

## TOWN BOARD MEETING

Town of Westfield  
April 1<sup>st</sup>, 2009

7:25pm Public Hearing / Community Development Block Grant (CDBG)

7:30pm Town Board Meeting

1. Minutes - March 4<sup>th</sup>, 2009 / Town Board Meeting
2. Monthly Reports - Supervisor's Monthly Report
  - Town Clerk's Annual Report
  - Dog Warden's Report
  - Fire Dept. Monthly Report
  - Historian's Monthly Report
  - Town Court Report
3. Highway
4. Code Enforcement
5. Barcelona Harbor (Closed)
6. Public Comment

### ANNOUNCEMENTS

- AUD filed 20 March 2009
- Special Meeting of the Town Board (Tuesday, 7 April 2009 @ 4:30pm)
  - 4:30pm Public Hearing East Route 20 Benefit District
  - 4:35pm Public Hearing CDBG
- Spring Clean-Up (Saturday, 16 May 2009)

### OLD BUSINESS

- Bid Results (Black Top, Fuels, Asphalt Oil, & Crushed Stone)
- Project Updates (Water, Bridge, & Wind)
- Resolution #18 of 2009 (Met Tower SUP's assigned to Ripley-Westfield Wind, LLC)
- Resolution #19 of 2009 (Met Tower SUP assigned to State Line Wind Power, LLC)
- Resolution #20 of 2009 (1 yr Extension of Keller SUP / Art Gallery)
- Resolution #21 of 2009 (6 mth Extension of Williams SUP / Campground)

### NEW BUSINESS

- Authorization for Historian to attend two Conferences:
  - APHNYS Annual Conference in Albany (26-29 April 2009)
  - GAHWNY Spring Meeting in Batavia (9 May 2009)
- Authorization for Bookkeeper Training in Rochester (6-8 May 2009)
- Set Public Hearing date for Johnson Winery expansion project (6 May 2009)
- Next Town Board Meeting is Wednesday, 7 May 2009 @ 7:30pm

Audit of Bills

Executive Session - (if needed)

Resolutions for 4/1/2009 meeting:

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**Resolution No. 18 of 2009**  
(Met Tower SUP's assigned to Ripley-Westfield Wind, LLC)

**WHEREAS**, on November 7, 2007 the Town of Westfield Town Board issued two (2) Special Use Permits to Babcock & Brown Renewable Holdings Inc. ("Babcock & Brown") to allow the construction of two (2) 197' meteorological towers, one on each of the properties known as 5869 Parker Road and 5996 Douglas Road, and

**WHEREAS**, Section 6 of the said Special Use Permits allows them to be assigned upon the prior written consent of the Town, and

**WHEREAS**, in November 2007 the Town and Babcock & Brown entered into two (2) Escrow Agreements by which funds were deposited with the Town to ensure removal of the aforesaid meteorological towers at the completion of the term of the Special Use Permits under which they were constructed, and

**WHEREAS**, on April 29, 2008, Babcock & Brown submitted to the Town an additional application for a Special Use Permit in connection with the development of a wind energy conversion system in the Towns of Westfield and Ripley, which is currently under review, and

**WHEREAS**, on May 16, 2008 the Town and Babcock & Brown entered into an Escrow Agreement for the payment of outside counsel and consultant fees and associated expenses incurred by the Town in connection with its review of the pending Special Use Permit Application, and

**WHEREAS**, Section 8 of all the said Escrow Agreements allows them to be assigned upon the consent of all parties, and

**WHEREAS**, Babcock & Brown has requested the Town's consent to assign (a) the two (2) Special Use Permits for the meteorological towers, (b) the application for a Special Use Permit for a wind energy conversion system, and (c) the three (3) Escrow Agreements related to the project, to "Ripley-Westfield Wind, LLC"

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Westfield hereby consents to the assignment of (a) two (2) Special Use Permits for meteorological towers, each of which are dated November 7, 2007; (b) an application for a Special Use Permit for a wind energy conversation system dated April 29, 2008, and (c) three (3) Escrow Agreements related to the said projects, two of which are dated November 2007 and one of which is dated May 16, 2008 (all such items listed in (a), (b) and (c) above are collectively referred to as the "Agreements"), from Babcock & Brown Renewable Holdings, Inc. to Ripley-Westfield Wind, LLC. As part of such consent, the Town Board also releases Babcock & Brown from any liabilities and ongoing obligations under the Agreements.

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**Resolution No. 19 of 2009**  
(Met Tower SUP assigned to State Line Wind Power, LLC)

**WHEREAS**, on April 2, 2008 the Town of Westfield Town Board issued a Special Use Permit to Babcock & Brown Renewable Holdings Inc. ("Babcock & Brown") to allow the construction of a 197' meteorological tower on property located near the intersection of County Route 76 and Nettle Hill Road, and

**WHEREAS**, Section 6 of the said Special Use Permit allows it to be assigned upon the prior written consent of the Town, and

**WHEREAS**, on April 4, 2008 the Town and Babcock & Brown entered into an Escrow Agreement by which funds were deposited with the Town to ensure removal of the aforesaid meteorological tower at the completion of the term of the Special Use Permit under which it was constructed, and

**WHEREAS**, Section 8 of the said Escrow Agreement allows it to be assigned upon the consent of all parties, and

**WHEREAS**, Babcock & Brown has requested the Town's consent to assign the aforesaid Special Use Permit and Escrow Agreement to State Line Wind Power LLC

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Westfield hereby consents to the assignment of the Special Use Permit for a meteorological tower dated April 2, 2008 and an Escrow Agreement related to the said tower dated April 4, 2008, from Babcock & Brown Renewable Holdings, Inc. to State Line Wind Power LLC. As part of such consent, the Town Board also releases Babcock & Brown from any liabilities and ongoing obligations under the Special Use Permit and Escrow Agreement.

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**Resolution No. 20 of 2009**

(1 yr Extension of Keller SUP / Art Gallery)

**RESOLVED**, that the Town Board of the Town of Westfield hereby authorizes an extension period of 1 year to the Special Use Permit issued to Robert and Sheila Keller on May 7<sup>th</sup>, 2008 to operate an Art Gallery at 8418 West Main Road, Westfield. All terms, conditions, and requirements of the current SUP are applicable throughout extension period. Extension period is from May 7<sup>th</sup>, 2009 through May 6<sup>th</sup>, 2010.

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**Resolution No. 21 of 2009**

(1 yr Extension of Williams SUP / Campground)

**RESOLVED**, that the Town Board of the Town of Westfield hereby authorizes an extension period of 1 year to the Special Use Permit issued to Robert Williams on June 4<sup>th</sup>, 2008 to operate a Campground at 8072 Taylor Road, Westfield. All terms, conditions, and requirements of the current SUP are applicable throughout extension period. Extension period is from June 4<sup>th</sup>, 2009 through June 3<sup>rd</sup>, 2010.

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