

PUBLIC HEARING
Town of Westfield
June 3rd, 2009
(Noble Winery Warehouse Facility)

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	Alton Noble	Janet Nass	Lisa Haltiner
Councilmen:	Raymond Schuster	Dianne Noble	Harold Nass	Nancy Herbert
	David Brown	Claude Abbey	Jack Gulvin	Donald Haskin
	Carl Vilaro, Jr.	David Babcock	George Kolibar	Dennis Hanes
	James Herbert	Marybelle Beigh	Julie Baran	Greg Zimmerman
		Joel Seachrist	Larry Borowski	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by Noble Winery to construct a Warehouse facility at their current location on Hardscrabble Road. Mr. Alton Noble (applicant) provided a brief description of the project. Questions were answered satisfactorily.

There being no further questions or comments, David Brown moved and Carl Vilaro seconded the motion that the public hearing be closed at 7:31pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
June 3rd, 2009**

Supervisor Bills called the meeting to order at 7:32pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Alton Noble	Janet Nass	Lisa Haltiner
Councilmen:	Raymond Schuster	Dianne Noble	Harold Nass	Nancy Herbert
	David Brown	Claude Abbey	Jack Gulvin	Donald Haskin
	Carl Vilardo, Jr.	David Babcock	George Kolibar	Dennis Hanes
	James Herbert	Marybelle Beigh	Julie Baran	Greg Zimmerman
		Joel Seachrist	Larry Borowski	

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 \$4209.34 representing fees for the month of May 2009 was turned over to the Supervisor. State and County agencies received checks totaling \$2019.66.

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	\$464,612.00	\$209,246.00	\$8466.00	\$848,768.45
Gen B	81,654.00	34,403.00	55.72	115,250.21
Hwy DA	238,032.00	121,288.00	198.62	323,930.62
Hwy DB	109,895.00	66,233.00	533.88	289,181.47
Sewer HO1	22,257.00	18,914.00	-0-	17,540.25
Water HO2	41,849.00	33,765.00	-0-	96,069.18
Wfd. Fire	68,792.00	-0-	-0-	69,502.83
Sherm. Fire	8,017.00	7,858.00	-0-	8017.54
Totals:	\$1,035,108.00	\$491,707.00	\$9,254.22	\$1,768,260.55

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

The Fire Department Report for May 2009 was not available.

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

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

Highway:

- The Town Highway Superintendent provided a written report and highlighted the summer work currently being done (stoning & blacktopping).

Code Enforcement:

- The Code Enforcement Officer submitted a written report for May 2009 and highlighted that 7 permits were issued along with trainings attended.

Barcelona Harbor:

- The Pier continues to be open daily. There was discussion of a "Place Mat" ad submitted for the harbor (highlighting Pier assets, prices, & fishing). It was also noted that Season Pass sales are up.

In Public Comment, there were no questions.

Announcements:

- Supervisor Bills announced that 'First Friday' is June 5th, 2009.
- She also announced that the Southtowns Walleye Tournament is 13-21 June 2009.

Old Business:

- Supervisor Bills provided an update on the Small Cities Grant application for Barcelona Water, the East Main Road water project, and the DEIS status for the Wind Project, .
- She also noted that the Lake Erie Concord Grape Belt Management Plan grant has been delayed.

New Business:

- Nancy Herbert briefed that several Barcelona / Route 5 businesses are interested in capitalizing on the advertising potential in the proposed parking area across from the Barcelona Market. The group will continue to meet and solidify ideas.

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

Resolution No. 29 of 2009
Negative Declaration
(Addition for Storage / Noble Winery)

WHEREAS, Noble Winery (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to construct an addition for increased storage on a parcel of land located at 8630 Hardscrabble Road, Westfield, designated as tax map parcel Section 225.00, Block 3, Lot 29, 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 use, 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 approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign 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. 30 of 2009

Issuance of Amendment to Existing Winery SUP for an Addition for Storage / Noble Winery

WHEREAS, Noble Winery (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to construct an addition for increased storage on a parcel of land located at 8630 Hardscrabble Road, Westfield, designated as tax map parcel Section 225.00, Block 3, Lot 29, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and a public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held May 21st, 2009 and unanimously recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and it advised by letter dated May 28th, 2009 that the application is a matter of local concern, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held June 3rd, 2009, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to construct an Addition for Storage at 8630 Hardscrabble Road, be and hereby is authorized and approved as an Amendment to the existing Winery SUP subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agrees to be bound by the terms of the application and the conditions of this permit.
2. If construction of Winery Warehouse has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicant shall be required to apply for a new permit should he intend to continue the project.
3. The terms, conditions, and requirements of this permit bind and obligate the Applicant, his successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
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 agree 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.

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

Resolution No. 31 of 2009
Authorization for Assessor to attend Training (June 26th, 2009)

BE IT RESOLVED, that the Town Board Town of Westfield hereby authorizes the Assessor to attend a 1-Day Training session (June 26th, 2009) on Not-for-Profit Exemptions in Cheektowaga, NY.

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. 32 of 2009
Barcelona Waterline Grant Applications

BE IT RESOLVED, that the Town Board Town of Westfield hereby authorizes the Supervisor to sign applications to apply for funding to replace and extend waterlines in Barcelona and the lakeshore area of the Town. This authorization includes a pre-application to USDA Rural Development and to the Appalachian Regional Commission.

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.

- The Town Clerk discussed the Dog Control Officer and the fact that the NCCR no longer wants their contract to include this requirement.
- Supervisor Bills discussed that the County BOE is working with local governments who own Voting Machines in determining their disposition (basically whether the owner retains them or the machines are turned over to the BOE).
- The Town Clerk briefed that NYS Hunting / Fishing License fees are increasing for next season.

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 8:45pm Supervisor Bills moved and James Herbert seconded a motion to move to Executive Session to in order to discuss a proposal for acquisition or lease of Real Property. Unanimously carried.

At 9:15pm Supervisor Bills moved and David Brown seconded a motion to return to regular session. Unanimously carried.

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

There being no further business, at 9:20pm Carl Vilaro moved and James Herbert seconded a motion to adjourn. Unanimously carried.

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