

**TOWN BOARD MEETING
Town of Westfield
March 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	Alex Gerould	Bill Bills
Councilmen:	Raymond Schuster	Marybelle Beigh	Jim Pacanowski	John Rawlinson
	David Brown	Claude Abbey	Joel Seachrist	Tony Pisolini
	Carl Vilaro, Jr.	Harold Nass	Janet Nass	Danielle Harrington
	James Herbert	David Babcock	Lyle Holland	Richard Harrington
		Jack Gulvin	David Davies	

James Herbert 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 \$1144.31 representing fees for the month of February 2009 was turned over to the Supervisor. State and County agencies received checks totaling \$184.63.

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	\$404,188.00	\$72,374.00	\$7428.02	\$690,218.93
Gen B	\$80,845.00	19,350.00	55.72	129,394.16
Hwy DA	237,471.00	66,423.00	198.62	416,340.31
Hwy DB	20,765.00	4282.00	533.88	225,697.79
Sewer HO1	22,227.00	18,876.23	-0-	17,548.69
Water HO2	41,699.00	20,538.00	-0-	109,147.14
Wfd. Fire	68,683.00	-0-	-0-	69,394.64
Sherm. Fire	8,004.00	-0-	-0-	8005.07
Totals:	\$883,882.00	\$201,843.68	\$8,216.24	\$1,635,384.71

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

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

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

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

Highway:

- The Town Highway Superintendent submitted a written report on activities for February and highlighted that Town roads must be posted for the Spring and that Bids for specific products (asphalt oil, fuels, stone, and blacktop) need to be posted.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for February 2009 highlighting that no permits were issued in the Town, 2 inspections conducted, 107 open permits, and attendance at monthly required training.

Barcelona Harbor:

- The Pier is closed for the season.

In Public Comment, there was an inquiry into running a food stand in the summer at the Pier. Supervisor Bills stated she will work through the Harbor Commission on this issue. There was also a comment on the recent Balloon test in reference to colors.

WDC Chairman John Rawlinson presented a 10 minute HD DVD presentation promoting Westfield in a Live / Work / Play context. David Brown moved and Carl Vilaro seconded a motion to authorize a \$2300 expenditure as the Town’s portion of production cost. This was unanimously approved.

Announcements:

- Supervisor Bills announced that will be a Maple syrup Kick-off ceremony at the Sugar Shack, Friday Mach 6th, 2009 @ 1:00pm.
- She also announced that the “Enhancing Our Local Flavor” Conference will tale place March 12th, 2009 from 8:00 - 3:00pm.

Old Business:

- Supervisor Bills provided a *Project Update* on the Wind Project, the Rte 20 Bell Creek Detour scheduled for this summer (including discussion of potential business signage), the Pier are physical improvements, Barcelona water, and a potential dumpster code.

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

Resolution No. 16 of 2009
(Calling Public Hearing East Route 20 Benefit District)

At a regular meeting of the Town Board of the Town of Westfield, Chautauqua County, New York, held at Eason Hall, in Westfield, New York, in said Town, on the 4th, day of March, 2009, at 7:30 o’clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Martha Bills, and upon roll being called, there were:

PRESENT: Martha R. Bills, Town Supervisor
Raymond Schuster, Town Councilman
David Brown, Town Councilman
Carl Vilardo, Town Councilman
James Herbert, Town Councilman

ABSENT: None

The following resolution was offered by David Brown who moved its adoption, and seconded by Raymond Schuster, to-wit:

Resolution No. 16 dated March 4th, 2009

A RESOLUTION CALLING A PUBLIC HEARING OF THE TOWN BOARD OF THE TOWN OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW, TO CONSIDER AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE TOWN OF WESTFIELD NORTH TOWN WATER DISTRICT IN AND FOR SAID TOWN AT A ESTIMATED MAXIMUM COST OF \$551,750.

WHEREAS, the Town Board of the Town of Westfield, Chautauqua County, New York, has had under consideration a map and plan as well as an estimate of cost for a proposed increase and improvement of the facilities of the North Town Water District in and for said Town, consisting of the construction of improvements to the water system of said District, including land or rights-in-land, original furnishings, equipment, machinery, apparatus and other costs incidental thereto; and

WHEREAS, the boundaries of the proposed benefited area are as follows:

All that tract or parcel of land, situate in the Town of Westfield, County of Chautauqua, State of New York; being a part of lot 27, town 4, range 14 of the Holland Land Company's Survey, and being bounded and described as follows:

Beginning at the southernmost corner of Section 193.10, Block 2, Lot 26 of the official Chautauqua County Tax Maps for the Town of Westfield, said point also being on the northerly bounds of New York State Highway No. 20; thence northwesterly and westerly along the western bounds of said Section 193.10, Block 2, Lot 26 to the southeast corner of Section 193.00, Block 1, Lot 43.1; thence north along the western bounds of Section 193.10, Block 2, Lot 26 and continuing in a line to the southeastern bounds of Section 193.00, Block 1, Lot 8; thence northeast along the northwest bounds of Section 193.00, Block 1, Lot 38 and continuing in a line to the northeast corner of Section 193.00, Block 1, Lot 34; thence southeast along the northeast bounds of said lot to the northwest corner of Section 193.00, Block 1, Lot 27; thence northeast along the northwest bounds of said lot and continuing in a line to the northeast corner of Section 193.00, Block 1, Lot 21, said point also being on the westerly bounds of McKinley Road; thence southeast along the westerly bounds of McKinley Road, and continuing in a line across New York State Highway No. 20 to its southerly bounds; then northeast along the southerly bounds of New York State Highway No. 20 to the northeast corner of Section 193.00, Block 2, Lot 74; thence south along the eastern bounds of said lot to its southeastern corner; thence west along the south bounds of Section 193.00, Block 2, Lot 74 to the eastern bounds of Section 193.00, Block 2, Lot 73; thence south and west along the eastern and southern bounds of said lot and continuing in a line to the western bounds of Hardenburg Road; thence south along the western bounds of Hardenburg Road to the southeast corner of Section 193.00, Block 2, Lot 71; thence southwest along the southeastern bounds of said lot and Section 193.00, Block 2, Lot 69 and continuing in a line to the north bounds of Section 193.00, Block 2, Lot 66; thence west along the north bounds of said lot to its northwest corner; thence south along the western bounds of Section 193.00, Block 2, Lot 66 and continuing in a line to the north bounds of Prospect Road; thence west along the north bounds of Prospect Road to the

southwestern corner of Section 193.10, Block 2, Lot 25; thence northwest across New York State Highway No. 20 to the point of beginning, and

WHEREAS, the proposed benefited area would be known as the EAST ROUTE 20 BENEFIT DISTRICT; and

WHEREAS, the improvements are planned in two phases, as follows:

- **PHASE 1**: 3,200 linear feet of twelve inch diameter PVC water main on East Route 20, gate valves, fire hydrants, and other necessary appurtenances, with a maximum amount proposed to be expended therefore of \$551,750.
- **PHASE 2**: 700 linear feet of twelve inch diameter PVC water main on East Route 20, gate valves, fire hydrants, and other necessary appurtenances, with a maximum amount proposed to be expended therefore of \$84,400, and

WHEREAS, the proposed method of apportioning the costs of such improvement is on a benefit basis to the benefited properties within the East Route 20 Benefit District, and

WHEREAS, the proposed method to be employed for financing Phase 1 of such improvement is a \$553,750 grant from the New York Office of Community Renewal as part of the Community Development Block Grant program, and

WHEREAS, it is believed that by use of Town of Westfield and Village of Westfield work forces, cost savings can be achieved during Phase I construction that will be sufficient to cover the entire cost of Phase 2 construction so that no additional borrowing or other expenditure will be required to pay the costs thereof, and

WHEREAS, in any event, no capital costs will be charged to the benefit district beyond those covered by the Community Development Block Grant, and

WHEREAS, the cost of the improvements to the typical user in the benefited area in the Town of Westfield will be \$497.00 per year, which figure includes no charge for capital costs and \$497.00 per year for water costs; and

WHEREAS, Tolman Engineering, PLLC has filed a map, plan and estimate of cost for the project in the office of the Town Clerk for public inspection; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement pursuant to Section 202-b of the Town Law;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Westfield, Chautauqua County, New York, as follows:

1. A meeting of the Town Board of the Town of Westfield, Chautauqua County, New York, shall be held at Eason Hall, in Westfield, New York, in said Town, on the 7th day of April 2009, 4:30 o'clock P.M., prevailing time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of the North Town Water District in said Town, referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.
2. The Town Board hereby accepts the map, plan, and report as presented by Tolman Engineering, PLLC.
3. The Town Board hereby determines that the aforesaid purpose constitutes an UNLISTED Action under the SEQRA regulations of the State of New York which is anticipated to not have a significant impact upon the environment, but which will receive coordinated review with the Town Board acting as lead agency.
4. The Town Board hereby approves the long-form Environmental Assessment Form prepared by Tolman Engineering, PLLC.
5. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the Westfield Republican and Dunkirk Observer, the official newspapers of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Westfield, Chautauqua County, New York, will meet at Eason Hall, in Westfield, New York, in said Town, on the 7th day of April 2009, at 4:30 o'clock P.M., prevailing time, for the purpose of conducting a public hearing relating to the increase and improvement of the facilities of the North Town Water District in said Town, consisting of the construction of improvements to the water system of said District, including at least 3,200 linear feet of twelve-inch diameter PVC water main on East Route 20, gate valves, fire hydrants, and such buildings, land or rights-in-land, original furnishings, equipment, machinery, apparatus and other costs as are incidental thereto, at an estimated cost of \$551,750 to those users within the area benefited by the said improvements, which shall thereafter be known as the East Route 20 Benefit District, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

SEQRA DETERMINATION: The aforesaid purpose constitutes an UNLISTED Action under the SEQRA regulations of the State of New York.

Dated: Westfield, New York,
March 4th, 2009

BY ORDER OF THE TOWN BOARD
TOWN OF WESTFIELD
CHAUTAUQUA COUNTY, NEW YORK

Timothy Smith, Town Clerk

6. This resolution shall take effect immediately. The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

7.

Martha R. Bills, Town Supervisor	VOTING	<u>YES</u>
Raymond Schuster, Town Councilman	VOTING	<u>YES</u>
David Brown, Town Councilman	VOTING	<u>YES</u>
Carl Vilardo, Town Councilman	VOTING	<u>YES</u>
James Herbert, Town Councilman	VOTING	<u>YES</u>

The resolution was thereupon declared duly adopted.

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.

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

Resolution No. 17 of 2009
(NYS Office of Community Renewal / Community Development Block Grant Application)

WHEREAS, the Town Board considers it essential to future community development to participate in the Community Development Block Grant program for funding of one or more community development activities within the Town; and,

WHEREAS, currently the Office of Community Renewal is soliciting applications for the 2009 Community Development Block Grant competitive round; and,

WHEREAS, in developing its potential application the Town wishes to elicit comments both verbal as well as in writing from its residents regarding the community development needs; and,

WHEREAS, the Town wishes to initiate such citizen participation to maximize the involvement of all segments of the Town community including those community residents who have specific community development and housing needs which might be addressed through an application for qualified CDBG activities; and,

WHEREAS, in order to maximize citizen participation the Town will hold its hearings at Eason Hall at 23 Elm St. so as to provide for the participation of all residents and citizens including those challenged or handicapped in any fashion.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby determines to have public hearings for the purposes of identifying a community development project or projects for submission during the 2009 round; and,

BE IT FINALLY RESOLVED, that this Board will conduct two Public Hearings the first of which will be on the 1st day of April, 2009 at 7:25pm and a second on the 7th day of April, 2009 at 4:35pm to solicit the comments and suggestions of the public and to provide for the further development of such project or projects.

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 moved and Carl Vilardo 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 8:35pm Supervisor Bills moved and James Herbert seconded a motion to move to Executive Session to discuss a particular personnel history. Unanimously carried.

At 8:55pm Supervisor Bills moved and David seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, April 1st, 2009 @ 7:30pm.

There being no further business, at 9:00pm. Carl Vilardo moved and David Brown seconded a motion to adjourn. Unanimously carried.

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