

REGULAR MEETING
April 7, 2014

A regular meeting of the Town Board of the Town of Busti was held on April 7, 2014 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 (Absent)

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: Attorney Joel H. Seachrist, Lakewood-Busti Police Chief John Bentley, Highway Superintendent Melvin J. Peterson, Busti Recreation Director Diana Peterson, Busti Assessor Randall Holcomb, Deputy Court Clerk Nancy Jordan, Hart Jordan, Post Journal Reporter Mallory Diefenbach, Tim & Candy Young, Bob & Harriet Vergith, Mary Griffin, Lori Robbins, Gordy & Jean Robbins, Eugene Archer, Jim Loomis, Les & Cheryl Johnson, Rudy Mueller, John Francisco, Sue Chandler, John Wendel, Lisa Schmidtfrerick, Cara Birrittieri, Jackson Smith, David DiSalvo, Paul Andrews, Byron Bilicki, Jean Davies, Bonnie Beightol, Rick Turner, David Menzies, Shirley Johnson, Craig Boehler, Mike Kingsley, Nancy Bargar, Tillie Solomonson, Tom Berges, Craig Seger, David Phelps, Bob & Judy Schultz, Irene Bozogan, John Bozogan, Patrick Johnson, Ted & Mary McCague, Peter Beeson, Seri Johnson, Keith Erickson, Chip Ulrich, Sally Ulrich, Tony Hall, Stephanie Hall, Bill Pearson, Susan Stancombe, Jane Gesing, and Mike Nygren .

Supervisor Robbins read the following statement: "Members of the public who wish to speak will address the Chair, when given the right to speak by the Chair, they will state their name and address so the clerk may record them. Members of the public will have 3 minutes to speak and are please asked to refrain from personal attacks on anyone, whether present or not. Each member of the public will be allotted one opportunity to hold the floor during each meeting, any additional time will be solely at the discretion of the Chair."

Supervisor Robbins asked if there was anyone to be heard. Each person attending was given the opportunity to speak. Various individuals shared their opinion, both in opposition and in support of the board's recent resolution to sell the town's administration building at 121 Chautauqua Avenue to Jamestown Area Community Federal Credit Union; the town's purchase of the building at 125 Chautauqua Avenue; and the action taken against the petition, submitted to the Town Clerk, that would require the sale to go to public vote.

Supervisor Robbins noted the following reports;
February 2014 Building Report

Town Clerk Darlene H. Nygren reported that the Clerk's office has collected \$5,768,352.94 in 2014 County & Town Taxes, with an outstanding balance of \$790,509.94.

Lakewood Busti Police Chief John Bentley reported that there have been 3,385 incidents year to date. The Canine Unit is in the fourth week of training. The department has assisted Jamestown Police Department with the recent robberies. Chief Bentley had a recent meeting with Chautauqua Metal Finishing. There is a concern regarding the safety of the intersection at Gleason Rd and Cramer Drive. The town will be receiving a letter from County Traffic Safety Board requesting to widen the intersection to allow trucks to have an easier and safer access at the turn.

Highway Superintendent Melvin J. Peterson reported that the Highway Department has moved from shifts to day shift. They are beginning to broom intersections and patch roads. He received an email from Senator

Cathy Young that an Extreme Weather Assistance Bill has been passed which puts an additional \$40,000,000 funding into CHIPS fund; making the town CHIPS fund at \$146,900 (an 11% increase). This gives an additional \$17,000 of blacktop, 12 more loads, which equal a ¼ more mile at 20 feet. The one Zero Turn mower for parks is at the two year warranty limit. The cost of a new Zero Turn mower is \$8,557.78. Scott Lindstrom will give \$6,667 for current Zero Turn mower as a trade, making the actual purchase price \$1,890 with a three year warranty.

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

RESOLVED, that Highway Superintendent Peterson be authorized to accept the trade as reported.
Upon roll call vote, all aye.

Supervisor Robbins reported that he met with the Justice Dahlgren and Justice Hajdu regarding Deputy Court Clerk Nancy Jordan's scheduled work day. She is authorized to continue working a 35 hour work week for the next two months.

Supervisor Robbins asked if there was anyone from the public that wanted to be heard regarding the development of the Busti Bike Trail. Several in attendance spoke in favor of the town going forward with the construction of a bike trail, noting that there were many benefits that coincide with established bike trails, including both economic, health, and overall safety. These benefits have been realized by other municipalities that have bike trails; Oil City, Pennsylvania was one example. Councilman Lawton noted that a bike trail would be much safer than individuals, especially children, riding their bikes along the edge of roads. This has been a success for other cities, such as Olean, as terms with a rail to trails project. The fact that there are two rails; one is active and one inactive, currently kids will go on the active trail because it appears to be much safer. The new trail would be 4.1 miles from Cummins to Wal-Mart on the Lakeside of the tracks. He noted that idea of a bike trail all started with Comprehensive Plan and the feedback from the community. There is federal funding available for such a project. The TAP grant would provide 80% of funding, making \$1.6 million available on a 2 million dollar project to be constructed over five years. The Town of Busti would need to sponsor and be responsible for the remaining 20% or \$400,000; that could be raised from public and industrial donations, Southern Tier Brewery has already committed to sponsor a Sunday afternoon fund raiser. An application has to be submitted to the DOT by May 11th, who wants to be confident that the town is supporting such a project. The DOT would like the town to pay upfront, in one lump sum, for a lease agreement, which would be a 17 year lease. Councilman Lawton has requested a lease proposal from the railroad and was not yet sure what the cost of the lease would be.

Supervisor Robbins tabled the Law for Sediment & Erosion Control until he is able to meet with Village of Lakewood Mayor, David Wordelman regarding this matter.

Councilman Thor moved the following resolution which was duly seconded by Councilman Hanson:

RESOLVED, that Highway Superintendent Melvin Peterson be authorized to attend Highway School, June 2-4, 2014, at Ithaca College.
Upon roll call vote, all aye.

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

RESOLVED, that interested Board Members, Town Clerk, Highway Superintendent, Planning and Zoning Board Members, Court Clerks, Town Justices, and Code Enforcement Officer be authorized to attend the Southern Tier West Local Government Conference at Houghton College on May 7, 2014.
Upon roll call vote, all aye.

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

RESOLVED, that Tim Young be appointed to the Zoning Board of Appeals.
Upon roll call vote, all aye.

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

RESOLVED, that Jamie Gustafson, Ellen Barnes, and Joe Troche be appointed to the Board of Assessment Review for temporary one year terms.
Upon roll call vote, all aye.

Supervisor Robbins noted the following reports:

Annual Financial Report for Town of Busti for the Fiscal Year Ended 12/31/2013

Annual Financial Report for the Busti-Lakewood Recreation for the Fiscal Year Ended 12/31/2013

WNY Partnership for Regional Invasive Species Management

Cohen Law Group re: Cable Franchise Transfer from Time Warner to Comcast

Annual Financial Report for the Fire District of Ashville

Supervisor Robbins made the following motion which was duly seconded by Councilman Thor:

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.8 from warrant #154 to and including warrant #204 in the amount of \$420,422.70.

Upon roll call vote, Supervisor Robbins – aye, Councilman Thor – aye, Councilman Hanson – aye, Councilman Lawton – nay, carried.

Councilman Lawton made the following motion which was duly seconded by Councilman Hanson:

RESOLVED, the following:

**TOWN OF BUSTI
RESOLUTION**

**A RESOLUTION AUTHORIZING AN APPLICATION TO THE TRANSPORTATION
ALTERNATIVES PROGRAM FOR THE BUSTI-LAKEWOOD BIKE AND FITNESS TRAIL**

WHEREAS, the Town Board desires to continue the process of creating a rail-with-trail facility for pedestrians and bicyclists along the Western New York & Pennsylvania Railroad line, running approximately 4.1 miles between the Cummins Engine facility in Busti and the Wal-Mart on Fairmount Avenue in Lakewood, and

WHEREAS, the Town Board desires to provide this type of facility to Town residents at the lowest possible cost to the Town and its taxpayers, and

WHEREAS, the opportunity has arisen for the Town to submit an application to the Transportation Alternatives Program (TAP) to partially fund the proposed project, and

WHEREAS, the Town Board understands that if financial assistance is received and the project is approved it would be committed to providing local matching funds to insure the timely implementation of the proposed project

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Busti authorizes the submission of an application to the Transportation Alternatives Program for the Busti-Lakewood Bike and Fitness Trail for an amount not to exceed \$2,000,000, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the TAP application.

Upon roll call vote, all aye.

Supervisor Robbins moved to accept the town board minutes of March 17, 2014.

All aye.

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

All aye.

Darlene H. Nygren, Town Clerk

