

REGULAR MEETING
September 21, 2015

A regular meeting of the Town Board of the Town of Busti was held on September 21, 2015 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 Todd M. Hanson
Councilman Kenneth J. Lawton

Absent:

Councilman Brett 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: Highway Superintendent Melvin Peterson, Lakewood-Busti Police Chief John Bentley, Attorney Joel Seachrist, Rudy Mueller, Mary Griffin, Bob & Judy Schultz, John Beichner, Sean Dixon, Southwestern Central School District Superintendent Maureen Donahue, Edward J. McCague, Jack Knowlton, Joe Troche, Bennie Miller, and Post Journal Reporter Mallory Diefenbach.

Southwestern Central School District Superintendent Maureen Donahue reported concerning the proposed Capital Improvement Project. A public vote for the project is scheduled for Tuesday, October 13th with a public hearing being held a week prior to the vote. Residents will receive notification of the public hearing and the vote.

Town Clerk Darlene Nygren reported that the town was not awarded the Local Government Records Management Improvement Fund (LGRMIF) Grant. New York State Archives will announce when the 2016-2017 grant applications can be submitted after the first of the 2016 year.

Chief John Bentley reported 8,490 incidents year to date, 747 in the past two weeks. The department has assisted the fire departments on numerous calls at a residence on Big Tree Road. Officers have been monitoring traffic on Orr Street, since the last board meeting, and have written several tickets for speeding. The department will be present at the Apple Festival, Sunday, September 27th for assistance where needed.

Supervisor Robbins moved that Lawson Road between Busti Sugar Grove Road and Mill Road be closed Sunday, September 27th for the Apple Festival and the vendors be allowed to park in the Lawson Park parking area, which was duly seconded by Councilman Hanson. All aye, carried.

Highway Superintendent Melvin Peterson reported that the department will be replacing a pipe on Stoneman Road, Friday, September 25th which will require the road to be closed either in the morning or afternoon. The original plan was to replace the pipe on Saturday, September 19th but had to be delayed due to rain. Superintendent Peterson noted that he has received notice from Chautauqua County that Big Tree Road, between Baker Street and Cowing Road, will be closed beginning Thursday, September 24th to replace a 12' x 8' culvert. The road will be closed for approximately two weeks. The detour route will be Wellman Road to Cowing Road to Big Tree Road. Superintendent Peterson has spoken with the county engineer regarding Creek Road and sizing, he believes the existing pipe is half size which would require a larger pipe. The department is mowing roadsides and with the good weather has been able to mow areas that haven't been mowed for quite sometime. Mr. Peterson stated that the department will get the excavator out after completing the Stoneman project and do some catch basins on Mall Blvd. Superintendent Peterson has hired Steve Carlson to survey Mall Blvd prior to doing work on the drainage pipes.

Jack Knowlton reported that the Lakewood Fire Department has had 650 incidents YTD.

Councilman Hanson noted that he is continuing to find a company that will install a solar system as small as what the town would need.

Supervisor Robbins and town board members will investigate whether it would be wise to pressure wash and paint the 125 Chautauqua Avenue building before winter or if it would be best to request bids in the spring.

Highway Superintendent Peterson noted that he is going to contact the tree companies again regarding stump removal in the cemeteries and stress that the job needs to be completed this fall.

Supervisor Robbins noted that Tina Sardo, Golden Agers Aerobics Instructor, had wanted to run the classes through her personal insurance however she is not able to do so and would like to continue to run the program through the Town of Busti.

Supervisor Robbins clarified the resolution from August 31st's meeting regarding employee healthcare allowance, each employee will be given a monthly allowance of up to \$850 to apply towards the cost of healthcare premiums, if the premium is less than \$850 the balance can not be used towards any other insurance or deductible. The HRA card amounts will remain the same as last year, \$1,000 for singles and \$2,000 for employee/child, employee/spouse, and employee/family.

Attorney Joel Seachrist reviewed the bids received on September 8th for the operation of the transfer station for garbage and recycling. Casella Waste Service submitted a total bid for the three year period in the amount of \$193,032.24 and Beichner Waste Services, Inc. submitted a total bid for the three year period in the amount of \$188,258.00, as follows:

I. Lump sum (yearly) bid, not to include landfill or processing fees: Item #6, #7, & #8.

<u>Year</u>	<u>Lump Sum Bid</u>
1. 10/1/15 – 9/30/16	\$34,040.00
2. 10/1/16 – 9/30/17	\$34,040.00
3. 10/1/17 – 9/30/18	\$35,473.00

II. Per load charge for transporting garbage and/or recyclables from current transfer station within 30 mile radius at Busti's Town Supervisor's discretion.

Per Load Charge \$155.00

III. Mileage charge for transporting garbage and/or recyclables from current transfer station over a 30 mile radius at Busti Town Supervisor's discretion.

Loaded Per Mile Charge \$ 7.00

Yearly Rental Charge for each of the following:

20 yd. Container	\$720.00
30 yd. Container	\$720.00
40 yd. Container	\$720.00

Estimated Tons and Loads:
Garbage: 770 Ton yearly 75 loads
Recyclables: 250 Ton yearly 70 loads

3-8 Cubic Yard Front Load Cans \$3,600.00

Supervisor Robbins moved the following resolution, which was duly seconded by Councilman Todd Hanson,

TOWN OF BUSTI

**RESOLUTION AWARDING BID FOR OPERATION OF
TRANSFER STATION FOR GARBAGE AND RECYCLING**

WHEREAS, the Town advertised for bids for a three-year contract to operate a waste transfer station commencing October 1, 2015, in a Notice to Bidders duly published in the *Jamestown Post-Journal* more

than (5) days before the date advertised for the opening of the bids, and

WHEREAS, as advertised, the bids were opened on September 8, 2015, at the Town Hall, 125 Chautauqua Avenue, Lakewood, New York at 12:00 p.m., and

WHEREAS, on the said date and time the Town received bids from two responsible bidders, namely Casella Waste Services of N.Y., Inc. and Beichner Waste Services, Inc., and

WHEREAS, the total three-year cost of the bid from Casella Waste Services is \$193,032.24 and from Beichner Waste Services is \$188,258.00,

NOW, THEREFORE, BE IT

RESOLVED, the Town Board hereby accepts the bid of \$188,258.00 entered by Beichner Waste Services, Inc., and authorizes the Town Supervisor to execute and enter into a contract with same as appropriate upon the approval of counsel as to final form.

Upon roll call vote, all aye. Carried.

Supervisor Robbins offered the following motion which was duly seconded by Councilman Hanson:

RESOLVED, that the public hearing be held on October 5, 2015 at 7:00 p.m. for Thomas Carlson, 3345 Busti-Stillwater Road, Jamestown, New York for a special use permit to renew his application to operate existing auto sales & repair business.

Upon roll call vote, all aye.

Supervisor Robbins motioned to authorize Court Clerk Elizabeth Davis to apply for the 2015-2016 JCAP grant, which was duly seconded. All aye, carried.

Supervisor Robbins offered the following resolution which was duly seconded by Councilman Hanson:

RESOLVED, that Gary Starr be appointed as Zoning Board of Appeals Board Member for a five year term, without compensation at the request of Mr. Starr.

Upon roll call vote, all aye. Carried.

Supervisor Robbins offered the following resolution which was duly seconded by Councilman Andrews:

RESOLVED, that Town Clerk Darlene Nygren and Bookkeeper Susan Williams to attend Introduction of Governmental Accounting Course, October 27-29th in Chenango, NY. Saxton, Kocur, & Assoc. will reimburse the Town of Busti for the cost of the bookkeeper's expense.

Upon roll call vote, all aye. Carried.

Supervisor Robbins reported that the following recreation programs will be running this fall: Over 30 Basketball – Southwestern Central School; Golden Agers Aerobics – Lakewood Baptist Church; Pinochle, and Cribbage – Gloria Dei Lutheran Church.

Bennie Miller, Donelson Road, noted that he had submitted a building permit to the Code Enforcement Officer to build a building to operate a saw mill and it was denied. Mr. Miller asked the board if anything could be done to allow the use of saw mills that particular zoning district. Attorney Joel Seachrist noted that he and Code Enforcement Officer Swanson had discussed the application and determined that according to the town's Zoning Code the use of a saw mill is not a permitted use any where in the Town of Busti, therefore the application was denied. Mr. Seachrist explained that a use variance application could be submitted however, in New York State a resident would have to prove that the owner could not get a reasonable return from any of the allowed uses for that particular property, which is essentially impossible. The Town of Busti Town Board could adopt a local law that would permit the use of a saw mill in that zoning district (Conservation Agricultural), either by right or a special use permit. Mr. Seachrist will draft the law for the board's review at October 5th's meeting and a public hearing would have to be set and held prior to the adoption of the law. The law could be adopted at October 19th's board meeting and a special use permit could be issued no later than November. Mr. Miller can submit a new application tomorrow to build

the pole building and can use the band saw for his personal use as long as all other requirements are met.

Highway Superintendent Peterson noted that Josh Pike, Extreme Marine on Cramer Drive wants a water service installed. There is a 6" T available near the old Wood Crafters, that burned early spring, that could be used and taken across the road and would get a tap on their side of the road.

Councilman Hanson inquired about the transfer of ownership for the Copper Ridge entrance, Mr. Seachrist noted that the deeds have been recorded.

Supervisor Robbins noted that the town is undergoing a general audit with the NYS Office of State Comptroller. The last audit was in 2009.

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.18 from warrant #639 to and including warrant #691 in the amount of \$50,248.12.

Upon roll call vote, all aye.

Supervisor Robbins moved to accept the town board minutes of August 31, 2015 which was duly seconded. All aye, carried.

Councilman Lawton noted that the LoCo Trail had been awarded \$4,000 from the Grand Fondo event that was held August 29th and the money has been added to the account at the Community Foundation. The committee is identifying a proposed bike trail route and will be talking to land owners that may be affected for their input/suggestions.

Councilman Andrews had a gentleman from Kiantone contact him regarding an organizational meeting for a snowmobile trail that would run from Frewsburg, Kiantone and Busti that would connect to the main trail. The meeting will be held in early October at the Lakewood Rod & Gun and an announcement will be in the paper. The organizers are hoping that representatives from the town board can attend the meeting and support the project.

Supervisor Robbins noted that he had received a Local Government and School Accountability report for the Town of Busti, in 2012 the town's fiscal stress score was 19.2; 2013 – 22.5 and 2014 – 10.0 which is lower than all towns in Western New York and Upstate towns.

Supervisor Robbins moved to adjourn the meeting at 7:40 pm which was duly seconded by Councilman Andrews.

Respectively Submitted by:

Darlene H. Nygren, Town Clerk