

**PUBLIC HEARING
Town of Westfield
April 1st, 2009
(Community Development Block Grant / CDBG)**

Supervisor Bills called the public hearing to order at 7:26pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Joel Seachrist	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Harold Nass
	David Brown	Claude Abbey	Claire Quadri
	Carl Vilardo, Jr.	David Babcock	Dariel Woltz
	James Herbert	George Kolibar	Jay Warren

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to potential projects within the Town that could be funded by a NYS CDBG Grant. Ideas discussed included a Community Center, a Community Garden, and a Barcelona Water District improvement project.

There being no further questions or comments, David Brown moved and Carl Vilardo seconded the motion that the public hearing be closed at 7:41pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
April 1st, 2009**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:42pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Joel Seachrist	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Harold Nass
	David Brown	Claude Abbey	Claire Quadri
	Carl Vilaro, Jr.	David Babcock	Dariel Woltz
	James Herbert	George Kolibar	Jay Warren

David Brown moved and Raymond Schuster 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 \$1243.38 representing fees for the month of March 2009 was turned over to the Supervisor. State and County agencies received checks totaling \$344.94 .

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	\$430,968.00	\$138,108.00	\$8463.53	\$941,463.74
Gen B	80,917.00	20,688.00	55.72	128,418.20
Hwy DA	237,687.00	88,356.00	198.62	353,863.39
Hwy DB	20,891.00	6423.00	533.88	223,682.74
Sewer HO1	22,237.00	18,887.00	-0-	17,543.62
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 March 2009 was received and placed on file.

The Fire Department Report for March 2009 was not available.

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

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

Highway:

- The Town Highway Superintendent discussed and recommended obtaining a commercial spaying license for one of the Highway workers. Initial cost would be just over \$1000. The Board agreed with this recommendation.

- The Town Highway Superintendent also discussed finalization of the Highway Building addition, thanks to all Town workers for plowing, and the status of docks at the pier.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for March 2009.

Barcelona Harbor:

- The Pier will open (exact days are weather dependant) at the end of April. The Harbor Commission met on 19 March 2009. Rates for services will remain the same.

In Public Comment, there was a comment on health risks involved with spraying and a comment on increasing setbacks from projected Wind Turbine sites for required neighbor notifications.

Jay Warren of *Urban Engineers* announced they have a Dunkirk office and briefly described their services.

Announcements:

- Supervisor Bills announced that the Town’s Annual Financial Report (AUD) was filed on the 20th of March, 2009
- She also announced that there will be a Special Meeting of the Town Board on Tuesday, the 7th of April 2009 at 4:30pm in Eason Hall
- Spring Clean-up at the Transfer Station is Saturday, May 16th, 2009 from 9:00am to 1:00pm.

Old Business:

- Supervisor Bills provided Project Updates on the Wind Project, all water projects (including East Main Road, Barcelona water, Shorehaven, and the Fishway project), and the Rte 20 Bell Creek Detour scheduled for this summer.
- James Herbert moved and Raymond Schuster seconded a motion to accept recommended bids for asphalt oil, fuels, and Black Top. Stone will be re-bid. This was unanimously approved.

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

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.

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. 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.

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

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

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 7th, 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 7th, 2009 through May 6th, 2010.

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.

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

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 4th, 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 4th, 2009 through June 3rd, 2010.

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

New Business:

- David Brown moved and Raymond Schuster seconded a motion authorizing the Historian to attend two Conferences (unanimously approved):
 - APHNYS Annual Conference in Albany (26-29 April 2009)
 - GAHWNY Spring Meeting in Batavia (9 May 2009)
- Raymond Schuster moved and Carl Vilaro seconded a motion authorizing the Bookkeeper to attend training in Rochester (6-8 May 2009). Unanimously approved.
- A Public Hearing date of 6 May 2009 at 7:25pm was set for the Johnson Estate Winery SUP application.

Martha Bills moved and Carl Vilaro 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.

The next Town Meeting is scheduled for Wednesday, May 6th, 2009 @ 7:30pm.

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

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