

TOWN BOARD MEETING
Town of Westfield
February 7th, 2007

7:20 p.m. Public Hearing (Wireless Communications Tower)

7:30 p.m. Town Board Meeting

1. Minutes - Town Board Meeting / January 10th, 2007
- Special Meeting of the Town Board / January 16th, 2007
- Special Meeting of the Town Board / January 22nd, 2007
2. Monthly Reports - Town Clerk's Monthly Report
- Dog Warden's Report (no report)
- Fire Dept. Monthly Report
3. Highway
4. Code Enforcement
5. Barcelona Harbor (Closed)
6. Public Comment

ANNOUNCEMENTS

February 28th, 2007 - 6:15pm - 9:15pm Public Session concerning the Lakefront Revitalization Plan (WACS Cafeteria)

OLD BUSINESS

Action on Highway Bid
Annual Audit of Town Books
- Transfer of funds
- Court Annual Report
Local Law #2 - Set Public Hearing
Small Cities Hearing

NEW BUSINESS

EAF (Fortune Wireless, Inc. - Proposed Cell Tower)
Resolution #13 - Negative Declaration (Proposed Cell Tower)
Resolution #14 - Issuance of SUP for Cell Tower Construction (Fortune Wireless, Inc.)
Resolution #15 - Adoption of Local Law #1
Resolution #16 - County Shared Hwy Service Contract
Resolution #17 - Aged Exemption
Resolution #18 - CDBG Grant
New Housing Exemption
Resignation of Town Historian
Cable Access 5
Chautauqua County Vacation Bureau Request
Review of Communications Cost
LGRMIF Grant

Audit of Bills

Executive Session - (if needed)

Resolutions for 02/07/07 meeting;

Resolution No. 14 of 2007
(Issuance of SUP for Cell Tower Construction / Fortune Wireless, Inc.)

WHEREAS, Fortune Wireless, Inc., as agent for Dobson Cellular Systems and Global Tower Partners (hereinafter, the “Applicant”) submitted an application on December 21, 2006, requesting permission to construct and operate a telecommunications facility on a parcel of land located near 7822 Persons Road, Westfield, and designated as tax map parcel 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 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 January 18, 2007, and recommended approval of the application with qualifications, 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 February 7, 2007, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to operate a telecommunications tower and the structures and equipment appurtenant thereto on the parcel of land located near 7822 Persons Road, Westfield (the “Facility”), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. All development and construction on the Facility site shall comply with the site plans submitted with the application, except as hereinafter modified.
2. The tower and equipment attached thereto shall not exceed 199’ in total height, so that the tower need not be lighted or marked under current regulations. Power to the site shall be provided by an underground electrical supply.
3. The Applicant shall construct a gate or fence in a location suitable to the landowner, located so as to prevent unauthorized vehicles from using the access road to the Facility.
4. The Applicant shall comply at all times with the current applicable standards and regulations of the FCC and FAA, and of all other agencies of the federal government with authority to regulate such facilities.
5. The Facility shall be inspected and maintained in accordance with the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.
6. Prior to the start of constructions of the Facility the Applicant shall provide the following to the Town:
 - (a) Construction plans stamped by a professional engineer; and
 - (b) A demolition bond in an amount no less than \$35,000, which amount shall be reviewed and

adjusted at five (5) year intervals pursuant to Zoning Law §§185-43(I)(9)(a) and (12)(b).

7. It is understood that any reference to the “Village” in the application is intended to refer to the Town of Westfield.
8. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns.
9. 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, which shall not be unreasonably withheld.
10. This permit shall expire automatically if the Facility is not operational by February 7, 2008.
11. 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.

Resolution No. 15 of 2007
(Adoption of Local Law #1)

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Westfield for a public hearing to be held by said Board on January 10, 2007 at 7:15 p.m. at the North Room, Eason Hall, 23 Elm Street, Westfield, NY 14787, to hear all interested parties on a proposed Local Law to permit in the Manufacturing (M) District those uses permitted by Special Use Permit in the Residential-Lakeside (R-L) and Residential-Agricultural (R-A) Districts, and

WHEREAS, notice of said public hearing was duly published in the *Dunkirk Evening-Observer* and *Westfield Republican* and posted in the Town Clerk’s office and

WHEREAS, said public hearing was duly held on January 10, 2007 at 7:15 p.m. at the said Eason Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, on January 30, 2007 the County Planning Department, pursuant to Section 239-m of the General Municipal Law, advised that the proposed Local Law was of local option, and

WHEREAS, the Town Board has determined that the adoption of the local law is a Type I action for purposes of the State Environmental Quality Review Act, has prepared an Environmental Assessment Form, and has duly adopted a Negative Declaration finding that the proposed Local Law will not have significant adverse environmental impacts, and

WHEREAS, the Town Board of the Town of Westfield, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 1 of 2007, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Westfield, and to give due notice of the adoption of the Local Law to the Secretary of State.

Resolution No. 16 of 2007
(Shared Highway Service)

RESOLVED, that the Town Supervisor be authorized to sign a Mutual Aid Shared Highway Services contract with Chautauqua County upon advice and review by the Town Attorney.

Resolution No. 17 of 2007
(Aged Exemption)

WHEREAS, the Town has had in place an Aged Exemption of \$12,500 which affects the Town taxes paid by qualified residents over 65, and

WHEREAS, the Town Assessor has suggested that the Town increase this exemption to be more in line with Chautauqua County,

RESOLVED, that the Town Board does hereby increase such exemption to \$14,000, effective immediately.

Resolution No. 18
(CDBG Grant)

WHEREAS, the Town Board considers it essential to future community development to participate in the Community Development Block Grant program for funding of one or more community development activities within the Town; and

WHEREAS, currently the Governor's Office for Small Cities is soliciting applications for the 2007 community Development Block Grant competitive round.

NOW, THEREFORE BE IT RESOLVED, that this Town Board hereby determines to have public hearings for the purposes of identifying a community development project or projects for submission during the 2007 round; and,

BE IT FINALLY RESOLVED, that this Board will conduct two public hearings on the 7th day of March, 2007 at 7:20pm as well as the 14th day of March 27, 2006, at 4:30pm to solicit the comments and suggestions of the public and to provide for the further development of such project or projects.

TOWN BOARD MEETING
Town of Westfield
March 7th, 2007

7:15 p.m. Public Hearing (Local Law #2)

7:20 p.m. Public Hearing (CDBG)

7:30 p.m. Town Board Meeting

1. Minutes - Public Hearing (Wireless Communications Tower) / February 7th, 2007
- Town Board Meeting / February 7th, 2007
2. Monthly Reports - Town Clerk's Monthly Report
- Dog Warden's Report
- Fire Dept. Monthly Report
3. Highway
4. Code Enforcement
- SUP's (Rammelt & Schofield)
- Set Public Hearings
5. Barcelona Harbor (Closed)
6. Public Comment

ANNOUNCEMENTS

March 14th, 2007 - Public Hearing (CDBG) / 4:30pm Eason Hall

April 25th, 2007 - Public Workshop / Westfield - Ripley Lakefront Opportunity Plan
(RCS)

OLD BUSINESS

Review Fee Schedule

NEW BUSINESS

Resolution #20 - Negative Declaration Local Law #2

Resolution #21 - Adoption of Local #2

AUD Report

Transfer Station

American Legion Request

Audit of Bills

Executive Session - (if needed)

TOWN BOARD MEETING
Town of Westfield
April 4th, 2007

7:30 p.m. Town Board Meeting

1. Minutes - March 7th, 2007 / 2 Public Hearings (Local Law #2 & CDBG) & Town Board Meeting
- March 14th, 2007 / 3 Public Hearings (2 SUP's & CDBG) & Special Meeting of the Town Board
2. Monthly Reports - Town Clerk's Monthly Report
- Dog Warden's Report
- Fire Dept. Monthly Report
3. Farmer's Market Presentation (Westfield-Barcelona Chamber of Commerce)
4. Highway
Bid - Town Fuels
Bid - Roof (Town Barn)
5. Code Enforcement
SUP Application Submission (Fortner)
6. Barcelona Harbor (Closed)
7. Public Comment

ANNOUNCEMENTS

April 19th, 2007 – Town / Village Joint Meeting (6:00pm)

April 25th, 2007 - Public Workshop / Westfield - Ripley Lakefront Opportunity Plan
(RCS Cafeteria / 6:15pm-9:15pm)

OLD BUSINESS

American Legion Request (Tabled)
Shorehaven Water Project
Fishway Project
Town Historian

NEW BUSINESS

Appointment (Harbor Commission Member)
Dredging Permits
Resolution #29 Settlement with Penn Traffic
Resoulution#30 Contract with Fairpoint Communications

Audit of Bills

Executive Session - (if needed)

TOWN BOARD MEETING
Town of Westfield
May 2nd, 2007

7:30 p.m. Town Board Meeting

1. Minutes - April 4th, 2007 / Town Board Meeting
- April 11th, 2007 / Public Hearing (SUP) & Special Meeting of the Town Board
2. Monthly Reports - Monthly Supervisor's Report
- Town Clerk's Monthly Report
- Dog Warden's Report
- Fire Dept. Monthly Report
3. Highway
Bid - Roof (Town Barn)
Right of Way Permit Approval
4. Code Enforcement
5. Barcelona Harbor (Opens May 5th, 2007)
6. Public Comment

ANNOUNCEMENTS

Memorial Day Parade / Activities (Monday, May 28th, 2007)

OLD BUSINESS

Town / Village Meeting
Westfield - Ripley Lakefront Plan
Grants
Appointment of Historian

NEW BUSINESS

Spring Clean-up (Saturday, May 19th, 2007)
Budget Resolution No. 1 for 2007

Audit of Bills

Next Meeting

Executive Session - (if needed)

TOWN BOARD MEETING
Town of Westfield
June 6th, 2007

7:30 p.m. Town Board Meeting

1. Minutes - May 2nd, 2007 / Town Board Meeting
2. Monthly Reports - Monthly Supervisor's Report
 - Town Clerk's Monthly Report
 - Dog Warden's Report
 - Fire Dept. Monthly Report
 - Historian's Monthly Report
3. Highway
4. Code Enforcement
5. Barcelona Harbor (Opened May 5th, 2007)
6. Public Comment

ANNOUNCEMENTS

- Town Offices Closed (Friday, June 8th and June 11th am)

OLD BUSINESS

- Grants Update
- Bliss Road

NEW BUSINESS

- Approval of Assessor Training (2 Sessions ORPS / Assessor Meeting)
- Dog Enumeration (30 June - 21 July)
- Information Booth
- Budget Resolution No. 2 for 2007
- Resolution No. 35 (Multi-Jurisdictional Hazard Mitigation Plan)
- Resolution No. 36 (Engineering Agreement - Tolman)
- Resolution No. 37 (Engineering Agreement - Stone)

Audit of Bills

Next Meeting - July 11th, 2007

Executive Session - (if needed)

TOWN BOARD MEETING
Town of Westfield
July 11th, 2007

7:30 p.m. Town Board Meeting

1. Minutes - June 6th, 2007 / Town Board Meeting
- June 21st, 2007 / Special Meeting of the Town Board
2. Monthly Reports - Monthly Supervisor's Report
- Town Clerk's Monthly Report
- Dog Warden's Report
- Fire Dept. Monthly Report
- Historian's Monthly Report
- Town Court
3. Highway
4. Code Enforcement
5. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- LGMRIF (Approved)
- STW Upcoming Trainings
- Joint Town / Village Meeting in August 2007 (Possible Dates?)

OLD BUSINESS

- East Main Road / water line project
- Shorehaven BAN

NEW BUSINESS

- Office of Court Administration
- FCC Petition
- NYS Public Service Commission Announcement
- Resolution No. 38 (Authorization for Dog Enumerators' Payment)
- Resolution No. 39 (Disposal of Obsolete Equipment / Fax Machine)

Audit of Bills

Next Meeting - August 8th, 2007

Executive Session - (if needed)

TOWN BOARD MEETING
Town of Westfield
August 8th, 2007

7:30pm Town Board Meeting

1. Minutes - July 11th, 2007 / Town Board Meeting
2. Monthly Reports - Supervisor's Monthly Report
 - Town Clerk's Monthly Report
 - Dog Warden's Report (Not Available)
 - Fire Dept. Monthly Report
 - Historian's Monthly Report
 - Town Court Report
3. Highway
4. Code Enforcement
5. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- Lakefront Assessments Meeting (August 21st, 2007 / 7:00pm @ WACS)
- Joint Town / Village Meeting (August 23rd, 2007 / 7:00pm @ Eason Hall)
- Tire Amnesty (September 4-14, 2007) at the Town Barn - During Highway Dept. regular working hours only

OLD BUSINESS

- Dog Enumeration Update
- Project Updates
- US Army Corps of Eng. Public Scoping Packet

NEW BUSINESS

- Appointment of Bookkeeper
- Appointment of Bookkeeper as Deputy Town Clerk (Stipend of \$250 for 2007)
- Approval of Training for Bookkeeper (NYS Comptroller / Basic Accounting), Oct 23-25, 2007 in Kingston, NY
- SEMO Hazard Mitigation Grant

Audit of Bills

Next Meeting - September 5th, 2007

Executive Session - (if needed)

TOWN BOARD MEETING
Town of Westfield
September 5th, 2007

7:30pm Town Board Meeting

1. Minutes - August 8th, 2007 / Town Board Meeting
- August 23rd, 2007 / Joint Town & Village Meeting
2. Monthly Reports - Supervisor's Monthly Report
- Town Clerk's Monthly Report
- Dog Warden's Report
- Fire Dept. Monthly Report
- Historian's Monthly Report
- Town Court Report
3. Highway - Tire Amnesty (September 4-14, 2007)
4. Code Enforcement
5. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- Tourism Development Program / Thursday, 9/20 8:00am - 5:00pm
- New Neighbor Night / Patterson Library / Thursday, 9/27 6:00 - 8:00pm
- NYS Winterfest

OLD BUSINESS

- NYS SEMO Grant Application (Hazard Mitigation)
- Barcelona Water Meeting

NEW BUSINESS

- Fall Clean-up (Proposed date of Sep 29th, 2007)
- Resolution #40 (Appointment of Assessor)
- Resolution #41 (Westfield Moose Lodge #118 Settlement)

Audit of Bills

Next Meeting - October 3rd, 2007

Executive Session - (if needed)

TOWN BOARD MEETING
Town of Westfield
October 3rd, 2007

7:30pm Town Board Meeting

1. Minutes - September 5th, 2007 / Town Board Meeting
2. Monthly Reports - Supervisor's Monthly Report
 - Town Clerk's Monthly Report
 - Dog Warden's Report
 - Fire Dept. Monthly Report
 - Historian's Monthly Report
 - Town Court Report
3. Highway
4. Code Enforcement
5. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- STW Regional Wind Energy Conf. (Thursday, Oct. 25th, 2007 @ 8:00am - 4:30pm)
- STW Fall Planning & Zoning Conf (Thursday, Nov. 15th, 2007 8:00am - 3:00pm)

OLD BUSINESS

- NYS SEMO Grant Application (Hazard Mitigation)
- Barcelona Water Meeting
- East Main Water Grant

NEW BUSINESS

- Babcock & Brown
- Tom Herr (Taylor Rd. / Bio-Blitz)
- Resignation of Jack Bills, (Effective October 5th, 2007)
- Resignation of Sid Hoyt, (Effective September 18th, 2007)
- Schedule Budget Workshop
- Schedule Hearings:
 - Sherman Fire District
 - Westfield Fire District
 - 2008 Town Budget
 - SUP's (2 Met Towers)
- Resolution #43 (Application of Babcock & Brown for 2 Met Towers SUP's)
- Resolution #44 (Potential Agreement with Fairpoint Communications)
- Resolution #45 (2006 Financial Record Audits)

Audit of Bills

Next Meeting - November 7th, 2007

Executive Session - (if needed)

TOWN BOARD MEETING
Town of Westfield
November 7th, 2007

7:00pm Public Hearing Schedule

- 7:00pm Sherman Fire District Budget
- 7:05pm Westfield Fire District Budget
- 7:10pm Preliminary Budget 2008
- 7:15pm Special Use Permit submission for a Meteorological Tower
- 7:20pm Special Use Permit submission for a Meteorological Tower

7:30pm Town Board Meeting

1. Minutes - October 3rd, 2007 / Town Board Meeting
2. Monthly Reports - Supervisor's Monthly Report
 - Town Clerk's Monthly Report
 - Dog Warden's Report
 - Fire Dept. Monthly Report
 - Historian's Monthly Report
 - Town Court Report
3. Highway - Rabies Clinic (November 8th, 2007/ Town Barn 4:00pm - 6:00pm)
4. Code Enforcement
5. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- Community Meeting (Babcock & Brown @ WACS) / Thursday, 11/8, 7:00pm - 9:00pm
- STW Fall Planning & Zoning Conf. / Thursday, 11/15, 8:00am - 5:00pm
- STW Planning & Zoning Bd Training / Thursday, 11/28, 6:00pm - 10:00pm

NEW BUSINESS

- Resolution #42 - Hwy Right of Way Permit #3 of 2007 (Ogden Rd.)
- Budget Resolution #3 of 2007
- Resolution #43 - Negative Declaration (Proposed Met Tower / Russell Property)
- Resolution #44 - Issuance of SUP for Met Tower / Russell Property)
- Resolution #45 - Negative Declaration (Proposed Met Tower / Bowen & Breads Property)
- Resolution #46 - Issuance of SUP for Met Tower (Bowen & Breads Property)

Audit of Bills

Next Meeting - December 5th, 2007

Executive Session - (if needed)

TOWN BOARD MEETING

Town of Westfield
December 5th, 2007

7:30pm Town Board Meeting

1. Minutes - November 3rd, 2007 / Town Board Meeting
- November 14th, 2007 / Special Meeting of the Town Board
2. Monthly Reports - Supervisor's Monthly Report
- Town Clerk's Monthly Report
- Dog Warden's Report
- Fire Dept. Monthly Report
- Historian's Monthly Report
- Town Court Report
3. Highway
4. Code Enforcement
5. Barcelona Harbor (Closed / Report)
6. Public Comments

ANNOUNCEMENTS

Current Projects

OLD BUSINESS

Fire Truck Update (David Brown)

Highway Building Addition (Raymond Schuster)

NEW BUSINESS

Snowmobile Club - Groomer)

Change of date for January Town Meeting (New Date is Wednesday, January 9th 2008)

Senior Citizen - Real Property tax Exemption

Resolution No. 47 of 2007 - Authorization to file for EPF State Financial Assistance

Budget Resolution #4 for Budget Year 2007

Audit of Bills

Executive Session - Litigation / Personnel

Resolution No. 47 of 2007

(Authorization to file for NYS EPF Assist. for the Concord Grape Belt Heritage Area Management Plan)

BE IT RESOLVED that Town of Westfield Supervisor Martha R. Bills is hereby authorized and directed to file an application for funds from the New York State Department of State Environmental Protection Fund in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$150,000. Upon approval of said application, she is to enter into and execute a project agreement with the State for such financial assistance to the Town of Westfield for the *Concord Grape Belt Heritage Area Management Plan*.

Budget Resolution #4 for Budget Year 2007

(Budget Amendments)

BE IT RESOLVED, that the Town Board does hereby approve the following budget amendments:

Amendment Description	Increase Expenditures	Decrease Revenue
------------------------------	------------------------------	-------------------------

B FUNDS – General Outside Village

Safety Inspection - CE	56.3620.4B	\$2000	
Planning - CE	99.8020.4B		\$2000

To increase budgetary revenue and expense to match
Actual revenue received from NYS DOS / VPLEWOP

Contract with State	9680.30	\$14,974.86	
Other / State Aid	28.3089A	\$14,974.86	

DB FUNDS – Highway Outside Village

Medical / Hospital	98.9060DB	\$300	
General Repairs - CE	72.5110.4		\$300

Resolutions for 11/05/07 meeting;

Resolution No. 42 of 2007
(Hwy Right of Way Permit #3 of 2007)

BE IT RESOLVED, that the Town Board does hereby approve a Highway Right of Way Work Permit #3 (Chautauqua Energy, Inc. / Ogden Road) contingent upon the completed application and approval of the Highway Superintendent.

Budget Resolution #3 for Budget Year 2007
(Budget Amendments)

BE IT RESOLVED, that the Town Board does hereby approve the following budget amendments:

Amendment Description	Increase Expenditures	Decrease Revenue
------------------------------	------------------------------	-------------------------

A FUNDS – General

To amend the budget departmentally under Pier:

Parks&Recr: Personal Services 7180.1A	\$2200	
Parks&Recr: Equipment 7180.2A		\$2200

To increase budget to include a Records Mgmt Grant
For birth, death and marriage record updates

Records Mgmt: Grant Rev 28.3089.1	\$2645	
Records Mgmt: BDM 2007 1665.41A	\$2645	

B Funds – General Outside Village

Safety Inspection – CE 56.3620.4B	\$1000	
Planning – CE 99.8020.4B		\$1000

DB Funds – Highway Outside Village

To increase budgetary revenue and expense to match
Actual revenue received from NYS CHIPS:

Consolidated Highway Aid – Revenue 3501DB	\$1057.03	
Permanent Improvements – CHIPS 5112DB	\$1057.03	

Resolution No. 43 of 2007
Negative Declaration
(Proposed Met Tower / Russell)

WHEREAS, Babcock & Brown Renewable Holdings, Inc. has applied for a Special Use Permit allowing it to erect a 197' radio communications/meteorological tower on property belonging to Frederick and Laurie Russell, designated as tax map parcel Section 14, Block 1, Lot 8, located in the Residential- Agricultural (R-A) District at 5996 Douglas Road., 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 adopts the applicant's proposed answers to Part II of the Environmental Assessment Form, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to sign Part III of the Environmental Assessment Form accordingly.

Resolution No. 44 of 2007
(Issuance of SUP for Met Tower Construction / Russell Property)

WHEREAS, Babcock & Brown Renewable Holdings, Inc. (hereinafter, the "Applicant") submitted an application on or around September 21, 2007, requesting permission to construct and operate a 197' radio communications/meteorological tower on a parcel of land located at 5996 Douglas Road, Westfield, designated as tax map parcel Section 14, Block 1, Lot 8, 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 submitted a zoning referral to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and was advised by letter dated October 4, 2007, that the proposed action was of local option, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held October 18, 2007, and recommended approval of the application with qualifications, and

WHEREAS, the Town Board has heard those wishing to be heard at a public hearing held November 7, 2007, has considered all the facts and papers before it, and finds justification to approve the application subject to the conditions hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application of Babcock & Brown Renewable Holdings, Inc. to operate a radio communications/meteorological tower and the structures and equipment appurtenant thereto on the parcel of land located at 5996 Douglas Road, Westfield (the "Facility"), be and hereby is authorized and approved subject to the following conditions:

1. All development and construction on the Facility site shall comply with the site plans and specifications submitted with the application, except as hereinafter modified.
2. The tower and any equipment attached thereto shall not exceed 197' in total height, so that the tower need not be lighted or marked under current regulations.
3. The Applicant shall remove the tower and equipment if the Facility becomes obsolete or ceases to be used for its intended purpose for a period of six (6) consecutive months. Prior to construction of any part of the Facility, the Applicant shall deposit with the Town the sum of \$3,300, which the Town shall hold in escrow to secure the removal of the Facility.
4. The permit shall be valid until November 7, 2009, unless modified or renewed, and shall expire automatically if the Facility is not operational by November 7, 2008.
5. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns.
6. 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, which shall not be unreasonably withheld.
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.

Resolution No. 45 of 2007
Negative Declaration
(Proposed Met Tower / Bowen & Breads)

WHEREAS, Babcock & Brown Renewable Holdings, Inc. has applied for a Special Use Permit allowing it to erect a 197' radio communications/meteorological tower on property belonging to Douglas Bowen and Darlene Breads, designated as tax map parcel Section 16, Block 1, Lot 25, located in the Residential- Agricultural (R-A) District at 5869 Parker Road., 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 adopts the applicant's proposed answers to Part II of the Environmental Assessment Form, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to sign Part III of the Environmental Assessment Form accordingly.

Resolution No. 46 of 2007
(Issuance of SUP for Met Tower Construction / Bowen & Breads Property)

WHEREAS, Babcock & Brown Renewable Holdings, Inc. (hereinafter, the "Applicant") submitted an application on or around September 21, 2007, requesting permission to construct and operate a 197' radio communications/meteorological tower on a parcel of land located at 5996 Douglas Road, Westfield, designated as tax map parcel Section 14, Block 1, Lot 8, 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 submitted a zoning referral to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and was advised by letter dated October 4, 2007, that the proposed action was of local option, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held October 18, 2007, and recommended approval of the application with qualifications, and

WHEREAS, the Town Board has heard those wishing to be heard at a public hearing held November 7, 2007, has considered all the facts and papers before it, and finds justification to approve the application subject to the conditions hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application of Babcock & Brown Renewable Holdings, Inc. to operate a radio communications/meteorological tower and the structures and equipment appurtenant

thereto on the parcel of land located at 5996 Douglas Road, Westfield (the "Facility"), be and hereby is authorized and approved subject to the following conditions:

1. All development and construction on the Facility site shall comply with the site plans and specifications submitted with the application, except as hereinafter modified.
2. The tower and any equipment attached thereto shall not exceed 197' in total height, so that the tower need not be lighted or marked under current regulations.
3. The Applicant shall remove the tower and equipment if the Facility becomes obsolete or ceases to be used for its intended purpose for a period of six (6) consecutive months. Prior to construction of any part of the Facility, the Applicant shall deposit with the Town the sum of \$3,300, which the Town shall hold in escrow to secure the removal of the Facility.
4. The permit shall be valid until November 7, 2009, unless modified or renewed, and shall expire automatically if the Facility is not operational by November 7, 2008.
5. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns.
6. 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, which shall not be unreasonably withheld.
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.

Resolution No. 43 of 2007

(Application of Babcock & Brown for two Meteorological Tower Special Use Permits)

WHEREAS, on or around September 21, 2007, Babcock & Brown Renewable Holdings, Inc. (the “applicant”), submitted to the Town applications for two special use permits authorizing it to erect a 60 meter meteorological/radio transmission tower on the following properties:

<u>Owner</u>	<u>Address</u>	<u>SBL</u>
Douglas Bowen & Darlene Breads	5869 Parker Road	16-1-25
Frederick & Laurie Russell	5996 Douglas Road	14-1-8

WHEREAS, for purposes of SEQRA review the Town Board must prepare an environmental assessment form (EAF) that will help to identify potential adverse environmental effects of the towers; and

WHEREAS, the applicant has submitted Part I of the EAF and the Town Board must now take further action to complete the SEQRA review;

WHEREAS, the applications have been referred to the Chautauqua County Planning Board pursuant to the Town Law and General Municipal Law; and

WHEREAS, the applications include as Exhibit D a document entitled “Proof of Compliance with Zoning Standard for Public Utilities”, which the Town Code does not require to be included in the application and which contains several statements with which the Town does not agree;

NOW, THEREFORE, BE IT RESOLVED

1. The proposed actions are Unlisted Actions for SEQRA purposes; and
2. The Town Board shall act as lead agency in both actions, without coordinated review;
3. The applications are hereby referred to the Town of Westfield Planning Board for a report and recommendation; and
4. The Town Board hereby rejects Exhibit D as an appropriate addition to the applications, will consider the applications without Exhibit D, and will not be bound by it in any way; and
5. The Town Board will hold separate public hearing on the applications at Eason Hall on Wednesday, November 7, 2007 at ____ p.m. (Russell) and ____ p.m. (Bowen / Breads).

Resolution No. 44 of 2007

(Potential Agreement with Fairpoint Communications)

RESOLVED, that the Westfield Town Board authorize the Town Supervisor to enter into an agreement with Fairpoint Communications to provide specified communications services.

Resolution No. 45 of 2007
(2006 Financial Record Audits)

RESOLVED, that on January 19th, 2007 the Westfield Town Board met for the purpose of auditing the 2006 town financial records. All records examined were found to be in order.

BE IT FURTHER RESOLVED, that on October 2nd, 2007 the Westfield Town Justices submitted for examination of 2006 court dockets and records. All fines and fees that were collected by the Town Court have been turned over to the proper officials. A report has been prepared using the comptroller's suggested "Checklist for Initial Review of Justice Court Records" and will be sent to the NYS Office of Court Administration.

Resolution No. 40 of 2007
(Appointment of Assessor)

RESOLVED, that the Westfield Town Board hereby appoint Pamela Thomson as Assessor effective October 1st, 2007 for a 6 year term through September 30th, 2013.

Resolution No. 41 of 2007
(Westfield Moose Lodge #118 Settlement)

WHEREAS, Westfield Moose Lodge No. 118 and the Town of Westfield are desirous of having certain assessment issues resolved as to property owned by Westfield Moose Lodge No. 118 in the Town of Westfield (SBL No. 192.20-2-47), and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by Daniel G. Vincelette, trial counsel to the Town of Westfield, and reviewed by the Westfield Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2006 tax certiorari proceeding filed by Westfield Moose Lodge in which the 2006 proceeding shall be discontinued in consideration for a reduction in the 2007, 2008 and 2009 assessed values of the property (SBL No. 192.20-2-47) from \$924,000 to \$375,000, consistent with the provisions of the Real Property Tax Law; and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Westfield Moose Lodge No. 118 and the Town of Westfield as to the above referenced assessment

Resolution No. 42 of 2007
(Contract with Tolman Engineering as a Grant Writer)

BE IT RESOLVED, that the Town Supervisor be authorized to sign a contract with Tolman Engineering to prepare a Grant Application to the NYS SEMA Hazard Mitigation Office based on the results of a preliminary review meeting.

Resolution No. 42 of 2007
(Contract with Tolman Engineering as a Grant Writer)

BE IT RESOLVED, that the Town Supervisor be authorized to sign a contract with Tolman Engineering to prepare a Grant Application to the NYS SEMA Hazard Mitigation Office based on the results of a preliminary review meeting.

Resolution No. 38 of 2007
(Authorization for Dog Enumerators' Payment)

BE IT RESOLVED, that the Town Board authorizes payments to the three Dog Enumerators upon successful completion of their contracts (not to exceed a total of \$1640 for the entire project).

Resolution No. 39 of 2007
(Disposal of Office Fax Machine)

WHEREAS, the Bookkeeper has recommended that the following piece of equipment be disposed of as junk and removed from office inventory documents.

- Brother 2900 Office Fax Machine

NOW, THEREFORE BE IT RESOLVED, that the Town Board agrees that the above equipment be disposed of as recommended.