

**TOWN BOARD MEETING
Town of Westfield
February 4th, 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	Shirley Ibach	Jack Gulvin	Alex Gerould
Councilmen:	Raymond Schuster	Marybelle Beigh	Jim Pacanowski	
	David Brown	Claude Abbey	Joel Seachrist	
	Carl Vilaro, Jr.	Harold Nass	Janet Nass	
	James Herbert	David Babcock	Claire Quadri	

Raymond Schuster 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 \$1508.46 representing fees for the month of January 2009 was turned over to the Supervisor. State and County agencies received checks totaling \$253.40.

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	\$101,886.00	\$32,518.00	\$7425.80	\$716,657.29
Gen B	-0-	18,266.45	55.72	67,244.97
Hwy DA	237,241.00	33,015.00	198.62	416,340.31
Hwy DB	16,373.00	2141.00	533.88	223,806.56
Sewer HO1	22,217.00	10.23	-0-	58,452.47
Water HO2	41,638.00	-0-	-0-	110,203.38
Wfd. Fire	68,645.00	-0-	-0-	69,356.67
Sherm. Fire	8,000.00	-0-	-0-	8000.65
Totals:	\$496,000.00	\$85,950.68	\$8,214.02	\$1,670,061.72

The Dog Warden's report for January 2009 was received and placed on file.

The Fire Department Report for January 2009 was received and placed on file.

The Historian's report for January 2009 was received and placed on file.

The Town Court report for January 2009 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for January and highlighted continued snow removal operations and the associated increase in hours worked.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 3 permits were issued in the Town, 12 inspections conducted, and attendance at annual required training.

Barcelona Harbor:

- The Pier is closed for the season. There was discussion on the 4 moorings currently being leased by the Town and how much longer these moorings can remain in use.

In Public Comment, there were no questions or comments.

Announcements:

- Supervisor Bills announced that there is a Cold War Veterans' tax exemption now available for eligible service members. File deadline is March 1st, 2009. The same deadline applies to Enhanced STAR applicants.

Old Business:

- Supervisor Bills provided a Project Update on Concord Grape Belt Heritage Association's Visitors' Center (West Main Road), the East Main Road Water Project, and the Wind Project highlighting that the balloon visual test has yet to be completed with notification coming as soon as a date is set.

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

Resolution No. 12 of 2009
Negative Declaration
 (Proposed LL # 1-2009 / Minimum Lot Size Requirement)

WHEREAS, the Town of Westfield has proposed Local Law No. 1 of 2009 to amend the zoning code to increase the minimum lot size from 30,000 square feet to 40,000 square feet for properties in the Residential (R-12), Residential-Lakeside (R-L), and Residential-Agricultural (R-A) Districts that have neither public water nor public sewer, and

WHEREAS, the proposed local law 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 an 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 local law, and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby issues a Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed Local Law No. 1 of 2009.

This was seconded by Carl Vilardo. 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. 13 of 2009
Adoption of LL # 1-2009
(Minimum Lot Size Requirement)

WHEREAS, a Public Hearing was set by the Town Board of the Town of Westfield for January 7th, 2009 at 7:20pm, 23 Elm Street, Westfield, NY 14787, to hear all interested parties on a proposed Local Law to code to increase the minimum lot size from 30,000 square feet to 40,000 square feet for properties in the Residential (R-12), Residential-Lakeside (R-L), and Residential-Agricultural (R-A) Districts that have neither public water nor public sewer, and

WHEREAS, notice of said public hearing was duly published in the *Dunkirk Evening-Observer*, and

WHEREAS, said public hearing was duly held on January 7th, 2009 at 7:20pm at said Eason Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, on February 2nd, 2009 the County Planning Department, pursuant to Section 239-m of the General Municipal Law, advised that the proposed Local Law was of local option, and

WHEREAS, the Town Board has determined that adoption of the local law is an unlisted action for purposes of the State Environmental Quality Review Act, has prepared an Environmental Assessment Form, and has duly adopted a Negative Declaration finding that the proposed Local Law will not have significant adverse environmental impacts,

WHEREAS, the Town Board of the Town of Westfield, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 1 of 2009, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Westfield, and to give due notice of the adoption of the Local Law to the Secretary of State.

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.

New Business:

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

Resolution No. 14 of 2009
Shared Services Highway Agreement

WHEREAS, pursuant to Section 119-o of the General Municipal Law, all municipalities have the power and authority to contract with other municipalities for the performance of certain functions including, but not limited to, Shared Highway Services, and;

WHEREAS, it is hereby determined that the Town of Westfield and other municipalities have machinery and equipment which is not used during certain periods, and;

WHEREAS, it is determined that the Town of Westfield and other municipalities often have materials and supplies on hand which are not immediately needed, and;

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Westfield and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and;

WHEREAS, it is the intent of the Town of Westfield to give the head of the highway department the authority to enter into arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the City/County/Town/Village governing board prior to the making each of these individual arrangements, and;

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the person holding the position comparable to that of the head of the highway department, authority to make similar arrangements, and;

WHEREAS, it is hereby determined that it will be in the best interests of the Town of Westfield to be a party to such shared services arrangements; now therefore be it

RESOLVED that the Town Supervisor is hereby authorized to execute an agreement to participate in a Shared Highway Services Agreement with other municipalities in Chautauqua County, and be it further

RESOLVED that the Highway Superintendent is authorized to request from participating municipalities and approve requests from participating municipalities, Shared Highway Services pursuant to this Shared Highway Services Agreement.

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

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

Resolution No. 15 of 2009
2008 Financial Record Audits

RESOLVED, that on January 15th, 2009 the Westfield Town Board met for the purpose of auditing the 2008 town financial records. All records examined were found to be in order.

BE IT FURTHER RESOLVED, that on January 15th, 2009 Town Departments submitted their records for examination.

BE IT FURTHER RESOLVED Westfield Town Justices submitted for examination of 2008 court dockets and records. All fines and fees that were collected by the Town Court have been turned over to the proper officials. A report has been prepared using the comptroller's suggested "Checklist for Initial Review of Justice Court Records".

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

- Supervisor Bills updated the Town Board that a grant application to the NYS Archives Local Government Records Management Improvement Fund for a requested amount of \$13,960

was submitted for a new Bookkeeping & Accounting Software package including installation and on-site training.

- The Town Board unanimously accepted with regret the resignation of Milton Graham.

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 Vilaro, aye.

At 8:25pm Supervisor Bills moved and James Herbert seconded a motion to move to Executive Session to discuss a particular personnel history. Unanimously carried.

At 8:40pm Supervisor Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

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

There being no further business, at 8:45pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

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