

**PUBLIC HEARING
Town of Westfield
October 3rd, 2012
(SUP Amendment - Emergency Generator for Cell Tower)**

Supervisor Bills called the public hearing to order at 7:15pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Claire Quadri
Councilmen:	Raymond Schuster	Jenna Loughlin	Claude Abbey
	David Brown	Joel Seachrist	Janet Nass
	James Herbert	Jim Pacanowski	Harold Nass
	David Spann	Steven Pacanowski	Paul Duman
			James Cunningham

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an application submitted by American Tower to amend their existing Cell Tower Special Use Permit to install a 50kw Generator on a 7'x14' concrete pad at their existing telecommunications facility located on Douglas Road in the Town of Westfield.

There was some Board discussion with all questions being answered satisfactorily.

There being no further business, Martha Bills moved and David Brown seconded the motion that the public hearing be closed at 7:20pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
October 3rd, 2012
(Sherman Fire District)**

Supervisor Bills called the public hearing to order at 7:21pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Claire Quadri
Councilmen:	Raymond Schuster	Jenna Loughlin	Claude Abbey
	David Brown	Joel Seachrist	Janet Nass
	James Herbert	Jim Pacanowski	Harold Nass
	David Spann	Steven Pacanowski	Paul Duman
			James Cunningham

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Sherman Fire District agreement of \$8904.00 for 2013. She explained that this was a slight increase from the previous year. There were some questions from the audience which were answered satisfactorily.

There being no further business, James Herbert moved and David Spann seconded the motion that the public hearing be closed at 7:26pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
October 3rd, 2012
(Westfield Fire District)**

Supervisor Bills called the public hearing to order at 7:27pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Claire Quadri
Councilmen:	Raymond Schuster	Jenna Loughlin	Claude Abbey
	David Brown	Joel Seachrist	Janet Nass
	James Herbert	Jim Pacanowski	Harold Nass
	David Spann	Steven Pacanowski	Paul Duman
			James Cunningham

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Westfield Fire District contract of \$42,775.00 for 2013. She provided a brief description of the budget highlighting that as always this expense is split with the Village based on actual department costs. This includes a Workman's Compensation cost of \$4300. There was some discussion among Board members. All questions were answered satisfactorily.

There being no further business, David Brown moved and Raymond Schuster 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
October 3rd, 2012

The regular meeting of the Town Board was called to order at 7:35pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Claire Quadri
Councilmen:	Raymond Schuster	Jenna Loughlin	Claude Abbey
	David Brown	Joel Seachrist	Janet Nass
	James Herbert	Jim Pacanowski	Harold Nass
	David Spann	Steven Pacanowski	Paul Duman
			James Cunningham

The Town Clerk's report together with a check in the amount of \$4156.20 representing fees for the month of September 2012 was turned over to the Supervisor. State and County agencies received checks totaling \$4151.86.

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	\$472,628.00	\$383,477.00	\$2645.89	\$866,740.40
Gen B	115,523.00	55,331.00	75.18	114,873.15
Hwy DA	262,410.00	143,992.00	98.62	323,314.10
Hwy DB	305,915.00	391,918.00	37.64	106,535.56
Sewer HO1	25,119.00	21,668.00	-0-	5,439.03
Water HO2	18,790.00	17,020.00	-0-	97,409.77
Wfd. Fire	70,000.00	-0-	-0-	70,328.75
Sherm. Fire	8,653.00	8,644.00	-0-	115.15
Totals:	\$1,279,038.00	\$1,022,050.00	\$2,857.33	\$1,584,755.91

The Dog Warden's report for September 2012 was received and placed on file.

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

The Historian's report for September 2012 was received and placed on file.

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

Highway:

- The Town Highway Superintendent provided a written report for September 2012.
- Raymond Schuster moved and David Brown seconded a motion to approve the bid from Fleet Maintenance, Inc. of \$107, 856 for a 2013 Tandem Axle Truck & Chassis. This was unanimously approved.

- Raymond Schuster moved and David Spann seconded a motion that the Town goes out for bid for a 2013 or newer Plow Hitch, Wing System, and Dump Box. This was unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for September 2012 highlighting that 9 permits were issued in the Town. Construction continues on 3 new homes (Ogden, Belson, and West Main Roads).

Barcelona Harbor:

- Pier operations from a Town perspective have ceased for 2012 and preparations for winter are underway. James Herbert noted that 3 logs were removed from inside the harbor.

In Public Comment, there were no comments.

Announcements:

- STW is again sponsoring the *Fall Planning & Zoning Conference* (scheduled at Chautauqua Suites on the 15th of November, 2012).
- An eWaste & Tire Turn-in is scheduled for 6 October 2012 at the Town Barn.

Old Business:

- Supervisor Bills provided updates on projects including the status of an Archeological Survey ready to begin for the Barcelona Water project and new lighting for the Pier.

New Business:

- Supervisor Bills discussed the status of the current 2013 Preliminary Town of Westfield Budget and its associated Tax levy limit.
- A meeting was set for October 15th, 2012 at 4:00pm in Eason Hall for a Budget Workshop.

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

Resolution #46 of 2012
Negative Declaration
 50kw Generator / American Tower Site (Douglas Road)

WHEREAS, American Tower (hereinafter, the “Applicant”) has submitted an application to amend their existing Special Use Permit to install a 50kw Generator on a 7’x14’ concrete pad within an existing telecommunications facility on a parcel of land located on Douglas Road, Westfield, designated as tax map parcel Section 242.00, Block 2, Lot 7.1 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 James Herbert. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

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

Resolution #47 of 2012
Issuance of Amendment to SUP
50kw Generator / American Tower (Douglas Road)

WHEREAS, American Tower (hereinafter, the “Applicant”) has submitted an application to amend their existing Special Use Permit to install a 50kw Generator on a 7’x14’ concrete pad within an existing telecommunications facility on a parcel of land located on Douglas Road, Westfield, designated as tax map parcel Section 242.00, Block 2, Lot 7.1 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 public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held September 19, 2012 and 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 September 24, 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 October 3, 2012, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to install a 50kw Generator on a 7’x14’ concrete pad within an existing telecommunications facility on a parcel of land located on Douglas Road, Westfield,, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans submitted to the Town with the amendment application, except as hereinafter modified, and agree to be bound by the terms of the application and the conditions of this permit.
2. If operation of the Facility has not commenced within one year of the issuance of this permit, this Amendment to the existing Special Use Permit shall become void and the Applicant shall be required to apply for a new amendment should it intend to continue the project.
3. The terms, conditions, and requirements of this permit bind and obligate the Applicant, their successors, and assigns. This amendment 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 Amendment to their Special Use Permit.
5. This amendment to the existing 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; Raymond Schuster, aye; David Spann, aye.

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

Resolution #48 of 2012
Standardized Equipment

WHEREAS, the Highway Department of the Town of Westfield, Chautauqua County, New York, presently owns 5 pieces of snow plow equipment all manufactured under the Everest brand and has on hand a supply of spare parts therefore; and

WHEREAS, to purchase a different brand of snow plow equipment would be inefficient and uneconomical since alternate brands and additional supplies of spare parts would have to be purchased which would not be interchangeable with the ones already on hand, and

WHEREAS, for other reasons such as handling and operation of the equipment and attaching snow plows and other implements, it is desirable to purchase an additional truck to be used for snow-plowing purposes and that the snow plow equipment used on that truck be of the same make as that presently owned by the Town,

NOW, THEREFORE, BE IT RESOLVED, that for reasons of efficiency and economy and pursuant to the authority conferred by Subdivision 5 of section 103 of the General Municipal Law, it is determined by this Board that there is a need for standardization in the purchase of equipment manufactured under the Everest brand for the Town Highway Department, and

BE IT FURTHER RESOLVED, that the Town Highway Superintendent be and hereby is authorized to contract for the purchase of additional items manufactured under the Everest brand, as needed, pursuant to the Procurement Policy previously adopted by the Town Board.

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.

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

Resolution #49 of 2012
Authorization to Sign Agreement with Chautauqua Lake Snowmobile Club

RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign an agreement with the Chautauqua Lake Snowmobile Club to allow crossings on Town of Westfield road right of ways which are part of the trail system.

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

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- Warrants dated October 3rd, 2012 (voucher #'s 9060 - 9116), in the amount of \$56,319.72 drawn on the following funds: General \$43,275.95; General Part-Town \$467.71; Highway \$2,795.86; Highway Part-Town \$8,988.40; Sewer Fund \$16.45; Shorehaven Water Project \$2.33; and Trust & Agency \$773.02 were presented and audited by the Board members. David Brown moved and James Herbert seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited.

At 8:35pm Supervisor Bills moved and Raymond Schuster seconded a motion to move to Executive Session to discuss possible litigation. Unanimously carried.

At 9:25pm David Spann moved and David Brown seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, November 7th, 2012 @ 7:30pm.

There being no further business, at 9:27pm David Spann moved and James Herbert seconded a motion to adjourn. Unanimously carried.

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