do so.

Code Enforcement Officer Swanson continued with his request to designate three approved electrical inspectors for residents to hire when such an inspection is required. Attorney Joel Seachrist suggested that the town adopt criteria for electrical inspectors rather than a limited list of approved inspectors; the inspectors could submit their qualifications to the town board for approval. Code Enforcement Officer Swanson and Attorney Seachrist will work together to establish the criteria and then submit it to the board for approval.

Supervisor Robbins noted that the public hearing for the use of saw mills in certain zoning districts has been postponed and a rescheduled date will be determined at the November 2nd Town Board meeting.

Busti Fire Department Chief Mike Volpe reported 438 incidents year to date with 155 in combined daytime shared services between BFD and the Village of Lakewood Fire Department. Mr. Volpe noted that last Friday, October 16th the department was unable to assist with a Lakewood incident at the Chautauqua Mall due to no man power available. This is a growing countywide problem, both during the day and night/evening. The ambulance core is still on the table, he sees it as a way of the future; there was a meeting with the Village of Lakewood Fire Department committee members. Attorney Seachrist noted that there is a meeting scheduled for Thursday, October 22 at Eastern Hall on the topic of billing for ambulance service. Chief Volpe stated that the two largest struggles the department deals with are manpower and funding. The department currently has 40 volunteers. Supervisor Robbins noted that the proposed 2016 budget includes a 2.5% increase for the fire departments. Attorney Joel Seachrist will review the current agreement and make the appropriate changes with the increase of town contribution. Chief Volpe noted that the department received \$27,000 from the Federal Fire Act Grant. The department will be using the funds to purchase thermal imaging cameras and rope rescue equipment.

Highway Superintendent Peterson noted that he spoke with Ray Miller from Clymer regarding the roof on the highway cold storage building and the proper procedure of repairing the roof. Superintendent Peterson and Councilman Hanson will meet and development the specs for a bid to repair the roof.

Councilman Hanson noted that he still has not found a company that would handle the solar panel project for the town due to the small size. He recommends that the subject be tabled until further notice.

Supervisor Robbins noted that the town has been notified that Health Republic Insurance will no longer be in business after December 31, 2015; four employees had selected this plan during open enrollment and will have to change their choice of insurance company. Supervisor Robbins has asked Lou Croce, the town's current insurance broker and Krystal Waite, Northwest Insurance Services to inform the board of the options that are available to the town and/or employees. Ms. Waite noted that highway employees had contacted her regarding options for the health insurance; she informed them that Independent Health has filed for a 15% decrease for the first quarter in 2016, to take advantage of that decrease the town would need to change their renewal date from December 1st to January 1st. This option would affect the employees that have selected plans with a deductible due to the fact that there would be a deductible for December and then it would reset in January. If the town chose to work with only one carrier the employees would have the option choose from a variety of plans that would best fit their needs. Lou Croce noted that in order to change plans for all employees it would be necessary to leave the market. His concern is that the town is at a financial risk to move the renewal date to January as well as for the employees. Mr. Croce questioned if Ms. Waite is licensed on the exchange and she stated yes. Several of the employees commented how the change would affect them. Councilman Lawton asked Ms. Waite how the options that her company can offer are different and similar to what the employees have already been offered. She noted that they opted not to represent Health Republic because of the fact that they wanted to see that they would be a company that would remain in the area. Northwest represents Independent Health, Blue Cross Blue Shield and Univera. Supervisor Robbins noted that two years ago the town had changed the renewal date to December to receive lower premium rates. Mr. Croce noted that all of the changes are due to the Affordable Care Act; Health Republic was developed from grants and loans from the Federal government and New York State Exchange to bring in competition forces to areas that had issues with competition; the town and employees have reaped those benefits for the past year. Councilman Hanson stated that he thought it was important was to offer plans to employees that allowed them to continue to use the physicians in the Pennsylvania area. Ms. Waite noted that other municipalities are moving to a January renewal date and facing the deductible risks but she feels that there are ways to work around those risks. She noted that the options would be to stay in the exchange with the December effective date and take advantage of the lower rate next year; move to a January renewal and take advantage of the rates earlier; renew in December and move to January which would come with risk and the people who are renewing would need to understand what the risk was. Councilman Muecheck noted that he wanted an insurance plan that would be best for the employees but yet be fiscally smart. Highway employees shared their opinions stating that several of the employees had more of an understanding of the options before changing brokers and would like to be given a plan option that would allow them to return to their Pennsylvania physicians. Discussion followed. Ms. Waite suggested that the town would need to look at the whole situation and the cost before making a decision to move the renewal date and deciding whether or not to leave the exchange. Councilman Lawton suggested that due to the fact that Health Republic was not an option he believed it would be beneficial for Ms. Waite to meet with the employees and make a recommendation to arrive at a consensus that would meet their needs and come up

with a plan to move forward, and also that the town board needs to evaluate what the town's healthcare contribution should be because the past and current contributions have been based on Health Republic.

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

RESOLVED, that Krystal Waite, Northwest Insurance Services, be designated as the new Broker of Record and that she meet with the town employees as soon as possible.
Upon roll call vote, all aye.

Lou Croce requested that the town supply him with a copy of the Broker of Record letter noting the change and if things do not come to pass that the town would consider returning to him as a broker.

Ms. Waite suggested that she meet with the town, gather the facts, and come up with a plan before the next board meeting.

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

RESOLVED, that Supervisor Robbins be authorized and directed to pay the presented General Fund, Highway Fund, and the Joint Recreation Fund for Abstract No.20 from warrant #744 to and including warrant #773 in the amount of \$45,711.02.
Upon roll call vote, all aye.

Supervisor Robbins moved to accept the town board minutes of October 5, 2015 which was duly seconded.
All aye, carried.

Councilman Andrews noted that he attended the meeting regarding connecting the main trail to Busti and then to Frewsburg, they are getting the maps together and will meet again in two weeks and will then speak with property owners.

Supervisor Robbins motioned that the board enter into executive session to discuss changing an employee from part-time to full-time and employee pay rates at 8:40 p.m.
All in favor.

Councilman Muecheck motioned that the board close the executive session at 10:10 p.m. which was duly seconded by Supervisor Robbins.
All in favor.

Supervisor Robbins moved to adjourn the meeting at 10:11 p.m. which was duly seconded by Councilman Lawton.

Respectively Submitted by:

Darlene H. Nygren, Town Clerk