

MEETING
February 7, 2011

A regular meeting of the Town Board of the Town of Busti was held on February 7, 2011 at 6:45 p.m., at the Town Administration Building, 121 Chautauqua Avenue, Lakewood, New York with the following members present:

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

Supervisor Sullivan 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, Dennis & Ronald LaBarte, Michael Volpe, Highway Superintendent Melvin J. Peterson, Lakewood-Busti Police Chief John Bentley.

Ronald LaBarte appeared before the board regarding his tax bill for water charges on South Main Street Water District. The board explained how the water fees are assessed within the water district and paid by the residents.

Michael Volpe appeared before the board as the Town of Busti Fire Chief regarding disaster preparedness.

Lakewood-Busti Police Chief John Bentley reported 845 incidents for January and 1,054 incidents year to date.

Highway Superintendent Melvin J. Peterson noted his department is continuing to plow snow.

Supervisor Sullivan offered the following transfer for 2011 budget which was duly seconded by Councilman Lawton:

RESOLVED, that a transfer be made from A1620.400 to A7620.400 in the amount of \$1,000.

Upon roll call vote, all aye.

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

RESOLVED, that Elizabeth Davis be authorized to attend Town & Village Court Clerk's Training Seminar on Friday, February 25, 2011 at the Erie County Courthouse in Buffalo, New York with all expenses to be paid for by the town.

Upon roll call vote, all aye.

Supervisor Sullivan offered the following 2010 and adjustments and interfund transfers

for 2010 which was duly seconded by Councilwoman Hern:
 From General Fund (A) to the Bentley Cemetery (TE1) in the amount of \$5,464.10.
 From General Fund (A) to the Busti Cemetery Fund (TE2) in the amount of \$4,018.82.
 From General Fund (A) to the Wellman Cemetery Fund (TE3) in the amount of \$1,977.40. By definition, interfund transfers are transfers intended to subsidize the receiving funds and will not be repaid.
 AND BE IT FURTHER RESOLVED, to borrow from General Fund (A) to SW8 (South Main Street Water) \$7,706.14 to be repaid with interest at a rate of one percent per annum (1%).

To adjust budget for "A Fund"

Transfers to Account (credit):

Transfers from Account (debit):

A1010.400	Town Board - Contractual	910.54	A1110.100	Justice - personal svcs
A1110.200	Justice - Equipment	278.00	A1110.400	Justice - contractual
A1355.100	Assessors - Personal Svcs	17,334.84	A1220.100	Supervisor - personal svcs
A1410.100	Town Clerk - Pers. Svcs	2,179.00	A1220.200	Supervisor - equip
A1420.400	Lawyer - Contractual	52.49	A1220.400	Supervisor - contractual
A1440.400	Engineer - contractual	1,342.50	A1355.200	Assessors - equip
A1620.200	Buildings - equipment	1,240.86	A1355.400	Assessors - contractual
A3310.400	Traffic Control - Contractual	15.16	A1910.400	Unallocated insurance
A5010.200	Supt of Hwy - equipment	1,277.00	A3650.100	Demo of unsafe buildings
A5010.400	Supt of Hwy - Contractual	82.00	A6410.400	Publicity - contractual
A5132.400	Garage - Contractual	4,222.79	A7110.100	Parks - personal svcs
A7410.400	Library - contractual	2,950.00	A7110.200	Parks - equip
A7550.400	Celebrations - Contractual	2,016.00	A7110.400	Parks - contractual
A9010.800	State retirement	16,000.00		
A9030.800	Social security	712.51		
A9950.900	Capital fund project	51,330.68		
A8810.100	Cemeteries - pers svcs	11,460.32		
		113,404.69		
A9901.900	Transfers to other funds	11,460.32	A8810.100	Cemeteries - pers svcs

To adjust budget for "B Fund"

B8010.100	Zoning - Pers Serv	2,429.93	B7140.400	Playground - contract
B9010.800	NYS retirement	14,612.00	B8010.200	Zoning - equipment
B9030.800	Social Security	215.95	B8010.400	Zoning - contractual
B9055.800	Disability	0.20	B8020.100	Planning - personal svcs
B9950.900	Capital Fund Project	29,608.11	B8020.400	Planning - contract
B99591.900	Water - other uses	1,500.00	B9730.700	BAN interest
		48,366.19	B599	Appropriated fund balance

To adjust budget for "DB Fund"

DB5112.4	Improvements - contractual	48,329.43	DB5112.200	Improvements - capital outlay
DB5130.400	Machinery - contractual	3,099.46	DB5130.200	Machinery - equip

DB5142.400 Snow rem - contractual 4,961.03

56,389.92

To adjust budget for "J Fund"

J9010.800 NYS Retirement 58.00 J9030.800 Social security
58.00

To adjust budget for "L Fund"

L7410.100 Library - personal services 6,326.66 L7410.400 Library - contractual
L9010.800 State retirement 1,011.00 L9030.800 Social security
L9055.800 Disability insurance
L9060.800 Health insurance
L599 **Appropriated fund balance**
7,337.66

To adjust budget for "SD Fund"

SD9710.6 Bond principal pymt 15,000.00 SD9730.600 Debt svc - BAN principal
SD9710.7 Bond interest payment 8,968.80 SD9730.700 Debt svc - BAN interest
23,968.80

To adjust budget for "SS Fund"

SS8130.400 Sewage Treatment & Disposal 1,677.28 SS8120.200 Sewage Collecting Sys-eq
SS8120.400 Sewage Collecting Sys-cont
SS599 **Appropriated fund balance**
1,677.28

To adjust budget for "SW3 Fund"

SW3-9710.700 SW3 Serial Bond Interest 1,283.05 SW3-9710.900 SW3 Serial Bond Interest
SW3-9951.900 Water district #3 - other uses 12,631.67 **SW3-599** **Appropriated fund balance**
13,914.72

To adjust budget for "SW5 Fund"

SW5-9710.200 SW5 Serial Bond Interest 1,020.41 SW5-8397.4 Water equipment/cap outlay
SW5-9901.100 Payback to other funds
1,020.41

To adjust budget for "SW7A Fund"				
SW7A-9710.20	SW7A Serial Bond Interest	50.63	SW7A-9710.10	SW7A Serial Bond Principal
			SW7A-97951.900	Water 7A other uses
		<u>50.63</u>		

To adjust budget for SW7B Fund				
SW7B-9710.10	SW7B Serial Bond Principal	41.60	SW7B-9710.20	SW7B Serial Bond Interest
		<u>41.60</u>		

To adjust budget for SW8 Fund				
SW8-9730.700	BAN interest	5,051.14	Borrow from General Fund (A)	
SW8-9951.900	Water other uses	2,655.00		
		<u>7,706.14</u>		

To adjust budget for "TE1 Fund"				
TE1-8810.400	Bentley Burial Expense	<u>5,464.10</u>		

To adjust budget for "TE2 Fund"				
TE2-8810.400	Busti Burial Expense	<u>4,018.82</u>		

To adjust budget for "TE3 Fund"				
TE3-8810.400	Wellman Burial Expense	<u>1,977.40</u>		

Upon roll call vote, all aye.

Supervisor Sullivan noted receipt of the following License Agreement between the Town of Busti and Scorse-Loomis Bay Properties, LLC designating sings for championships won by various sports teams from Southwestern School District.

This Agreement made as of January 31, 2011, between the Town of Busti, Chautauqua County, New York, 121 Chautauqua Avenue, Lakewood, New York, 14750, the "Town" and Scorse-Loomis Bay Properties, LLC, 14 Loomis Bay Road, Ashville, New York 14710, the "Owner".

WITNESSETH

WHEREAS, Scorse-Loomis Bay Properties, LLC is the owner of premises located in the Town of Busti, County of Chautauqua, State of New York, designated as tax map parcel Section 384.00, Block 2, Lot 3,4; and

WHEREAS, the Town owns and maintains several signs listing the championships won by various sports teams from Southwestern School District; and

WHEREAS, the Town desires to place the signs on part of the above-described parcel so that they are visible from Route 394; and

WHEREAS, in order to install and maintain the signs it will be necessary for the Town from time to time to enter onto said parcel, and Owner wishes to allow the Town said access for said purposes;

Now, therefore, in consideration of the mutual promises hereinafter set forth, the parties agree as follows:

1. Owner grants a permanent license to the Town to enter onto its property as follows:
 - a. For the purpose of installing and maintaining signposts and signs related to championships won by the sports teams of Southwestern School District, Town employees, agents, and contractors shall be allowed to enter onto that portion of the Owner's property described as follows: a 30' by 100' area adjacent to Route 394, the eastern boundary of which is the extension of the eastern bounds of Vukote Road as if they were extended through Route 394, the southern boundary of which is a 100' line parallel to the southerly boundary of Route 394, the western boundary of which is a 30' line parallel to the eastern boundary, and the northern boundary of which is the southerly bounds of Route 394.
 - b. Any damages to the property caused by said entry shall be promptly repaired by the Town.
 - c. Town shall mow the licensed premises and otherwise maintain them so as to keep the installed signs visible to traffic on Route 394.
2. This agreement shall run with the land and be binding on future owners of said parcel until terminated by either the current owner or future owners.
3. Town agrees to defend, indemnify and save Owner harmless from legal action, damages, loss, liability and expense (including reasonable attorneys' fees) in connection with loss of life, bodily or personal injury or property damage arising from or out of the Town's use of the said premises, and from any negligent act or omission of the Town, its agents, contractors, employees, or invitees.

IN WITNESS WHEREOF, the parties have hereunto affixed their hands and seals as of the date above first written.

By Kathleen A. Sullivan
Town of Busti

By: Joseph Scorse, Member
Scorse-Loomis Bay Properties, LLC

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

RESOLVED, that the residential hookup cost for both existing and new homes be \$1,300 but the \$7,000 for industrial and commercial and the \$4,200 in the hamlet for the five spokes water will remain the same.

Upon roll call vote, all aye.

Supervisor Sullivan offered the following resolution terminating professional services with Nussbaumer & Clarke Inc., which was duly seconded by Councilwoman Hern:

RESOLUTION ENDING TERMINATING PROFESSIONAL
SERVICES ARRANGEMENT WITH NUSSBAUMER & CLARKE,
INC.

WHEREAS, in or around April 2009 the Town Board issued a request for proposals for professional planning services in connection with the preparation of a Comprehensive Plan pursuant to Section 272-a of the Town Law, and

WHEREAS, by resolution made June 15, 2009 the Town Board approved the firm of Nussbaumer & Clarke, Inc. ("Nussbaumer"), to provide such professional planning services, and

WHEREAS, the Town Board has never entered into a formal, written contract for professional services with Nussbaumer, and

WHEREAS, consultants from Nussbaumer met once with the Comprehensive Planning Committee on July 21, 2009, for which Nussbaumer received payment, and thereafter, aside from follow-up e-mails sent within days of the meeting, Nussbaumer has made no further attempt to communicate with the Town or Comprehensive Planning Committee, and

WHEREAS, the Comprehensive Plan Committee was not impressed with the quality of the consultants exhibited during its one meeting with Nussbaumer, and its concerns have been confirmed and heightened during the last eighteen months that Nussbaumer has failed to communicate with the Town and to otherwise perform the tasks required to complete the Comprehensive Plan, and

WHEREAS, the Town wishes to terminate any arrangement it has with Nussbaumer and to retain the assistance of other professional planners,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Busti, in regular session duly convened, does hereby (1) rescind its resolution dated June 15, 2009 approving the firm of Nussbaumer & Clarke, Inc. to provide professional planning services in connection with the Town of Busti Comprehensive Plan; (2) cancel and terminate any ongoing professional services arrangement it has with Nussbaumer & Clarke, Inc.; and (3) authorizes and directs the Supervisor to notify Nussbaumer & Clarke, Inc. of such termination by any means she deems appropriate.

Upon roll call vote, all aye.

Supervisor Sullivan noted the following reports & correspondence:

Chautauqua County Department of Finance re: statement of monies paid to the Supervisor for 2010.

Town Clerk's 2010 Annual Report.

Village of Lakewood 2011 General Election Tuesday, March 15, 2011.

Ashville Fire Department Oaths of Office for Randy Gleason, Commissioner, Cassandra Salva, Fire District Secretary, Robin Miller, Fire District Treasurer, Mike Gleason, Fire District Chief, Robert Frederickson, Charles Rugg and Mike Swanson, Fire District Assistant Chiefs.

State of New York, Department of Health re: fluoride in drinking water.

NYS Dept. of Environmental Conservation re: Tedesco Apartments re: application for renewal of SPDES permit.

Decision & Order for Lee Fischer.

Time Warner Cable re: agreements with programmers.

National Fuel Contact Information.

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

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. 24 from warrant #973 to and including warrant #1003 in the amount of \$32,475.31 and Abstract No. 2 from warrant #13 to and including warrant #75 in the amount of \$299,892.71.

Upon roll call vote, all aye.

Upon motion duly made by Supervisor Sullivan the meeting adjourned at 8:00 p.m.

Diane M. VanDewark, Town Clerk