

REGULAR MEETING

April 18, 2016

A regular meeting of the Town Board of the Town of Busti was held on Monday, April 18, 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, Highway Superintendent Melvin Peterson, Jerry Holmes, Jean Holmes, Ken Waite, Lee Fischer, Sharon Fischer, Lee Frye, Tom Pilling, John Francisco, Steve Peterson, Lisa Peterson, Lucas Peterson, Stan Davis, Charles Roof, Joe Miller, Uriah Miller, Jesse Ernewein, Daniel Keefe, Ross Foti, Bennie Miller, Bob Schultz, Judy Schultz, William de la Cerda, Marcia de la Cerda, Pat Fincher, Jim Fincher, Jim Toth, Carol Toth, Rick Nygren, Barb Nygren.

Highway Superintendent Melvin Peterson reported the department has been working on replacing driveway pipes that were damaged over the winter. The Mall Boulevard project is finished. The project to replace the undersized pipe/culvert on Creek Road will begin in July or August.

Supervisor Robbins noted that it was 7:10 and time for the public hearing on the renewal of the cable television franchise agreement between the Town of Busti and Time Warner Cable:

**RESOLVED**, that the public hearing be declared open.

Upon roll call vote, all aye.

Supervisor Robbins noted that the only significant change from the previous agreement was that the term is now fifteen years. The previous agreement was a ten year term.

No one present spoke in favor or against the agreement.

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

**RESOLVED**, that the public hearing be closed.

Upon roll call vote, all aye.

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

**RESOLVED**, that the following franchise agreement with Time Warner Cable be adopted for fifteen years.

Upon roll call vote, all aye.

STATE OF NEW YORK  
Town of Busti  
County of Chautauqua

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In the Matter of the Renewal of the Cable Television Franchise Held by  
**TIME WARNER CABLE NORTHEAST LLC** in the Town of Busti,  
Chautauqua County,

**RESOLUTION**

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An application has been duly made to the Board of the Town of Busti, County of Chautauqua, New York, by **TIME WARNER CABLE NORTHEAST LLC** ("Time Warner"), a partnership organized under the laws of the State of New York doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, and holder of a cable television franchise in the Town of Busti for the approval of an agreement to renew Time Warner's cable television franchise for an additional fifteen (15) years. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Busti on April 18, 2016 at 7:00P.M. and notice of the hearing was published in the Post Journal on 4/6/16 & 4/13/16

**NOW, THEREFORE**, the Board of the Town of Busti finds that:

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and

3. Time Warner has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
4. Time Warner can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of the Town of Busti hereby renews the cable television franchise of Time Warner in the Town of Busti for fifteen (15) years commencing on the date of approval by the Public Service Commission.

**BE IT FURTHER RESOLVED** that the Board of the Town of Busti hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on 08/15/06.

The foregoing having received a yeas/nay vote was thereby declared adopted.

Dated: April 18, 2016

  
Town of Busti Clerk (Deputy)

A review of the proposal from New Wave Energy to renew its contract as supplier for gas and electric was tabled, as the Board is looking into other options with which to compare New Wave's proposal.

Supervisor Robbins noted receipt of a letter of resignation from Robert Whitman, Chairman of the Zoning Board of Appeals, effective upon appointment of a replacement member, and moved that the town accept his resignation. All aye.

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Mueller: **RESOLVED**, that Tim Young, current member of the Zoning Board of Appeals, be appointed as Chairman of said board.

Upon roll call vote, all aye.

Supervisor Robbins moved the following resolution, which was duly seconded by Councilman Mueller: **RESOLVED**, that Code Enforcement Officer Jeff Swanson be authorized to attend a one day, no-cost training course sponsored by WSTBOA on May 12, 2016 in Dunkirk on new energy code requirements.

Upon roll call vote, all aye.

Supervisor Robbins moved to allow Southern Tier Babe Ruth Softball League use of the Lawson Park fields for their season, which runs April through June. A certificate of insurance is on file in the Town Clerk's office. Seconded by Councilman Mueller. All Aye.

The Board received a letter from Ryan White of the Southwestern Soccer Club asking that the Board consider a proposal by the club to install a rebounding wall at Loomis Park. Councilman Hanson reported that both he and Highway Superintendent Peterson have spoken with Mr. White about the proposed wall. The wall would be 8' x 24', constructed of wood and painted. It would be fully funded by the club, with no cost to the Town. Highway Superintendent Peterson noted that he would like to get input from residents in the vicinity of Loomis Park before a decision is made.

Councilman Hanson made a motion, seconded by Councilman Andrews, authorizing Highway Superintendent Peterson to speak with neighbors in the Loomis Park area, and, if there was no opposition to the rebounding wall, allowing the club to proceed. All aye.

Supervisor Robbins moved the following resolution, which was duly seconded by Councilman Mueller: **RESOLVED**, that the Board accept the proposal of Municipal Solutions, Inc. to assist the town with its Continuing Disclosure filings as required by the Securities and Exchange Commission at the cost of \$350.00.

There was discussion about the transfer station fee and whether any changes need to be made for the upcoming year. Highway Superintendent Peterson noted that the Town of Harmony uses a punch card system and suggested that could be an option for Busti. Councilman Mueller noted he has heard from residents who are only here part of the year and questioned if the Town could offer a seasonal rate. It was decided that no changes will be made this year, but that other options should be researched when the contract is up for renewal in two years.

Supervisor Robbins moved the following resolution, which was duly seconded by Councilman Lawton: **RESOLVED**, that the fee for the transfer station sticker will be kept at the same rate as last year - \$90 with additional sticker or lost sticker at \$25 - for the year starting July 1, 2016 through June 30, 2017.

Upon roll call vote, all aye.

Supervisor Robbins noted receipt of a letter from Mr. Carver Clark Gayton, who is the great-grandson of Lewis G. Clarke, well known abolitionist and station master of the 1850's Underground Railroad. Mr. Gayton is requesting that the existing historical marker located on Sanbury Road in the Town of Busti be changed to provide additional verified information about Lewis Clarke.

The Board discussed his request and determined that Mr. Gayton should provide a written proposal to the Board. Also, a signed letter of permission to change/enlarge the marker must be obtained from the owners of the property on which the marker currently sits.

Police Chief John Bentley reported 3,130 incidents year to date.

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. 7 from warrant #193 to and including warrant #224 in the amount of \$25,941.95.

Upon roll call vote, all aye.

Supervisor Robbins moved to accept the April 4, 2016 Town Board minutes, which was duly seconded by Councilman Lawton.  
All aye. Carried.

Councilman Andrews thanked Robert Whitman for his years of service to the Zoning Board of Appeals.

Councilman Mueller noted that he had provided copies of pages from the Town's 2015 Annual Update Document (AUD) to the Board members for their review and asked them to contact him if they noted any errors or had any questions.

Councilman Hanson brought up the topic of a concession stand/restroom/storage building at Loomis Park, noting that this project has previously been discussed by the Town. If the Board felt it was worthwhile, he and Highway Superintendent Peterson would pursue investigating options and costs for such a building. He noted that there could be grant monies available, which would help offset the cost to the Town. The concession stand would be utilized by the local soccer club as a way to raise money to support their programs, and having restroom facilities would be a benefit to residents renting the pavilion during the summer.

Councilman Lawton stated that he will attend the WNY REDC Consolidated Funding Application Informational Conference on April 29th.

Highway Superintendent Peterson informed the Board that he will be attending a DOT meeting on April 20<sup>th</sup>. He noted that the County is scheduled to replace two bridges in the Town of Busti this summer – Mill Road and Sanbury Road. There was discussion about the current size of the Mill Road bridge and whether the Town could request the County to make it wider as part of the scheduled replacement. Superintendent Peterson will convey that request at the DOT meeting, and the Board suggested that a letter from the Board to the County be written also.

Supervisor Robbins moved to adjourn the meeting at 7:43 p.m., which was duly seconded. All aye.

Respectfully Submitted,

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Susan Huffman, Deputy Town Clerk