

**PUBLIC HEARING
Town of Westfield
January 7th, 2009
(Proposed LL #1-2009 Lot Size Requirements for Sewage Disposal Systems)**

Supervisor Bills called the public hearing to order at 7:20pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Gregory Nearpass	Shirley Ibach
Councilmen:	Raymond Schuster	Marybelle Beigh	Jim Pacanowski
	David Brown	Claude Abbey	Frank Quagliana
	Carl Vilaro, Jr.	Joel Seachrist	
	James Herbert	David Babcock	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a proposed Local Law that would modify our Town Code in order to be consistent with new County regulations pertaining to lot sizes and private sewage systems.

Town Attorney Joel Seachrist explained the changes in detail and answered all questions.

There being no further questions or comments, Martha Bills moved and David Brown seconded the motion that the public hearing be closed at 7:25pm. This was unanimously approved.

Respectfully submitted,
//original signed//
Timothy C. Smith, Town Clerk

**PUBLIC HEARING
Town of Westfield
January 7th, 2009
(Amendment to Existing Verizon SUP)**

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Gregory Nearpass	Shirley Ibach
Councilmen:	Raymond Schuster	Marybelle Beigh	Jim Pacanowski
	David Brown	Claude Abbey	Frank Quagliana
	Carl Vilaro, Jr.	Joel Seachrist	
	James Herbert	David Babcock	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an application to amend an existing SUP submitted on behalf of Verizon Wireless to replace one microwave dish and add a new microwave dish to an existing telecommunications tower located on Hardscrabble Road.

Attorney Gregory Nearpass explained the modification in detail and answered all questions.

There being no further questions or comments, Carl Vilaro moved and James Herbert seconded the motion that the public hearing be closed at 7:30pm. This was unanimously approved.

Respectfully submitted,
//original signed//
Timothy C. Smith, Town Clerk

**TOWN BOARD MEETING
Town of Westfield
January 7th, 2009**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Gregory Nearpass	Shirley Ibach
Councilmen:	Raymond Schuster	Marybelle Beigh	Jim Pacanowski
	David Brown	Claude Abbey	Frank Quagliana
	Carl Vilardo, Jr.	Joel Seachrist	
	James Herbert	David Babcock	

Carl Vilardo moved and David Brown seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$1182.56 representing fees for the month of December 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$373.04.

The Supervisor's report is as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>HSBC - MM Balance</u>
Gen. A	\$607,530.00	\$531,381.00	\$7421.87	\$639,730.62
Gen B	113,440.00	82,993.00	55.72	67,856.17
Hwy DA	247,668.00	279,554.00	198.62	214,494.16
Hwy DB	391,862.00	389,729.00	533.88	198,937.04
Sewer HO1	22,984.00	22,595.00	-0-	16,958.47
Water HO2	44,789.00	42,137.00	-0-	87,904.55
Wfd. Fire	65,346.00	67,767.00	-0-	710.67
Sherm. Fire	7,689.00	7858.00	-0-	0.65
Totals:	\$1,501,828.00	\$1,424,221.00	\$8,210.09	\$1,226,598.48

The Dog Warden's report for December 2008 was received and placed on file.

The Fire Department Report for December 2008 was received and placed on file.

The Historian's report for December 2008 was received and placed on file.

The Town Court report for December 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for December and highlighted snow removal operations and the required final electricity inspection for the new addition.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 1 permit was issued in the Town, 16 inspections conducted, and a total amount of \$7865.35 taken in for permits in 2008.

Barcelona Harbor:

- The Pier is closed for the season / No Report

In Public Comment, there were no questions.

Announcements:

- Supervisor Bills announced that the Annual Town Audit will take place on January 15th, 2009 beginning at 3:00pm.

Old Business:

- Supervisor Bills stated Cable Access Channel 5 had requested an annual donation of \$500 to maintain operations. This was budgeted and there were no objections to payment.
- Supervisor Bills also provided updates on Time Warner Cable Erie-based channels, the Concord Heritage Management Plan, and the current status of the Wind Project highlighting that the balloon visual test has yet to be completed with notification coming as soon as a date is set.

New Business:

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- David Brown offered the following resolution and moved its adoption:

Resolution No. 1 of 2009

Negative Declaration / Verizon Wireless Amendment to existing SUP

WHEREAS, New York RSA No. 3 Cellular Partnership d/b/a Verizon Wireless has applied for an amendment to an existing Special Use Permit to allow it to replace an existing 10' Andrew UHX-10 microwave dish with an 8' Andrew UHX-8 dish at an approximate height of 262' and to place a new UHX-8-59H microwave dish at an approximate height of 232 feet on an existing telecommunications tower located near the intersection of Munson Road and Hardscrabble Road on property designated as tax map parcel Section 226.00, Block 1, Lot 26 (formerly designated Section 12, Block 1, Lot 15), and

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the proposed extension, and

WHEREAS, the Board has determined that the proposed use will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to sign Part III of the Environmental Assessment Form accordingly.

This was seconded by Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

- Carl Vilardo offered the following resolution and moved its adoption:

Resolution No. 2 of 2009
Issuance of Amendment to existing SUP (Verizon Wireless)

WHEREAS, New York RSA No. 3 Cellular Partnership d/b/a Verizon Wireless (hereinafter, the “Applicant”) submitted a special use permit application on November 26, 2008, requesting permission to replace one microwave dish and add a new microwave dish to an existing telecommunications tower located on property designated as Section 226.00, Block 1, Lot 26, near the intersection of Munson and Hardscrabble Roads, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held December 18, 2008 and recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-n of the General Municipal Law and the Department advised by letter dated December 19, 2008 that the matter was of local concern, and

WHEREAS, the Town board (“Board”) has carefully considered the issue of compliance with the State Environmental Quality Review Act, and has issued a negative declaration after examination of the record and a public hearing, and

WHEREAS, the Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held January 7, 2008, after publication of legal notice, and finds ample justification to approve the application subject to the qualifications hereinafter set forth,

NOW, THEREFORE, BE IT RESOLVED, that the application be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans submitted to the Town with the application, and agrees to be bound by the terms of the application, the site plan, and the conditions of this permit.
2. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
3. The terms, conditions, and requirements of this permit shall be cumulative with and in addition to any set out in the Special Use Permit authorizing the existing telecommunications tower that was issued August 8, 1990, and any subsequent additions, modifications, or amendments thereto.

4. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.

5. This Special Use Permit shall become effective after the Applicant approves each and every provision hereof and agrees to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

This was seconded by David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

- David Brown offered the following resolution and moved its adoption:

Resolution No. 3 of 2009

Authorization for Supervisor to Enter into an Agreement with Chautauqua County Historical Society

RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Supervisor to enter into / sign an agreement with Chautauqua County Historical Society (CCHS) to provide operational funding up to \$6,000.

This was seconded by James Herbert. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

- Martha Bills offered the following resolution and moved its adoption:

Resolution No. 4 of 2009

Official Meeting Place

“That the official meeting of the Town Board shall be in Eason Hall, 23 Elm Street, Westfield, NY on the first Wednesday of each month at 7:30pm.”

This was seconded by David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

- David Brown offered the following resolution and moved its adoption:

Resolution No. 5 of 2009

Salaries

“That the Town Board hereby fix the salaries of the Town employees and officials for the year 2009 as follows:”

Highway Employees	Laborers - Minimum \$7.50 p/hr
	MEO's - Minimum \$10.00 to \$17.35/hr
	- Maximum \$26.02/hr
Supervisor	\$16,041 annual to be paid quarterly
Code Enforcement	\$13,000 annual to be paid bi-weekly
Deputy Supervisor	\$ 2,700 annual
Councilmen	\$ 3,000 annual

Justice Spann	\$ 7,000 annual to be paid quarterly
Justice LaPorte	\$ 7,000 annual to be paid annually
Court Clerk	\$15,600 annual be paid bi-weekly
Town Clerk	\$29,675 annual to be paid bi-weekly
Bookkeeper / Dep. Town Clerk / Dep. Tax Collector	\$22,000 annual to be paid bi-weekly
Tax Collector	\$ 7,503 annual
Historian	\$ 1,000 annual
Highway Superintendent	\$45,100 annual to be paid bi-weekly
Deputy Highway Superintendent	\$ 1,500 annual to be paid quarterly
Assessor	\$44,367 annual to be paid bi-weekly
Utility Workers	\$ 7.25 Minimum/hr. \$ 8.50 Maximum/hr.
Civil Defense	\$ 750 annual

This was seconded by Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

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- Carl Vilardo offered the following resolution and moved its adoption:

Resolution No. 6 of 2009
Designation of Banks

WHEREAS, under Section 64 of the Town Law, it is provided that the Town Board shall designate by written resolution the banks and trust companies in which certain Town Officers shall deposit monies received into their hands by virtue of their office, be it,

RESOLVED, that HSBC Bank of Westfield, M & T Bank of Jamestown and Mayville, MBIA Class, and Key Bank of Westfield, are hereby designated as depositories in which the Supervisor, Town Clerk, Deputy Town Clerk, Tax Collector and Court Clerk shall deposit all monies coming into their hands.”

This was seconded by David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

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- Martha Bills offered the following resolution and moved its adoption:

Resolution No. 7 of 2009
Official Newspapers

“That the *Westfield Republican* and the *Observer* newspapers be designated the official newspapers of the Town for the year 2009.”

This was seconded by Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

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- David Brown offered the following resolution and moved its adoption:

Resolution No. 8 of 2009
Annual Appointments

Timothy C. Smith	Registrar / Bingo Inspector / Records Management Officer
Donna Sanderson	Bookkeeper / Deputy Tax Collector / Deputy Town Clerk / Deputy Registrar
James Pacanowski	Code Enforcement / Zoning Officer
Marybelle Biegh	Town Historian
Kathryn Comerford-Issler	Tax Collector
Kathleen Alexander	Clerk to the Court
Vincent Calarco	Civil Defense Director
Jock Phillips	Harbor Master
Scott Frudd	Deputy Highway Superintendent
N. Chautauqua Canine Rescue	Dog Control Official

Planning Board

John Hemmer (Chairman)	Timothy Smith
James Brotz	Richard Sauer
Amy Gregory	

Zoning Board of Appeals

Wayne Harrington (Chairman)	Abbie Cardy
Heinz Wolff	Linda Wolfe
Will Northrop	

Town Committees

Harbor	James Herbert
Security & Technology	David Brown
Transfer Station	Ray Schuster
Highway	Carl Vilaro & Ray Schuster
Ad Hoc & Personnel	David Brown & Ray Schuster
Website	David Brown, Mary Bivens, Martha Bills, Tim Smith, & Joel Seachrist

Fire Dept. Liaison - David Brown

Barcelona Harbor Commission

Sam Arnold (Chairman)	George Kolibar
David Gembela	Mike Ptak
Jamie Jaynes	James VanDyke (Alt.)
Julie Travis	

Board of Assessment Review - Daniel Vendel (thru 9/30/2013)

Process Servers - David Haskin / Max Baker

Town Constable - Peter Kunow

This was seconded by Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilaro, aye; Raymond Schuster, aye.

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- David Brown offered the following resolution and moved its adoption:

Resolution No. 9 of 2009
Authorization for Supervisor / Deputy Supervisor

RESOLVED, (Pursuant to Town Law, §29 [16]) that the Town Board of the Town of Westfield hereby authorizes and delegates to the Town Supervisor powers and duties of day-to-day administration and supervision of all town and special district facilities and employees consistent with and in furtherance of any and all State and Federal laws applicable thereto and with any and all local laws, resolutions or policies heretofore adopted by this Town board.

BE IT FURTHER RESOLVED that the Supervisor or the Deputy Supervisor be, and are hereby authorized, to sign all the necessary documents for the financing of the Town of Westfield.”

This was seconded by Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

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- Raymond Schuster offered the following resolution and moved its adoption:

Resolution No. 10 of 2009
2009 Holiday Schedule

Martin Luther King Day	Monday, January 19
Presidents' Day	Monday, February 16
Good Friday	Friday, April 10
Memorial Day	Monday, May 25
Day before Independence Day	Friday, July 3
Labor Day	Monday, September 7
Columbus Day	Monday, October 13
Veteran's Day	Wednesday, November 11
Thanksgiving Day	Thursday, November 26
Day after Thanksgiving	Friday, November 27
Christmas Day	Friday, December 25
New Year's Day	Friday, January 1, 2010

This was seconded by David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

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- Martha Bills offered the following resolution and moved its adoption:

Resolution No. 11 of 2009
Highway Agreement

RESOLVED, that pursuant to the provisions of Section 284 of the Highway Law, the Town Board agrees that monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, and specifically the sum of \$217,000 shall be expended for the general repairs of town highways, including sluices, culverts and bridges, or the renewal thereof, and for the following projects:

1. The oiling and stoning within the budget allotment of portions (equivalent to approximately 8 miles) of the following roads: Persons (off Route 5), Light (off Route 5), Walker, Allen, Knight, Taylor, Jillson, 2nd Street (Barcelona), and 5th Street (Barcelona).

2. Should the Town receive funds under the Consolidated Highway Improvement Project System (CHIPS), funds estimated in the 2009 Budget (\$90,000) would be used towards completing the blacktopping project of Creamery Road (.8 miles).

BE IT FURTHER RESOLVED, that no fewer than three members of the Town Board and the Highway Superintendent shall execute a certified copy of this resolution in duplicate, and said certified copy, so signed, shall constitute written agreement between the parties once it shall have been approved by the County Superintendent of Highways.

This was seconded by David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

Raymond Schuster was unanimously appointed Deputy Supervisor.

Martha Bills moved and James Herbert seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilardo, aye.

At 8:45pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss a particular personnel history. Unanimously carried.

At 9:00pm Supervisor Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, February 4th, 2009 @ 7:30pm.

There being no further business, at 9:05pm. Carl Vilardo moved and David Brown seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,
//original signed//
Timothy C. Smith, Town Clerk