

**PUBLIC HEARING
Town of Westfield
September 2nd, 2009
(SUP Application for 6' High Fence)**

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	David Babcock	David Spann
Councilmen:	Raymond Schuster	Joel Seachrist	Jim Pacanowski
	David Brown	Marybelle Beigh	Karen Sukala
	Carl Vilaro, Jr.	Claude Abbey	Gordon Hessel
	James Herbert	Herb Marker	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by Mr. Gordon Hessel of 24 West Central Avenue (Forest Park) to construct a 6' high x 8' long Privacy Fence. Code allows for only 4' in height. 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 7:29pm. This was unanimously approved.

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

TOWN BOARD MEETING
Town of Westfield
September 2nd, 2010

Supervisor Bills called the meeting to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	David Spann
Councilmen:	Raymond Schuster	Joel Seachrist	Jim Pacanowski
	David Brown	Marybelle Beigh	Karen Sukala
	Carl Vilardo, Jr.	Claude Abbey	Gordon Hessel
	James Herbert	Herb Marker	

The Town Clerk's report together with a check in the amount of \$4298.89 representing fees for the month of August 2009 was turned over to the Supervisor. State and County agencies received checks totaling \$5801.13.

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	\$508,681.00	\$349,600.00	\$8471.41	\$768,111.41
Gen B	83,705.00	51,760.00	55.72	101,029.17
Hwy DA	238,435.00	133,587.00	198.62	310,148.86
Hwy DB	110,170.00	321,598.00	533.88	91,395.36
Sewer HO1	22,280.00	24,642.00	-0-	14,937.91
Water HO2	41,971.00	33,765.00	-0-	96,191.13
Wfd. Fire	68,880.00	-0-	-0-	69,561.05
Sherm. Fire	8,020.00	7,858.00	-0-	163.10
Totals:	\$1,082,142.00	\$922,810.00	\$9,259.63	\$1,451,567.99

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

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

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

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

Highway:

- The Town Highway Superintendent provided a written report and highlighted current projects which include East Main Road Water, ditching, and new ladders on the breakwalls.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for August 2009 with highlights being that 13 permits were issued in the Town, 23 Inspections, and 1 Certificate of Occupancy.

Barcelona Harbor:

- The Pier continues to be open daily. Jim Herbert discussed that the fishing has improved greatly and new ladders were installed by the Army Corps of Engineers on the breakwalls.

In Public Comment, there were no questions.

Announcements:

- Supervisor Bills announced that “Light the Lakes” is September 6th, 2009.
- She also discussed the re-designation of Ag Districts within the County.
- Fall Clean-up is scheduled for October 3rd, 2009 at the Transfer Station.

Old Business:

- Supervisor Bills provided a project update including the East Main Road water project (projected start date is mid-September), the fact that work on the DEIS continues for the Wind Project, and the Bell Creek Bridge replacement will be in 2010.
- Raymond Schuster moved to accept a bid from Valley Fab (\$7200) for a Dump Box Spreader. This seconded by James Herbert and unanimously approved.

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

Resolution No. 43 of 2009

Negative Declaration SUP for 6’ High x 8’ Long Fence (Hessel)

WHEREAS, Gordon Hessel (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to construct a 6’ x 8’ fence at 24 West Central Avenue, Westfield, designated as tax map parcel Section 192.09, Block 1, Lot 7, 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 Carl Vilardo. Voting was as follows: Martha Bills, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye; and James Herbert, aye.

- Carl Vilaro, Jr. offered the following resolution and moved its adoption:

Resolution No. 44 of 2009

Issuance of SUP to Construct 6' High x 8' Long Fence (Hessel)

WHEREAS, Gordon Hessel (hereinafter, the "Applicant") has submitted an application requesting permission to construct a 6' x 8' fence on a parcel of land located at 24 West Central Avenue, Westfield, designated as tax map parcel Section 192.09, Block 1, Lot 7, 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 August 20, 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 August 27, 2009 that the application is a matter of local concern, and

WHEREAS, the Town Board finds that the additional 2' of fence height will not unreasonably impede visibility from adjacent properties, nor adversely affect light and air movement, 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 September 1, 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 a 6' x 8' fence at 24 West Central Avenue (the "Use"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the Use 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 the Use 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 Raymond Schuster. Voting was as follows: Martha Bills, aye; David Brown, aye; Carl Vilaro, aye; Raymond Schuster, aye; and James Herbert, aye.

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

Resolution No. 45 of 2009
Authorization to Purchase Real Property

WHEREAS, in 1934 the Town received by gift a parcel of real property located on Coon Road in said Town, which is designated on the county tax map as Section 259.00, Block 2, Lot 24 and Section 260.00, Block 2, Lot 45, totaling 49.2 acres (the "Coon Road Property"), which has never been developed for public use, and

WHEREAS, the Coon Road Property has a total fair market value of \$116,507, comprised of \$41,800 for land and \$74,707 for harvestable timber, as determined by an appraisal report of Bruce E. Robinson, Inc., Forestry Consultants made in July 2009, and

WHEREAS, it is no longer necessary for the Town to retain said property, and

WHEREAS, David A. Spann is the owner of real property located near the mouth of Chautauqua Creek designated on the county tax map as Section 192.06, Block 1, Lot 9, which contains approximately 1,800 feet of beach frontage on Lake Erie, 1,900 feet of frontage on Chautauqua Creek, and 50 feet of frontage on New York State Route 5, and

WHEREAS, the Town desires to purchase approximately 7 acres of said lot, including all of the frontages listed above, in order to preserve and expand public access to Chautauqua Creek and Lake Erie (the "Peacock Point Property"), and

WHEREAS, Spann has proposed that he convey the Peacock Point Property to the Town in exchange for the Coon Road Property, and

WHEREAS, a 2008 appraisal of the Peacock Point Property made by George W. Holt, a New York State Certified General Real Estate Appraiser, found that the fair market value of the beachfront property alone is \$181,800, and

WHEREAS, the Town also would receive fee title to a 33 feet wide strip of land running from the beach to Route 5 and a roughly 5,000 square feet of land near Route 5, neither of which was included in the Holt appraisal, and

WHEREAS, the Town Board finds that the fair market value of the Peacock Point Property to be received by the Town exceeds the value of the Coon Road Property to be conveyed to Spann, that the Peacock Point Property will be of greater use to the general public than the Coon Road Property, that the terms of the sale and purchase as negotiated are the most beneficial to the taxpayers of the Town of Westfield, and that the transaction is in the public interest

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Westfield, in regular session duly convened, does hereby authorize and direct the Town Supervisor to:

1. Execute a Contract of Sale and thereafter deliver to David A. Spann the Coon Road Property, subject to a permissive referendum as permitted by law; and to
2. Execute a Contract of Sale and thereafter receive from David A. Spann the Peacock Point Property.

This was seconded by James Herbert. Voting was as follows: Martha Bills, aye; David Brown, aye; Carl Vilardo, no; Raymond Schuster, aye; and James Herbert, 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; Carl Vilardo, aye; and James Herbert, aye.

At 8:30pm Supervisor Bills moved and Carl Vilardo seconded a motion to move to Executive Session to discuss a particular personnel issue. Unanimously carried.

At 8:50pm Supervisor Bills moved and David Brown seconded a motion to return to regular session. Unanimously carried.

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

There being no further business, at 8:55pm David Brown moved and Martha Bills seconded a motion to adjourn. Unanimously carried.

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