

**PUBLIC HEARING**  
**Town of Westfield**  
**August 5<sup>th</sup>, 2009**  
**(SUP Application to Modify Existing Cell Tower on Douglas Road)**

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	Melissa Senidey	Janet Nass
Councilmen:	Raymond Schuster	Jonathan Taber	Harold Nass
	David Brown	Claude Abbey	Larry Borowski
	Carl Vilardo, Jr.	David Babcock	Joel Seachrist
	James Herbert	Marybelle Beigh	Herb Marker

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by New Cingular Wireless PCS, LLC to modify their existing Cell Tower on Douglas Road. Mr. Jonathan Taber (applicants' attorney) provided a brief description of the project. Questions were answered satisfactorily.

There being no further questions or comments, David Brown moved and Carl Vilardo seconded the motion that the public hearing be closed at 7:28pm. This was unanimously approved.

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

**PUBLIC HEARING**  
**Town of Westfield**  
**August 5<sup>th</sup>, 2009**  
**(SUP Application to Modify Existing Cell Tower on Persons Road)**

Supervisor Bills called the public hearing to order at 7:28pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Melissa Senidey	Janet Nass
Councilmen:	Raymond Schuster	Jonathan Taber	Harold Nass
	David Brown	Claude Abbey	Larry Borowski
	Carl Vilaro, Jr.	David Babcock	Joel Seachrist
	James Herbert	Marybelle Beigh	Herb Marker

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by New Cingular Wireless PCS, LLC to modify their existing Cell Tower on Persons Road. Mr. Jonathan Taber (applicants' attorney) 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 7:34pm. This was unanimously approved.

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

**TOWN BOARD MEETING  
Town of Westfield  
August 5<sup>th</sup>, 2009**

Supervisor Bills called the meeting to order at 7:35pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Melissa Senidey	Janet Nass
Councilmen:	Raymond Schuster	Jonathan Taber	Harold Nass
	David Brown	Claude Abbey	Larry Borowski
	Carl Vilardo, Jr.	David Babcock	Joel Seachrist
	James Herbert	Marybelle Beigh	Herb Marker

Raymond Schuster moved and James Herbert 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 \$4462.17 representing fees for the month of July 2009 was turned over to the Supervisor. State and County agencies received checks totaling \$3744.20.

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	\$497,858.00	\$311,915.00	\$8468.92	\$806,824.25
Gen B	82,195.00	50,683.00	55.72	111,922.63
Hwy DA	238,300.00	127,140.00	198.62	313,696.85
Hwy DB	110,115.00	301,964.00	533.88	126,912.81
Sewer HO1	22,273.00	21,520.00	-0-	15,193.08
Water HO2	41,929.00	33,765.00	-0-	96,149.86
Wfd. Fire	68,850.00	-0-	-0-	69,561.20
Sherm. Fire	8,020.00	7,858.00	-0-	163.03
Totals:	\$1,069,540.00	\$854,845.00	\$9,257.14	\$1,540,423.71

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

The Fire Department Report for July 2009 was not available.

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

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

Highway:

- The Town Highway Superintendent provided a written report and requested the Town go for Bid on a Dump Box Spreader for winter. This was unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for July 2009 with highlights being that 2 permits were issued in the Town, along with 23 Inspections, and 4 Certificates of Occupancy.

Barcelona Harbor:

- The Pier continues to be open daily. Jim Herbert discussed that there is interest in developing plans for the 200<sup>th</sup> Anniversary of the War of 1812. There was an update on the new ladders for the breakwall and it was also discussed that the Chamber of Commerce has interest in using the pier during the Labor Day Weekend.

In Public Comment, Mrs. Janet Nass requested follow-up on her request that the Town Board require Westfield-Ripley Wind LLC to provide proof it has signed a Wind Industry Ethics Code. Supervisor Bills has looked into the issue. A news release from the NYS Attorney General's Office lists Pattern Energy as a company who has signed the agreement.

Announcements:

- Supervisor Bills announced that 'First Friday' is August 7<sup>th</sup>, 2009.
- The Annual Local Food Heroes Event is August 15<sup>th</sup>, 2009
- "Light the Lakes" is September 6<sup>th</sup>, 2009.

Old Business:

- Supervisor Bills provided a project update including the East Main Road water project (materials Bid awarded to RAMSCO and a projected start date in mid-September, the fact that work on the DEIS continues for the Wind Project, and the Bell Creek Bridge replacement schedule will be set by August 7<sup>th</sup>, 2009.
- It was announced that the Town has hired Kimberly Stewart as the Dog Control Officer.

New Business:

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

**Resolution No. 39 of 2009**

Negative Declaration (Cell Tower Modification / Douglas Rd)

**WHEREAS**, the Town Board of the Town of Westfield is considering the application of New Cingular Wireless PCS, LLC (a/k/a AT&T) for modification of an existing Special Permit to allow the placement of six (6) new panel antennas, eight (8) lines of coaxial cable, and appurtenant equipment within the existing shelter at an existing telecommunications tower on Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7.1, and

**WHEREAS**, the 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 full 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 use, and

**WHEREAS**, the Board has determined that the facility changes proposed in the application 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 application of New Cingular Wireless PCS, LLC.

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

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

**Resolution No. 40 of 2009**

Issuance of Amendment to Existing SUP to Modify Cell Tower / Douglas Road

**WHEREAS**, New Cingular Wireless PCS, LLC (hereinafter, the "Applicant") submitted an application on July 8, 2009, for modification of an existing Special Permit to allow the placement of six (6) new panel antennas, eight (8) lines of coaxial cable, and appurtenant equipment within the existing shelter at an existing telecommunications tower on Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7.1, and

**WHEREAS**, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a negative declaration was issued after examination of the record and public hearing, and

**WHEREAS**, the matter was referred to the Chautauqua County Planning Board pursuant to Section 239-m of the General Municipal Law, which responded through its designated agent, the Chautauqua County Department of Planning and Economic Development, by letter dated July 30, 2009, to advise that the proposed use would have little or no adverse county-wide or inter-municipal effects since the matter is of local concern, and

**WHEREAS**, the Town of Westfield Planning Board reviewed the application during a meeting held July 16, 2009 and recommended approval of the application, 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 August 5, 2009 on the application, 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. All changes to and construction on the site shall comply with the site plans submitted with the application, unless hereinafter modified.
2. The Applicant shall comply at all times with the current applicable standards and regulations of the FCC and of all other agencies of the federal government with authority to regulate such facilities, if any.
3. The Applicant shall not unreasonably interfere with the future shared use of the facility by other parties.
4. The terms, conditions, and requirements of this special use permit are cumulative with those emplaced by any prior special permits for the project site, and bind and obligate the Applicant, its successors, and assigns.
5. The permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town of Westfield Town Board.
6. This permit shall expire automatically if the antenna arrays and other site changes are not operational by August 5, 2010.

7. This 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 permit.

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

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

**Resolution No. 41 of 2009**  
Negative Declaration (Cell Tower Modification / Persons Rd)

**WHEREAS**, the Town Board of the Town of Westfield is considering the application of New Cingular Wireless PCS, LLC (a/k/a AT&T) for modification of an existing Special Permit to allow the placement of six (6) new panel antennas, three (3) lines of coaxial cable, and appurtenant equipment within the existing shelter at an existing telecommunications tower at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45, and

**WHEREAS**, the 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 full 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 use, and

**WHEREAS**, the Board has determined that the facility changes proposed in the application 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 application of New Cingular Wireless PCS, LLC.

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

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

**Resolution No. 42 of 2009**  
Issuance of Amendment to Existing SUP to Modify Cell Tower / Persons Road

**WHEREAS**, New Cingular Wireless PCS, LLC (hereinafter, the "Applicant") submitted an application on July 8, 2009, for modification of an existing Special Permit to allow the placement of six (6) new panel antennas, three (3) lines of coaxial cable, and appurtenant equipment within the existing shelter at an existing telecommunications tower at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45, and

**WHEREAS**, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a negative declaration was issued after examination of the record and public hearing, and

**WHEREAS**, the matter was referred to the Chautauqua County Planning Board pursuant to Section 239-m of the General Municipal Law, which responded through its designated agent, the Chautauqua County Department of Planning and Economic Development, by letter dated July 30, 2009, to advise that the proposed use would have little or no adverse county-wide or inter-municipal effects since the matter is of local concern, and

**WHEREAS**, the Town of Westfield Planning Board reviewed the application during a meeting held July 16, 2009 and recommended approval of the application, 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 August 5, 2009 on the application, 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. All changes to and construction on the site shall comply with the site plans submitted with the application, unless hereinafter modified.
2. The Applicant shall comply at all times with the current applicable standards and regulations of the FCC and of all other agencies of the federal government with authority to regulate such facilities, if any.
3. The Applicant shall not unreasonably interfere with the future shared use of the facility by other parties.
4. The terms, conditions, and requirements of this SUP are cumulative with those employed by any prior special permits for the project site, and bind and obligate the Applicant, its successors, and assigns.
5. The permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town of Westfield Town Board.
6. This permit shall expire automatically if the antenna arrays and other site changes are not operational by August 5, 2010.
7. This 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 permit.

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

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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; Carl Vilardo, aye; and James Herbert, aye.

At 8:25pm Supervisor Bills moved and Carl Vilardo seconded a motion to move to Executive Session to discuss a proposal for acquisition or lease of Real Property. Unanimously carried.

At 9:05pm Supervisor Bills moved and David Brown seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, September 2<sup>nd</sup>, 2009 @ 7:30pm.

There being no further business, at 9:06pm David Brown moved and Martha Bills seconded a motion to adjourn. Unanimously carried.

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