

REGULAR MEETING
January 19, 2016

A regular meeting of the Town Board of the Town of Busti was held on Tuesday, January 19, 2016 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 Kenneth J. Lawton
Councilman Rudy Mueller

Absent: Councilman Todd M. Hanson

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: Code Enforcement Officer Jeff Swanson, Lakewood Busti Police Chief John Bentley, Attorney Joel Seachrist, and Myra Blasius.

Town Clerk Darlene Nygren reported that her office has begun collecting 2016 County Town taxes and had collected \$430,617 to date.

Chief John Bentley reported 556 incidents YTD. Chief Bentley noted that he has ordered new parking tickets that will include the Local Law 2015-3 "Prohibiting Overnight Parking In Town Parks". He also noted that the department received \$7,400 from a combined grant application for Explosive Canine Units.

Code Enforcement Officer Jeff Swanson reported Davis-Ulmer Sprinkler Co will be conducting a forum to discuss the Carbon Monoxide Enforcement process on February 17th and would like to attend at no cost to the town. CEO Swanson noted that the town needs to establish a fee schedule for Cell Towers; he has researched what other municipalities have implemented but has not found many examples. Attorney Joel Seachrist suggested that the board review the current tower law and see where it needs to be updated. CEO Swanson stated that he and the Town Clerk's office have begun to implement the procedures for handling property maintenance complaints. All complaints should be directed to the Town Clerk's office, which documents the complaint and then forwards it to the Code Enforcement Officer for enforcement. CEO Swanson noted that he emailed the board with an example of Home Occupation definition and would like their feedback.

Supervisor Robbins moved to approve Code Enforcement Officer attending Carbon Monoxide Enforcement forum on February 17th at no cost to the town, which was duly seconded by Councilman Andrews.

All aye. Carried.

Councilman Mueller moved to add Councilman Lawton to the Health Insurance & Compensation Committee, which was duly seconded by Councilman Andrews.

All aye. Carried.

Councilman Mueller noted that he had submitted a letter to the board stating that he did not want to receive the councilman salary in the amount of \$5,500 for the year 2016, with the understanding that the board would determine where to designate the funds. Attorney Joel Seachrist noted that Councilman Mueller has the legal right to reject his salary however; the board would then authorize where to direct the funds. Discussion followed. It was noted that any distributions should be considered from the Town of Busti and not Councilman Mueller.

Councilman Mueller moved the following resolution which was duly seconded by Councilman Lawton.

RESOLVED, that \$5,500 from the current budget be distributed as follows: \$2,000 be split evenly between the Busti Fire Department and Lakewood Fire Department; \$2,000 be split evenly between the Hazeltine Library and Lakewood Memorial Library, and \$1,500 be given to the LoCo Trail.

Upon roll call vote, all aye, carried.

Supervisor Robbins would like to meet with representatives from the Hazeltine Library and the Lakewood Memorial Library, along with Councilman Mueller to discuss how to reduce the amount of town funds budgeted for aid to the libraries.

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.26 from warrant #957 to and including warrant #977 in the amount of \$23,525.89; and Abstract No. 2 from warrant #9 to and including warrant #18 in the amount of \$19,730.47.

Upon roll call vote, all aye. Carried.

Councilman Mueller thanked Town Clerk Nygren for her willingness to try to post the Town Board minutes on the website prior to the next board meeting.

Councilman Lawton reported the LoCo Trail Committee continues to develop a plan for the trail, to seek funding for 2016 and communication with the railroad. The committee would like to complete an updated study in regards to the trail's location, they would be using volunteers and possibly hiring Pashek to assist with the study and any grant applications. Councilman Lawton asked the board to consider donating \$2,500 to the LoCo Trail which would be used towards the cost of preliminary engineering and grant applications. Money not used in the application process would be reserved for construction. He stated that the committee will be contacting the Village of Lakewood to request their financial support of \$2,500. The updated study should reveal which location would be best for the trail: the railroad vs. town property.

Councilman Lawton motioned the following resolution which was duly seconded by Councilman Andrews:

RESOLVED, to increase the donation to the LoCo Trail from \$1,500 to \$2,500, using \$1,000 from the balance of the Recreation Fund.

Upon roll call vote, all aye. Carried.

Councilman Lawton noted that the LoCo Trail has approximately \$1,600 in unrestricted funds on deposit in a bank account and approximately \$10,000 is being held by the Community Foundation, which is restricted funds. He stated that the \$2,500 from the town would be used for an updated study and the outcome of the study, which would indicate the best location for the trail, would be presented to the board. Councilman Lawton will present the concern of using the railroad rather than town property to the trail committee.

Councilman Mueller moved to accept the addition of business to the 2016 Organizational minutes which was duly seconded by Supervisor Robbins.

All aye. Carried.

Supervisor Robbins motioned that the board enter into executive session at 7:50 p.m. to discuss a pending litigation, which was duly seconded by Councilman Lawton.

All aye. Carried.

Supervisor Robbins motioned that the board close the executive session at 7:55 p.m. which was duly seconded by Councilman Mueller.

All aye. Carried.

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Mueller.

**RESOLUTION DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF THE
TOWN OF BUSTI**

WHEREAS, it appears that John Carney is in violation of Sections 223-4 and 405-13 of the Town of Busti Code with regard to the operation of a sawmill and construction of a structure for which no building permit was issued at 4058 Nutt Road; and

WHEREAS, Mr. Carney has been uncooperative with attempts by the Code Enforcement Officer to amicably resolve the violations; and

WHEREAS, it appears to be in the best interests of the Town of Busti to prohibit John Carney from continuing said code violations;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Busti hereby authorizes the attorney for the Town to take such action against John Carney as may be deemed advisable to prevent any continuation of his violations of the Town of Busti Code, including an action in the Supreme Court of Chautauqua County.

Upon roll call vote, all aye, carried.

Supervisor motioned to adjourn the meeting at 7:56 p.m. which was duly seconded by Councilman Andrews.

All aye, carried.

Respectfully Submitted,

Darlene H. Nygren, Town Clerk