

REGULAR MEETING  
October 21, 2013

A regular meeting of the Town Board of the Town of Busti was held on October 21, 2013 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 Todd M. Hanson  
Councilman Kenneth J. Lawton  
Councilman Richard B. Thor  
Councilman Brett A. Mucheck – 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: Hart & Nancy Jordan, Legislator P. J. Wendel, Lorie Robbins, Deputy Town Clerk Darlene H. Nygren, Highway Superintendent Melvin J. Peterson and Lakewood-Busti Chief John Bentley.

Legislator P. J. Wendel encouraged residents to vote on November 5th. The vote on selling the Chautauqua County Home will be October 30th by the legislature.

Lakewood-Busti Chief John Bentley reported to date 8,480 incidents.

Highway Superintendent Melvin J. Peterson stated the highway department helped with blacktopping in Town of Kiantone.

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

RESOLVED, that Darlene H. Nygren to appointed New York State Department of Environmental Conservation (DEC) agent and that she be authorized to sign the agreement for the purpose of selling automated conservation licenses for the town.

Upon roll call vote, all aye.

Supervisor Robbins moved that the public hearing for the 2014 Budget be held on November 4, 2013 at 7:00 p.m. which was duly seconded by Councilman Thor:

Upon roll call vote, All aye.

Supervisor Robbins noted it was 7:00 p.m. and time to open the public hearing for “Local Law No. 2 to Override the Tax Levy Limit Established in General Municipal Law 3-C” which was duly seconded by Councilman Lawton.

All aye.

Proof of publication was placed on file.

No one appeared regarding this local law.

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

All aye.

Supervisor Robbins moved to adopt the following Local Law No. 2 to Override the Tax Levy Limit Established in General Municipal Law 3-C” which was duly seconded by Councilman Hanson:

Town of Busti  
Local Law No. 2 for the year 2013

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED

## IN GENERAL MUNICIPAL LAW SECTION 3-C

Be it enacted by the Town of Board of the Town of Busti, County of Chautauqua, and State of New York, as follows:

### Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Busti, County of Chautauqua, pursuant to General Municipal Law § 3-c, and to allow the Town of Busti, County of Chautauqua, to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

### Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

### Section 3. Tax Levy Limit Override

The Town Board of the Town of Busti, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2014 that requires a real property tax levy in excess of the limit specified in General Municipal Law § 3-c.

### Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### Section 5. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Upon roll call vote,

Supervisor Jesse M. Robbins, aye  
Councilman Todd M. Hanson, aye  
Councilman Kenneth J. Lawton, aye  
Councilman Richard B. Thor, aye.

Diane M. VanDewark  
Town Clerk

Upon roll call vote, all aye.

Supervisor Robbins noted the following reports & correspondence:

Town Clerk's Monthly Report for September  
September Building Report  
Zoning Board of Appeals Minutes for September 25, 2013

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

RESOLVED, the any Planning Board, Zoning Board Member, Deputy Clerk, Building Code Officer and Town Board be authorized to attend the Fall Planning & Zoning Conference on either November 13th or November 14th sponsored by Southern Tier West with expenses to be paid by the town.

Upon roll call vote, all aye.

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

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. 20 from warrant #737 to and including warrant #759 in the amount of \$25,187.52.

Upon roll call vote, all aye.

Supervisor Robbins moved to accept the town board minutes of October 7, 2013.

All aye.

Upon motion duly made by Supervisor Robbins the meeting adjourned at 7:03 p.m.

All aye.

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Diane M. VanDewark, Town Clerk