

REGULAR MEETING
October 5, 2015

A regular meeting of the Town Board of the Town of Busti was held on October 5, 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 Muccheck

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: Highway Superintendent Melvin Peterson, Lakewood-Busti Police Chief John Bentley, Code Enforcement Officer Jeff Swanson, Mark Warner, Rudy Mueller, David Bargar, Mary Griffin, Susan Lane, Legislator P.J. Wendell, Tim & Candy Young, Bob & Judy Schultz, George Vito, and Post Journal Reporter Mallory Diefenbach.

Tim Young announced there will be a Busti Hamlet and Busti Triangle meeting on October 22nd at 7 p.m. at the Busti Fire Hall. The subject of the meeting will be the Busti Triangle and how to make it a more appropriate park.

Legislator P.J. Wendell reported the county budget process began today, the upcoming county budget has current reduction of 4.6% with a goal to make it 5%; the 8% sales tax was approved by Governor Cuomo; the county legislator passed a resolution to implement the increase which will take effect December 1, 2015; and Code Share has closed down two dormitories at the county jail, the formation of the committee and its dialogue is to seek alternatives for incarceration.

Dave Bargar noted that November 3 is Election Day and encouraged residents to vote and raise the participation in local government. Mr. Bargar noted that there has been a change in the poll site previously at Gloria Dei Lutheran Church, the location is now at Lakewood Baptist Church, 150 Erie St., Lakewood. Legislator Wendell noted that the reason for the change was accessibility.

Rudy Mueller questioned if the increase in the county sales tax will result in an increase in the amount of sales tax money given to the town and the village. Legislator Wendell noted that even with the increase the percentage will remain the same for towns & villages, the annual formula will remain the same. The majority of money from the increase will stay with the county, there may be a slight increase for towns & villages but it will just be reflective of the increase from year to year. Mr. Wendell noted Chautauqua County sales tax has been the lowest in New York State. Mr. Mueller inquired when the public would have access to the 2016 Town Budget, Supervisor Robbins stated that the town budget would be available for public review on November 3rd.

Judy Schultz wanted to publicly thank the Lakewood-Busti Police Department and the town officials for their assistance with this year's Busti Apple Festival.

Mark Warner, 605 South Ave., noted that Highway Superintendent Peterson had been out to his property on Friday, October 2nd to verify a complaint that the City of Jamestown is encroaching on Mr. Warner's property.

Town Clerk Darlene Nygren reported the town received approval from DEC for the Deer Management Assistance Program. There are a few changes beginning in 2015 which include: 1. DMAP permits are now valid for three (3) years in all regions, the town will receive the same allotment of tags each year while the permit is valid. 2. Hunters may use two (2) DMAP tags per Permit year. Town Clerk Nygren also noted that Lakewood Fire Department will be holding a Fire Prevention Week Open House on Saturday, October 10th from noon – 4 p.m. They are celebrating 100 years of their Model T Fire Truck. The Anthony C. Caprino Municipal Building and Lakewood Historical Museum are celebrating 100 years and will also be open on October 10th.

Chief John Bentley reported 8,886 incidents year to date, 407 in the past two weeks. The L-3 squad car hit a deer and is being repaired. The department has received notice that they received the following grants: \$1,000 Child Safety Seat grant and \$5,040 Police Traffic Safety grant. Supervisor Robbins noted that the Town Justices have notified him that the town is now required to have a Town Prosecutor present at traffic court, at an approximate cost to the town of \$4,000 - \$6,000. The town will have 30-45 days to comply. Supervisor Robbins will be meeting with the Town Justices to discuss the matter further.

Highway Superintendent Melvin Peterson reported that Mr. Warner's complaint is with the City of Jamestown. He lives on the west side of South Avenue, in the Town of Busti. The town does not own a Highway Right of Way on his property, the city does and they have encroached on his property, by approximately 6 – 7 feet. Mr. Warner has contacted the town asking them to contact the city regarding the matter, Mr. Warner has personally contacted the city and nothing has been corrected. Highway Superintendent Peterson will contact the city and acknowledge that there is an encroachment issue and that the town is aware of it. Mr. Peterson will also contact the attorney for the town regarding the matter.

Supervisor Robbins noted it was 7:00 p.m. and time to open the public hearing for Thomas Carlson, 3345 Busti-Stillwater Road, Jamestown, New York for a special use permit to renew his application to operate existing auto sales and repair business.
Upon roll call vote, all aye.

Notice of publication was placed on file.

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

Supervisor Robbins moved to approve the application of Tom Carlson for Carlson's Muffler & Brakes, 3343 Busti-Stillwater Road for auto sales and repair station which was duly seconded by Councilman Hanson:

RESOLVED, that there be no exterior storage of auto parts and/or non-operable vehicles provided, however that up to five vehicles only be located within a building or behind a fence (or those showing visible body damage), and be it further

RESOLVED, that all vehicles that are located upon the premises for resale be positioned at least 85' from the center of the highway known as County Route 28, and that there will be no more than fifteen cars for sale and/or not to exceed 20 cars outside on the premises at all times,

with customers parking along the side of the building for aesthetic purposes.

BE IT FURTHER RESOLVED, that there be no sale of gasoline, diesel fuel and that only such lubricants and oils as are necessary to repair vehicles on the premises be allowed upon the premises. This special use permit is for three years.

Property is owned by Tom Carlson and known as Section 437.07 Block 1 Lot 21.1 of the official tax map of the Town of Busti.

Upon roll call vote, all aye, carried.

Highway Superintendent Peterson reported the department replaced a pipe on Stoneman Road, Saturday, September 26th; they started at 7 a.m. and finished by noon. The department has been grinding brush with the new grinder at the brush dump and brush hogging with the excavator. Mr. Peterson noted that the department installs pipe for ditches for town residents at no cost; the residents pay for the pipe. The previous superintendent would charge residents for the installation however Mr. Peterson did not think it was necessary because the cost to the town was minimal since the town uses creek gravel and ditch dirt for the installation. He has inquired with other towns as to their policy; some towns will install the pipe at no cost and other towns have stopped the service. Mr. Peterson noted that the installed pipes help reduce issues with erosion, leaves, and eliminate the need to put limestone at the end of the ditches to stop erosion. The Highway Department has spoken with Krystal Waite, Veracity agent, regarding options for health insurance due to the fact that Health Republic is ceasing any operation at the end of 2015. The department is asking the town to consider changing agents due their dissatisfaction with the current agent, Lou Croce, who will be meeting with the employees affected with the Health Republic change. Superintendent Peterson reported the department has the used oil furnace up and running, which allows the department to heat with mostly used motor oil; Ed Shults has supplied the department with a large amount of used motor oil. Mr. Peterson noted that residents who have purchased transfer stickers are the only authorized people to use the transfer station whether it is for garbage, recycling, yard waste or used motor oil.

Code Enforcement Officer Jeff Swanson reported that the Calamar project is moving along well, vegetation is growing, the retention ponds are in place, and they are hoping to open the apartments for rental in February 2016. There are several proposed large scale projects in the town and if approved will be under construction through the winter, the projects are scheduled to go before the Planning Board for review and approval.

Supervisor Robbins inquired about having the Highway Cold Storage building roof repair put out for bid. Superintendent Peterson noted that the bid would be open to anyone who carries liability insurance.

Councilman Hanson noted that he has continued to attempt to locate a company that will install a solar system as small as what the town would need. The pressure washing and/or painting at 125 Chautauqua Avenue building will need to be postponed until Spring 2016.

Highway Superintendent Peterson noted that one tree company has contacted him and submitted a bid for the stump removal in the cemeteries, two more bids are still required to proceed with the project.

Supervisor Robbins noted Town Clerk Darlene Nygren has submitted the tentative budget to the town board for their review.

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

RESOLVED, that the public hearing be held on October 19, 2015 at 7:00 p.m. for Local Law #2, entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law 3-C."

Upon roll call vote, all aye.

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

RESOLVED, that the public hearing be held on October 19, 2015 at 7:15 p.m. for Local Law #3, entitled "A Law Amending The Uses Permitted By Special Use Permit In The Conservation/Agricultural (CA) and Conservation Residential (CR) Districts"

Upon roll call vote, all aye.

Supervisor Robbins will contact Joel Seachrist regarding the zoning districts to include in the local law.

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

RESOLVED, that all Planning, Zoning, and Town Board Members be authorized to attend Southern Tier West Fall Planning & Zoning Conference, Thursday, November 5th at Chautauqua Suites, Mayville, NY.

Upon roll call vote, all aye.

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.19 from warrant #692 to and including warrant #743 in the amount of \$33,896.61.

Upon roll call vote, all aye.

Supervisor Robbins moved to accept the town board minutes of September 21, 2015 which was duly seconded.

All aye, carried.

Supervisor Robbins moved to adjourn the meeting at 7:27 pm which was duly seconded.

Respectively Submitted by:

Darlene H. Nygren, Town Clerk