

REGULAR MEETING
August 18, 2014

A regular meeting of the Town Board of the Town of Busti was held on August 18, 2014 at 6:45 p.m., at the Busti Lakewood Recreational Center, 9 W. Summit St, Lakewood, New York with the following members present:

Supervisor Jesse M. Robbins
Councilman Richard B. Thor
Councilman Kenneth J. Lawton – absent
Councilman Todd M. Hanson
Councilman Brett A. 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: Mary Griffin, Nick Bradish, Bob & Judy Schultz, Jim Loomis, Inspection Officer Jeff Swanson, Highway Superintendent Melvin Peterson, Busti Lakewood Recreation Director Diana Peterson, Lakewood Busti Police Chief John Bentley, Post Journal Reporter Mallory Diefenbach, and Attorney Joel H. Seachrist.

Residents present were given the opportunity to be heard. Bob Schultz presented a letter to the board from the Trustees of the Busti Historical Society.

Town Clerk Darlene Nygren presented the board with a chart for DEC Agent Commissions, noting that the exact figures have changed due to pricing changes but the percentages of commission received remain the same. Deputy Clerk Susan Huffman will be attending Notary Training on Thursday, August 21. Town Clerk Darlene Nygren will be attending a workshop on Audit Preparedness on Friday, August 22. The Town Clerk office will be closed Wednesday, August 20 from 12:45 pm – 2:45 pm allowing both clerks to attend the Chautauqua County Municipal Town Clerk Associations meeting. Town Clerk Darlene Nygren attended a webinar on August 14 with General Code for training on eCode360, the program used to access the town code on the town website.

Chief John Bentley reported 7,820 incidents year to date, which is 1,300+ over last year. He advised residents to lock their cars at night and be aware that there has been an increase in car larcenies in the area.

Highway Superintendent Melvin Peterson reported that the Highway Department blacktopped a portion of Garfield Road from Orr Street to Baker Street. They now chipped from Garfield Road to the top of the Robbins Hill. Superintendent Peterson met with FEMA on Friday, August 15th to discuss payment of funds that would cover the cost of damage to the town parks caused by the storm that hit the town on May 22nd, at an estimate of \$20,000.

Code Enforcement Officer Jeff Swanson reported that he is working on a new fee schedule that he will present to the board for their review and approval. He and Town Clerk Darlene Nygren met with a representative from Williamson Law who presented a new Building and Codes Enforcement Software. A follow-up meeting has been scheduled for September 9th, Supervisor Robbins and Mayor Wordelmann have been invited to attend that meeting.

Supervisor Robbins noted that any person needing to obtain town records should contact the Town Clerk's office.

Supervisor Peterson will be meeting with Marsh on Thursday, August 21st to obtain a bid for tree removal in Bentley Cemetery, the matter will remain tabled until all bids are received.

Supervisor Robbins noted that Councilman Muccheck has agreed to serve as a member of the Comprehensive Plan Oversight Committee; Planning Board Chairman David Paterniti is also contacting individuals that may be interesting in serving on this committee.

Councilman Thor offered the following resolution which was duly seconded by Councilman Hanson.

RESOLVED, that the following resolution be accepted designating the area as a pocket park:

RESOLUTION ESTABLISHING THE PAUL BUSTI MEMORIAL PARK
Subject to Permissive Referendum

WHEREAS, the Town of Busti, County of Chautauqua, and State of New York (the “Town”) owns a parcel of land located at the Five Corners in the hamlet of Busti, located between the intersection of Busti-Sugar Grove Road and Mill Road, as shown on the survey map prepared by Steven A. Carlson, L.L.S., on June 26, 2014 that is attached to this Resolution (the “Property”), and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Busti , County of Chautauqua and the State of New York; being a part of Lot-60, Town-1 & Range-11 of the Holland Land Company's survey and being further bounded and described as follows:

BEGINNING at the point of intersection of the centerline of Mill Road with the centerline of the Busti-Sugar Grove Road; thence South 15 degrees 05 minutes 52 seconds East 128.82 feet along the centerline of Mill Road to a point; thence South 84 degrees 38 minutes 09 seconds West 164.09 feet to a point on the centerline of the Busti-Sugar Grove Road; thence North 43 degrees 00 minutes 00 seconds East 191.10 feet along the said road centerline to the point or place of beginning;

and

WHEREAS, the Town desires to establish a so-called pocket park on the Property; and

WHEREAS, an Environmental Assessment Form (“EAF”) was prepared for the conversion of the Property to a public park (“Park”), so that it can be reviewed under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, establishment of the Park is an unlisted action under SEQRA; and

WHEREAS, the Town Board has reviewed the EAF for the Park;

NOW, THEREFORE, IT IS RESOLVED that the Town Board has considered the Park, and its potential for environmental impacts; reviewed and considered the EAF, the criteria contained in 6 N.Y.C.R.R. §617.7(c), and other supporting information to identify the relevant areas of environmental concern; and thoroughly analyzed the identified relevant areas of environmental concern to determine if establishment of the Park may have a significant adverse impact on the environment, and finds that establishment of the Park would not have a significant adverse effect on the environment, but rather will have positive environmental impacts, because the Park will preserve green space within the hamlet of Busti; and it is further

RESOLVED that pursuant to the State Environmental Quality Review Act, the Town Board finds that the establishment of a public park on the Property will not have a significant impact on the environment, so that a Negative Declaration shall be made and duly filed, and an environmental impact statement need not be prepared; and it is further

RESOLVED, that the Park shall be established on the Property, and shall be known as the “Paul Busti Memorial Park”; and it is further

RESOLVED, that this Resolution is subject to a permissive referendum, pursuant to Town Law §220, and shall not be effective unless either no petition requesting a referendum meeting the requirements of Town Law §91 is filed on or before September 17, 2014, or this Resolution is approved by the affirmative vote of majority of the qualified electors of the Town of Busti voting on approval of the Resolution; and it is further

RESOLVED, that if this Resolution becomes effective either by the passage of the referendum period with no petition having been submitted or by approval at the referendum, the Supervisor is hereby authorized to execute a deed and any and all documents necessary to establish the said Park.

Upon roll call vote, all aye, carried.

Attorney Joel Seachrist suggested that the board file a deed from the Town of Busti to the Town of Busti that sets this property aside as being a park, which would document the designation in the court records; anyone doing research in that area would then be aware of the designation.

Supervisor Robbins offered the following resolution, which was duly seconded by Councilman Thor.

RESOLVED, that Assessor Randy Holcomb be authorized to attend the Annual Meeting and Seminar on

Assessment Administration in Lake Placid, New York from October 5th thru 8th. Credit from this conference will be applied to Assessor Holcomb's continuing education requirements and the expenses will be reimbursed to the Town of Busti by the State of New York Office of Real Property Tax Services.

Upon roll call vote, all aye, carried.

Supervisor Robbins noted that the Lakewood Memorial Library will be hosting a book signing for Jim Roselli's new book "The Best Times of My Life". The signing will be on Tuesday, August 19th from 5:30 pm – 7:00 pm.

Supervisor Robbins noted the following reports: August 5, 2014 Planning Board Minutes and July 2014 Building Report.

Supervisor Robbins moved the following resolution 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, the Public Library Fund, the Drainage District #2 Fund and the Water District #8-South Main Fund for Abstract No. 17 from warrant #574 to and including warrant #611 in the amount of \$86,448.00.

Upon roll call vote, all aye. Carried

Supervisor Robbins moved to accept the minutes of August 4, 2014, which was duly seconded by Councilman Hanson.

All aye.

Supervisor Robbins noted that the Town Board meeting scheduled for Tuesday, September 2, 2014 has been moved to Wednesday, September 3, 2014 due to a scheduling conflict.

Councilman Hanson reported that information is still being gathered for the court grant and that the Court Clerk's office is still under construction.

Councilman Thor reported that he attended a meeting held by Calamar introducing the proposed 116 Unit Senior Housing project to adjacent land owners and address any concerns they may have. Calamar sent out 24 letters to adjacent land owners, of which only 2 attended. The engineer for the project addressed the residents concerns. There was a representative from Calamar who discussed that the project is geared for residents 55 and over and is at market rate, not subsidized housing and yet not at the high end.

Supervisor Robbins moved the following motion, duly seconded by Councilman Thor:

RESOLVED, the board will enter Executive Session to discuss personnel issues at 7:16 p.m.

Upon roll call vote, all aye.

Supervisor Robbins moved the following motion, duly seconded by Councilman Thor:

RESOLVED, the board close the Executive Session at 8:26 p.m.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 8:27 p.m.

All aye.

Darlene Nygren, Town Clerk