

REGULAR MEETING

March 17, 2014

A regular meeting of the Town Board of the Town of Busti was held on March 17, 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 Brett A. Muccheck
Councilman Todd M. Hanson
Councilman Kenneth J. Lawton

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, Deputy Town Clerk Susan Huffman, Post Journal Reporter Mallory Diefenbach, Deputy Court Clerk Nancy Jordan, Hart Jordan, Court Clerk Elizabeth Davis, Town Justice Walter Dahlgren, Joyce Dahlgren, Town Justice Lyle Hajdu, Village of Lakewood Mayor David Wordelman, Mary & Ted Mc Cague, Cara Birrittieri, Rudy Mueller, Lori Robbins, and Legislator P. J. Wendel.

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."

Attending residents voiced their continued questions and concerns regarding the sale of property at 121 Chautauqua Ave., Lakewood and the purchase of 125 Chautauqua Ave., Lakewood; including written questions that were given to the board and read by William Evans III.

Supervisor Robbins noted the following reports;
Town Clerk's February 2014 Monthly Report

Town Clerk Darlene H. Nygren reported that the Clerk's office has collected \$5,474,948.00 in 2014 County & Town Taxes, with an outstanding balance of \$1,077,763.23 and that she attended the Newly-Elected Town Officials training on March 6th. The speakers were Neil Robinson, who spoke on how to properly run a town board meeting and Dale Robbins, who spoke on town budgets and budget schedules.

Lakewood Busti Police Chief John Bentley reported that the new dog and the trainer are attending Dog School for the next nine weeks, coming home on the weekends. There have been 2,665 incidents year to date.

Highway Superintendent Melvin J. Peterson reported that the new "ten wheeler" has arrived; the highway department is currently fabricating the wing mounts and installing the box. Hydraulic bids are being received. The new pick-up has been delivered. The highway workers are cold patching the pot holes when weather permits and the town currently has two loads of salt ready.

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

RESOLVED, that the town adopt the following rules, regulations and charges for the cemeteries operated by the Town of Busti:

TOWN OF BUSTI CEMETERY MANAGEMENT

The Town of Busti operates the Busti Cemetery, the Bentley Cemetery, and the Wellman Road Cemetery.

If you are interested in burial space or erecting a monument in any of these burial grounds, please contact the Busti Town Clerk.

TOWN OF BUSTI RULES, REGULATIONS AND CHARGES FOR CEMETERIES OPERATED BY THE TOWN OF BUSTI

Pursuant to New York State Law, the Town of Busti has taken over the responsibility for certain burial grounds in the Town of Busti.

To facilitate the orderly management of such burial grounds by the Town of Busti, it is necessary that the Town Board establish rules, regulations, rates and charges for proper management and maintenance of these burial grounds which are as follows:

RULES & REGULATIONS

A. INTERMENT

All grave sites sold are held subject to the rules and regulations of the Town of Busti. No grave shall be used for purposes other than as a place of burial for the dead. The definition of a lot owner ("Lot Owner") is any person or persons or legally established entity that has paid in full, or has received prior rights, for a lot, single grave, mausoleum, crypt or niche.

The official records of all Lot Owners shall be maintained by the Busti Town Clerk at its designated office where each Lot Owner shall be registered by name and address. It shall be the responsibility of each Lot Owner to inform the Town of Busti as to any changes of mailing address. Notices sent to any Lot Owner at the last registered address on file shall be considered sufficient and proper legal notification.

The transfer of ownership of any lot, single grave or niche shall be made only on forms approved by the Town of Busti. No transfer or assignment of ownership of any interest in any lot, single grave or niche shall be valid without being approved and recorded with the Town of Busti.

In any single burial space, where allowed or permitted due to conditions, only one (1) full casket interment and one (1) interment of cremated remains or two (2) interments of cremated remains are allowed. The Town of Busti may limit the number of interments per space if room for memorialization is not available for the person to be interred.

Scattering or commingling of cremated remains on a lot or grave is strictly prohibited. The Town of Busti may designate special areas for the scattering or commingling of cremated remains.

Concrete vaults or concrete grave liners will be required for interments in all graves.

The interment of cremated remains will be permitted only in appropriate receptacles such as metal, concrete or other material approved by the Building Department.

Grave site owners shall not allow interments to be made in their grave site(s) for remuneration, nor shall any transfer or assignment of any new grave site(s), or any interest therein, be valid without the prior written consent of the Town of Busti and such consent endorsed upon such transfer or assignment.

B. DISINTERMENT

Disinterment may be made upon written request to the Town of Busti and duly consented to by all of the Lot Owners of the burial property for which disinterment is requested and also the surviving spouse, children of the deceased who are of legal age, and the parents of the deceased to be disinterred. If the consent of all of these parties cannot be obtained, application may be made to the New York State Supreme

Court, Chautauqua County. Only an agent approved by the Town of Busti may conduct disinterments. The services of a licensed funeral director will be required if the remains are to be transferred out of a cemetery under the control of the Town of Busti. The Town of Busti assumes no liability for any damage including damage to any casket, vault or urn incurred in making a disinterment.

C. MEMORIALIZATION

The owner(s) of each grave site(s) will have the right to erect any stone, monument, sepulchral or other memorial structure thereon. Headstones shall not exceed four feet in height and must be placed on a solid concrete foundation, installed by an entity approved by the Town of Busti or its agents. All monuments shall be no larger than eighty percent (80%) of the width of the lot, unless approved in writing by the Town of Busti.

No vault shall be built entirely or partly above ground without prior written permission from the Town of Busti. All monuments or parts of vaults above ground shall be of marble, granite, or other cut stone. Flat grave markers, including veteran's grave markers, must be placed on a concrete foundation so constructed that the surface of such marker will remain flush with the ground. Flat markers will be allowed above ground if they are placed on a cut stone base at least 6 inches thick. Plans for the erection of a mausoleum or sarcophagus will not be approved until satisfactory provisions have been made for the endowed care of the structure. The amount of the endowment will be determined by the Town of Busti and will be based on the size and design of the building.

All stones, monuments, sepulchral, mausoleums, statues or any other above ground fixed memorial, or descriptions to be placed in or upon any grave site(s), shall clearly conform generally to the existing memorials in the cemetery. The Town of Busti shall have the absolute right to remove any inscription which in the opinion of the Town is offensive in any way to the owner(s) of grave site(s) in the cemetery, their families, friends and other visitors.

No monument or grave marker will be permitted on a grave site(s), where the purchase price of such grave site(s) has not been fully paid. The Town of Busti will permit the monument or marker to be erected only after the purchase price of such grave site(s) has been paid in full.

When a monument, stone or marker has been placed on a grave site, should the monument, stone or marker have to be moved in order for a burial to be made, the owner of the grave site shall assume all liability for any damage done to such monument, stone or marker. The Town assumes no responsibility for any damage done by the removing and resetting of such monument, stone or marker.

No trees or shrubs may be planted by the Lot Owner. Planting of flowers will be allowed along the base of a monument in a cut out bed not to exceed 10 inches from the base of the stone. The Town of Busti may remove any trees or shrubs that are deemed an impediment to general maintenance or safety. Chairs, benches or enclosures of any kind are not allowed and will be removed without notice. Seasonal decorations are permitted but shall be removed by the grave site owners within 30 days thereafter or sooner. No colored stones or wood chips may be used. All seasonal plants must be removed by October 15 of each year, and all winter wreaths must be removed by April 1 of each year.

D. GENERAL REGULATIONS

The Town of Busti reserves and shall have the right to correct any errors that may be made by it in transfer, or conveyance and may substitute and convey in lieu thereof other interment rights of equal value and similar locations as far as possible, or as may be selected by the Town or, in the sole discretion of the Town, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Town reserves and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof with consent of the family.

No sign indicating that any grave site, vault or other receptacle for the dead is for sale will be permitted in a cemetery operated by the Town of Busti.

The Town of Busti from time to time may lay out or alter the avenues or walks and make such rules and regulations for the care of the grounds as they may deem requisite and proper, to secure and promote the general welfare of the cemetery.

The owner(s) of grave site(s) and their families will be allowed access to the grounds only during hours of daylight. Persons found within the cemetery grounds during hours of darkness will be arrested and prosecuted as trespassers.

The right to burial in any grave site will be denied for failure to pay for such grave site(s) in full and failure to pay grave opening fees.

No person shall drive any vehicle into or on the cemetery property except on a road maintained by the cemetery for this purpose. Cemetery roads may not be maintained during the winter season, dependent on weather conditions. No unlicensed recreational vehicles are permitted at any time.

No glass containers shall be possessed or placed in the cemetery. No alcoholic beverages shall be possessed, consumed or placed in the cemetery.

The Town of Busti assumes no responsibility for anything placed on a grave, lot or niche that may be removed, lost or stolen.

Pets of any kind are strictly prohibited on cemetery grounds at any time.

E. SERVICE CHARGES

The Town Board finds that the following lot prices and service charges are provided for the proper management of cemeteries controlled by the Town of Busti and are in addition to any contractor or agent providing services:

Interment:	\$700.00
Interment – Cremation:	\$400.00
Disinterment:	\$700.00
Transfer of Ownership:	\$ 25.00
Snow Removal	\$ 50.00
Lot Prices	
Single Grave:	\$650.00

These rules and regulations and rates and charges for the maintenance and operation of cemeteries controlled by the Town of Busti may be amended from time to time as is necessary by majority vote of the Town Board.

Upon roll call vote, all aye, carried.

Supervisor Robbins tabled the Law for Sediment and Erosion Control until April 6, 2014.

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

RESOLVED, that the Town of Busti/Location Code 30123 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title/Name	Standard Work Day	Participates in Employer's Time Keeping	Days per month (Based on record of record of
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	(hrs/day)	System Y/N	Activities)
Assessor Randall Holcomb	7.5	Y	10.83

Upon roll call vote, all aye, carried.

Councilman Thor moved the following resolution which was duly seconded by Councilman Muecheck:
RESOLVED, that Supervisor Robbins be authorized to sign the Amended Agreement with County of Chautauqua for Administration of NYS Environmental Protection Fund Grants (07-26-06).
Upon roll call vote, all aye, carried.

Councilman Lawton presented a Busti to Lakewood Rail with Trail – Overall Concept Plan created by Pashek Associates with some preliminary budget numbers and a sample of a Standard License Agreement for such a trail with Western New York & Pennsylvania Railroad, LLC. Pashek has given the names of other comparable communities that have similar rail to trail projects that the committee could talk to, such as Oil City and Olean. Councilman Lawton met with Carl Belke, President of WNY & PA Railroad, LLC regarding the possibility of constructing such a trail, a lease would be required for the land use that could be signed for as long as seventeen years which could be covered by a TAP grant through DOT funding. Mr. Belke has scheduled for Councilman Lawton to ride a truck on the rail on April 1st at which time he can video the exact location, which would assist in final planning.

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Muecheck:
RESOLVED, that Chautauqua Region Community Foundation be authorized to pay Pashek Associates for invoices 02-2014-37 & 01-2014-11 totaling \$1,352.50.
Upon roll call vote, all aye, carried.

Councilman Hanson moved the following resolution which was duly seconded by Supervisor Robbins:
RESOLVED, that Councilman Lawton attend the TAP and Federal Aid 101 Workshop, Tuesday, March 18, 2014 in Buffalo, NY.
Upon roll call vote, all aye, carried.

Supervisor Robbins moved to go into executive session to discuss a personnel matter.
All aye.

Supervisor Robbins moved to return to the regular town board meeting which was duly seconded by Councilman Thor.
All aye.

Supervisor Robbins moved the following resolution which was duly seconded by Councilman Hanson:
RESOLVED, that Deputy Court Clerk Nancy Jordan be authorized to work an average of 35 hours retroactive from January 1, 2014 and on April 7, 2014 the board will review the total cost of a full-time benefit package.
Upon roll call vote, all aye, carried.

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.7 from warrant #119 to and including warrant #153 in the amount of \$142,270.65.
Upon roll call vote, all aye.

Supervisor Robbins moved to accept the town board minutes of February 12, 2014 and March 3, 2014.
All aye.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 8:12 p.m.
All aye.

Darlene H. Nygren, Town Clerk

