

**REGULAR MEETING**  
**March 5, 2012**

A regular meeting of the Town Board of the Town of Busti was held on March 5, 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 Kenneth J. Lawton  
Councilman Richard A. Sanders – 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: Angelo & Diane Terrano, Lorie Robbins, Loren & Gloria Parker, John Jablonski III, Todd Hanson, Corry Moore, Tom Erlandson, Doug Justham, Robert & Judy Schultz, P.J. Wendell, Jim Liddell, Brian Coffaro, Busti-Lakewood Recreation Director Diana Peterson, Code Enforcement Officer Melanie Eddy, Lakewood-Busti Police Chief John Bentley, Highway Superintendent Melvin J. Peterson and Post Journal Reporter David Phillips.

Doug Justham appeared before the board on behalf of Heritage Ministries requesting that the speed limit on Southwestern Drive be reduced to 45 mph.

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

RESOLVED, that the town request that a speed study be done on Southwestern Drive between Hunt Road and Baker Street Extension for Heritage Ministries.  
Upon roll call vote, all aye.

Legislator P. J. Wendel Jr., County Legislative District 18 covered issues that the county is dealing with mainly the county home and the redistricting of towns.

Legislator Tom Erlandson, County Legislative District 8 introduced himself to the board and gave them contact information.

Busti-Lakewood Recreation Director Diana Peterson reported on recreation activities.

Lakewood-Busti Police Chief John Bentley reported 955 incidents for February with 2,030 to date.

Supervisor Robbins noted it was 7:00 p.m. and time to open the public hearing for Water District 7A which was seconded by Councilman Lawton:

Upon roll call vote, all aye.

Town Attorney Joel H. Seachrist explained that in 2002 the town did a water project in E. Robert Bootey Water District 3 which included Helen P. Andrews Water District 7A and 7B. The paper work did not make specific reference to the amounts of money for the project which was being allocated to 7A, therefore, there was no charge to 7A. Technically all the work was being done by E. Robert Bootey Water District 3 and the residents living across the street known as 7A have been benefiting from these improvements.

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

Upon roll call vote, all aye.

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

RESOLVED, that the Town Board of the Town of Busti hereby allocates \$126,250 of the project costs for improvements made to the Town of Busti E. Robert Bootey District No. 3 to Helen P. Andrews Water District 7A whose residents are connected to the waterline constructed along Baker Street Extension within E. Robert Bootey District No. 3 and hereby deems all resolutions and orders made in connection with such project to be modified to include such allocation, nunc pro tunc.

Upon roll call vote, all aye.

Highway Superintendent Melvin J. Peterson presented three bids requesting to purchase a dump body: Henderson Truck Equipment in the amount of \$18,998., Tenco Industries \$26,690., and Valley Fab & Equipment 21,927.90.

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

RESOLVED, that town accept the bid from Henderson Truck Equipment in the amount of \$18,998.

Upon roll call vote, all aye.

Councilman Robbins moved to open the public hearing which was duly seconded by Councilman Thor:

RESOLVED, that the public hearing for Lee & Sharon Fischer at 7:15 p.m. be declared open.

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 vehicles.

Supervisor Robbins moved to close the public hearing which was duly seconded by Councilman Thor:

Upon roll call vote, all aye.

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

WHEREAS, the Town of Busti Code Enforcement Officer issued a Notice of Apparent Violation to Lee Fischer and Sharon Fischer on or about January 18, 2012, pursuant to the Town's Junked Vehicles Law, requiring them to remove thirteen (13) 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 February 6, 2012, that the Fischers had made no substantive effort to remove the cited vehicles, and

WHEREAS, this Board set a public hearing for March 5, 2012 at 7:00 p.m. for the purpose of giving the Fischers 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 Fischers by certified mail, and

WHEREAS, said public hearing was duly held on March 5, 2012 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 thirteen (13) cited vehicles would be 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 any of the thirteen vehicles cited in the Notice of Apparent Violation dated January 18, 2012, still located on the Fischer properties in the Cottage Park area must be removed by March 16, 2012, 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 Fischers 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 Fischers.

Upon roll call vote, all aye.

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

RESOLVED, that John Felton be appointed to the Board of Assessment Review to fill the remaining term of Jamie Gustafson which expires September 30, 2012.  
Upon roll call vote, all aye.

Supervisor Robbins noted the following reports & correspondence:

Building Permit Reports for January & February, 2012.  
Receipt of Water Agreement & Water & Sewer Agreement Extension and Amendment from the City of Jamestown.

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

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. 3 from warrant #86 to and including warrant #162 in the amount of \$138,252.23.

Upon roll call vote, all aye.

Robert Schultz invited everyone to attend the Busti Historical Society meeting on Wednesday, March 7<sup>th</sup> at 7:00 p.m.

Upon motion duly made by Supervisor Robbins the meeting to adjourn the meeting at 7:30 p.m..

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Diane M. VanDewark, Town Clerk