

REGULAR MEETING
November 19, 2012

A regular meeting of the Town Board of the Town of Busti was held on November 19, 2012 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

Supervisor Jesse M. Robbins
Councilman Richard B. Thor
Councilman Todd M. Hanson
Councilman Kenneth J. Lawton
Councilman Brett A. Muccheck

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: Diane Terrano, John Francisco, Dale & Rebecca Robbins, Nicole Muccheck, John Francisco, Tim Young, Phineas & Sara DeMink, Lori Robbins, Nathan Dallas, Robert & Judy Schultz, Deputy Clerk Darlene Nygren, Assessor Randall Holcomb, Warren VanDewark, Attorney Joel H. Seachrist, Busti-Lakewood Recreation Director Diana Peterson, Highway Superintendent Melvin J. Peterson, Lakewood-Busti Police Chief John Bentley and Post Journal Reporter Dennis Phillips.

Supervisor Robbins noted the resignation of Councilman Richard A. Sanders and moved that the town accept his resignation with regret which was duly seconded by Councilman Lawton:
All aye.

Supervisor Robbins made a motion to appoint Brett A. Muccheck as Councilman for the Town of Busti which was duly seconded by Councilman Lawton.
Upon roll call vote, all aye.

Retired Supervisor Dale C. Robbins administered his oath of office and thanked the board for giving him this opportunity.

Brett Muccheck thanked Supervisor Robbins and the rest of the town board for this incredible opportunity. I am very pleased to accept this position as town councilman and I am eager to make a positive contribution to the Town of Busti. I am looking forward to working with each and everyone one of you towards the betterment of this town and there is no doubt in my mind that this town that we live in is wonderful and I trust that each one of these council members share that belief and I know together along with all the citizens of Busti will continue to keep our town beautiful, encourage economic growth, and ensure that it remains a save place to live, a place we can all call home and a place we can be proud of.

Lakewood-Busti Police Chief John Bentley reported 10,045 incidents to date.

Highway Superintendent Melvin J. Peterson reported that the highway is getting ready for snow removal.

Busti-Lakewood Recreation Director Diana Peterson made the following statement regarding the Busti-Lakewood Community Center.

The Busti-Lakewood Community Center has been a joint venture between the Town of Busti and the Village of Lakewood since its beginning in the early 70's, with Busti being the lead agency. The village and the town agreed to contribute equal amounts to fund the operating budget of the community center to provide what was needed. This continued until the 2012 budget, when the village unfortunately cut their budget contribution in half. Some years have seen a surplus of monies that have gone directly into the fund balance that is earmarked solely for building repairs or replacement. This fund balance is not, and never has been, used for the operating expenses but only for maintaining the building.

The following are things that might happen should the village chooses to not support their portion of the

Busti-Lakewood Recreation Center:

- Lakewood residents would see an increase in fees
- All users would see an increase in fees
- All groups using the community center would have to pay to use it (Southwestern Sports teams, Lakewood Women's Club, Amy King Event and other benefits)
- Use money in fund balances that is earmarked for building repairs or replacement
- End joint service with the Village of Lakewood
- Village of Lakewood will lose state funding for youth programs
- Cut programs that are vital for today's youth and seniors
- Job cuts
- Charge Village of Lakewood for use for Rec. Center for elections
- Completely close the Recreation Program and Community Center

The offer was made by myself to all five of the Village of Lakewood Trustees to visit and see how the community center operates and what needs to be rebuilt, refurbished or remodeled. None of the Trustees have even called me, as the Director, to have this discussion. Rather, it appears all they have done is to look at the fund balance of the Rec. Center and decide that it should be used to fund the 2013 budget. Again, the fund balance is designated completely to bring the building up to code. Furthermore, the Village of Lakewood Trustees have been relentless to the Town of Busti about paying their fair share of the police department, they should use their own example and pay their fair share of the recreation budget. It is difficult to believe that during the village dissolution meetings and vote that their own Village Board would be the ones to take the lead in closing their beloved recreation program.

I respectfully request that Dennis Phillips print this report, if possible, in its entirety in the Post Journal. Thank you all for your time this evening.

Supervisor Robbins reopened the application of Phineas & Sara DeMink, d/b/a Southern Tier Brewing, 2072 Stoneman Circle, Lakewood, New York for a Special Use Permit for a band shelter allowing small music performances in the Industrial District

Supervisor Robbins moved to adopt the following Negative Declaration which was duly seconded by Councilman Lawton:

WHEREAS, Southern Tier Brewing, by Phineas DeMink (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to erect and operate a band shelter as a recreational use secondary to its ongoing manufacturing facility at 2072 Stoneman Circle, and

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed use, and

WHEREAS, the Board has determined that the proposed use will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Parts I and II of the Environmental Assessment Form, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

Upon roll call vote, all aye.

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

RESOLVED, to consider the application of Southern Tier Brewing for a Special Use Permit for a recreation use secondary to its ongoing manufacturing concern, that would allow it to erect a band shelter

and to have music performances on-stage during the Spring, Summer, and Fall months pursuant to Section 405(20)(B)(1) of the Town of Busti Zoning Code, on a parcel located at 2072 Stoneman Circle, designated on the Chautauqua County tax map as Section 385.00, Block 1, Lots 44.2.

WHEREAS, Southern Tier Brewing (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit allowing it to erect a band shelter and to have music performances on-stage during the Spring, Summer, and Fall months pursuant to Section 405(20)(B)(1) of the Town of Busti Zoning Code, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and a public hearing, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held November 5, 2012 and finds justification to approve the application subject to the qualifications hereinafter set out,

NOW, THEREFORE, BE IT RESOLVED, that the application to erect and operate a band stand as a secondary recreational use at 2072 Stoneman Circle (the “Use”), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the Use in accordance with the application submitted to the Town, except as hereinafter modified, and agrees to be bound by the terms of the application and the conditions of this permit, including as follows:

- a. The band shelter may be used for musical performances during the Spring, Summer, and Fall months, no more than 3 days per week, and the performances shall end no later than 9:00 p.m.
- b. The use of the band shelter for musical events on a Sunday shall be limited to no more than 8 events during the calendar year, which shall end no later than 6:00 p.m.

2. If operation of the Use has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicant shall be required to apply for a new permit should he intend to continue the project.

3. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town, except as otherwise herein noted.

4. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Busti Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.

5. This Special Use Permit shall become effective after the Applicant approves each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

The Applicant, Southern Tier Brewing, agrees to abide by all the terms of this Special Use Permit. Upon roll call vote, all aye.

Supervisor Robbins moved the following 2013 Town Budget with the following amendments which was duly seconded by Councilman Hanson:

2013 Budget Adjustments

	Changes From:	New Budget Amount To:
Whole Town General Fund A:		
Increase Revenues A1081 Other Payments in Lieu	5,225	6,425
Decrease Appropriated Fund Balance General Fund A	5,225	144,775
Part Town General Fund B		
Increase Appropriations B3120.4 Police Contractual Exp.	7,500	360,000
Increase Revenue B1001 Real Property Taxes	7,500	81,285
Huntington Woods Drainage District #2		
Increase Appropriations SD9730.6 BAN Principal	480	6,980
Decrease Appropriated Fund Balance	480	0
Helen P. Andrews Water District7A		
Decrease Appropriations SW7A-9901-9 Payback to other funds	3,000	3,160
Decrease Revenue SW7A-1001 Real Property Taxes	3,000	12,000
South Main Water District #8		
Increase SW8-9710.1 Bond Principal Payment	3,150	4,650
Increase SW8-97102 Bond Interest Payment	1,215	3,725
Remove: South Main Water District #8		
SW8-9730.6 BAN Principal	1,500	0
SW8-9730.7 BAN Interest	2,510	0

General Fund A1620.4 reflects additional costs due to the maintenance of the Busti-Lakewood Recreation Building.

ANNUAL BUDGET				
2013				
	Amount			
	Estimated	Unexpended	To Be Raised	
	<u>Appropriation</u>	<u>Revenues</u>	<u>Balance</u>	<u>By Tax</u>
A- GENERAL FUND	1,138,981.00	532,364.00	144,775.00	461,842.00
TOWNWIDE				
B- GENERAL FUND	494,185.00	397,900.00	15,000.00	81,285.00
TOWN OUTSIDE				
DA- HIGHWAY	0.00	0.00	0.00	0.00
TOWNWIDE				
DB- HIGHWAY	1,067,968.00	491,400.00	200,000.00	376,568.00
TOWN OUTSIDE VILLAGE				
J- JOINT RECREATION	38,137.00	37,250.00	887.00	0.00
L-HAZELTINE LIBRARY	50,000.00	0.00	0.00	50,000.00
TOTALS	2,789,271.00	1,458,914.00	360,662.00	969,695.00

<u>SPECIAL DISTRICTS:</u>				
SD Drainage District – Vukote	21,663.00	35.00	4,000.00	17,628.00
SD2 Drainage District #2	8,000.00	0.00	.00	8,000.00
SF Fire	254,515.00	0.00	0.00	254,515.00
SL1 Light 1	1,800.00	0.00	0.00	1,800.00
SL2 Light 2	10,000.00	0.00	0.00	10,000.00
SL3 Light 3	3,700.00	0.00	0.00	3,700.00
SL4 Light 4	3,000.00	0.00	0.00	3,000.00
SL5 Light 5	300.00	0.00	0.00	300.00
SL6 Light 6	600.00	0.00	100.00	500.00
SS Sewer	15,100.00	0.00	3,000.00	12,100.00
SW1 Water 1	2,200.00	0.00	2,100.00	100.00
SW2 Water 2	2,200.00	0.00	2,100.00	100.00
SW3 Water 3	96,400.00	0.00	18,000.00	78,400.00
SW4 Water 4	2,000.00	0.00	1,900.00	100.00
SW5 Water 5	25,000.00	0.00	0.00	25,000.00
SW6 Water 6	2,000.00	0.00	500.00	1,500.00
SW7A Water 7A	12,000.00	0.00	0.00	12,000.00
SW7B Water 7B	15,000.00	0.00	0.00	15,000.00
SW8 Water 8-South Main	12,500.00	0.00	0.00	12,,500.00
Total Special Districts	487,978.00	35.00	31,700.00	456,243.00
Grand Total	3,277,249.00	1,458,949.00	392,362.00	1,425,938.00
GENERAL FUND ESTIMATED REVENUES				
A1001 Real Property Taxes				461,842.00
A1081 Other Payments in Lieu				1,200.00
A1090 Interest and Penalties on Real Prop. Taxes				13,000.00
A1255 Clerk Fees				4,000.00
A2001 Park and Recreation Charges				1,800.00
A2130 Refuse & Garbage				45,000.00
A2210 Tax & Assessment Services for Other Governments				138,200.00
A2401 Interest & Earnings				2,000.00
A2530 Game of Chance License				10.00
A2544 Dog Licenses				6,000.00
A2610 Fines & Forfeited Bail				110,000.00
A2650 Sale of Scrap-Excess Material				10,000.00
A3001 State Revenue Sharing/Per Capita				40,000.00
A3005 Mortgage Tax				80,000.00
A3820 Youth Programs				1,000.00
A5100 Five Corners Water Repayment from B				74,929.00
TOTAL ESTIMATED REVENUES				994,206.00
APPROPRIATED FUND BALANCE				144,775.00
TOTAL REVENUES & OTHER SOURCES				1,138,981.00

GENERAL FUND APPROPRIATION	
GENERAL GOVERNMENT SUPPORT	
A1010.1 Town Board Personal Services	22,000.00
A1010.4 Town Board Contractual Expense	500.00
A1110.1 Justice P. S.	90,664.00
A1110.2 Justice Equipment	150.00
A1110.4 Justices Cont. Exp	7,500.00
A1220.1 Supervisor P. S.	12,000.00
A1220.2 Supervisor Equipment	500.00
A1220.4 Supervisor Cont. Exp.	26,000.00
A1355.1 Assessor P. S.	131,300.00
A1355.2 Equipment	750.00
A1355.4 Cont.Exp.	7,000.00
A1410.1 Town Clerk P. S.	84,752.00
A1410.2 Town Clerk Equipment	500.00
A1410.4 Town Clerk Cont. Exp.	8,000.00
A1420.4 Cont. Exp.	7,500.00
A1620.4 Buildings Cont. Exp.	40,000.00
A1910.4 Unallocated Ins.	35,000.00
A1920.4 Municipal Assn. Due	2,700.00
TOTAL GENERAL GOVERNMENT SUPPORT	476,816.00
PUBLIC SAFETY	
A3310.4 Traffic Control Cont. Exp.	3,000.00
A3510.4 Dog Control Cont. Exp.	5,400.00
TOTAL PUBLIC SAFETY	8,400.00
TRANSPORTATION	
A5010.1 Supt. of Highways P.S.	66,952.00
A5010.4 Supt. of Highways Cont. Exp.	500.00
A5132.4 Garage Cont. Exp.	14,000.00
A5182.4 Street Lighting Cont. Exp.	12,000.00
TOTAL TRANSPORTATION	93,452.00
ECONOMIC ASSISTANCE AND OPPORTUNITY	
A6410.4 Publicity Cont. Exp.	20,000.00
TOTAL ECONOMIC ASSISTANCE AND OPPORTUNITY	20,000.00
CULTURE AND RECREATION	
A7110.1 Parks P.S.	101,000.00
A7110.2 Parks Equipment	65,000.00
A7110.4 Parks Cont. Exp.	25,000.00
A7410.4 Library Cont. Exp.	50,000.00
TOTAL CULTURE AND RECREATION	241,000.00

HOME AND COMMUNITY SERVICES	
A8090.4 Environmental Control Cont. Exp.	2,000.00
A8160.4 Refuse and Garbage Cont. Exp.	62,000.00
TOTAL HOME AND COMMUNITY SERVICES	64,000.00
EMPLOYEE BENEFITS	
A9010.8 State Retirement	82,800.00
A9030.8 Social Security	38,913.00
A9040.800 Workers Compensation	64,000.00
A9055.8 Disability	600.00
A9060.8 Hospital and Medical Insurance	45,000.00
A9062.8 Retirement Other	4,000.00
TOTAL EMPLOYEE BENEFITS	235,313.00
TOTAL APPROPRIATIONS	1,138,981.00
GENERAL FUND ESTIMATED REVENUES – TOWN OUTSIDE	
B1001 Real Property Taxes	81,285.00
B1120 Non-Property	355,000.00
B1190 Franchise Fees	36,000.00
B1601 Departmental Income-Health Fees	800.00
B2110 Departmental Income – Zoning Fees	6,000.00
B2401 Interest and Earnings	100.00
TOTAL REVENUES	479,185.00
APPROPRIATED FUND BALANCE	15,000.00
TOTAL REVENUES & OTHER SOURCES	494,185.00
GENERAL FUND APPROPRIATIONS – TOWN OUTSIDE	
B1320.4 Police Cont.	360,000.00
B8010.1 Zoning P.S.	20,200.00
B8010.4 Zoning Cont. Exp.	5,000.00
B8020.1 Planning P.S.	1,515.00
B8020.4 Planning Cont. Exp.	500.00
B9010.8 Employee Benefits – NYS Retirement Insurance	3,600.00
B9030.8 Social Security	1,661.00
B9055.8 Disability Insurance	100.00
B9730.6 Debt Service BAN Principal	41,500.00
B9730.7 BAN Interest	10,109.00
B9901.1 Interfund Transfers P.S. – 5 corners water payment to A	50,000.00
TOTAL APPROPRIATIONS	494,185.00
HIGHWAY REVENUES – TOWN OUTSIDE	
DB1001 Real Property Taxes	376,568.00
DB1120 Non-Property Tax Items Distributed by County	355,000.00
DB2401 Use of Money and Property Interest and Earnings	900.00
DB2665 Equipment Sale	20,000.00
DB2770 Misc. Revenue	1,500.00

DB3501 Consolidated Highway	114,000.00
TOTAL REVENUES	867,968.00
APPROPRIATED FUND BALANCE	200,000.00
TOTAL REVENUES & OTHER SOURCES	1,067,968.00
HIGHWAY APPROPRIATIONS – TOWN OUTSIDE	
DB5110.1 Transportation P.S.	161,287.00
DB5110.4 Transportation Cont. Exp.	245,000.00
DB5112.2 Improvements Equipment/Cap. Outlay	114,000.00
DB5130.2 Machinery Equip./Cap. Outlay	170,000.00
DB5130.4 Machinery Cont. Exp.	30,000.00
DB5142.1 Snow Removal - Town Hwys P.S.	131,577.00
DB5142.4 Snow Removal – Town Hwys Cont. Exp.	97,000.00
DB9010.8 State Retirement	49,700.00
DB9030.8 Social Security	22,404.00
DB9055.8 Disability Insurance	200.00
DB9060.8 Hospital/Medical Insurance	40,000.00
DB9062.8 Retirement Other	6,800.00
TOTAL APPROPRIATIONS	1,067,968.00
JOINT RECREATION REVENUES	
J1081 Village of Lakewood	7,500.00
J2025 Facility Charges	4,000.00
J2401 Interest and Earnings	500.00
J2701 Refund of Prior Year Expenditure	500.00
J2705 Program Registration	24,250.00
J2770 Misc. Revenue	500.00
TOTAL REVENUES	37,250.00
APPROPRIATED FUND BALANCE	887.00
TOTAL REVENUES & OTHER SOURCES	38,137.00
JOINT RECREATION APPROPRIATIONS	
J1620.2 Joint Rec. Buildings Equipment/Cap. Outlay	1,800.00
J1990.4 Joint Rec. Buildings Contingency	200.00
J7320.1 Joint Rec. P.S.	19,105.00
J7320.2 Joint Rec. Equipment/Cap. Outlay	500.00
J7320.4 Joint Rec. Cont. Exp.	12,400.00
J9010.8 NYS Retirement	2,320.00
J9030.8 Social Security	1,462.00
J9055.8 Disability Insurance	100.00
J9062.8 Retirement Other	250.00
TOTAL APPROPRIATIONS	38,137.00
HAZELTINE PUBLIC LIBRARY REVENUES	
L1001 Real Property Taxes	50,000.00
TOTAL REVENUES	50,000.00

TOTAL REVENUES & OTHER SOURCES	50,000.00
HAZELTINE PUBLIC LIBRARY APPROPRIATIONS	
L7410.1 Library P.S.	29,579.00
L7410.4 Library Cont. Exp.	13,176.00
L9010.8 State Retirement	4,905.00
L9030.8 Social Security	2,240.00
L9055.8 Disability Insurance	100.00
TOTAL APPROPRIATIONS	50,000.00
DRAINAGE DISTRICT – VUKOTE - REVENUES	
SD1001 Real Property Taxes	17,628.00
SD2401 Interest and Earnings	35.00
TOTAL REVENUES	17,663.00
APPROPRIATED FUND BALANCE	4,000.00
TOTAL REVENUES & OTHER SOURCES	21,663.00
DRAINAGE DISTRICT – VUKOTE - APPROPRIATIONS	
SD9710.6 Bond Principal Pmt.	15,000.00
SD9710.7 Bond Interest Pmt.	6,663.00
TOTAL APPROPRIATIONS	21,663.00
DRAINAGE DISTRICT #2 REVENUES	
SD2-1001 Real Property Taxes	8,000.00
SD2-2401 Interest and Earnings	0.00
SD2-5031 Interfund Transfers	0.00
TOTAL REVENUES	8,000.00
DRAINAGE DISTRICT #2 APPROPRIATIONS	
SD2-8540.4 Cont. Exp. - Contract Hunting	0.00
SD2-9730.6 Debt Service BAN Principal	6,980.00
SD2-9730.7 Debt Service BAN Interest	1,020.00
TOTAL APPROPRIATIONS	8,000.00
FIRE PROTECTION REVENUES	
SF1001 Real Property Taxes	254,515.00
TOTAL REVENUES	254,515.00
FIRE PROTECTION APPROPRIATIONS	
SF3410.4 Fire Protection Cont. Exp.	254,515.00
TOTAL APPROPRIATIONS	254,515.00
LIGHTING DISTRICT #1 REVENUES	
SL1-1001 Real Property Taxes	1,800.00
TOTAL REVENUES	1,800.00
TOTAL REVENUES & OTHER SOURCES	1,800.00
LIGHTING DISTRICT #1 APPROPRIATIONS	

SL1-5182.4 Transportation Street Lighting Cont. Exp.	1,800.00
TOTAL APPROPRIATIONS	1,800.00
LIGHTING DISTRICT #2 REVENUES	
SL2-1001 Real Property Taxes	10,000.00
TOTAL REVENUES	10,000.00
TOTAL REVENUES & OTHER SOURCES	10,000.00
LIGHTING DISTRICT #2 APPROPRIATIONS	
SL2-5182.4 Transportation Cont. Exp.	10,000.00
TOTAL APPROPRIATIONS	10,000.00
LIGHTING DISTRICT #3 REVENUES	
SL3-1001 Real Property Taxes	3,700.00
TOTAL REVENUES	3,700.00
TOTAL REVENUES & OTHER SOURCES	3,700.00
LIGHTING DISTRICT #3 APPROPRIATIONS	
SL3-5182.4 Transportation Cont. Exp.	3,700.00
TOTAL APPROPRIATIONS	3,700.00
LIGHTING DISTRICT #4 REVENUES	
SL4-1001 Real Property Taxes	3,000.00
TOTAL REVENUES	3,000.00
TOTAL REVENUES & OTHER SOURCES	3,000.00
LIGHTING DISTRICT #4 APPROPRIATIONS	
SL4-5182.4 Transportation Cont. Exp.	3,000.00
TOTAL APPROPRIATIONS	3,000.00
LIGHTING DISTRICT #5 REVENUES	
SL5-1001 Real Property Taxes	300.00
TOTAL REVENUES	300.00
TOTAL REVENUES & OTHER SOURCES	300.00
LIGHTING DISTRICT #5 APPROPRIATIONS	
SL5-5182.4 Transportation Cont. Exp.	300.00
TOTAL APPROPRIATIONS	300.00
LIGHTING DISTRICT #6 REVENUES	
SL6-1001 Real Property Taxes	500.00
TOTAL REVENUES	500.00
APPROPRIATED FUND BALANCE	100.00
TOTAL REVENUES & OTHER SOURCES	600.00
LIGHTING DISTRICT #6 APPROPRIATIONS	

SL6-5182.4 Transportation Cont. Exp.	600.00
TOTAL APPROPRIATIONS	600.00
SEWER DISTRICT REVENUES	
SS1001 Real Property Taxes	12,100.00
TOTAL REVENUES	12,100.00
APPROPRIATED FUND BALANCE	3,000.00
TOTAL REVENUES & OTHER SOURCES	15,100.00
SEWER DISTRICT APPROPRIATIONS	
SS8120.2 Sewage Collecting System Equipment/Cap. Outlay	100.00
SS8120.4 Sewage Collecting System Cont. Exp.	500.00
SS8130.4 Sewage Treatment and Dispos. Cont. Exp.	14,500.00
TOTAL APPROPRIATIONS	15,100.00
WATER DISTRICT #1 REVENUES	
SW1-1001 Real Property Taxes	100.00
TOTAL REVENUES	100.00
APPROPRIATED FUND BALANCE	2,100.00
TOTAL REVENUES & OTHER SOURCES	2,200.00
WATER DISTRICT #1 APPROPRIATIONS	
SW1-9951.9 Interfund Transfers Cont. Exp.	2,200.00
TOTAL APPROPRIATIONS	2,200.00
WATER DISTRICT #2 REVENUES	
SW2-1001 Real Property Taxes	100.00
TOTAL REVENUES	100.00
APPROPRIATED FUND BALANCE	2,100.00
TOTAL REVENUES & OTHER SOURCES	2,200.00
WATER DISTRICT #2 APPROPRIATIONS	
SW2-9951.9 Other Uses	2,200.00
TOTAL APPROPRIATIONS	2,200.00
WATER DISTRICT #3 REVENUES	
SW3-1001 Real Property Taxes	78,400.00
TOTAL REVENUES	78,400.00
APPROPRIATED FUND BALANCE	18,000.00
TOTAL REVENUES & OTHER SOURCES	96,400.00
WATER DISTRICT #3 APPROPRIATIONS	
SW3-9710.6 SW3 Serial Bond Principal	20,000.00
SW3-9710.7 SW3 Serial Bond Interest	25,100.00
SW3-9710.8 SW3 Serial Bond Principal	28,450.00
SW3-9710.9 SW3 Serial Bond Interest	22,850.00

TOTAL APPROPRIATIONS	96,400.00
WATER DISTRICT #4 REVENUES	
SW4-1001 Real Property Taxes	100.00
TOTAL REVENUES	100.00
APPROPRIATED FUND BALANCE	1,900.00
TOTAL REVENUES & OTHER SOURCES	2,000.00
WATER DISTRICT #4 APPROPRIATIONS	
SW4-9951.9 Interfund Transfers - Other Uses	2,000.00
TOTAL APPROPRIATIONS	2,000.00
WATER DISTRICT #5 REVENUES	
SW5-1001 Real Property Taxes	25,000.00
TOTAL REVENUES	25,000.00
TOTAL REVENUES & OTHER SOURCES	25,000.00
WATER DISTRICT #5 APPROPRIATIONS	
SW5-9710.1 SW5 Serial Bond Principal	7,131.00
SW5-9710.2 SW5 Serial Bond Interest	5,725.00
SW5-9901.1 Payback to Other Funds	12,144.00
TOTAL APPROPRIATIONS	25,000.00
WATER DISTRICT #6 REVENUES	
SW6-1001 Real Property Taxes	1,500.00
TOTAL REVENUES	1,500.00
APPROPRIATED FUND BALANCE	500.00
TOTAL REVENUES & OTHER SOURCES	2,000.00
WATER DISTRICT #6 APPROPRIATIONS	
SW6-9951.9 Water District #6 Contractual	2,000.00
TOTAL APPROPRIATIONS	2,000.00
WATER DISTRICT #7A REVENUES	
SW7A-1001 Real Property Taxes	12000.00
TOTAL REVENUES	12000.00
TOTAL REVENUES & OTHER SOURCES	12000.00
WATER DISTRICT #7A APPROPRIATIONS	
SW7A-9710.1 SW7A Serial Bond Principal	4,840.00
SW7A-9710.2 SW7A Serial Bond Interest	4,000.00
SW7A-9901.90 Payback to Other Funds	3160.00
TOTAL APPROPRIATIONS	12000.00
WATER DISTRICT #7B REVENUES	
SW7B-1001 Real Property Taxes	15,000.00

TOTAL REVENUES	15,000.00
TOTAL REVENUE & OTHER SOURCES	15,000.00
WATER DISTRICT #7B APPROPRIATIONS	
SW7B-9710.1 SW7B Serial Bond Principal	4,650.00
SW7B-9710.2 SW7B Serial Bond Interest	3,725.00
Sw7B-9901.9 Payback to Other Funds	6,625.00
TOTAL APPROPRIATIONS	15,000.00
WATER DISTRICT #8 - SOUTH MAIN - REVENUES	
SW8-1001 Special Assessments	12,500.00
TOTAL REVENUES	12,500.00
ATER DISTRICT #8 – SOUTH MAIN - APPROPRIATIONS	
SW8-9710.600 Bond Principal Payment	0.00
W8-9710.700 Bond Interest Payment	0.00
SW8-9730.600 BAN Principal	9,990.00
SW8-9730.700 BAN Interest	2,510.00
SW8-9951.900 Other Uses	0.00
TOTAL APPROPRIATIONS	12,500.00

Upon roll call vote, all aye.

Supervisor Robbins made a motion to approve the Independent Health IDirect Series for the town health insurance for 2013 which was duly seconded by Councilman Lawton.

All aye.

Supervisor Robbins noted the following reports and correspondence:

Supervisor's October Monthly Report.

Chautauqua County Department of Planning & Economic Development re: proposed project to develop and implement a Submerged Aquatic Vegetation Management Plan (SAVMP) for Chautauqua Lake.

Time Warner Cable re: Monthly price increase for Sports Pass Tier to \$8.99.

Police Agreement for 2013.

Zoning Board of Appeals meeting on November 28, 2012.

Planning Board Minutes November 14, 2012.

Supervisor Robbins noted receipt of the following Lakewood-Busti Police Agreement:

AGREEMENT

THIS AGREEMENT is made and entered into this 5th day of November, 2012, by and between:

VILLAGE OF LAKEWOOD, a municipal corporation as defined by General Municipal Law, Section 119-n.a. of the State of New York, party of the first part, and hereinafter referred to as LAKEWOOD,

and the

TOWN OF BUSTI, a municipal corporation as defined by the aforesaid statutes, party of the

second part, and hereinafter referred to as BUSTI,

WITNESSETH:

WHEREAS, Busti is empowered to operate and maintain a police department in accordance with the provisions of the Town Law, Section 150, of the State of New York; and

WHEREAS, Lakewood is empowered to operate and maintain a police department pursuant to Section B-800 of the Village law of the State of New York and presently operates and maintains such a department by assessment on property in Lakewood; and

WHEREAS, Busti is empowered to enter into an agreement on contractual basis with Lakewood for the provision by Lakewood of police and law enforcement services to Busti pursuant to Section 119-o of the General Municipal Law of the State of New York, subject to approval of both the Town Board of Busti and the Village Board of Trustees of Lakewood; and

WHEREAS, the following provisions have been duly approved by a majority vote of the Town Board of Busti on November 5, 2012 and by a majority vote of the Board of Trustees of Lakewood on November 13, 2012.

THE PARTIES HERETO AGREE AS FOLLOWS:

(1). STATEMENT OF AGREEMENT: Lakewood agrees to provide law enforcement and police protection to Busti during the term of this Agreement and Busti agrees to engage Lakewood by and through its police department to provide such service in accordance with and subject to the terms of this Agreement.

(2). LEGAL BASIS: This Agreement is authorized pursuant to and by Article 5-G, Section 119-o, of the General Municipal Law of the State of New York.

(3). DELIVERY OF SERVICES:

(A). Service Area: Lakewood shall provide law enforcement protection within the corporate limits of Busti.

(B). Enforcement Responsibilities: The Police Department of Lakewood shall enforce state statutes, and all other laws and/or ordinances within the corporate limits of Busti including Town laws and ordinances.

(C). Quality of Service: The Lakewood Police Department shall deliver twenty-four (24) hours of law enforcement protection and police protection during each and every day that this Agreement is in effect.

(D). How Delivered: The Lakewood Police Department shall provide such police officers and patrol cars as are necessary to maintain an adequate patrol for Busti and shall provide service to Busti equivalent and comparable to that provided to Lakewood.

(E). Reporting: The Chief of Police of Lakewood shall provide to Busti a monthly report of activities generated as a result of this Agreement. The report shall include the number of calls for service, reported crimes, arrests, crimes cleared by arrests, traffic citations, court appearances, and items of recovered property and all other statistics and/or management information that may be requested by the Town Board of the Town of Busti. Lakewood's Chief of Police, or such person or persons as he designates shall attend Town Board meetings of Busti for the purpose of making such reports and answering inquiries of the members of the Town Board of Busti and/or of the general public as may be present at the first regularly scheduled Town Board meeting of each month and when otherwise requested by Busti.

(F). Service Management: Except as provided in Subsections (d) and (e) hereof, the planning,

organization, scheduling, direction, and supervision of the Lakewood Police Department and all other matters in and to the delivery of law enforcement services to Busti shall be determined by the Chief of Police of the Village of Lakewood and the Village Board of the Village of Lakewood. The Chief of Police of the Village of Lakewood shall retain exclusive authority over the activities of this personnel working in Busti.

(G). Responsiveness: The Police Department of Lakewood shall give prompt and adequate consideration to all requests of Busti regarding the delivery of law enforcement services. The Chief of Police of Lakewood shall comply with these requests if they are consistent with law enforcement practices and within the scope of this Agreement.

(H). Dispute Resolution: Any conflict between the parties regarding the extent or manner of the performance of the law enforcement services delivered to Busti shall be referred to the Chief of Police of Lakewood, or her or his designee, for resolution. In the event the decision is unsatisfactory to Busti, Busti will notify the mayor of the Village of Lakewood and such dispute shall then be referred to a meeting of Lakewood's mayor, Busti's supervisor, and such dispute shall then be referred to a meeting of Lakewood's mayor, Busti's supervisor and such other party as shall be jointly designated by the mayor and supervisor for a final determination.

(I). Name: The Police Department of Lakewood shall be known as Lakewood-Busti Police Department: and all references to such police department including stationery, phone calls answered by such department, markings on motor vehicles identifying such police department, and any and all references to such department whatsoever shall also characterize such department in such manner.

(J). Court Facilities: Lakewood shall provide to Busti on a nonexclusive basis facilities to utilize for purposes of holding Town Court. Lakewood shall be responsible for maintenance, insurance and utilities with respect to the same.

(4). RESOURCES:

(A). Responsibilities: Except as otherwise stipulated, Lakewood shall furnish all labor, equipment, facilities, and supplies required to provide law enforcement services to Busti.

(B). Individual ownership: Lakewood shall retain title to all property which it has acquired in the operation of its department, and which it hereafter acquires during the term of this Agreement, to fulfill its obligations under this Agreement.

(C). Liability: Lakewood shall assume liability for, defend against, and secure the Town of Busti from all costs or damages or injury, to persons or property caused by any employees of Lakewood and arising out of the performance of this Agreement, and hold Busti harmless with respect thereto.

(D). Personnel:

((1)). Employment Status: For purposes of this Agreement only, all persons employed by Lakewood providing law enforcement services and police services to Busti shall be Lakewood officers or employees and they shall not have any benefit, status, or right of Busti-employment.

((2)). Payment: Busti shall not be liable for the direct payment of salaries, wages, or other compensation to Lakewood officers or Lakewood employees providing law enforcement services to Busti.

((3)). Indemnity: Any police officers Performing services under this Agreement shall be deemed employees of Lakewood for the purposes of the unemployment laws, Worker's Compensation Laws and disability benefits laws and Busti shall not be responsible for any benefits there under.

((4)). Municipal Agency: For the sole purpose of giving official status to their acts when

performing municipal functions within the scope of this Agreement, every Lakewood officer or employee engaged in providing law enforcement services to Busti shall be considered a law official of Busti in accordance with a local law previously adopted by Busti.

(5). FEES:

(A). Total Sum: Busti shall pay to Lakewood the sum of Three Hundred Sixty Thousand (\$360,000) during calendar year 2013 for law enforcement protection and police protection delivered during the term of this Agreement. Busti shall provide the Town Court with court officers in accordance with current practice.

(B). Manner of Payment: Payments from Busti to Lakewood shall be made in semi-annual installments, one half of the amount so due to be paid on or before February 15, 2013, and the remaining sum to be paid on or before August 15, 2013.

(6). TERMINATION OF AGREEMENT:

(A). Delinquency: In the event that Busti does not make payment within thirty (30) days after the date due, Lakewood may terminate this Agreement. Busti shall be liable for general enforcement services rendered to the time of termination.

(B). Termination by Notification: The term of this agreement shall be for one year (January 1, 2013 through December 31, 2013).

(7). AUTHORIZATION: This Agreement is made and executed pursuant to a resolution of the Town Board of the Town of Busti adopted on November 5, 2012, and pursuant to a resolution adopted by the Village Board of Trustees of the Village of Lakewood on November 13, 2012.

(8). EXECUTION: The parties hereto have executed this Agreement the date and year first above written.

VILLAGE OF LAKEWOOD
By: David T. Wordelman, Mayor

TOWN OF BUSTI
By: Jesse M. Robbins, Supervisor
VILLAGE OF LAKEWOOD

Supervisor Robbins moved to accept the minutes of November 5, 2012, seconded by Councilman Lawton:
All aye.

Supervisor Robbins made the following motion which was duly seconded by Councilman Hanson:
RESOLVED, that Supervisor Robbins be authorized and directed to pay the presented General Fund, Highway Fund, Joint Recreation Fund and the Hazeltine Public Library for Abstract No. 20 from warrant #847 to and including warrant #888 in the amount of \$23,765.36.
Upon roll call vote, all aye.

Councilman Thor reported that Darlene Nygren, Linda Anderson, Janet Briggs, Michelle McIntyre and himself attended the Fall Planning & Zoning Conference in Mayville, New York on Wednesday, November 7, 2012.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:30 p.m.
All aye.

Diane M. VanDewark, Town Clerk

