

TOWN BOARD MEETING

Town of Westfield
January 9th, 2008

7:25 p.m. Public Hearing (Senior Citizen Real Property Tax Exemption)

7:30 p.m. Town Board Meeting

1. Minutes - December 5th, 2007 / Town Board Meeting
2. Monthly Reports - Supervisor's Monthly Report
 - Town Clerk's Annual 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)
6. Public Comment

ANNOUNCEMENTS

- Annual Audit of Books

OLD BUSINESS

- Draft Engineering Reports
- Cable Access Channel 5
-

NEW BUSINESS

Association of Towns Training School & Annual Meeting (17 - 20 February 2008)
Resolution #1 - Official Meeting Place
Resolution #2 - Salaries
Resolution #3 - Designation of Banks
Resolution #4 - Official Newspapers
Resolution #5 - Annual Appointments
Resolution #6 - Authorization for Supervisor / Deputy Supervisor
Resolution #7 - 2008 Holidays
Resolution #8 - Highway Agreement
Resolution #9 - Senior Citizen Real Property Tax Exemption
Resolution #10 - Removal of Equipment from Inventory
Budget Resolution No. 1 of 2008 - Amendment to 2007 Budget

Appointment of Deputy Supervisor

Audit of Bills

Executive Session - (if needed)

Resolutions for 01/09/2008 meeting:

Resolution No. 1 of 2008
Official Meeting Place

“That the official meeting of the Town Board shall be in Eason Hall, 23 Elm Street, Westfield, NY on the first Wednesday of each month at 7:30 p.m. with one exception; January 9th, 2008.”

Resolution No. 2 of 2008
Salaries

“That the Town Board hereby fix the salaries of the Town employees and officials for the year 2008 as follows:”

Highway Employees:	Laborers - Minimum \$7.50 p/hr. MEO's - Minimum \$10.00 to 16.93 p/hr. - Maximum \$25.39 p/hr.
Supervisor:	\$15,650 annual to be paid quarterly
Code Enforcement:	\$12,000 annual to be paid monthly
Deputy Supervisor:	\$ 2,700 annual
Councilmen:	\$ 3,000 annual
Justice Spann:	\$ 7,000 annual to be paid quarterly
Justice LaPorte:	\$ 7,000 annual to be paid quarterly
Court Clerk:	\$15,098 annual be paid biweekly
Town Clerk / Dpt. Tax Collector	\$28,675 annual to be paid biweekly
Bookkp/Dpt. Tn Clerk/Dpt. Tax Collector	\$19,325 annual to be paid biweekly
Tax Collector	\$ 7,320 annual
Historian	\$ 1,000 annual
Highway Superintendent:	\$44,000 annual to be paid biweekly
Deputy Highway Superintendent:	\$ 1,500 annual to be paid quarterly
Assessor:	\$43,285 annual to be paid biweekly
Utility Workers:	\$ 7.25 Minimum p/hr. \$ 8.50 Maximum p/hr.
Civil Defense:	\$ 750 annual

Resolution No. 3 of 2008
Designation of Banks

WHEREAS, under Section 64 of the Town Law, it is provided that the Town Board shall designate by written resolution the banks and trust companies in which certain Town Officers shall deposit monies received into their hands by virtue of their office, be it,

RESOLVED, that Key Bank of Westfield, M & T Bank of Jamestown and Mayville, MBIA Class, and HSBC Bank of Westfield, are hereby designated as depositories in which the Supervisor, Town Clerk, Deputy Town Clerk, Tax Collector and Court Clerk shall deposit all monies coming into their hands.”

Resolution No. 4 of 2008
Official Newspapers

“That the *Westfield Republican* and the *Observer* newspapers be designated the official newspapers of the Town for the year 2008.”

Resolution No. 5 of 2008
Annual Appointments

Timothy C. Smith	Registrar / Bingo Inspector / Deputy Tax Collector / Records Management Officer
Donna Sanderson	Bookkeeper / Deputy Tax Collector / Deputy Town Clerk / Deputy Registrar
James Pacanowski	Code Enforcement / Zoning Officer
Marybelle Biegh	Town Historian
Kathryn Comerford-Issler	Tax Collector
Kathleen Alexander	Clerk to the Court
Vincent Calarco	Civil Defense Director
Jock Phillips	Harbor Master
Scott Frudd	Deputy Highway Superintendent
N. Chautauqua Canine Rescue	Dog Control Official

Planning Board

John Hemmer (Chairman)	Joseph Orton
David Ross	Richard Sauer
Amy Gregory	Alex Nixon

Zoning Board of Appeals

Wayne Harrington (Chairman)	Abbie Cardy
Heinz Wolff	Vacant
Will Northrop	

Town Committees

Harbor	James Herbert
Security & Technology	David Brown
Transfer Station	Ray Schuster
Highway	Carl Vilaro & Ray Schuster
Ad Hoc & Personnel	David Brown & Ray Schuster
Website	David Brown, Mary Bivens, Martha Bills, Tim Smith, & Joel Seachrist

Fire Dept. Liaison - David Brown

Barcelona Harbor Commission

Sam Arnold (Chairman)	George Kolibar
David Gembela	Mike Ptak
Jamie Jaynes	James VanDyke (Alt.)
Julie Travis	

Process Servers - David Haskin / Max Baker

Town Constable - Peter Kunow

Resolution No. 6 of 2008
Authorization for Supervisor / Deputy Supervisor

“That the Supervisor or the Deputy Supervisor be, and they are hereby authorized, to sign all the necessary documents for the financing of the Town of Westfield.”

Resolution No. 7 of 2008
2008 Holiday Schedule

New Years Day	Tuesday, January 1
Martin Luther King Day	Monday, January 21
Presidents Day	Monday, February 18
Good Friday	Friday, March 21
Memorial Day	Monday, May 26
Independence Day	Friday, July 4
Labor Day	Monday, September 1
Columbus Day	Monday, October 13
Veteran's Day	Tuesday, November 11
Thanksgiving Day	Thursday, November 27
Day after Thanksgiving	Friday, November 28
Christmas Day	Thursday, December 25
Day after Christmas	Friday, December 26

Resolution No. 8 of 2008
Highway Agreement

RESOLVED, that pursuant to the provisions of Section 284 of the Highway Law, the Town Board agrees that monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, and specifically the sum of \$302,000 shall be expended for the general repairs of town highways, including sluices, culverts and bridges, or the renewal thereof, and for the following projects:

1. For the oiling and stoning within the budget allotment of portions of the following roads: upper Parker, Barber, South Gale, North Gale, Ogden, Mt. Baldy, Minton, Martin Wright, Persons, Creamery, Napper, Light, Main Street (Barcelona), Jamestown Street (Barcelona), and Felton.
2. Should the Town receive funds under the Consolidated Highway Improvement Project System (CHIPS), funds would be used towards blacktopping of Mt. Baldy Road (3 miles), Creamery (.7 miles), and Parker Road (1 mile).

BE IT FURTHER RESOLVED, that no fewer than three members of the Town Board and the Highway Superintendent shall execute a certified copy of this resolution in duplicate, and said certified copy, so signed, shall constitute written agreement between the parties once it shall have been approved by the County Superintendent of Highways.

Resolution No. 9 of 2008
Increase of Income Limits to Senior Citizen Real Property Tax Exemption

WHEREAS, the Town of Westfield currently offers a partial real property tax exemption to senior citizen homeowners whose incomes do not exceed \$14,000, and

WHEREAS, this \$14,000 has not kept pace with the COLA increases in pension and Social Security payments since 2002, and

WHEREAS, as a result several senior citizens homeowners who were once eligible for the exemptions are no longer eligible for this important tax reduction, and

WHEREAS, it is proposed that the income limits be increased to \$16,000 effective as of the next taxable status date (March 1st, 2008) with the income limit to be increased annually by an additional \$1,000 per year in each of the next four (4) years thereafter, and

WHEREAS, a Public Hearing has been held before the Town Board of the Town of Westfield regarding a Resolution increasing the income limits for persons applying for the exemption,

NOW THEREFORE BE IT RESOLVED, that the qualifying income limits for the Senior Citizen Real Property Tax Exemption (467 or the Real Property Tax Law) be increased to \$16,000 effective as of the next taxable status date (March 1st, 2008) with the income limit to be increased annually by an additional \$1,000 per year in each of the next four (4) years thereafter.

Resolution No. 10 of 2008
 Removal of Equipment from Inventory

WHEREAS, the Bookkeeper has recommended that the following office equipment be junked / removed from various office department inventory considered to be obsolete and due to the security of information on such equipment:

- 2003 Supervisor - Brother 2900 Fax Machine
- 2004 Court Computer System w/ Monitor

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

Budget Resolution No. 1 of 2008
 Amendment to 2007 Budget

Amendment Description	Increase	Decrease
<i><u>Highway Funds</u></i>		
To allow for rising fuel cost:		
Fuel Slips 72.5130.420DA	\$8454.70	
Machinery-Eq 72.5130.200DA		\$8454.70
Fuel Slips 72.5110.420DB	\$5247.90	
Repairs 72.5110.400DB		\$5247.90
<i><u>A Funds</u></i>		
To allow for extra cost involving Bookkeeper position & trainer		
Bookkeeper 43.1220.130A	\$5263.00	
Attorney 45.1420.400A		\$5263.00
To cover cost of engineer feasibility reports		
Engineer 45.1440.400A	\$5000.00	
Other Home & Community 28.3989.000 (Water district reserve)		\$5000.00
<i><u>B Funds</u></i>		
To cover expenses of previous code enforcer services		
Code Enforcer 56.3620.100	\$11003.00	
Planning 96.8020.400		\$10903.00
Contingent Acct 47.1990.400		\$ 100.00

TOWN BOARD MEETING

Town of Westfield
February 6th, 2008

7:30 p.m. Town Board Meeting

1. Minutes - January 9th, 2008 / 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 (Closed)
6. Public Comment

ANNOUNCEMENTS

- Concord Heritage Seminar (3/12/2008)
- Army Corps of Engineer Meeting (4/21/2008 @ 7:00pm)

OLD BUSINESS

- Taylor Road
- Resolution #11 - Audit of 2007 Town Books
- Cable Access 5

NEW BUSINESS

- Resolution #12 - Office of Small Cities Grant (Public Hearings)
- Chautauqua County Vacation Bureau
- Resignation ZBA: Marsha Holland
- Bid for Mower / Chopper

Audit of Bills

Executive Session - (if needed)

Resolutions for 02/06/2008 meeting:

Resolution No. 11 of 2008
2007 Financial Record Audits

RESOLVED, that on January 17th, 2008 the Westfield Town Board met for the purpose of auditing the 2007 town financial records. All records examined were found to be in order.

BE IT FURTHER RESOLVED, that on January 17th, 2008 Town Departments submitted their records for examination.

BE IT FURTHER RESOLVED Westfield Town Justices submitted for examination of 2007 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".

Resolution No. 12 of 2008
Office of Small Cities (Public Hearings)

WHEREAS, the Town Board considers it essential to future community development to participate in the Office of Small Cities 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 2008 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 2008 round; and,

BE IT FINALLY RESOLVED, that this Board will conduct two public hearings on the 5th day of March, 2008 at 7:25pm as well as the 12th day of March, 2008 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 5th, 2008

7:25pm Public Hearing #1 - Potential Projects for NYS Office of Small Cities Grant

7:30pm Town Board Meeting

1. Minutes - February 6th, 2008 / 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 & 2007 Annual Report
 - Town Court Report
3. Highway
4. Code Enforcement
5. Barcelona Harbor (Closed)
6. Public Comment

ANNOUNCEMENTS

- Chautauqua County Joint Legislative Breakfast - (Saturday, 3/8/2008, Lakewood Am. Legion Post #1286, Chautauqua Ave, Lakewood / breakfast served starting at 8:30am with meeting starting at 9:00am)
- Public Hearing #2 - Office of Small Cities Grant (3/12/2008 @ 4:30pm)

OLD BUSINESS

- Lakefront Plan - Dudley Breed proposal / grant round
- Trailing Mower Bid results

NEW BUSINESS

- Met Tower SUP Application
- Highway Dept. Fuel Bid
- Authorize Tractor Bid
- Appointment of Tony Pisicoli to Board of Assessment Review
 - ° 5 year Term - Through 9/2012
- Resignation from Planning Board: Joseph Orton
- AUD Report - filed / available for review
- Traffic concerns on East Lake Road

Audit of Bills

Executive Session - (if needed)

Resolutions for 03/05/2008 meeting:

Resolution No. 13 of 2008
Change in Posted Speed Limit on East Lake Road

WHEREAS, residents of East Lake Road in the Town of Westfield have expressed concern for safety due to increased traffic combined with poor visibility, and are asking for the speed limit to be reduced.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Westfield hereby requests the New York State Department of Transportation, pursuant to section 1622.1. 1 of the Vehicle and Traffic Law, conduct a Traffic Engineering Investigation to potentially establish a lower maximum speed at which vehicles may proceed on Route 5, between 394 and the western most Town Line.

Resolution No. 36

WHEREAS, the Town Board of the Town of Westfield has been approached by residents living on Rt. 5 regarding the speed limit on such roadway, and

WHEREAS, THE Town Board believes that because of the many residential driveways in the area and the recent death of a child, the speed limit should be reduced,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Westfield hereby requests the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on Rt. 5, between 394 and Hawley Street, and that the Town Clerk send such request to the county Superintendent for his signature.

This was seconded by Martha Bills. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Carl Vilardo, aye; Donald Nash, aye.

TOWN BOARD MEETING

Town of Westfield
April 2nd, 2008

7:25pm Public Hearing - Proposed Met Tower / McCray Property

7:30pm Town Board Meeting

1. Minutes - March 5th, 2008 / Public Hearing
 - March 5th, 2008 / Town Board Meeting
 - March 20th, 2008 / Public Hearing
 - March 20th, 2008 / 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)
6. Public Comment

ANNOUNCEMENTS

- Lakefront Plan Presentation 5/6/2008 - Zebro's @ 7pm
- Army Corps of Engineers Fishway Project 4/21/2008 - Eason Hal @ 7pm

OLD BUSINESS

- Tractor Bid results
- Fuels Bid results

NEW BUSINESS

- Met Tower SUP Application
- Resolution #13 - Negative Declaration (Proposed Met Tower / McCray Property)
- Resolution #14 - Issuance of SUP (Met Tower / McCray Property)
- Resolution #15 - Authorization to Sign Escrow Agreement (Met Tower / McCray)
- Resolution #16 - Authorization to Sign Escrow Agreement (Wind Project Review)
- Resolution #17 - Request to NYS DOT for Speed Study on Route 5
- Resolution #18 - NYS Small Cities Grant Application
- Resolution #19 - Authorization to Sign Contract (Landscaping of Town Pier & Lake Area Property)
- Budget Resolution #2 of 2008
- Resignation of James Dahlberg from the Board of Assessment Review
- Westfield Historian attendance at NYS Historian Conference (17-19 April 2008)
- Set date for SUP Public Hearing (Eclectic Art Gallery & Sales, W. Main)
- Bid (Oil & Stone)

Audit of Bills

Executive Session - (Pending Litigation)

Resolutions for Town Board Meeting (4/2/2008):

Resolution No. 13 of 2008
Negative Declaration
Proposed Met Tower / McCray

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 Terry McCray, designated as tax map parcel Section 21, Block 1, Lot 15.2, located in the Residential- Agricultural (R-A) District at the intersection of Highway 76 (Sherman Road) and Nettle Hill 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. 14 of 2008
Issuance of SUP for Met Tower Construction / McCray Property

WHEREAS, Babcock & Brown Renewable Holdings, Inc. (hereinafter, the “Applicant”) submitted an application on or around March 3, 2008, requesting permission to construct and operate a 197’ radio communications/meteorological tower on a parcel of land located at the intersection of Highway 76 (Sherman Road) and Nettle Hill Road, Westfield, designated as tax map parcel Section 21, Block 1, Lot 15.2, 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 March 19, 2008, that the proposed action was of local option, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held March 20, 2008, 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 April 2, 2008, 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 the intersection of Highway 76 (Sherman Road) and Nettle Hill 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 \$5,000, which the Town shall hold in escrow to secure the removal of the Facility.
4. The permit shall be valid until April 1, 2011, unless modified or renewed, and shall expire automatically if the Facility is not operational by April 1, 2009.
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. 15 of 2008

Authorization to Sign Escrow Agreement (Met Tower / McCray Property)

WHEREAS, Babcock & Brown Renewable Holdings, Inc. (“BBRH”) has applied to the Town for a Special Use Permit (SUP) authorizing it to construct a meteorological tower on property belonging to Terry McCray, (tax map parcel Section 21, Block 1, Lot 15.2) located in the Residential- Agricultural (R-A) District at the intersection of Highway 76 (Sherman Road) and Nettle Hill Road, and

WHEREAS, if approved, the Town has requested and BBRH has agreed to enter into an escrow agreement to provide for removal of said tower upon SUP expiration, and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to finalize and execute an escrow agreement once BBRH submits & has approved an SUP application for a meteorological tower in the Town, upon the final approval of counsel as to form.

Resolution No. 16 of 2008

Authorization to Sign Escrow Agreement (Wind Project Review)

WHEREAS, it is anticipated that Babcock & Brown Renewable Holdings, Inc. (“BBRH”) soon will apply to the Town for a special use permit authorizing it to construct a wind energy generating facility in the Town of Westfield, and

WHEREAS, the construction of the facility will constitute a Type I action under the State Environmental Quality Review Act (“SEQRA”), during the review of which the Town expects to retain outside counsel and one or more consultants for expert assistance, and

WHEREAS, the Town has requested and BBRH has agreed to enter into an escrow agreement to provide for and govern the payment of the fees generated by such outside counsel and consultants, a draft copy of which is attached hereto, and

WHEREAS, it is in the best interest of the Town of Westfield to ensure that its expenses in reviewing the anticipated application are paid by the applicant to the extent permissible, and the draft agreement ensures such payment,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to finalize and execute an escrow agreement in substantially the same form as the attached agreement once BBRH submits a special use permit application for a wind energy generating facility in the Town, upon the final approval of counsel as to form.

Resolution No. 17 of 2008

Request to NYS DOT for Speed Study Route 5

WHEREAS, concerns have been expressed to the Town Board in terms of increased traffic and overall safety on Route 5 in the Town of Westfield;

THEREFORE BE IT RESOLVED that the Town Board of the Town of Westfield hereby requests that the NYS Department of Transportation conduct a speed study on Route 5 within Town limits.

Resolution No. 18 of 2008
NYS Small Cities Grant Application

WHEREAS, the Town of Westfield wishes to secure grant funding under the Small Cities Community Development Block Grant (CDBG) Program, administered by the Office for Small Cities; and,

WHEREAS, it is necessary to submit an application for such funding to the Office for Small Cities; and,

WHEREAS, the Town of Westfield conducted the required citizen participation activities, including two public hearings, as well as related public discussion and investigation; and,

WHEREAS, the Town Board, having determined that a single project application for the development of public facilities most clearly carries out community development needs.

NOW THEREFORE BE IT RESOLVED, that the Town of Westfield hereby approves the funding application request for CDBG funding to assist the Town in the repair and refurbishment of its water facilities; and,

BE IT FURTHER RESOLVED, that said application shall not exceed the \$600,000 limit of the CDBG grant regulations; and,

BE IT FURTHER RESOLVED, that pursuant to the development plan prepared by the Town's consulting engineers, Tolman Engineering, the Town commits to carry out the project as set forth therein; and,

BE IT FINALLY RESOLVED, that the Supervisor is authorized to submit all appropriate documentation including the execution of any grant application to the Office for Small Cities, postmarked no later than April 21, 2008.

Resolution No. 19 of 2008
Authorization to Sign Contract (Landscaping of Town Pier & Lake Area Property)

BE IT RESOLVED, that the Town Supervisor be authorized to sign a proposed contract for Landscaping services of Town lake area property upon the advice and review by the Town Attorney.

Budget Resolution No. 2 of 2008
2008 Budget Increase

Amendment Description	Increase	Decrease
<u>A Funds</u>		
❖ To increase budget to include a Records Mgmt Grant for birth, death and marriage record updates		
Records Mgmt: Grant Rev 28.3089.1	\$2020	
Records Mgmt: BDM 1665.41A	\$2020	

TOWN BOARD MEETING

Town of Westfield
May 7th, 2008

7:25pm Public Hearing - Proposed Art Gallery / Keller - W. Main Road

7:30pm Town Board Meeting

- WACS Presentation
- Minutes - April 2nd, 2008 / Public Hearing
- April 2nd, 2008 / Town Board Meeting
- 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

2. Highway
3. Code Enforcement
4. Barcelona Harbor - Pier Open
6. Public Comment

ANNOUNCEMENTS

- Memorial Day Parade 5/26/2008 - Begins @ 10am
- Information Booth opens 5/26/2008 – Barcelona
- New Resident Reception 5/15/2008

OLD BUSINESS

- Oil & Stone Bid results
- Highway Barn Bid results
- Lakefront Plan
- NYS DOT Letter

NEW BUSINESS

- Resolution #20 - Negative Declaration (Proposed Art Gallery / Keller Property)
- Resolution #21 - Issuance of SUP (Art Gallery / Keller Property)
- Wind Project SUP Application
- Wind Project Consultant
- Set Public Hearing for SUP (Campground / Williams)
- Set Public Hearing for SUP (Gift Shop / Bailey)
- Appointment of James Brotz to Planning Board

Audit of Bills

Executive Session - (Pending Litigation)

Resolutions for Town Board Meeting (5/6/2008):

Resolution No. 20 of 2008
Negative Declaration
Proposed Art Gallery / Keller

WHEREAS, Robert and Sheila Keller (hereinafter, the “Applicants”) have submitted an application for a Special Use Permit to operate an art gallery on a parcel of land located at 8418 West Main Road, Westfield, designated as tax map parcel Section 209.00, Block 1, Lot 32, 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.

Resolution No. 21 of 2008
Issuance of SUP for Art Gallery / Keller Property

WHEREAS, Robert and Sheila Keller (hereinafter, the “Applicants”) have submitted an application requesting permission to operate an art gallery on a parcel of land located at 8418 West Main Road, Westfield, designated as tax map parcel Section 209.00, Block 1, Lot 32, 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 April 17, 2008 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 April 25, 2008 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 7, 2008, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to operate an art gallery at 8418 West Main Road (the “Facility”), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicants shall undertake the project in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agree to be bound by the terms of the application and the conditions of this permit.
2. The parking area depicted on the map attached to the application shall be of a size no less than twice the square footage of the proposed gallery space.
3. If operation of the Facility has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicants shall be required to apply for a new permit should it intend to continue the project.
4. The terms, conditions, and requirements of this permit bind and obligate the Applicants, their successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
5. Any failure or omission on the part of the Applicants 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 Applicants, 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 Applicants approve 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.

TOWN BOARD MEETING

Town of Westfield
June 4th, 2008

7:20pm Public Hearing - Proposed Campground / Williams - Taylor Road
7:25pm Public Hearing - Proposed Gift Shop / Bailey - Sherman Road

7:30pm Town Board Meeting

- Minutes - May 7th, 2008 / Public Hearing
- May 7th, 2008 / Town Board Meeting
- May 29th, 2008 / Special Meeting of the Town Board
- 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

2. Highway
3. Code Enforcement
4. Barcelona Harbor - Pier Open
6. Public Comment

ANNOUNCEMENTS

- Walleye Fishing Tournament (Sat. 6/7 thru Sun. 6/15)
- Tire Amnesty (6/23 - 7/2)

OLD BUSINESS

- Reschedule Bailey Public Hearing
- Resolution #24 - Negative Declaration (Proposed Campground / Williams Property)
- Resolution #25 - Issuance of SUP (Campground / Williams Property)
- Resolution #26 - Settlement Proposal
- Highway Barn Addition - Steel Quotes
- Wind Project Update
- Lakefront Plan Update

NEW BUSINESS

- Appointment (Timothy Smith) Recreation Commission
- Appointment (Heinz Wolff) ZBA
- Resolution #27 - HSBC Municipal Resolution
- Resolution #28 - JPMC Collateral Pledge & Control Agreement
- Resolution #29 - JPMC Amendment to Collateral Pledge & Control Agreement
- Budget Amendment #3
- Changes in Chautauqua County Sanitary Code
- Assessor attendance at NYS Assessor's Association Conference (14-18 July 2008)
- Joint Town / Village Meeting Date

Audit of Bills

Executive Session - (Pending Litigation)

Resolutions for Town Board Meeting (6/4/2008):

Resolution No. 24 of 2008
Negative Declaration
Proposed Campground / Williams

WHEREAS, Robert Williams (hereinafter, the "Applicant") have submitted an application for a Special Use Permit to operate a tent campground on a parcel of land located at 8072 Taylor Road, Westfield, designated as tax map parcel Section 243.00, Block 1, Lot 24, 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.

Resolution No. 25 of 2008
Issuance of SUP for Campground / Williams Property

WHEREAS, Robert Williams (hereinafter, the “Applicant”) has submitted an application requesting permission to operate a tent campground on a parcel of land located at 8072 Taylor Road, Westfield, designated as tax map parcel Section 243.00, Block 1, Lot 24, 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 May 15, 2008 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 May 30, 2008 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 June 4, 2008, 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 campground at 8072 Taylor Road (the “Campground”), 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 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 operation of the Campground 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.

Resolution No. 26 of 2008
Settlement Proposal
(Benjamin Settlement)

WHEREAS, Edward C. and Wilma R. Benjamin and the Town of Westfield are desirous of having certain assessment issues resolved as to property owned by Edward C. and Wilma R. Benjamin in the Town of Westfield, 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 2007 tax certiorari proceedings filed by Edward C. and Wilma R. Benjamin in which the assessed value of the parcel shall be reduced from \$403,500 to \$364,000, and Petitioner shall receive a refund of excess taxes paid, without statutory interest; and the Petitioner shall not file a judicial proceeding challenging the 2008, 2009, 2010, 2011, and 2012 assessed values so long as the assessed value remains at \$364,000, 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 Edward C. and Wilma R. Benjamin and the Town of Westfield as to the above referenced assessment.

Date: _____	Aye	Nay
Councilman _____	_____	_____

Resolution No. 27 of 2008
Authorization to Sign HSBC Municipal Resolution

BE IT RESOLVED, that the Supervisor is hereby authorized to sign a Municipal Resolution with HSBC in order to open Town Bank accounts.

Resolution No. 28 of 2008
Authorization to Sign JPMC Collateral Pledge & Control Agreement

BE IT RESOLVED, that the Supervisor is hereby authorized to sign a JPMC Collateral Pledge & Control Agreement for Public Deposits.

Resolution No. 29 of 2008
Authorization to Sign JPMC an Amendment to the Collateral Pledge & Control Agreement

BE IT RESOLVED, that the Supervisor is hereby authorized to sign an amendment to a JPMC Collateral Pledge & Control Agreement for Public Deposits.

Budget Resolution No. 3 of 2008
2008 Budget Increase

Amendment Description	Increase	Decrease
<u>A Funds</u>		
❖ To amend the budget departmentally under Supervisor		
Supervisor CE:	1220.4	\$5000
Supervisor Equipment:	1220.2	\$5000

TOWN OF WESTFIELD
RESOLUTION NO. 30 OF 2008

RESOLVED, upon advice of counsel made pursuant to Chapter 14 of the Town Code, the Town shall provide a defense for Highway Department employee Richard A. Bausum in connection with a New York State Department of Motor Vehicles hearing to be held on an accident in which Mr. Bausum was involved on October 10, 2007, while on duty, and be it further

RESOLVED, the Town Attorney is hereby authorized to find special counsel for Mr. Bausum with experience in such hearings.

TOWN BOARD MEETING

Town of Westfield
July 9th, 2008

7:30pm

Town Board Meeting

1. Minutes
 - June 4th, 2008 / Town Board Meeting
 - June 29th, 2008 / 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
2. Highway
3. Code Enforcement
4. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- Celebrate Westfield (7/11 - 3:00pm to 8:00pm)
- STW Upcoming Trainings - Wind Seminar (18 & 25 July 2008)

OLD BUSINESS

- NYDOS Grant: Concord Grape Belt Heritage
- Resolution #31 - MOU / Concord Grape Belt Heritage Kiosk

NEW BUSINESS

- Resolution #32 - Water Improvement Projects Pre-application Documents
- Resolution #33 - Water Contract
- Budget Amendment #4 of 2008
- Review of EAF (Parts II & II)
- Resolution #34 - Wind Project (Determination of Significance)

Audit of Bills

Next Meeting - August 6th, 2008

Executive Session - (if necessary)

Resolutions for Town Board Meeting (7/9/2008):

Resolution No. 31 of 2008

Memorandum of Understanding - Concord Grape Belt Heritage Kiosk

RESOLVED, that the Town Board of Westfield authorize the Supervisor to enter into an agreement with the City of Dunkirk for the transfer of ownership of the Westfield Kiosk which will highlight NYS Coastal Resources, the Concord Grape Belt Heritage Trail, and our own local community history.

Resolution No. 32 of 2008

Water Improvement Projects Pre-application Documents

RESOLVED, that the Town Board of Westfield authorize the Supervisor to execute pre-application documents with USDA Rural Development for water line improvement projects in Barcelona and East Main Road.

Resolution No. 33 of 2008

Water Contract

RESOLVED, that the Town Board of Westfield authorize the Supervisor to negotiate and sign a contract with Kyle Franz & Judith Hess regarding the purchase of water from the North Town Water District subject to final approval of counsel as to form.

Budget Resolution No. 4 of 2008

2008 Budget Increase

Amendment Description	Increase	Decrease
<u>A Funds</u>		
❖ To increase budget to include a Records Mgmt Grant for birth, death, and marriage record updates:		
Records Mgmt: Grant Rev	28.3089.1	\$96
Records Mgmt: BDM	46.1665.41	\$96
❖ To increase appropriations for additional Grant writing:		
Grant Writers:	47.1989.4	\$2000
Due from other Funds:	27.2801.0	\$2000

Resolution No. 34 of 2008
Babcock & Brown Renewable Holdings, Inc.
Determination of Significance (Positive Declaration)

WHEREAS, Babcock & Brown Renewable Holdings, Inc. has filed a Long Environmental Assessment Form (EAF) with the Towns of Ripley and Westfield (the "Towns"), a copy of which is attached hereto and made a part hereof, relating to said firm's applications to the Towns for permits and/or variances to install and operate an approximately 125 megawatt wind energy facility in the said Towns, and

WHEREAS, the Town Board has reviewed, considered and completed said EAF for that portion of the project that is proposed within the Town, and

WHEREAS, Part 617 of the regulations implementing the State Environmental Quality Review Act requires this Board to determine the significance of and give notice of the potential environmental impact of the proposed use, and

WHEREAS, the Town Board has determined that the proposed use will have a significant environmental impact

NOW, THEREFORE, BE IT

RESOLVED, it is hereby determined, pursuant to section 617.7 of the regulations implementing the State Environmental Quality Review Act, that the proposed use is likely to have a significant adverse effect upon the environment for the reasons set out in the Positive Declaration, a copy of which is attached hereto and made a part hereof, and be it further

RESOLVED, the applicant is hereby directed to prepare a Draft Environmental Impact Statement pursuant to the provisions of section 617.9 of said regulations, and be it further

RESOLVED, it has been determined as of this date that the following agencies are or may be involved in the proposed action:

- a. Chautauqua County Industrial Development Agency;
- b. NYS Department of Environmental Conservation;
- c. NYS Department of Transportation;
- d. NYS Public Service Commission;
- e. Ripley Central School District;
- f. Westfield Academy and Central School District;
- g. Sherman Central School District; and
- h. Town of Westfield Zoning Board of Appeals,

BE IT FURTHER RESOLVED, that the Supervisor is authorized to complete and sign the EAF based on the considerations expressed by the Town Board on said document, and be it further

RESOLVED, the Town Board will hold a public hearing on the Draft Public Scoping Document from 1:00 p.m. to 3:00 p.m. on July 29, 2008, in the auditorium of the Westfield Academy and Central School, at 203 East Main Street, Westfield, New York, of which the Town Clerk is hereby authorized to give notice, and be it further

RESOLVED, in the event the Town of Ripley, New York also issues a Positive Declaration for the action and calls for public scoping, the Supervisor is directed to coordinate a joint public hearing and review process with the Town of Ripley, and be it further

RESOLVED, the Town Clerk is directed to give notice of said Positive Declaration by publishing same in the New York State Department of Environmental Conservation *Environmental Notice Bulletin*, the *Dunkirk Evening Observer*, and the *Westfield Republican*.

**STATE ENVIRONMENTAL QUALITY REVIEW
POSITIVE DECLARATION**

Date: July 9, 2008

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Westfield, New York, as co-lead agency with the Town of Ripley, New York., has determined that the proposed action described below may have a significant effect on the environment within the Town of Westfield and that a Draft Environmental Impact Statement will be prepared. The Town of Ripley is expected to make its determination of significance on the project shortly.

Name of Action:

Babcock & Brown Renewable Holdings, Inc. Ripley – Westfield Wind Farm

SEQR Status:

Type I

Scoping:

The applicant is expected to submit by July 16, 2008 a Draft Public Scoping Document for the Draft Environmental Impact Statement for review and comment by all interested and involved agencies and the public. A public hearing on the Draft Public Scoping Document will be held on Tuesday, July 29, 2008 at 203 E. Main Street, Westfield, New York 14787. Written comments will be received through the close of business on Friday, August 8, 2008, and may be submitted to Martha Bills, Supervisor, 23 Elm Street, Westfield, New York 14787. The Town of Westfield will submit a Final Public Scoping Document to the applicant on or before September 15, 2008. In the event that the Town of Ripley, New York, also issues a Positive Declaration for the action and calls for public scoping, the Town of Westfield shall coordinate a joint public hearing and review process with the Town of Ripley.

Description of Action:

The installation and operation of an approximately 125 megawatt wind energy facility consisting of up to 83 wind turbines, an electrical substation, and an interconnection to an existing 230 kV transmission line within an area in the Towns of Ripley and Westfield, Chautauqua County, New York, generally bounded on the north by Belson Road, on the east by the Westfield-Sherman Road, on the south by the southern border of each town, and on the west by Route 76.

Reasons Supporting This Determination:

After considering the action contemplated and reviewing the Environmental Assessment Form prepared by the applicant and the criteria for determining significance in the SEQR Regulations (6 N.Y.C.R.R. Section 617.7 (c)), each Town Board finds that the proposed action is likely to have a significant impact on the environment based on the following findings:

1. The proposed project may result in impacts to land from erosion and sedimentation and conversion to built facilities.
2. The proposed project may impact resident and migratory wildlife, possibly including listed threatened or endangered species.
3. The proposed project may alter the character or quality of important historical and aesthetic resources of the existing community and neighborhood.

4. The proposed project will alter the aesthetics and character of the existing community and neighborhood.
5. The proposed project may change the quality, and will result in some permanent loss of existing agricultural land.
6. The proposed project may adversely impact noise levels in the vicinity of the proposed project.
7. The required use of oversized/overweight vehicles and construction equipment may adversely impact local roads that are not built to accommodate such vehicles.
8. Tower or turbine blade failure, and ice shedding from turbine blades might adversely impact public safety.
9. Construction of the proposed project may impact state or federal protected waters/wetlands.
10. Construction of the proposed project may impact the Ripley watershed.
11. Operation of the proposed project may impact television reception and other forms of wireless communication.
12. The proposed project may result in some permanent loss/conversion of forest land.

For Further Information:

Contact Person for the Town of Westfield, New York:

Martha Bills, Supervisor
23 Elm Street
Westfield, New York 14787
(716) 326-3211

TOWN BOARD MEETING

Town of Westfield
August 6th, 2008

7:30pm Town Board Meeting

- 1. Minutes - July 9th, 2008 / Town Board Meeting
- July 29th, 2008 / Public Hearing
- 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
- 2. Highway
- 3. Code Enforcement
- 4. Barcelona Harbor
- 6. Public Comment

ANNOUNCEMENTS

- Water Supply Seminar - 8/13 @ 1:00pm - 4:00pm JCC

OLD BUSINESS

- Water Front Plan (DOS / Committee Dudley Breeds) - 8/19 @10:00am
- Wind Project - Comments on Draft Scoping Document accepted until 8/8/2008

NEW BUSINESS

- Light up Chautauqua (Labor Day Weekend)
- Resolution #35 (Court Grant)

Audit of Bills

Next Meeting - September 3rd, 2008

Executive Session - (if necessary)

Resolution for Town Board Meeting (8/6/2008):

Resolution No. 35 of 2008
 Court Grant

BE IT RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Town Justices to submit a Grant Application through the Town Supervisor to the NYS Justice Court Assistance Program in an amount up to the maximum available.

TOWN BOARD MEETING

Town of Westfield
September 3rd, 2008

7:30pm

Town Board Meeting

1. Minutes - August 6th, 2008 / 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
2. Highway
3. Code Enforcement
4. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- 1st Friday / 6-9pm Main Street & Open House 9am-5pm
- County Comprehensive Plan meeting - 5pm (9/15/08) @ Chautauqua Suites
-

OLD BUSINESS

- Pier - Plan / Work
- Resolution #36 - Authorization for Supervisor to sign Small Cities Grant contract
-

NEW BUSINESS

- Resolution #37 - Retention Agreement
- Budget Resolution #5
- Fall Clean-up / September 27th, 2008 @ Transfer Station
- Budget Workshop
- Bookkeeper Attendance @ Harris Software Seminar / Rochester on 9/15/2008
- NYS Archives Grant
- Proposed Public Hearings (Oct 1st, 2008):
 - Fire Districts:
 - Westfield - 7:15pm
 - Sherman - 7:20pm
 - SUP Generator - 7:25pm

Audit of Bills

Next Meeting - October 1st, 2008

Executive Session - (if necessary)

Resolution for Town Board Meeting (9/3/2008):

Resolution No. 36 of 2008

Authorization for Supervisor to sign Small Cities Grant contract

BE IT RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Supervisor to sign a contract accepting funds in the amount of \$553,750 from the recently awarded by the NYS Small Cities Community Development Block Grant (CDBG) program for project #1237-PW93-08 for East Main Road water line replacement.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Supervisor to open a required direct deposit account.

Resolution No. 37 of 2008

Retention Agreement

BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor on behalf of the Town of Westfield to sign a Retention Agreement with Alice Kryzan, Esq. for professional services in regard to the Wind Power generation project proposed by Babcock & Brown Renewable Holdings, Inc. subject to review as to form by the Town Attorney.

Budget Resolution No. 5 of 2008

2008 Budget Increase

Amendment Description	Increase	Decrease
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A Funds

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

Records Mgmt: Grant Rev	28.3089.1	\$218	
Records Mgmt: BDM	46.1665.41	\$218	

- ❖ Adjust appropriations due to unexpected expenditures

Justice Equipment:	42.1110.200		\$750.00
Justice Contractual:	42.1110.400	\$750.00	

TOWN BOARD MEETING

Town of Westfield

October 1st, 2008

7:15pm Public Hearing (Westfield Fire District)
7:20pm Public Hearing (Sherman Fire District)
7:25pm Public Hearing (SUP 10kw Generator / Telecommunications Facility)

7:30pm Town Board Meeting

1. Minutes
 - September 3rd, 2008 / Town Board Meeting
 - September 29th, 2008 / Special Meeting (2009 Budget Workshop)
2. Monthly Reports
 - Supervisor's Monthly Report
 - Town Clerk's Monthly Report (Received 2009 Tentative Budget)
 - Dog Warden's Report
 - Fire Dept. Monthly Report
 - Historian's Monthly Report
 - Town Court Report
2. Highway
3. Code Enforcement
4. Barcelona Harbor
6. Public Comment

ANNOUNCEMENTS

- 1st Friday / 6-9pm Main Street & Open House 9am-5pm

OLD BUSINESS

- Planning Board Recommendation Letters / allow PB to develop :
 1. Incorporation of County Sanitary Code updates for private Sewage Systems into our Town Code (specifics to follow)
 2. Potential modifications to our Town Code for regulation of dumpsters with the Town (specifics to follow)
- Chautauqua County Brand Presentation
- Resolution #38 - NYS CDGB Agreement

NEW BUSINESS

- Resolution #39 - Negative Declaration 10kw Generator / Omnipoint Cell Tower Site
- Resolution #40 - Issuance of SUP 10kw Generator / Omnipoint Cell Tower Site
- Resolution #41 - Adoption of Final Scope for Draft EIS for Babcock & Brown Renewable Holdings, Inc. Wind Power Project
- Resolution #42 - Agreement with Patterson
- Appointment of Donald Paddock to Westfield Recreation Committee
- Set Public Hearing date for SUP for an Auto Repair Shop (E. Main Road)
- Set Budget Hearing date (5 Nov 2008)

Audit of Bills

Next Meeting - November 5th, 2008

Executive Session - (if necessary)

TOWN BOARD MEETING

Town of Westfield
November 5th, 2008

7:15pm Public Hearing (D. Rammelt / SUP Application for Auto & Lt. Truck Repair Facility)
7:20pm Public Hearing (2009 Town Budget Hearing)

7:30pm Town Board Meeting

1. Minutes
 - October 1st, 2008 / Public Hearing (Westfield Fire District)
 - October 1st, 2008 / Public Hearing (Sherman Fire District)
 - October 1st, 2008 / Public Hearing (SUP 10kw Generator / Reid Rd Cell Tower)
 - October 1st, Town Board Meeting
 - October 28th, Special Meeting of the Town Board (2009 Budget Workshop)
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

- November 7th "First Friday" / 3-9pm Crossroads & 6-9pm Downtown
- November 13th STW Fall Planning & Zoning Conference

OLD BUSINESS

- Route 20 Bridge over Bell Creek
- Waterfront Project

NEW BUSINESS

- Resolution #43 - Negative Declaration for Rammelt SUP Application for Auto & Lt. Truck Repair Facility
- Resolution #44 - Issuance of SUP for Rammelt / SUP Application for Auto & Lt. Truck Repair Facility
- Resolution #45 - Adoption of 2009 Town of Westfield Budget
- Resolution #46 - Authorization for the Supervisor to Prepare and Distribute an E. Main Rd Water Project Engineering RFP
- Resolution #47 - Approval of & Authorization to issue an E. Main Rd Water Project Engineering RFP

Audit of Bills

Next Meeting - December 3rd, 2008

Executive Session - (if necessary)

Resolution #43 of 2008

Negative Declaration

Negative Declaration for Rammelt SUP Application for Auto & Lt. Truck Repair Facility

WHEREAS, Donald Rammelt has applied for a Special Use Permit allowing him to operate a limited retail and repair shop business for automobiles and light trucks on a parcel of land located at 7332 E. Main Road in the Town of Westfield, designated as Chautauqua County tax map parcel Section 176.00, Block 2, Lot 19, 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 an 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 extension, 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.

Resolution #44 of 2008

Issuance of SUP

Rammelt SUP Application for Auto & Lt. Truck Repair Facility

WHEREAS, Donald Rammelt (hereinafter, the "Applicant") has submitted an application requesting permission to operate a limited retail and repair shop for automobiles and light trucks at 7332 E. Main Road, Westfield, designated as tax map parcel Section 176.00, Block 2, Lot 19, and

WHEREAS, the Applicant is the recipient of a Special Use Permit issued March 13, 2007, which allows him to operate a farm equipment sales and service business at the same premises, 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 October 16, 2008 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 October 24, 2008 that the matter was 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 November 5, 2008, 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 limited retail and repair shop for automobiles and light trucks at 7332 E. Main Road 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 and the conditions of this permit.
2. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns. 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 for the property issued March 13, 2007, which permitted the operation of a farm equipment sales and service business.
4. The applicant shall commence operation of the business within one year of the issuance of this Permit. If operation has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new permit should he intend to continue the project.
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 agrees to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

Resolution #45 of 2008
Adoption of 2009 Town of Westfield Budget

BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves and adopts the 2009 Preliminary Budget as presented as the 2009 Town Budget.

Resolution #46 of 2008
Authorization for the Supervisor to Prepare and Distribute an E. Main Rd Water Project Engineering RFP

WHEREAS, the Town has received Community Development Block Grant funding from the New York State Office of Community Renewal and the New York State Housing Trust Fund Corporation for use by the Town in the repair and reconstruction of the Town 's Water Transmission System; and,

WHEREAS, pursuant to CDBG rules all services to be provided by consultants must be authorized after conduction of a Request for Proposals in order to ensure competition pursuant to Federal regulations as promulgated by New York State Office of Community Renewal and the New York State Housing Trust Fund Corporation; and,

WHEREAS, the Town wishes to move forward to secure necessary engineering services as required by the New York State Department of Health as enforced by the Chautauqua County Department of Health.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized pursuant to the CDBG rules to prepare and distribute to potentially interested engineering consultants a request for proposals for the provision of services for the Town's Community Development Block Grant Water Transmission Project; and,

BE IT FURTHER RESOLVED, that the Supervisor is authorized to utilize the information provided by the New York State Office of Community Renewal relating to minority and women owned contracting businesses to ensure maximum consultant interest in the Town 's request for proposals; and,

BE IT FINALLY RESOLVED, that the RFP to be issued shall require submission to the Town by interested consultants not later than November 26, 2008.

Resolution #47 of 2008

Approval of & Authorization to issue an E. Main Rd Water Project Engineering RFP

WHEREAS, the Town is seeking engineering services for assisting the Town in the developing and improvement of its water transmission facilities; and,

WHEREAS, as part of any such improvement it is incumbent upon the Town to seek the services of a licensed, professional engineer(s) to provide professional engineering services for the proposed project upgrades; and,

WHEREAS, the Town has cause to prepare a Request for Proposal for such engineering services.

NOW THEREFORE BE IT RESOLVED, this Town Board hereby approves the Request for Proposal which is attached hereto and made a part hereof as to content and form; and,

BE IT FURTHER RESOLVED, that the Town is hereby authorized to issue said Request for Proposal and to have same returnable to the Town not later than the 26th day of November, 2008.

Resolutions for Town Board Meeting (10/1/2008):

Resolution #38 of 2008
NYS CDGB Agreement

BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the New York State Community Development Block Grant Agreement for Project #1237PW93-08 (East Main Road).

Resolution No. 39 of 2008
Negative Declaration
10kw Generator / Omnipoint Cell Tower Site (Reid Road)

WHEREAS, Omnipoint Communications (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to install a 10kw Generator on a 3’x4’ concrete pad within an existing telecommunications facility on a parcel of land located on Reid Road, Westfield, designated as tax map parcel Section 209.00, Block 2, Lot 19, 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.

Resolution No. 40 of 2008
Issuance of SUP
10kw Generator / Omnipoint Cell Tower Site (Reid Road)

WHEREAS, Omnipoint Communications (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to install a 10kw Generator on a 3’x4’ concrete pad within an existing telecommunications facility on a parcel of land located on Reid Road, Westfield, designated as tax map parcel Section 209.00, Block 2, Lot 19, 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 18, 2008 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 26, 2008 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 1, 2008, 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 10kw Generator on a 3'x4' concrete pad within an existing telecommunications facility on a parcel of land located on Reid 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 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 Special Use Permit shall become void and the Applicant shall be required to apply for a new permit 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 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 Applicants 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 Applicants, 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 Applicants approve 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.

Resolution No. 41 of 2008

Adoption of Final Scope for Draft EIS for Babcock & Brown Renewable Holdings, Inc.
Wind Power Project

WHEREAS, Babcock & Brown Renewable Holdings, Inc. has filed an Environmental Assessment Form with the Towns of Ripley and Westfield (the Towns), relating to its applications to the Towns for permits to install and operate an approximately 125 megawatt wind energy facility in the said Towns (the "Project"), and

WHEREAS, the Towns, as co-lead agencies, have each adopted a positive declaration for the Project requiring the preparation of an Environmental Impact Statement, and

WHEREAS, the Towns have conducted a scoping process wherein both public and agency input have been received identifying the potentially significant environmental impacts of the Project, many of which have been incorporated into the Towns' final written scope, thereby requiring them to be addressed in the Draft Environmental Impact Statement

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves and adopts the final written scope for the Draft Environmental Impact Statement for the Project, a copy of which is attached hereto and made a part hereof.

Resolution #42 of 2008
Agreement with Patterson Library

BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into an Agreement with the Patterson Library in order to loan the library a microfiche reader.

TOWN BOARD MEETING

Town of Westfield
December 3rd, 2008

7:20pm Public Hearing (SUP Application / Ceci - Small Manufacturing Business)

7:30pm Town Board Meeting

1. Minutes
 - November 5th, 2008 / Public Hearing (Rammelt SUP Application)
 - November 5th, 2008 / Public Hearing (2009 Town Budget)
 - November 5th, 2008 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

OLD BUSINESS

- Wind Project
- Waterfront Project
- E. Main Road Water Project
- Concord Heritage

NEW BUSINESS

- Resolution #48 - Negative Declaration for SUP Application (Ceci) for a Small Manufacturing Business
- Resolution #49 - Issuance of Ceci SUP for a Small Manufacturing Business
- Resolution #50 - Authorization for Supervisor to Sign Agreement on behalf of Shorehaven Residents for Engineering Report
- Resolution #51 - NYS DOT Detour Resolution
- Resolution #52 - Removal of Equipment from Inventory
- Resolution #53 - Authorization for Supervisor to Sign a Professional Service Agreement
- Budget Resolution #6
- Set Public Hearing date / time for proposed Local Law 1-2009 (Lot Size Requirements)
- Set Public Hearing date / time to amend existing SUP (Cell Tower / Hardscrabble Rd.)

Audit of Bills

Next Meeting - January 7th, 2009

Executive Session - (if necessary)

Resolution #48 of 2008
Negative Declaration

Negative Declaration for SUP Application (Ceci) for a Small Manufacturing Business

WHEREAS, Michael & Susan Ceci have applied for a Special Use Permit allowing them to operate a small manufacturing business for fabrication of steel rings on a parcel of land located at 8275 Culver Road in the Town of Westfield, designated as Chautauqua County tax map parcel Section 243.00, Block 1, Lot 28.1, 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 an 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 extension, 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.

Resolution #49 of 2008
Issuance of SUP

Operation of a Small Manufacturing Business (Ceci)

WHEREAS, Michael & Susan Ceci (hereinafter, the "Applicant") have submitted an application requesting permission to operate a small manufacturing business for fabrication of steel rings on a parcel of land located at 8275 Culver Road in the Town of Westfield, designated as tax map parcel Section 243.00, Block 1, Lot 28-1, 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 November 20, 2008 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 November 25, 2008 that the matter was 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 December 3, 2008, 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 small manufacturing business for fabrication of steel rings on a parcel of land located at 8275 Culver Road 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 and the conditions of this permit.

2. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
3. The applicant shall commence operation of the business within one year of the issuance of this Permit. If operation has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new permit should he intend to continue the project.
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.

Resolution #50 of 2008

Authorization for Supervisor to Sign Agreement on behalf of Shorehaven Residents
for Preliminary Engineering Report

WHEREAS, the Board of Directors of Shorehaven have requested use of available Water District Account funds to conduct a preliminary engineering report for upgrading their internal water distribution system.

THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into an agreement with Tolman Engineering to conduct work / provide a report for an amount not exceed \$5500.

Resolution #51 of 2008

NYS DOT Detour Resolution

WHEREAS, the New York State Department of Transportation (DOT) proposes to replace the U.S. Route 20 bridge over Bell Creek (BIN 1015360) in the Town of Westfield, Chautauqua County.

WHEREAS, the New York State DOT proposes to utilize the following roads as detours during the period of construction: Old Erie Road, Parker Road, Barber Road, and Creamery Road.

WHEREAS, the New York State DOT will provide traffic control devices and the Department's maintenance responsibility will be limited to those devices.

NOW THEREFORE BE IT RESOLVED: That the Town of Westfield does hereby authorize the New York State DOT to utilize the above-mentioned roads and streets as detours during the period of construction.

BE IT FURTHER RESOLVED: That the Town of Westfield will continue to provide routine maintenance on the above mentioned roads and streets.

BE IT FURTHER RESOLVED: That the Clerk of the Town of Westfield is hereby directed to transmit five (5) certified copies of this resolution to the New York State DOT.

Resolution #52 of 2008
Removal of Equipment from Inventory

WHEREAS, the bookkeeper has recommended that the following office equipment be junked / removed from various office inventories because it is considered to be obsolete and also due to the security of information on such equipment:

2003 Assessor - Computer Sys w/Monitor Original Value \$880

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

Resolution #53 of 2008
Authorization for Supervisor to Sign a Professional Service Agreement

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into an agreement with Alice J. Kryzan to represent the Town of Westfield as Special Counsel in matters regarding the proposed Wind Project.

Budget Resolution No. 6 of 2008
2008 Budget Increase

<u>Amendment Description</u>	<u>Increase</u>	<u>Decrease</u>
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A Funds

- To increase budget expenditure due to increasing cost of advertising:

Town Clerk - CE	45.1410.4	\$500	
Town Clerk - EQ	45.1410.2		\$500

- To increase budget expenditure due to increasing cost of law books:

Justice - CE	42.1110.4	\$250.00	
Justice - EQ	42.1110.2		\$250.00

- To increase budget to include a Records Inventory Grant:

Records Mgmt: Grant Rev	28.3060.1	\$2791	
Records Mgmt: Records	46.1460.4	\$2791	

- To increase budgetary revenue and expense to match actual revenue received from NYS DOS:

Other State Aid: Rev	28.3089.0	\$7420.14	
NY DOS -VPLEWOP: Exp	96.8510.4	\$7420.14	

DB: Funds - Highway Outside Village

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

Consolidated Highway Aid - Revenue	28.3501.0	\$99778.13	
Permanent Improvements - CHIPS	72.5112.0	\$99778.13	

General Reserve

➤ Close Chautauqua Windpower Accounts

Chautauqua Windpower Reserve	05.0860.0		\$1100.00
T&A Met Tower Removal Reserve	15.1570.1		\$4707.51
General Reserve	05.0870.0	\$5807.51	

TOWN BOARD MEETING

Town of Westfield
November 5th, 2008

7:15pm Public Hearing (D. Rammelt / SUP Application for Auto & Lt. Truck Repair Facility)
7:20pm Public Hearing (2009 Town Budget Hearing)

7:30pm Town Board Meeting

1. Minutes
 - October 1st, 2008 / Public Hearing (Westfield Fire District)
 - October 1st, 2008 / Public Hearing (Sherman Fire District)
 - October 1st, 2008 / Public Hearing (SUP 10kw Generator / Reid Rd Cell Tower)
 - October 1st, Town Board Meeting
 - October 28th, Special Meeting of the Town Board (2009 Budget Workshop)
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

- November 7th "First Friday" / 3-9pm Crossroads & 6-9pm Downtown
- November 13th STW Fall Planning & Zoning Conference

OLD BUSINESS

- Route 20 Bridge over Bell Creek
- Waterfront Project

NEW BUSINESS

- Resolution #43 - Negative Declaration for Rammelt SUP Application for Auto & Lt. Truck Repair Facility
- Resolution #44 - Issuance of SUP for Rammelt / SUP Application for Auto & Lt. Truck Repair Facility
- Resolution #45 - Adoption of 2009 Town of Westfield Budget
- Resolution #46 - Authorization for the Supervisor to Prepare and Distribute an E. Main Rd Water Project Engineering RFP
- Resolution #47 - Approval of & Authorization to issue an E. Main Rd Water Project Engineering RFP

Audit of Bills

Next Meeting - December 3rd, 2008

Executive Session - (if necessary)

Resolution #43 of 2008

Negative Declaration

Negative Declaration for Rammelt SUP Application for Auto & Lt. Truck Repair Facility

WHEREAS, Donald Rammelt has applied for a Special Use Permit allowing him to operate a limited retail and repair shop business for automobiles and light trucks on a parcel of land located at 7332 E. Main Road in the Town of Westfield, designated as Chautauqua County tax map parcel Section 176.00, Block 2, Lot 19, 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 an 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 extension, 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.

Resolution #44 of 2008

Issuance of SUP

Rammelt SUP Application for Auto & Lt. Truck Repair Facility

WHEREAS, Donald Rammelt (hereinafter, the "Applicant") has submitted an application requesting permission to operate a limited retail and repair shop for automobiles and light trucks at 7332 E. Main Road, Westfield, designated as tax map parcel Section 176.00, Block 2, Lot 19, and

WHEREAS, the Applicant is the recipient of a Special Use Permit issued March 13, 2007, which allows him to operate a farm equipment sales and service business at the same premises, 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 October 16, 2008 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 October 24, 2008 that the matter was 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 November 5, 2008, 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 limited retail and repair shop for automobiles and light trucks at 7332 E. Main Road 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 and the conditions of this permit.
2. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns. 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 for the property issued March 13, 2007, which permitted the operation of a farm equipment sales and service business.
4. The applicant shall commence operation of the business within one year of the issuance of this Permit. If operation has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new permit should he intend to continue the project.
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 agrees to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

Resolution #45 of 2008
Adoption of 2009 Town of Westfield Budget

BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves and adopts the 2009 Preliminary Budget as presented as the 2009 Town Budget.

Resolution #46 of 2008
Authorization for the Supervisor to Prepare and Distribute an E. Main Rd Water Project Engineering RFP

WHEREAS, the Town has received Community Development Block Grant funding from the New York State Office of Community Renewal and the New York State Housing Trust Fund Corporation for use by the Town in the repair and reconstruction of the Town 's Water Transmission System; and,

WHEREAS, pursuant to CDBG rules all services to be provided by consultants must be authorized after conduction of a Request for Proposals in order to ensure competition pursuant to Federal regulations as promulgated by New York State Office of Community Renewal and the New York State Housing Trust Fund Corporation; and,

WHEREAS, the Town wishes to move forward to secure necessary engineering services as required by the New York State Department of Health as enforced by the Chautauqua County Department of Health.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized pursuant to the CDBG rules to prepare and distribute to potentially interested engineering consultants a request for proposals for the provision of services for the Town's Community Development Block Grant Water Transmission Project; and,

BE IT FURTHER RESOLVED, that the Supervisor is authorized to utilize the information provided by the New York State Office of Community Renewal relating to minority and women owned contracting businesses to ensure maximum consultant interest in the Town 's request for proposals; and,

BE IT FINALLY RESOLVED, that the RFP to be issued shall require submission to the Town by interested consultants not later than November 26, 2008.

Resolution #47 of 2008

Approval of & Authorization to issue an E. Main Rd Water Project Engineering RFP

WHEREAS, the Town is seeking engineering services for assisting the Town in the developing and improvement of its water transmission facilities; and,

WHEREAS, as part of any such improvement it is incumbent upon the Town to seek the services of a licensed, professional engineer(s) to provide professional engineering services for the proposed project upgrades; and,

WHEREAS, the Town has cause to prepare a Request for Proposal for such engineering services.

NOW THEREFORE BE IT RESOLVED, this Town Board hereby approves the Request for Proposal which is attached hereto and made a part hereof as to content and form; and,

BE IT FURTHER RESOLVED, that the Town is hereby authorized to issue said Request for Proposal and to have same returnable to the Town not later than the 26th day of November, 2008.
