

## REGULAR MEETING

July 18, 2011

A regular meeting of the Town Board of the Town of Busti was held on July 18, 2011 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

Supervisor Kathleen A. Sullivan  
Councilman Richard A. Sanders  
Councilman Kenneth J. Lawton  
Councilwoman Marsha L. Hern  
Councilman Jesse M. Robbins

Supervisor Sullivan called the meeting to order with the salute to the flag and a moment of silence was observed.

Present at the meeting were: Randy Graham, Chris Yates, Angelo & Diane Terrano, David Cummings, Tabitha Cummings, Ryan Minadeo, Mike & Joan Kuchta, Johnnie Shelter, Thomas & Cheryl Watson, Richard Thor, Tim Young, Gerald & Cecilia Capelli, Jarold & Carole Bergman, Cathleen Brooks, Jessica Bryant, Harold Erickson, Chris, Leslie, Chloe, Cooper & Carley Charles, Bill Isreal, Melissa & Maddie Belli, Todd Allen, Rodney & Rosemary Swanson, Lakewood-Busti Police Chief John Bentley, Busti-Lakewood Recreation Director Diana Peterson and Highway Superintendent Melvin J. Peterson.

Randy Graham and Chris Yates appeared before the board regarding continued funding for the Chautauqua Lake Association.

Wellman Road residents appeared before the board requesting that the state do a speed study on their road.

Councilman Sanders moved the following motion which was duly seconded by Councilman Robbins:

RESOLVED, that the town request that the state to do a speed study reducing the speed limit to 45 mph on Wellman Road.

Upon roll call vote,

Supervisor Sullivan noted it was 7:00 p.m. and opened the public hearing on the application for a Special Use Permit for Rodney L. Swanson to use existing building for an auto service and repair, body shop which was duly seconded by Councilman Robbins:  
All aye.

Proof of publication was placed on file.

No other representative appeared on this application.

Supervisor Sullivan moved to close the public hearing and move the following resolution which was duly seconded by Councilwoman Hern:

RESOLVED, that the Special Use Permit is hereby granted to Rodney L. Swanson to operate an auto repair service and a body shop located at 652 Busti-Sugar Grove Road with the following two conditions for three years.

First: That any signs to be used at the premises be limited to the size of the current signs with no flashing lights.

Second: That no more than ten vehicles not utilized by employees employed at the business be outside the building at any time.

Property is owned by James A. and David R. Ellis and known as Section 11, Block 1, Lot 9.10 of the official tax map of the Town of Busti.

Upon roll call vote, all aye.

Bill Israel, Melissa Belli, Chris & Leslie Charles appeared before the board and requested for a walking bridge between Shadow Creek and Briarwood in Huntington Woods development. This was tabled until our next meeting on August 1<sup>st</sup> for the board to review.

Recreation Director Diana Peterson reported that the Village of Lakewood will be resurfacing and marking four to eight pickle ball courts at LaGrega Park for residents to use.

Tim Young stated that there will be a Busti Hamlet Development group meeting at the Busti Victorian Hall on Thursday, July 21<sup>st</sup> at 7:00 p.m.

Highway Department Superintendent Melvin J. Peterson reported that the highway department has completed 1.6 miles of blacktop and 6.6 miles of stone & oil on roads this year. He has ordered six Amish horse/buggy signs.

Lakewood-Busti Police Chief John Bentley reported 875 incidents for June with 5,698 to date.

Councilman Sanders offered the following motion which was duly seconded by Supervisor Sullivan:

RESOLVED, that the town authorize the Highway Superintendent Melvin J. Peterson to outline specifications for the pavilion at Edward F. Loomis Park to be returned at the next board meeting on August 1, 2011.

Upon roll call vote, all aye.

Councilman Sanders offered the following motion which was duly seconded by Supervisor Sullivan:

RESOLVED, that Supervisor Sullivan be authorized to sign on behalf of the board the Chautauqua Lake Watershed Compact an Inter-Municipal Agreement Promoting

## Implementation of the Chautauqua Lake Watershed Management Plan

### We Recognize:

1. The Chautauqua Lake Watershed covers more than 100,000 acres of land and includes hundreds of streams that ultimately flow into Chautauqua Lake.
2. The Chautauqua Lake Watershed is located in the heart of Chautauqua County and spreads across 14 municipalities:
  - Town of Busti
  - Town of Chautauqua
  - Town of Ellery
  - Town of Ellicott
  - Town of Harmony
  - Town of North Harmony
  - Town of Portland
  - Town of Sherman
  - Town of Stockton
  - Village of Bemus Point
  - Village of Celoron
  - Village of Lakewood
  - Village of Mayville
  - Village of Panama
3. The lake and surrounding land are prime habitat for a diverse ecosystem of plants, Mammals, birds, fish, reptiles, amphibians, invertebrates, and microorganisms.
4. The Chautauqua Lake Watershed is also home to tens of thousands of residents, whose economic livelihood and social well-being depend upon the ecological health of this natural resource.
5. The watershed's scenic beauty and recreational attractions also lure sportsman, tourists, and summer residents, who spend over seventy million dollars annually and are an integral part of the local economy.

### We Understand:

1. Chautauqua Lake is impaired by an excessive inflow of nutrients and sedimentation, causing the problematic growth of aquatic vegetation, the outbreak of algal blooms, the loss of navigable water routes, and the potential degradation of drinking water.
2. The primary source of these nutrients and sedimentation is the watershed, where human activities and past land use practices have increased storm water runoff and accelerated soil erosion.
3. These growing impairments, undermine real property value, diminish recreation and tourism, and threaten our quality of life and natural ecosystem.

### We Believe:

1. The proper management of the Chautauqua Lake Watershed is necessary to ensure the future health, ecology, and enjoyment of this precious natural resource for our children and future generations.
2. The best way to manage this dynamic ecosystem is through the Chautauqua Lake Watershed Management Plan, which advocates a balance approach based on good science, broad community support, and economic viability.

### We Resolve:

1. To work together on a voluntary and cooperative basis to achieve common goals and objectives outlined in the Chautauqua Lake Watershed Management Plan:
  - Improve water quality by reducing the inflow of nutrients and sedimentation;
  - Protect and restore the natural function of land to retain storm water;
  - Conserve critical natural resources essential for a health ecosystem;
  - Develop and implement a uniform storm water and erosion control ordinance;
  - Promote sustainable development through sound land use practices and policies;
  - Promote public education and awareness of lake and watershed issues.
2. To assume primary responsibility for implementing the recommendations of The Chautauqua Lake Watershed Management Plan that pertain to municipal functions and operations.
  - Adopt improved maintenance practices for highway and public works departments.
  - Incorporate cost-effective ordinances establishing uniform land use practices and policies that protect the watershed and promote sustainable development.
3. To form an active committee of the Chautauqua Lake Management Commission known as the Inter-Municipal Committee (IMC) that will meet at least quarterly to develop a cost-effective, unified approach to successfully implement the municipal recommendations, which will include researching viable options, seeking funding, combining available resources, coordinating activities, and monitoring progress:
  - a. Each Town and Village shall designate one representative;
  - b. The County shall be represented by the Watershed Coordinator, in addition to a Legislator;
  - c. The representatives shall define their roles and responsibilities, and may amend and supplement this compact to ensure that the IMC is functioning effectively and responding appropriately to changing conditions and expectations.
4. To allow any of the municipalities to join in or withdraw from this compact upon written notice to the other parties.

Upon roll call vote, all aye.

Supervisor Sullivan reviewed the letter from New York State Deferred Compensation Board regarding the board's rules and regulations relating to the auditing requirements applicable to public employer sponsored deferred compensation plan which was tabled until our next meeting on August 1<sup>st</sup>.

Supervisor noted letter from Rex & Susan Tolman regarding the Johnson property on Kortwright Road which was referred to Attorney Joel H. Seachrist for his determination.

Councilman Lawton moved the following motion which was duly seconded by Supervisor Sullivan:

RESOLVED, that The Town of Busti adopt the following resolution:

WHEREAS, the Employer previously adopted a Code Section 125 plan, referred to as the Cafeteria Plan (the "Plan");

WHEREAS, effective January 1, 2011, over the counter drugs cannot be reimbursed under an FSA or HRA without a prescription, and IRS Notice 20115 (the "Notice") modified the rules governing substantiation of over-the-counter drugs and medicines by a health FSA or HRA debit card for electronic claims processed on or after January 16, 2011' and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors has hereby reviewed the attached Summary of Material Modifications and does hereby approves the adoption of the Extended Election Period set forth therein;

BE IT FURTHER RESOLVED that the officers of the Employer are authorized and directed to take any and all action as may be necessary to effectuate this Resolution. Upon roll call vote, all aye.

Councilman Sanders moved the following motion which was duly seconded by Councilwoman Hern:

RESOLVED, that a public hearing be held on August 15, 2011 at 7:00 p.m. for Local Law No. 4 for 2011 "Small Wind Turbines".

Upon roll call vote, all aye.

Councilman Sanders offered the following motion which was duly seconded by Councilman Lawton:

RESOLVED, that upon the request of Highway Superintendent Melvin J. Peterson, the town advertise to sell one 2000 John Deere four wheel drive utility tractor, hydrostatic transmission, quick detach loader, 72 inch belly mower with bids returnable August 1, 2011 and that he be authorized to use the proceeds to purchase one zero turn mower.

Upon roll call vote, all aye.

Supervisor Sullivan noted the following correspondence:

Supervisor's Monthly Reports January – May, 2011

NYS Office of Emergency Management re: Chautauqua County Multi-Jurisdictional Local Hazard Mitigation Plan – Lapse Date, June 28, 2011.

State of New York Public Service Commission re: Proceeding on Motion of the Commission to Examine the Mobile Testing Requirements of the Safety Standards.

Zoning Board of Appeals Minutes June 22, 2011.

Time Warner Cable re: Agreements with programmers.

Fiscal Advisors & Marketing, Inc. re: Continuing Disclosure Filing.

State of New York, Department of State re: filing of Local law No. 3 2011.

Stateline Speedway re: Annual fireworks.

Energy Planning & Cost-Saving Workshop July 27 & 28, 2011.

Supervisor Sullivan offered the following motion which was duly seconded by Councilwoman Hern:

RESOLVED, that Supervisor Sullivan be authorized and directed to pay the

presented General Fund, Highway Fund, Joint Recreation Fund and the Hazeltine Public Library for Abstract No. 11 from warrant #424 to and including warrant #495 in the amount of \$149,326.72.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Sullivan the meeting adjourned at 8:30 p.m.

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Diane M. VanDewark, Town Clerk