

REGULAR MEETING  
December 19, 2011

A regular meeting of the Town Board of the Town of Busti was held on December 19, 2011 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

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

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

Present at the meeting were: Angelo & Diane Terrano, Leonard Fertall, Richard Kinne, Judy Schultz, Dennis Brown, Lee & Sharon Fischer, Robert Roush, Christopher Hughesman, Daryl Streed, Daniel & Rosemarie Keefe, John Adams, Matthew Barron, Brian Coffaro, B. Anderson, Ernest & Debbie Schuyler, Lorie Robbins, Loren & Gloria Parker, Busti-Lakewood Recreation Director Diana Peterson, Zoning, Building & Code Officer Melanie Eddy, Lakewood-Busti Police Chief John Bentley, Richard Thor, Attorney Joel H. Seachrist and Highway Superintendent Melvin J. Peterson.

Deputy Supervisor Sanders thanked both Supervisor Sullivan and Councilwomen Hern on their years of service for the Town of Busti.

Past Supervisor Dale C. Robbins gave the oath of office to Richard A. Sanders as councilman with his new term beginning January 1, 2012.

Mark J. Tarbrake County Legislator, also past councilman for the town thanked Kathy Sullivan for her years of service here and her dedication to keeping taxes low and town service at a high level.

Lakewood-Busti Police Chief John Bentley reported 9,800 incidents to date. He reported he has received \$5,000 grant money from Wal-Mart Foundation.

Highway Superintendent Melvin J. Peterson presented the board with his highway roads report, 10.5 miles paved at a total cost of \$269,622.56.

Deputy Supervisor Sanders made the following resolution which was duly seconded by Councilwoman Hern:

RESOLVED, that bond principal and interest payment be made for Drainage District No.1 retroactive December 15, 2011 in the amount of \$19,1001.02.  
Upon roll call vote, all aye.

Deputy Supervisor Sanders made the following resolution which was duly seconded by Councilman Robbins:

RESOLVED, that the Bond Anticipation Note for the Five Corners be renewed in the amount of \$539,500 retroactive December 16, 2011.

Upon roll call vote, all aye.

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

RESOLVED, that rate increases for Tracy Hewitt \$14.50 and Carol Sheldon \$9.75 for 2012 be approved.

Upon roll call vote, all aye.

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

RESOLVED, that the town encumber \$62,375.30 from 2011 highway funds equipment DB5130.200 for a Liftech compact loader.

Upon roll call vote, all aye.

Deputy Supervisor Sanders noted the following reports and correspondence:

Building Report for November 2011.

Zoning Board of Appeals Minutes November 30, 2011.

State of New York, Department of Transportation re: reduced speed limit on Wellman Road.

Zoning Board of Appeals Minutes December 7, 2011.

Planning Board Minutes December 7, 2011.

Councilman Sanders made a motion to open the public hearing which was duly seconded by Councilwoman Hern:

RESOLVED, that the public hearing for Lee & Sharon Fischer at 7:00 p.m. be declared open requesting the removal of junk vehicles on their properties.

Upon roll call vote, all aye.

Proof of publication was placed on file.

Discussion followed by residents in attendance with their concerns regarding the junk cars mainly unsightly and the neighborhood values.

Councilman Robbins moved to close the hearing which was duly seconded by Councilman Sanders:

All aye.

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

**WHEREAS**, the Town of Busti Code Enforcement Officer issued a Notice of Apparent Violation to Lee Fischer and Sharon Fischer on or about November 14, 2011, pursuant to

the Town's Junked Vehicles Law, requiring them to remove thirty-three (33) junked vehicles located on several properties belonging to them in the Cottage Park area within fifteen (15) days of their receipt of the Notice of Apparent Violation, and

**WHEREAS**, the Code Enforcement Officer reported to this Board by letter dated December 5, 2011, that the Fischer's had made no substantive effort to remove the cited vehicles, and

**WHEREAS**, this Board set a public hearing for December 19, 2011 at 7:00 p.m. for the purpose of giving the Fischer's an opportunity to be heard as to why the cited junked vehicles have not been moved and to determine whether the continued presence of such vehicles constitutes a public nuisance and/or a threat to the health, safety, and general welfare of the community, and

**WHEREAS**, notice of said public hearing was duly published in the *Jamestown Post-Journal*, posted in the Town Clerk's office, and sent to the Fischer's by certified mail, and

**WHEREAS**, said public hearing was duly held on December 19, 2011 at the said time and place and all parties in attendance were permitted an opportunity to speak, and

**WHEREAS**, the Town Board, after due deliberation, finds that the continued presence of the thirty-three (33) cited vehicles is a public nuisance and a threat to the health, safety, and general welfare of the Cottage Park community,

**NOW, THEREFORE**, the Town Board of the Town of Busti hereby determines:

1. That the thirty-three vehicles cited in the Notice of Apparent Violation dated November 14, 2011 must be removed from the Fischer properties in the Cottage Park area by December 30, 2011, failing which the Town may contract for the removal of such junked vehicles; and

2. That, in accordance with the Procurement Policy of the Town of Busti, the Code Enforcement Officer and/or Highway Superintendent are hereby authorized to solicit requests for proposals for the removal of such vehicles by the Town if the Fishers fail to timely accomplish their removal; and

3. If the Town removes the vehicles, any expense of such removal in excess of the junk value of the vehicles shall be assessed on the real property from which the vehicles were removed and shall constitute a lien and charge upon the property until paid or otherwise satisfied by the Fischer's.

Upon roll call vote, all aye.

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

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. 20 from warrant #886 to and including warrant #936 in the amount of \$50,386.36.

Upon roll call vote, all aye.

Upon motion duly made by Deputy Supervisor Sanders the meeting adjourned at 7:50 p.m.

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Diane M. VanDewark, Town Clerk