

PUBLIC HEARING

Town of Westfield

March 4th, 2015

Public Hearing to Modify an Existing Cell Tower SUP (T-Mobile / Vilaro Road)

Supervisor Bills called the public hearing to order at 7:26pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Janet Nass
Councilmen:	David Brown	Joel Seachrist	Harold Nass
	Raymond Schuster	Marybelle Beigh	William Bauer
	David Spann	Carl Vilaro, III	Randy McNeil
	James Herbert	Roberta Vilaro	Cathy McNeil

The proposed SUP modification application from Crown Castle (T-Mobile) is to allow the swapping of 2 antennas, leave 3 antennas, remove 3 TMA's (replace with 6), add 6201 ODE cabinet, add 6 diplexers, and a GPS cone at the existing telecommunications tower at 8584 Vilaro Road. This is an enhancement upgrade and will not change the height of footprint of the tower.

Martha Bills moved and David Spann 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
March 4th, 2015

The regular meeting of the Town Board of the Town of Westfield was called 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	Janet Nass
Councilmen:	David Brown	Joel Seachrist	Harold Nass
	Raymond Schuster	Marybelle Beigh	William Bauer
	David Spann	Carl Vilaro, III	Randy McNeil
	James Herbert	Roberta Vilaro	Cathy McNeil

David Brown 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 \$2878.09 representing fees for the month of February 2015 was turned over to the Supervisor. State and County agencies received checks totaling \$122.91.

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	\$388,134.00	\$95,473.00	\$16,165.68	\$942,546.13
Gen B	1,125.00	20,934.00	75.18	123,675.23
Hwy DA	324,923.00	71,415.00	719.69	535,522.00
Hwy DB	5,408.00	(132.00)	37.64	192,592.50
Sewer HO1	22,605.00	44.00	-0-	24,604.05
Water HO2	15,790.00	-0-	-0-	114,230.31
Wfd. Fire	54,000.00	-0-	-0-	54,525.82
Sherm. Fire	9,536.00	-0-	-0-	9,638.53
Totals:	\$821,521.00	\$187,734.00	\$16,998.19	\$1,997,334.62

The Dog Warden's report for February 2015 was received and placed on file.

The Fire Department Report for February 2015 was received and placed on file.

The Historian's report for February 2015 was received and placed on file.

The Town Court report for February 2015 was received and placed on file.

The Westfield Police Report for February 2015 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for February 2015 and highlighted sanding / plowing, fuel usage, and some pier improvements.
- Raymond Schuster moved and David Spann seconded a motion to authorize going out for bid on Highway materials. Unanimously carried.
- James Herbert moved and David Brown seconded a motion to authorize the Posting of Town Roads. Unanimously carried.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for February 2015 highlighting that construction of additions continues for homes on East Lake Road and East Route 20 in the Town.

Barcelona Harbor: (Pier is closed for the season)

Public Comment: None

Announcements:

- 3/18/2015 is the Village Election.

Old Business:

- Supervisor Bills noted that a new BAN for the Barcelona Water Project to assist in funding was obtained and will close by the end of the month. Also, items (i.e. road repair, fire hydrants) were identified to obtain with unexpended project funding.
- Supervisor Bills also discussed the documentation of Town shared services sent to and consolidated by the County for annual tax cap purposes.
- Raymond Schuster moved and David Brown seconded a motion to extend the contract with Casella Waste Services (operation of Transfer Station) for 90 days through 30 June 2015. This was unanimously carried.

New Business:

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

Resolution No. 22 of 2015

Negative Declaration /Modification to Existing SUP (T-Mobile / Vilardo Road)

WHEREAS, the Town Board of the Town of Westfield is considering the application of Crown Castle (T-Mobile) for modification of an existing Special Use Permit to allow swapping 2 antennas, leave 3antennas, remove 3 TMA’s replace with 6, add 6201 ODE cabinet, add 6 diplexers, and GPS cone at an existing telecommunications tower at 8584 Vilardo Road, on a parcel designated as tax map Section 208.00, Block 2, Lot 19, 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 Crown Castle (T-Mobile).

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 Spann offered the following resolution and moved its adoption:

Resolution No. 23 of 2015

Issuance of Modification to Existing SUP (T-Mobile / Vilardo Road)

WHEREAS, the Town Board of the Town of Westfield is considering the application of Crown Castle (T-Mobile) for modification of an existing Special Use Permit to allow swapping 2 antennas, leave 3antennas, remove 3 TMA’s replace with 6, add 6201 ODE cabinet, add 6 diplexers, and GPS cone at an existing telecommunications tower at 8584 Vilardo Road, on a parcel designated as tax map Section 208.00, Block 2, Lot 19, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held February 11th, 2015 and recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-n of the General Municipal Law and the Department advised by letter dated February 23rd, 2015 that the matter was of local concern, and

WHEREAS, the Town board (“Board”) has carefully considered the issue of compliance with the State Environmental Quality Review Act, and has issued a negative declaration after examination of the record and a public hearing, and

WHEREAS, the Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held March 4th, 2015 after publication of legal notice, 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. The Applicant shall undertake the project in accordance with the plans submitted to the Town with the application, and agrees to be bound by the terms of the application, the site plan, and the conditions of this permit.
2. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.

3. The terms, conditions, and requirements of this permit shall be cumulative with and in addition to any set out in the Special Use Permit authorizing the existing telecommunications tower, and any subsequent additions, modifications, or amendments thereto.

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 Modification to an Existing 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 Modification to an Existing 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.

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- Martha Bills moved and James Herbert seconded a motion to authorize the Historian to attend the Government Appointed Historians of WNY (GAHWNY) 2015 Spring Meeting 4/18/15 in Batavia. This was unanimously carried.

Warrants dated February 11, February 20, and March 4th, 2015 (voucher #'s 10726 - 10791) in the amount of \$127,903.96 drawn on the following funds: General \$59,112.93; General Part-Town \$941.00; Highway \$26,455.91; Highway Part-Town \$6042.78; Sewer Fund \$21.52; Shorehaven \$3.86; Trust & Agency \$819.26; Welch Building \$32,458.94; and the BWP \$2047.76 were presented and audited by the Board members. James Herbert moved and Raymond Schuster 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 8:10pm Supervisor Bills moved and David Spann seconded a motion to move to Executive Session to discuss ongoing contract negotiations. Unanimously carried.

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

The next Town Meeting is scheduled for Wednesday, April 1st, 2015 @ 7:30pm.

There being no further business, at 8:52pm. James Herbert moved and David Brown seconded a motion to adjourn. Unanimously carried.

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

