

**PUBLIC HEARING
Town of Westfield
May 2nd, 2012
(SUP Outdoor Family Recreation Area)**

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	Jim Pacanowski	Guests: See Attached List
Councilmen:	Raymond Schuster	Marybelle Beigh	
	David Brown	David Babcock	
	James Herbert	Jenna Loughlin	
	David Spann	Joel Seachrist	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a proposed Special Use Permit application submitted by Mei Lu for an Outdoor Family Recreation Center at the corner of Sherman-Westfield and Culver Roads in the Town of Westfield.

Mr. Tom Herr (spouse of applicant) gave an overview of the desired activities for the Recreation Center within the application which included a 'BirdieBall Golf Course', helicopter rides, and a Flea Market. Several guests voiced their objections to having helicopter rides as part of the Recreation Center. Representatives of Crossroads Market were in favor of the center and helicopter rides.

With the Board feeling there was more information to be acquired and analyzed for the helicopter rides portion of the SUP application, David Brown moved and James Herbert seconded the motion that the public hearing be adjourned at 8:10pm and re-opened at 7:25pm on June 6th, 2012. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
May 2nd, 2012
(SUP 6' High Fence)**

Supervisor Bills called the public hearing to order at 8:11pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Jim Pacanowski	Guests: See Attached List
Councilmen:	Raymond Schuster	Marybelle Beigh	
	David Brown	David Babcock	
	James Herbert	Jenna Loughlin	
	David Spann	Joel Seachrist	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an application submitted by Thomas Hudson for a Special Use Permit (SUP) to construct a 6' high privacy fence on property owned by him located at 7518 East Main Road in the Town of Westfield.

Mr. Hudson explained the proposed project to include length and material type. There were some questions from Mr. Leroy Foster which were answered satisfactorily.

There being no further business, David Spann moved and Raymond Schuster seconded the motion that the public hearing be closed at 8:23pm. This was unanimously approved.

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

TOWN BOARD MEETING
Town of Westfield
May 2nd, 2012

The regular meeting of the Town Board of the Town of Westfield was called to order at 8:24pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor: Martha R. Bills Jim Pacanowski Guests: See Attached List
 Councilmen: Raymond Schuster Marybelle Beigh
 David Brown David Babcock
 James Herbert Jenna Loughlin
 David Spann Joel Seachrist

David Brown moved and David Spann seconded a motion to amend the minutes from April 2012 as presented and add “at an annual salary of \$6500” to Chuck Raynor’s appointment as Dog Control Officer for the Town of Westfield. Unanimously approved.

The Town Clerk’s report together with a check in the amount of \$1822.91 representing fees for the month of April 2012 was turned over to the Supervisor. State and County agencies received checks totaling \$299.66.

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	\$394,315.00	\$158,491.00	\$645.89	\$1,000,807.62
Gen B	103,095.00	34,067.00	75.18	135,280.14
Hwy DA	261,328.00	111,988.00	98.62	367,559.50
Hwy DB	20,593.00	26,243.00	37.64	188,777.50
Sewer HO1	25,107.00	19,269.00	-0-	5482.53
Water HO2	18,696.00	12,613.00	-0-	101,495.57
Wfd. Fire	69,935.00	-0-	-0-	70,263.56
Sherm. Fire	8,648.00	-0-	-0-	8,754.50
Totals:	\$901,717.00	\$362,671.00	\$857.33	\$1,878,420.92

The Dog Warden’s report for April 2012 was received and placed on file.

The Fire Department Report for April 2012 was received and placed on file.

The Historian’s report for April 2012 was received and placed on file.

The Town Court report for April 2012 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for April 2012 and highlighted blacktopping throughout the Town.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 10 permits were issued in the Town for April 2012, the fact that several construction inspections have been conducted, and an update on the fire damaged house's clean-up status.

Barcelona Harbor:

- James Herbert stated that pier will officially open the weekend of 4-5 may 2012.

In Public Comment,

- William Bauer thanked the Town for the letter with information concerning the potential grant / loan from USDA Rural Development for a new Barcelona water system.

Announcements:

- Supervisor Bills announced that the Town's Spring Clean-up at the Transfer Station is Saturday, May 5th, from 9:00-1:00 and that there is an eWaste / Tire Turn-in on Saturday, May 12th, 9:00-1:00 at the Town Barn.

Old Business:

- Supervisor Bills noted that all requirements for the revised application to USDA Rural Development for Barcelona water improvements were completed and submitted. She read a letter aloud from USDA RD which outlined a grant / loan proposal with estimated \$ figures for a new water system in Barcelona. The Town has 90 days to complete additional requirements and submit the environmental review 2012 consideration.
- She also noted that volunteers will again be organizing & running the Visitor's Booth at the Pier and thanked them in advance for their contributions.
- David Brown announced that the Civil War Re-enactment Weekend in Westfield is the weekend of June 9th, 2012.
- Raymond Schuster moved and James Herbert seconded a motion to set a Public Hearing for proposed Local Law 1-2012 at 7:20pm June 6th, 2012. This was unanimously approved.

New Business:

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

Resolution No. 21 of 2012
Negative Declaration SUP for 6' High Fence (Hudson)

WHEREAS, Thomas Hudson (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to construct a 6' high fence at 7518 East Main Road, Westfield, designated as tax map parcel Section 193.00, Block 1, 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 David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye. David Spann, aye;

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

Resolution No. 22 of 2012
Issuance of SUP to Construct a 6' High Fence (Hudson)

WHEREAS, Thomas Hudson (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to construct a 6' high fence at 7518 East Main Road, Westfield, designated as tax map parcel Section 193.00, Block 1, 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 April 18th, 2012 and unanimously recommended approval of the application, 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 May 2nd, 2012 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' fence at 7518 East Main Road (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 agrees to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

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

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

Resolution No. 23 of 2012
Negative Declaration SUP for Outdoor Family Rec Area (Lu)

WHEREAS, Mei Lu (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to operate an outdoor commercial recreation facility on a parcel located on the Westfield-Sherman Road, designated as tax map parcel Section 243.00, Block 1, Lot 30.2, and

WHEREAS, the proposed BirdieBall golf course 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 BirdieBall 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 David Spann. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye. David Spann, aye;

- James Herbert offered the following resolution and moved for its adoption:

Resolution No. 24 of 2012
Issuance of SUP for Outdoor Family Rec Area (Lu)

WHEREAS, Mei Lu (hereinafter, the “Applicant”) has submitted an application requesting permission to operate an outdoor commercial recreation center on a parcel of land located on the Westfield-Sherman Road, which is designated as tax map parcel Section 243.00, Block 1, Lot 30.2, and

WHEREAS, the two primary activities that the Applicant requests are a “BirdieBall” golf course and helicopter rides, and

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

WHEREAS, the Town of Westfield Planning Board reviewed the application during meeting held March 28, 2012 and April 18, 2012 and recommended approval of the application, with conditions, 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 March 20, 2012 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 May 2, 2012 and finds justification to approve the BirdieBall part of the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to operate a BirdieBall golf course as a commercial recreation use on the parcel designated as Section 243.00, Block 1, Lot 30.2 (the “Use”), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. This permit is intended to permit only the operation of a BirdieBall golf course, and no other activity listed in the Application at this time.
2. 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.
3. If operation 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.
4. The terms, conditions, and requirements of this permit bind and obligate the Applicant, her successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town, except as otherwise herein noted.

5. 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.
6. 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; James Herbert, aye; David Brown, aye; Raymond Schuster, aye. David Spann, aye;

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

Resolution No. 25 of 2012

Authorization for Supervisor to Sign Rural Development Documents for Barcelona Water System

WHEREAS, the Town is pursuing a loan and grant from the United States Department of Agriculture/Rural Development to fund improvements to the Barcelona water system; and

WHEREAS, if the Town receives a loan and grant package it may be necessary to perform various environmental studies and issue bonds for the project;

NOW, THEREFORE, BE IT RESOLVED:

1. The Supervisor is hereby authorized to execute all documents related to a Rural Development loan and grant package for the Barcelona water system; and
2. The Supervisor is further authorized to issue a request for qualifications for the various professional services that may be required to complete the project, including, but not limited to, bond counsel and fiscal advisor.

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

- Martha Bills moved and David Spann seconded a motion to set a Special Meeting of the Town Board for 22 May 2012 @ 4:00pm in Eason Hall for the purpose of setting a Public Hearing date for the Barcelona Water Benefit District and any other business that may come before the Board. Unanimously carried.

Warrants dated April 4th, 2012 (voucher #'s 8787 - 8829), in the amount of \$58,248.90 drawn on the following funds: General \$27,536.45; General Part-Town \$11,500.00; Highway \$7,543.16; Highway Part-Town \$10,877.45; Sewer Fund \$15.64; Shorehaven Water Project \$3.18; and Trust & Agency \$773.02 were presented and audited by the Board members. James Herbert moved and David Brown 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; David Spann, aye.

At 9:20pm Supervisor Bills moved and David Spann seconded a motion to move to Executive Session to discuss current litigation. Unanimously carried.

At 9:32pm Supervisor Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, June 6th, 2nd, 2012 @ 7:30pm.

There being no further business, at 9:34pm. James Herbert moved and Martha Bills seconded a motion to adjourn. Unanimously carried.

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

Sign-in Sheet
2 May 2012

<i>Name</i>	<i>Address</i>
Jeanne M. Habig	204 East Main Street
Louis Habig	204 East Main Street
Lynn Wood	83 Nichols Avenue
Kristyn LeBarron	19 Camelot
Michael Ceci	155 East Main Street
Susan Ceci	155 East Main Street
Jim Crolle	6863 South Portage Street
Carol Crolle	6863 South Portage Street
Beverly Jones	8215 Culver Road
Jon Jones	8215 Culver Road
Susan Breads	6282 Sherman Westfield Road
Jeff Breads	6282 Sherman Westfield Road
Richard Rupczyk	5896 Ogden Road
John Gullo	221 Central Ave, Fredonia
Claire Quadri	Mt. Baldy Road
Gene Barry	S. Portage Street
Jack Gulvin	Allen Road
Tom Herr	Taylor Road
Peggy Fitzgibbon	
Mitch Fitzgibbon	

Tom Carlson	6240 Canada Road, Mayville
Lynn Hanks	Putnam Road, Mayville
Janet Nass	Hardscrabble Road
Harold Nass	Hardscrabble Road
Mary Lender	
Ruth Foster	East Main Road
Leroy Foster	East Main Road
Henry Link	
Mark Pouthier	
William Bauer	N. Portage Road, Barcelona
Abbie Cardy	7532 East Rte 20
Wayne Cardy	7532 East Rte 20
Marilyn Peters	
Steven Peters	
Bill Brown	
Anthony Leone	
Trey North	
Mason Samonia	