

## REGULAR MEETING

May 2, 2016

A regular meeting of the Town Board of the Town of Busti was held on Monday, May 2, 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 Todd M. Hanson  
Councilman Jim Andrews  
Councilman Kenneth J. Lawton  
Councilman Rudy Mueller

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: Lakewood Busti Police Chief John Bentley, Attorney Joel Seachrist, Highway Superintendent Melvin Peterson, Code Enforcement Officer Jeffrey Swanson, Deputy Town Clerk Susan Huffman, Mary Griffin, Susan Lane, Rocky & Dixie Siegel, Tim & Candy Young, Kathy Stedman, Timothy Mahoney, Henry Yoder, John Shetler, Levi Shetler, Joe Miller, Joyce & Walt Dahlgren, Lee & Sharon Fischer, Harvey J. Yoder, Amos L. Shetler, Andrew E. Shetler, Uriah Shetler, Daniel A. Slabaugh, MM Miller, Benny Miller, Doug SK Brown, Doug Callen, Greta Smith, David Thor, Darlene McIntyre, Brian McIntyre, Ken Waite, Carol Peterson, Duane Peterson, Joyce Roof, Charles Roof, Gary Lindstrom, Charlie Lindstrom, Emmanuel Shetler, John Shetler, Stan Davis, Bob & Judy Schultz, Jim & Carol Toth .

Many in attendance shared their opinion on whether sawmills should or should not be an allowed use in the Town of Busti and questioned the status of the proposed law to change the use of sawmills in the town, stating they would like to see the town move forward in approving such use. Code Enforcement Officer Jeff Swanson stated that people need to be aware of local zoning laws prior to conducting any business in the town. Mr. Swanson also noted that the Comprehensive Plan Implementation has been developing a recommendation for allowed home occupations in the town. Supervisor Jesse Robbins noted that at this time the Town Code states that sawmills are not allowed in any Zoning District within the Town of Busti. The Town Board and the Comprehensive Plan Implementation Committee are working towards a solution to this issue, prior to any change in the code a public hearing would be scheduled and announced. Attorney Joel Seachrist noted that the local zoning code does allow forestry however it is the manufacturing of lumber that is the problem. There was discussion in regards to establishing a short term solution for those saw mills already in operation. No official action was made.

Duane Peterson asked to address the board concerning the complaint made against his property at the last town board meeting. He has been licensed in New York State for fifty years to operate his business and had been given a variance in addition to his business being grandfathered under the current zoning code. Mr. Peterson made a formal complaint in regards to the vehicles that are being stored on Lee Fischer's properties. Discussion followed.

Greta Smith gave the board a comparison list of hours of operation for the Lakewood Memorial Library and Ashville Library. Ms. Smith has asked the Lakewood Memorial Library to extend their hours and was told that due to funding that was not possible. She believes that the libraries should have some accountability to the town with how they utilize the funds received from the town.

Chief John Bentley reported 3,515 incidents YTD. The canine unit should return to work on Friday after a recent injury. The department should be receiving approximately \$54,000 in asset forfeiture funds from a case that was handled a few years ago, the funds will be used for equipment.

Town Clerk Darlene Nygren reported her office has closed the collection of the 2016 County Town Taxes and all records have been returned to the county. Southern Tier West's Local Government Conference will be held Thursday, May 11<sup>th</sup> at Houghton College. The Town Clerk's office will be closed that day as both Clerk Nygren and Deputy Clerk Susan Huffman will be attending the conference which will include training on the new Electronic Death filing system through NYS Department of Health/Vital Records. Town Clerk Nygren also noted Dennis Brooks, Insurance Administrator for Chautauqua County

Department of Finance, was the speaker at Chautauqua County Municipal Clerk's Association April 27<sup>th</sup> meeting. Mr. Brooks spoke about Worker's Compensation reporting and noted that a committee has been established to investigate establishing a Health Insurance Consortium for Chautauqua County Municipalities and possibly schools. Clerk Nygren noted that card groups continue to meet at Gloria Dei Lutheran church under the town's recreation program. The funds that are collected from the groups are currently given to the town and then paid by voucher to the church for use of their facility. Clerk Nygren asked if there was a need to continue with that procedure or if it was permissible for the church to keep the funds and have the card groups remain under the town's liability insurance. Attorney Joel Seachrist was going to research the situation. Councilman Mueller asked about when the minutes will begin to be put on the town website. Clerk Nygren explained that there is a problem with the program that is used to transfer the minutes from her documents to the website. She is working with TintPress, who is developing a new town website and has a meeting with them on Thursday, May 12<sup>th</sup>. Councilman Mueller asked if a board member made a motion was made but was not seconded would the motion be recorded in the minutes. Town Clerk Nygren stated that the motion would be recorded and noted that it was not seconded or carried.

Highway Superintendent Melvin Peterson reported the department has been working on ditches and is looking for places to take the dirt; working on culvert and driveway pipes; and completed some stream restoration on Garfield Road. Superintendent Peterson will be meeting with Town Clerk Nygren regarding taking bids for the roof on the cold storage building.

Code Enforcement Officer Jeffrey Swanson reported he has received license and insurance documentation from two electrical inspectors and upon board approval of the inspectors he will notify National Grid that these individuals are the only approved electrical inspectors for the Town of Busti.

Supervisor Robbins tabled the New Wave Energy Corporation Proposal. The board has been contacted by another company interested in presenting a proposal and the board is looking into incentives through National Grid for alternative energy projects and

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Lawton:  
**RESOLVED**, Kathryn Stedman be appointed to the Zoning Board of Appeals for a term of five years.  
Upon roll call vote, all aye. Carried.

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Hanson:  
**RESOLVED**, John Dean and Michael Gleason be the approved electrical inspectors for the Town of Busti at this time.  
Upon roll call vote, all aye. Carried.

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Hanson:  
**RESOLVED**, that Supervisor Robbins be authorized and directed to pay the presented General Fund, Highway Fund, and the Joint Recreation Fund for Abstract No. 8 from warrant #225 to and including warrant #268 in the amount of \$79,673.78.  
Upon roll call vote, all aye. Carried.

Supervisor Robbins moved to accept the April 18, 2016 town board minutes which was duly seconded by Councilman Andrews.  
All aye. Carried.

Councilman Mueller noted that he had given the town board a Historical Town of Busti Budget – Highway A Wide (2008-2016) for their review. He noted that with the exception of the money budgeted for a truck in 2014 the average expenditure for the Highway town-wide was less than \$12,000. The current year fund balance of unappropriated funds is over \$100,000 at this time. There will be an expense to install a culvert this year which will reduce the unappropriated funds. Councilman Mueller noted the state comptroller's office has asked the board to respond to the recent audit report within ninety days. Councilman Mueller motioned the town board correct the misclassification and move \$137,577 expenditure from A to B and that the move of funds be part of the corrective action plan. No second received, not carried.

Tim Young noted that he lives off of a county road and the town does not plow or maintain that road but his taxes continue to increase and yet the Village of Lakewood tax rate is the same as it was in 2004.

Councilman Mueller motioned the town board return \$135,000 as a refund/rebate across the entire town in the 2017 budget. No second received, not carried.

Councilman Hanson noted that the motions made should be part of the Corrective Action Plan discussion that will be discussed at a future meeting.

Councilman Hanson noted that Superintendent Peterson will contact residents in the Lawson Park area regarding the rebounding wall for Lawson Park. Ryan White is working on a grant to fund the materials for a concession stand at Lawson Park and will seek board approval once all the funding and construction details are in order.

Councilman Lawton reported he attended the Consolidated Funding Application session held by the County Executive for funding opportunities through the state. The application is available today at [www.regionalcouncils.ny.gov](http://www.regionalcouncils.ny.gov), applications are due July 29, 2016 and monies will be awarded November or December of this year. The CFA would require trails to be designated a park, it is possible a portion of the trail would eligible if the real estate that it ran through was designated a park.

Highway Superintendent Peterson requested to be part of the Corrective Action Plan response.

Supervisor Robbins motioned the board enter Executive Session at 8:12 p.m. to discuss proposed, pending, or current litigation; seconded by Councilman Mueller. All aye. Carried.

Supervisor Robbins motioned to close the Executive Session at 9:20 p.m., seconded by Councilman Lawton. All aye. Carried.

Supervisor Robbins motioned to reopen the Regular Meeting at 9:20 p.m., seconded by Councilman Hanson. All aye. Carried.

Supervisor Robbins explained the board is proposing to present a new local law that would allow the use of sawmills in strictly the Camp District with a restriction of the number of mills allowed. A public hearing for the local law would be set at the May 16, 2016 town board meeting and held at the June 6, 2016 town board meeting. If the law is approved on June 6<sup>th</sup> it has to be sent to New York State for approval before any permits can be issued. If any changes are made to the proposed local law another public hearing is required at a later date. The Camp District includes the south side of Sandstrom Road to the Pennsylvania Stateline and the west side of Wellman Road to the Town of Harmony and Town of North Harmony.

Supervisor Robbins moved to adjourn the meeting at 9:30 p.m. which was duly seconded by Councilman Andrews.  
All aye.

Respectfully Submitted,

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Darlene H. Nygren, Town Clerk