

**PUBLIC HEARING
Town of Westfield
January 10, 2007**

Supervisor Bills called the public hearing to order at 7:20 p.m. in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|----------------|
| Supervisor: | Martha R. Bills | Guests: | Charles Lillie |
| Councilmen: | Raymond Schuster | | Jack Bills |
| | Carl Vilardo Jr. | | Claire Quadri |
| | Donald Nash | | Jack Gulvin |
| | David Brown | | Claude Abbey |
| | | | Jack Rush |
| | | | Tony Pisicoli |
| | | | Nate Myer |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the newly proposed Local Law #1 of 2007 [Local Law amending the Manufacturing District (M) District Regulations]. The Town Supervisor provided a brief explanation of the proposal emphasizing that it was a new section, 185-35(D), to be inserted into Article VII of Town Code. This law would permit uses with Special Use Permits in Residential-Lakeside (R-L) and Residential-Agricultural (R-A) Districts.

There were no questions from the audience.

There being no further business, the public hearing was closed at 7:24 p.m.

Respectfully submitted,

Timothy C. Smith, Town Clerk

**TOWN BOARD MEETING
Town of Westfield
January 10, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:33 p.m. in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|---------------|
| Supervisor: | Martha R. Bills | Guests: | Claire Quadri |
| Councilmen: | Raymond Schuster | | Jack Gulvin |
| | Carl Vilardo Jr. | | Claude Abbey |
| | Donald Nash | | Jack Rush |
| | David Brown | | Tony Piscoli |
| Guests: | Charles Lillie | | Nate Myer |
| | Jack Bills | | |

Supervisor Bills asked Mr. Nate Myer (Fortune Wireless, Inc.) to give a brief overview of their proposed construction of a Wireless Communications Tower (Cell Phone Tower). Mr. Myer explained that the proposal consisted of a 199' tower being constructed on 100' x 100' parcel on Persons Road. The facility will be fenced in and allow for up to 5 carriers to operate.

David Brown moved and Ray Schuster seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$2353.81 representing fees for the month of December, 2006, was turned over to the Supervisor. State and County agencies received checks totaling \$571.18.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|-------------------------|
| Gen. A | \$568,980.55 | \$516,120.11 | \$1,817.82 | \$419,488.62 |
| Gen B | 103,978.49 | 94,690.71 | 45.72 | 51,027.97 |
| Hwy DA | 402,128.86 | 210,771.34 | 198.54 | 364,795.68 |
| Hwy DB | 410,356.33 | 364,478.94 | 1.32 | 205,362.97 |
| Sewer HO1 | 23,581.26 | 22,515.02 | -0- | 16,989.64 |
| Water HO2 | 56,640.09 | 43,399.14 | -0- | 78,216.44 |
| Wfd. Fire | 58,941.72 | 58,053.00 | -0- | 1,048.53 |
| Sherm. Fire | 7,298.84 | 7,143.00 | -0- | 281.71 |
| Totals: | \$1,631,906.14 | \$1,317,171.26 | \$2,063.48 | \$1,137,211.56 |

The Dog Warden's report for December 2006 was read and placed on file.

**PUBLIC HEARING
Town of Westfield
February 7th, 2007
(Wireless Communications Tower)**

Supervisor Bills called the public hearing to order at 7:20 p.m. in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|--------------------------|
| Supervisor: | Martha R. Bills | Guests: | Charles Lillie |
| Councilmen: | Raymond Schuster | | Jack Gulvin |
| | Carl Vilaro Jr. | | Claude Abbey |
| | Donald Nash | | Jim Rush |
| | David Brown | | Dawn Betts |
| | | | Carrie Fitzsimmons |
| | | | (Fortune Wireless, Inc.) |
| | | | Tim Conte |
| | | | (Global Tower Partners) |
| | | | Julie Spears |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed construction of a new wireless communications tower. Ms. Carrie Fitzsimmons, representing Fortune Wireless, Inc. (project agent), gave a brief synopsis of the overall project. There were some questions from the audience concerning mitigation of potential damage to roads & property from construction vehicles and use of an access route. These were answered satisfactorily.

There being no further business, the public hearing was closed at 7:28 p.m.

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

**TOWN BOARD MEETING
Town of Westfield
February 7th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30 p.m. in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|--|
| Supervisor: | Martha R. Bills | Guests: | Charles Lillie |
| Councilmen: | Raymond Schuster | | Jack Gulvin |
| | Carl Vilardo Jr. | | Claude Abbey |
| | Donald Nash | | Jack Rush |
| | David Brown | | Dawn Betts |
| | | | Carrie Fitzsimmons (Fortune Wireless, Inc.) |
| | | | Tim Conte (Global Tower Partners) |
| | | | Julie Spears |

David Brown moved and Donald Nash seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$2166.25 representing fees for the month of January, 2007, was turned over to the Supervisor. State and County agencies received checks totaling \$296.13.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|-------------------------|
| Gen. A | \$59,017.33 | \$37,134.98 | \$1,817.82 | \$426,456.57 |
| Gen B | 231.00 | 150.00 | 45.72 | 51,301.59 |
| Hwy DA | 289,308.91 | 35,665.16 | 198.62 | 628,515.49 |
| Hwy DB | 764.65 | 2,237.52 | 1.32 | 203,650.10 |
| Sewer HO1 | 795.73 | 8.45 | -0- | 17,773.40 |
| Water HO2 | 22,285.36 | -0- | -0- | 100,501.80 |
| Wfd. Fire | 3.95 | -0- | -0- | 1,052.48 |
| Sherm. Fire | 1.06 | -0- | -0- | 282.77 |
| Totals: | \$372,407.99 | \$75,186.11 | \$2,063.48 | \$1,429,534.20 |

The Dog Warden's report for January 2006 was not available.

Highway Superintendent, Charles Lillie, reported that two bids were received for a new dump box to fit a new single axle cab & chassis. After examination, one Bid (submitted by STS Truck equipment) did not meet the specifications. A motion was made by David

Brown and seconded by Raymond Schuster to accept a bid of \$32,103 from Valley Fab & Equipment, Inc. Unanimously carried.

Councilman Donald Nash stated that the harbor is closed for the winter.

In Public Comment there were no questions / comments from the audience.

Old Business:

1. Supervisor Bills announced that an Annual Audit of the Town Books was completed on January 19th, 2007. All accounts reviewed appeared to be in good order.
2. Supervisor Bills presented a Town Court Annual Report.
3. A Public Hearing date was set for the proposed Local Law #2 of 2007 (*Providing terms for the Administration of Town Highways*) for March 7th, 2007 @ 7:15pm (Eason Hall).

New Business:

David Brown offered the following resolution and moved its adoption:

Resolution No. 13 of 2007
Negative Declaration
(Proposed Cell Tower)

WHEREAS, Fortune Wireless, Inc., has applied for a Special Use Permit allowing it to construct and operate a telecommunications facility on a parcel of land located near 7822 Persons Road in the Town of Westfield, and designated as Chautauqua County tax map parcel Section 193.00, Block 1, Lot 45, 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 long 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.

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

Carl Vilardo offered the following resolution and moved its adoption:

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.

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

Donald Nash offered the following resolution and moved its adoption:

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.

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

David Brown offered the following resolution and moved its adoption:

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.

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

David Brown offered the following resolution and moved its adoption:

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.

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

Martha Bills offered the following resolution and moved its adoption:

Resolution No. 18 of 2007
(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, 2007 at 4:30pm to solicit the comments and suggestions of the public and to provide for the further development of such project or projects.

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

Martha Bills offered the following resolution and moved its adoption:

Resolution No. 19 of 2007
(Transfer of Funds)

WHEREAS, the Town has in place a Machinery Capital Reserve (HO3) and a Building Capital Reserve (Ho4) for Town Highway Department purposes,

THEREFORE BE IT RESOLVED, that the Town Board agrees to the transfer of unexpended Highway General Funds from 2006 budgeted appropriations as follows:

1. \$50,000 Machinery Capital Reserve
2. \$50,000 Building Capital Reserve

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

The Town Board accepted with regret the resignation of Town Historian, Mary S. Dibble effective December 31st, 2006.

Supervisor Bills made a motion that the Town donate \$500 to Cable Access 5. This was seconded by Carl Vilardo and unanimously approved.

The Chautauqua County Vacation Bureau is requesting support to hire Roger Brooks of Destination Development, Inc. to conduct a tourism assessment for the County. Supervisor Bills made a motion that the Town participate per the request in the amount of \$1250. This was seconded by Raymond Schuster and unanimously approved.

David Brown moved and Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, March 7, 2007 @ 7:30pm.

There being no further business, at 8:50 p.m. Carl Vilardo moved and Donald Nash seconded a motion to move to Executive Session to discuss a particular personnel issue. Unanimously carried.

At 9:30 p.m. David Brown moved and Raymond Schuster seconded a motion to return to regular session. Martha Bills moved and Raymond Schuster seconded a motion to adjourn. Unanimously carried.

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

Highway Superintendent, Charles Lillie, was authorized to begin a bid process on a new roof for the Town Highway building.

Code Enforcement Officer, Jack Bills, provided a 2006 year-end report in addition to a draft revised Fee Schedule and revised applications.

Councilman Donald Nash stated that the harbor is closed for the winter.

In Public Comment there were no questions / comments from the audience.

Supervisor Bills announced that the NYS Association of Towns Annual Meeting and Training is 18-21 February 2007. Kate Issler will attend bookkeeping and tax collecting trainings. Town Board Members interested in attending should notify Supervisor Bills by the 15th of January 2007.

Old Business:

1. Highway Superintendent Chuck Lillie requested additional time to review dump box bids just received. A Special Meeting to discuss bids will be scheduled.
2. Supervisor Bills stated the Towns of Westfield and Ripley recently held an introductory meeting with Empire State Wind Energy to continue discussions on a potential wind power project and to refine the initial concept.
3. Supervisor Bills also stated that on February 28, 2007 (6:15pm - 9:15pm at WACS) there is a Public Session concerning the Lakefront Revitalization Plan.

New Business:

Supervisor Bills offered the following resolution and moved its adoption:

Resolution No. 1 of 2007

“That the Town Board appoints Timothy C. Smith as the Town Clerk for the year 2007.”

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 2 of 2007

“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 two exceptions; July 11th, 2007 and August 8th, 2007. ”

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

Supervisor Bills offered the following resolution and moved its adoption:

Resolution No. 3 of 2007

“That the Town Board hereby fix the salaries of the Town employees and officials for the year 2007 as follows:

| | |
|--------------------------------------|--|
| Highway Employees: | Laborers - Minimum \$7.50 p/hr. MEO's - Minimum \$10.00 to 16.52 p/hr. - Maximum \$24.76 p/hr. |
| Supervisor: | \$14,650 annual to be paid quarterly |
| Deputy Supervisor: | \$ 2,700 annual |
| Councilmen: | \$ 1,300 annual |
| Justice Spann: | \$ 3,625 annual to be paid quarterly |
| Justice LaPorte: | \$ 3,625 annual to be paid quarterly |
| Court Clerk: | \$14,729 annual to be paid biweekly |
| Town Clerk/Dpt. Tax Collector | \$28,000 annual to be paid biweekly |
| Bookkp/Tax Collector/Dpt. Town Clerk | \$28,366 annual to be paid biweekly |
| Highway Superintendent: | \$46,000 annual to be paid biweekly |
| Deputy Highway Superintendent: | \$ 1,500 annual to be paid quarterly |
| Assessor: | \$42,230 annual to be paid biweekly |
| Code Enforcement: | \$19,025 annual |
| Utility Workers: | \$ 7.25 Minimum p/hr. \$ 8.50 Maximum p/hr. |
| Civil Defense: | \$ 750 annual |

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 4 of 2007

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 Dunkirk 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.”

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

Donald Nash offered the following resolution and moved its adoption:

Resolution No. 5 of 2007

“That the *Westfield Republican* and the *Observer* newspapers be designated the official newspapers of the Town for the year 2007.”

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

Raymond Schuster offered the following resolution and moved its adoption:

Resolution No. 6 of 2007

ANNUAL APPOINTMENTS

| | |
|-----------------------------|--|
| Timothy C. Smith | Registrar / Bingo Inspector / Deputy Tax Collector /Records Management Officer |
| Kathryn Issler | Bookkeeper /Tax Collector/ Deputy Town Clerk / Deputy Registrar |
| Kathleen Alexander | Clerk to the Court |
| Vincent Calarco | Civil Defense Director |
| Jock Phillips | Harbor Master |
| Jack Bills | Building & Code Enforcement |
| N. Chautauqua Canine Rescue | Dog Control Official |

Planning Board

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

Zoning Board of Appeals

Wayne Harrington (Chairman)
Heinz Wolff
Will Northrop
Abbie Cardy
Marsha Holland

Town Committees

Harbor
Security & Technology
Transfer Station
Highway
Ad Hoc & Personnel
Website

Donald Nash
David Brown
Ray Schuster
Carl Vilardo & Ray Schuster
David Brown & Ray Schuster
David Brown, Mary Bivens, Martha Bills,
Tim Smith, & Joel Seachrist

Barcelona Harbor Commission

Sam Arnold (Chairman)
David Gembela
Jamie Jaynes
Julie Travis
George Kolibar
James VanDyke

Process Servers

David Haskin
Max Baker

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 7 of 2007

“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.”

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

Raymond Schuster offered the following resolution and moved its adoption:

Resolution No. 8 of 2007

That the 2007 Holidays shall be:

| | |
|--------------------------|-----------------------|
| Day after New Years | Tuesday, January 2 |
| Presidents Day | Monday, February 19 |
| Memorial Day | Monday, May 28 |
| Independence Day | Wednesday, July 4 |
| Labor Day | Monday, September 3 |
| Columbus Day | Monday, October 8 |
| Election Day | Tuesday, November 6 |
| Veteran’s Day | Monday, November 12 |
| Thanksgiving Day | Thursday, November 22 |
| Day after Thanksgiving | Friday, November 23 |
| Holiday before Christmas | Monday, December 24 |
| Christmas Day | Tuesday, December 25 |
| Holiday before New Years | Monday, December 31 |

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

Raymond Schuster offered the following resolution and moved its adoption:

Resolution No. 9 of 2007

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 of the following roads: upper Parker, Coon, Pigeon, Belson, and Douglas.
2. Should the Town receive funds under the Consolidated Highway Improvement Project System (CHIPS), funds would be used towards re-profiling and blacktopping of Barber Road and part of Parker Road.

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.

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 10 of 2007

WHEREAS, the Town of Westfield has proposed a local law to amend the regulations for the Manufacturing (M) District to permit therein uses permitted by special use permit in the Residential-Lakeside (R-L) and Residential-Agricultural (R-A) Districts; and

WHEREAS, the proposed local law 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 local law, 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 issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed local law.

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

David Brown offered the following resolution (as long as equipment is disposed of properly) and moved its adoption:

Resolution No. 11 of 2007

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

- 1998 Gateway Computer with 1995 non-working monitor & keyboard (Assessor)
- 1999 PC450 PIII (Town Clerk)
- 1999 PC450 PIII (Bookkeeper)

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

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

Raymond Schuster was unanimously appointed Deputy Supervisor.

David Brown made a motion that the Town's *Procurement Policy* (as part of an annual review) remain as presented. This was seconded by Raymond Schuster and unanimously approved.

A Public Hearing on the previously discussed proposed construction of a Wireless Communications Tower (Cell Phone Tower) on Persons Road was set for 7:20pm, February 7th, 2007 in Eason Hall.

An annual audit of the town's books will take place on January 19th, 2007 at 3:30pm.

The next Town Meeting is scheduled for Wednesday, February 7, 2007 @ 7:30pm.

There being no further business, at 8:50pm. Carl Vilardo moved and Donald Nash seconded a motion to adjourn. Unanimously carried.

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

PUBLIC HEARING
Town of Westfield
March 7th, 2007
(Local Law #2)

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

| | | | |
|-------------|------------------|---------|----------------|
| Supervisor: | Martha R. Bills | Guests: | Charles Lillie |
| Councilmen: | Raymond Schuster | | Jack Gulvin |
| | David Brown | | Claude Abbey |
| | Donald Nash | | Janet Nass |
| | | | Harold Nass |
| | | | David Haskin |
| | | | Donald Eno |
| | | | Fred Bertrando |
| | | | Conrad Vicary |
| | | | Julie Spears |
| | | | Jack Bills |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the Town of Westfield's proposed Local Law #2 for 2007, "Providing terms for the Administration of Town Highways."

There were some questions from the audience and some limited discussion between Town Board members and the Highway Superintendent. All issues were addressed satisfactorily.

There being no further business, the public hearing was closed at 7:21pm.

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

PUBLIC HEARING
Town of Westfield
March 7th, 2007
(CDBG)

Supervisor Bills called the public hearing to order at 7:22pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|----------------|
| Supervisor: | Martha R. Bills | Guests: | Charles Lillie |
| Councilmen: | Raymond Schuster | | Jack Gulvin |
| | David Brown | | Claude Abbey |
| | Donald Nash | | Janet Nass |
| | | | Harold Nass |
| | | | David Haskin |
| | | | Donald Eno |
| | | | Fred Bertrando |
| | | | Conrad Vicary |
| | | | Julie Spears |
| | | | Jack Bills |

Supervisor Bills explained that this Public Hearing was being held to hear all persons in regard to the Town's grant application for the 2007 Community Development Block Grant (CDBG). The purpose is to solicit comments / suggestions from the public in order to identify a community development project or projects for submission with grant.

This is the first of two public hearings for the CDBG with the second scheduled for the 14th of March, 2007 at 4:30pm.

Supervisor Bills further explained that the current primary project under consideration for submission is an East Main Street water project extending beyond the Village limits. There were some questions from the audience concerning the project. These were answered satisfactorily.

There being no further business, the public hearing was closed at 7:28pm.

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

**TOWN BOARD MEETING
Town of Westfield
March 7th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|----------------|
| Supervisor: | Martha R. Bills | Guests: | Charles Lillie |
| Councilmen: | Raymond Schuster | | Jack Gulvin |
| | David Brown | | Claude Abbey |
| | Donald Nash | | Janet Nass |
| | | | Harold Nass |
| | | | David Haskin |
| | | | Donald Eno |
| | | | Fred Bertrando |
| | | | Conrad Vicary |
| | | | Julie Spears |
| | | | Jack Bills |

David Brown moved and Donald Nash seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$2986.37 representing fees for the month of February, 2007, was turned over to the Supervisor. State and County agencies received checks totaling \$213.10.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|----------------|---------------------|---------------------|-------------------------|-------------------------|
| Gen. A | \$420,335.33 | \$70,359.81 | \$1,765.23 | \$758,024.57 |
| Gen B | 79,663.13 | 10,650.00 | 45.72 | 120,041.10 |
| Hwy DA | 291,083.36 | 78,027.96 | 198.62 | 486,859.78 |
| Hwy DB | 39,895.67 | 10,243.89 | 1.32 | 240,423.75 |
| Sewer HO1 | 23,262.23 | 19,316.04 | -0- | 17,829.93 |
| Water HO2 | 45,324.59 | 35,250.00 | -0- | 87,182.05 |
| Wfd. Fire | 77,496.22 | -0- | -0- | 78,544.75 |
| Sherm. Fire | 7606.81 | -0- | -0- | 7,888.52 |
| Totals: | \$984,667.45 | \$223,847.70 | \$2,010.89 | \$1,796,794.45 |

The Dog Warden's report for February 2007 was read and placed on file.

Public hearings dates were set for two recent Special Use Permit (SUP) submissions. The requested SUP's are both for new businesses: Mr. Don Rammelt for a Farm Equipment Sales & Service facility and Mr. Robert Schofield as a contractor specializing in the

fabrication of metal frames for utility boxes. Both hearings were set for the 14th of March at 4:40pm and 4:45pm respectively.

Councilman Donald Nash stated that the harbor remained closed for the winter.

In Public Comment there were some questions from the audience in reference to the Town's Website, an East Lake Road water project, and Dog Control.

Old Business:

Code Enforcement Officer Bills highlighted proposed changes to the "Westfield Building Permit Fee Schedule".

- Need to add to page 3, letter "O" before "Truss Identification" and change wording from "\$50.00 per sign" to "\$50.00 per application"
- Need to add to page 4, letter "Q. 2.) Additional equipment to existing structures - \$500".

David Brown moved and Donald Raymond Schuster seconded a motion to adopt the proposed Fee schedule with modifications. Unanimously carried.

New Business:

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

Resolution No. 20 of 2007
Negative Declaration
(Local Law #2)

WHEREAS, the Town of Westfield has proposed Local Law #2 of 2007 to add to the Town Code a new Chapter 104 for Highway Administration, which would permit the Town Highway Superintendent to issue, subject to Town Board consent, permits for work proposed to be done within the right-of-way of town highways, and

WHEREAS, the proposed local law 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 local law, and

WHEREAS, the Board has determined that the proposed local law will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby issues a Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed Local Law #2 of 2007.

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 21 of 2007
(Adoption of Local Law #2)

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 March 7, 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 add to the Town Code a new Chapter 104 for Highway Administration, which would permit the Town Highway Superintendent to issue, subject to Town Board consent, permits for work proposed to be done within the right-of-way of town highways, 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 March 7, 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, the Town Board has determined that the adoption of the local law is an Unlisted 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 interests 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 #2 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.

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 22 of 2007
(Extension of Transfer Station Contract)

BE IT RESOLVED, that the Town Board of the Town of Westfield hereby approves an extension of the Transfer Station contract for a period not to exceed two years with a total increase not to exceed 8.5% for the same two year period.

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

Supervisor Bills announced that the AUD Report (the Town's annual financial report) for the year 2006 is complete and available for the public to review in the Town offices.

Supervisor Bills reviewed a request from the American Legion Post #327 for a donation to cover the cost of veteran grave-markers (w/flags) which are placed on approximately 500 graves in all cemeteries throughout the Town and Village. The issue was tabled in order to determine if there were enough markers currently ordered.

David Brown moved and Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilardo, absent.

The next Town Meeting is scheduled for Wednesday, April 4th, 2007 @ 7:30pm.

There being no further business, at 8:35 p.m. Supervisor Bills moved and Donald Nash seconded a motion to move to Executive Session to discuss pending litigation. Unanimously carried.

At 9:00 p.m. David Brown moved and Raymond Schuster seconded a motion to return to regular session. Martha Bills moved and Raymond Schuster seconded a motion to adjourn. Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
April 4th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|-------------------|
| Supervisor: | Martha R. Bills | Guests: | Charles Lillie |
| Councilmen: | Raymond Schuster | | Nick Pierce |
| | David Brown | | Claude Abbey |
| | Donald Nash | | Karen Riedesel |
| | Carl Vilardo | | Tony Piscoli |
| | | | Jeff Fortner |
| | | | Maureen Fortner |
| | | | Claire Quadry |
| | | | Conrad Vicary |
| | | | Julie Spears |
| | | | Jim Rush |
| | | | Jack Bills |
| | | | Maureen Del Balso |

Raymond Schuster moved and Donald Nash seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$1159.29 representing fees for the month of March, 2007, was turned over to the Supervisor. State and County agencies received checks totaling \$368.79.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|----------------|-----------------------|---------------------|-------------------------|-------------------------|
| Gen. A | \$443,484.57 | \$108,268.30 | \$1,705.92 | \$733,691.93 |
| Gen B | 79,783.13 | 10,650.00 | 55.72 | 120,161.10 |
| Hwy DA | 291,583.36 | 105,810.66 | 198.62 | 452,133.39 |
| Hwy DB | 39,895.67 | 20,542.33 | 1.32 | 232,417.38 |
| Sewer HO1 | 23,262.23 | 19,325.16 | -0- | 17,811.54 |
| Water HO2 | 45,324.59 | 35,250.00 | -0- | 87,182.05 |
| Wfd. Fire | 77,496.22 | -0- | -0- | 78,544.75 |
| Sherm. Fire | 7606.81 | -0- | -0- | 7,888.52 |
| Totals: | \$1,008,463.58 | \$299,846.45 | \$1,961.58 | \$1,729,830.66 |

The Dog Warden's report for March 2007 was read and placed on file.

Ms. Maureen Del Balso (President, Westfield Chamber of Commerce) gave a presentation on the village's *Farmer's Market* which will run each Saturday beginning May 12th through October 2007 in Moore Park. She highlighted details of an awarded advertising grant (\$18,000 / which must be matched % 100), advertising strategies, and potential vendors. Ms. Del Balso also asked the Town Board for a monetary donation.

Bid results for two separate bids were presented by the Highway Superintendent.

- A motion was made by Donald Nash and seconded by Carl Vilaro to accept the first bid for fuels (with a low bid from R.O. Proper) and was unanimously accepted as long as prices were in the realm of the state bid.
- A motion was made by Carl Vilaro and seconded by Raymond Schuster to put the second bid (for a Town Barn roofing project) out for re-bid due to having only one bid turned in.

A Public Hearing date was set for a Special Use Permit (SUP) submission by Maureen Fortner for a new business on Persons Road (a 20-unit Mini Storage Facility). The hearing was set for the 11th of April, 2007 at 4:30pm.

Councilman Donald Nash stated that although the harbor remained closed for the winter there was a recent meeting of the Harbor Commission.

During the Public Comment session, there were no questions from the audience.

Old Business:

Based on the American Legion's request for reimbursement of expenses for veteran's flags / grave markers used in local cemeteries, the Board unanimously approved \$209.45 from budgeted funds.

Supervisor Bills discussed the Shorehaven Water situation and the fact that wells need to be disconnected and village water turned back on.

Supervisor Bills also discussed the potential grant for a Fishway Project near the Village Waterworks falls in Chautauqua Creek.

Finally, it was briefed that interviews for the Town / Village Historian would be conducted on April 11th, 2007 with two qualified candidates. A total of seven candidates sent in applications.

New Business:

A motion was made by Donald Nash and seconded by Carl Vilaro to appoint Mike Ptak to the Harbor Commission. Unanimously carried.

Supervisor Bills discussed her intent to continue with the permit process for dredging of Barcelona Harbor with the Army Corps of Engineers (Buffalo office). This is in order to have a valid permit when dredging operations become available.

Donald Nash offered the following resolution and moved for its adoption:

Resolution No. 29 of 2007
(Settlement with Penn Traffic)

WHEREAS, Penn Traffic Company / Quality Markets Inc. and the Town of Westfield are desirous of having certain assessment issues resolved as to property owned by Penn Traffic Co./ Quality Markets Inc in the Town of Amsterdam, 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 2005 and 2006 tax certiorari proceedings filed by Penn Traffic Company / Quality Markets Inc. in which the 2005 proceeding shall be discontinued and the 2006 aggregate assessed value of the four parcels that comprise the subject property shall be reduced from \$536,100 to \$450,000; and the 2007, 2008 and 2009 assessed values shall be \$450,000, consistent with the provisions of the Real Property Tax Law; and

BE IT RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Penn Traffic Company / Quality Markets Inc. and the Town of Westfield as to the above referenced assessment

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

Raymond Schuster offered the following resolution and moved its adoption:

Resolution No. 30 of 2007
(Contract with FairPoint Communications)

Be it Resolved, that the Town Supervisor be authorized to sign a proposed contract with FairPoint Communications (Centrex Service Agreement) upon the advice and review by the Town Attorney.

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

David Brown moved and Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, May 2nd, 2007 @ 7:30pm.

At 8:50pm Carl Vilardo moved and Donald Nash seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,

Timothy C. Smith, Town Clerk

**TOWN BOARD MEETING
Town of Westfield
May 2nd, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|----------------|
| Supervisor: | Martha R. Bills | Guests: | Charles Lillie |
| Councilmen: | Raymond Schuster | | David Wilson |
| | David Brown | | Joanne Wilson |
| | Donald Nash | | Jack Gulvin |
| | Carl Vilardo | | Jim Rush |
| | | | Julie Spears |

David Brown moved and Donald Nash seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$2074.14 representing fees for the month of April, 2007, was turned over to the Supervisor. State and County agencies received checks totaling \$560.36.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|----------------|-----------------------|---------------------|-------------------------|-------------------------|
| Gen. A | \$445,875.47 | \$155,116.99 | \$1,637.43 | \$693,061.11 |
| Gen B | 80,735.62 | 10,650.00 | 55.72 | 121,113.59 |
| Hwy DA | 293,536.57 | 134,942.83 | 198.62 | 426,324.77 |
| Hwy DB | 40,899.71 | 30,120.31 | 1.32 | 223,122.98 |
| Sewer HO1 | 23,353.46 | 19,343.59 | -0- | 17,879.37 |
| Water HO2 | 45,706.50 | 35,250.00 | -0- | 87,558.67 |
| Wfd. Fire | 77,835.53 | -0- | -0- | 78,884.06 |
| Sherm. Fire | 7640.89 | -0- | -0- | 7,922.60 |
| Totals: | \$1,015,583.75 | \$385,423.72 | \$1,893.09 | \$1,655,867.15 |

The Dog Warden's report for April 2007 was read and placed on file.

The monthly Fire Department Report was unavailable.

Highway Superintendent Charles Lillie announced that two bids were received for the Town Barn roofing project. The lowest bid was \$11,893 (Raynor Construction, Inc.). A motion was made by Carl Vilardo and seconded by Dave Brown to accept this bid. Unanimously approved.

Highway Superintendent Lillie also presented two separate Highway Right of Way Permit applications:

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

Resolution No. 33 of 2007
(Hwy Right of Way Permit #1 of 2007)

BE IT RESOLVED, that the Town Board does hereby approve a Highway Right of Way Work Permit #1 (US Energy / 6948 - 6903 Munson Road) contingent upon the completed application and approval of the Highway Superintendent.

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

Donald Nash offered the following resolution and moved for its adoption:

Resolution No. 34 of 2007
(Hwy Right of Way Permit #2 of 2007)

BE IT RESOLVED, that the Town Board does hereby approve a Highway Right of Way Work Permit #2 (Cotton Well Drilling Co, Inc. / 8352 Titus Road - Rte 76) contingent upon the completed application and approval of the Highway Superintendent.

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

Don Nash briefed the Barcelona Harbor will officially open May 5th, 2007. He stated that the Harbor Commission will continue to meet on the 3rd Thursday of each month. Supervisor Bills requested that the Harbor Commission (along with the assistance of the Town Historian) research War of 1812 operations pertaining to Barcelona Harbor in preparation for upcoming nationwide Bicentennial events. She also discussed possibly having the Town Board and Harbor Commission conduct a joint meeting in June.

During the Public Comment session, there were no questions from the audience.

Announcements:

Supervisor Bills announced the American Legion sent an invitation to the Town Board to participate in the Memorial Day Parade (Monday, May 28th, 2007).

Old Business:

Supervisor Bills highlighted topics discussed at the April 19th Joint Town / Village Meeting. These included Dog Control, Fire & Police Services (including a new Fire Truck), and exploration of additional shared services.

Supervisor Bills also discussed the progress with the Westfield-Ripley Lakefront Opportunity Plan. The 2nd Public Session was held on April 25th, 2007 in Ripley.

The Small Cities Grant for the proposed East Main Road Water Project was submitted on April 9th, 2007.

Martha Bills moved and David Brown seconded a motion to appoint Marybelle Beigh as the Town Historian through December 31st, 2007 with a stipend of \$1000. Unanimously carried.

New Business:

The Town's Spring Clean-up is scheduled for May 19th, 2007.

Donald Nash offered the following resolution and moved for its adoption:

Budget Resolution No. 1 of 2007
(Transfer of Funds)

RESOLVED, that the Town Board does hereby approve a transfer of funds within A FUNDS - General in the amount of \$1815 in order to provide for the correct expenditure for the Town Clerk Position.

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

Carl Vilardo moved and Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, June 6th, 2007 @ 7:30pm.

At 8:15pm Supervisor Bills moved and Donald Nash seconded a motion to move to Executive Session to discuss pending litigation. Unanimously carried.

At 8:25pm David Brown moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

Donald Nash moved and David Brown seconded a motion that the Town of Westfield contribute \$3500 as part of the local match requirement for the Westfield-Agri-Tourism Grant. Voting was as follows: Martha Bills, aye; Donald Nash, aye; David Brown, aye; Carl Vilaro, nay; Raymond Schuster, aye.

At 8:40pm Carl Vilaro moved and Donald Nash seconded a motion to adjourn.
Unanimously carried.

Respectfully submitted,

Timothy C. Smith, Town Clerk

**TOWN BOARD MEETING
Town of Westfield
June 6th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|-----------------|
| Supervisor: | Martha R. Bills | Guests: | Marybelle Biegh |
| Councilmen: | Raymond Schuster | | Harold Nass |
| | David Brown | | Janet Nass |
| | Donald Nash | | Kyle Harper |
| | Carl Vilardo | | Magen Gerdy |
| Guests: | Charles Lillie | | Brittney Mead |
| | Joel Seachrist | | Kaitlyn Yost |
| | Julie Spears | | Amee Rollings |

Martha Bills moved and David Brown seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$11,814.99 representing fees for the month of May, 2007, was turned over to the Supervisor. State and County agencies received checks totaling \$2177.42.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|-------------------------|
| Gen. A | \$469,985.00 | \$192,876.00 | \$1,478.48 | \$686,837.88 |
| Gen B | 82,603.00 | 21,509.00 | 55.72 | 112,470.68 |
| Hwy DA | 197,734.00 | 154,253.00 | 198.62 | 404,549.09 |
| Hwy DB | 122,806.00 | 59,583.00 | 1.32 | 295,451.15 |
| Sewer HO1 | 23,533.00 | 19,352.00 | -0- | 18,012.65 |
| Water HO2 | 46,460.00 | 35,250.00 | -0- | 88,302.05 |
| Wfd. Fire | 78,505.00 | -0- | -0- | 79,553.78 |
| Sherm. Fire | 7708.00 | -0- | -0- | 7,989.87 |
| Totals: | \$1,029,334.00 | \$482,778.00 | \$1,734.14 | \$1,693,167.15 |

The Dog Warden's report for May 2007 was read and placed on file.

The Monthly Fire Department Report for May 2007 was read and placed and file.

The Historian report was received and placed on file.

The Code Enforcement Officer requested that the Town Planning Board review the sign law.

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

Resolution No. 35 of 2007
(Multi-Jurisdictional Hazard Mitigation Plan)

WHEREAS, the Town of Westfield, with the assistance from the Town Supervisor, has gathered information and prepared the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000 and 44 CFR Part 201; and

WHEREAS, the Town of Westfield is a local unit of government that has afforded the citizens an opportunity comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Westfield has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Westfield adopts the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

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

Donald Nash offered the following resolution and moved for its adoption:

Resolution No. 36 of 2007
(Engineering Agreement - Tolman)

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Tolman Engineering in order to prepare a series of preliminary water & sewer engineering reports in support of grant applications for water & sewer facilities (not to exceed \$20,000).

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

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

Resolution No. 37 of 2007
(Engineering Agreement - Stone)

RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with Stone Engineering in order to prepare drawings for Highway Building additions and ratifies any action taken heretofore by the Supervisor.

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

Carl Vilardo moved and Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, July 11th, 2007 @ 7:30pm.

At 8:26pm Supervisor Bills moved and Donald Nash seconded a motion to move to Executive Session to discuss pending litigation. Unanimously carried.

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

At 8:51pm Carl Vilardo moved and Donald Nash seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,

Timothy C. Smith, Town Clerk

**TOWN BOARD MEETING
Town of Westfield
July 11th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|-----------------|
| Supervisor: | Martha R. Bills | Guests: | Marybelle Biegh |
| Councilmen: | Raymond Schuster | | Robert Rose |
| | David Brown | | Nancy Rose |
| | Donald Nash | | Conrad Vicary |
| | Carl Vilardo | | Julie Spears |
| Guests: | Charles Lillie | | Jim Rush |

David Brown moved and Raymond Schuster seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$25,130.61 representing fees for the month of June, 2007, was turned over to the Supervisor. State and County agencies received checks totaling \$3246.91.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|----------------|-----------------------|---------------------|-------------------------|-------------------------|
| Gen. A | \$505,468.00 | \$238,025.00 | \$1,356.11 | \$680,364.51 |
| Gen B | 83,283.00 | 49,136.00 | 55.72 | 113,152.79 |
| Hwy DA | 297,734.00 | 229,994.00 | 198.62 | 407,480.98 |
| Hwy DB | 122,806.00 | 131,416.00 | 1.32 | 241,944.91 |
| Sewer HO1 | 23,533.00 | 19,364.00 | -0- | 18,079.73 |
| Water HO2 | 46,460.00 | 35,250.00 | -0- | 88,673.26 |
| Wfd. Fire | 78,505.00 | 20,000.00 | -0- | 59,804.14 |
| Sherm. Fire | 7708.00 | 7858.00 | -0- | 8,023.46 |
| Totals: | \$1,165,497.00 | \$731,043.00 | \$1,611.77 | \$1,617,523.78 |

The Dog Warden's report for June 2007 was read and placed on file.

The Monthly Fire Department Report for June 2007 was read and placed on file.

The Historian report for June 2007 was received and placed on file.

The Town Highway Superintendent explained that blacktopping roads was ongoing and that the Town received a new truck. There was also some discussion on the addition plans for the Town Barn.

The Code Enforcement Officer announced his summer hours (M-Th / 10 hour days) and presented a draft complaint report package concerning a resident of Hawthorne Beach.

Donald Nash briefly discussed Barcelona Harbor operations and expressed that all was going well. New partitions for the men's room were ordered and should be received / installed within the next 2-3 weeks.

During the Public Comment session, two individuals addressed the Town Board concerning issues specific to their property.

Announcements:

The Town was notified it has received a LGMRIF (Local Govt. Records Management Improvement Fund) Grant in the amount of \$5290. This is to electronically index & image vital records from 1976 - 2006.

The next Joint Town / Village Meeting is scheduled for Thursday, August 23, 2007 @ 7:00pm, at Eason Hall.

Old Business:

Supervisor Bills provided an update on the East Main Road water line project adding that a new 12" waterline has been run from the end of the Village water line to KwikFill gas station on East Main Road.

Supervisor Bills also updated the status of the Shorehaven BAN (Bond Anticipation Note). Currently there are seven residents remaining that need to make payment. They will receive written notification from the Town as to amount owed (with penalty) and final deadline.

Supervisor Bills informed the Board that an Easement with Derek Gregory has been finalized in order to Plant trees / landscape on his property (Fruit Stand area west side of N. Portage Street near the Thruway Bridge. This is part of the Dudley Breeds "Westfield Connections" plan.

New Business:

Supervisor Bills briefed that the NYS Office of Court Administration requested that the Town schedule its own audit and forward results to the Administration. This was approved by the Board.

The Town received a notice of a petition initiated by Time Warner to the FCC asking for relief from rate regulation for basic cable service in our franchise area.

The Town also received a NYS Public Service Commission request asking for our help in their summer public electricity conservation campaign.

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

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).

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

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

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.

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

Carl Vilardo moved and Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, August 8th, 2007 @ 7:30pm.

At 8:20pm Supervisor Bills moved and Donald Nash seconded a motion to move to Executive Session to discuss pending litigation. Unanimously carried.

At 8:45pm David Brown moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

At 8:50pm Donald Nash moved and Carl Vilaro seconded a motion to adjourn.
Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
August 8th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|-----------------|
| Supervisor: | Martha R. Bills | Guests: | Marybelle Biegh |
| Councilmen: | Raymond Schuster | | Robert Perritt |
| | Carl Vilaro | | David Babcock |
| | Donald Nash | | Claude Abbey |
| | | | Shirley West |
| Guests: | Charles Lillie | | Jim Rush |
| | Jack Bills | | |

Raymond Schuster moved and Donald Nash seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$6964.58 representing fees for the month of July 2007 was turned over to the Supervisor. State and County agencies received checks totaling \$2535.29.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|-------------------------|
| Gen. A | \$519,367.00 | \$274,303.00 | \$1,296.81 | \$654,615.27 |
| Gen B | 84,460.00 | 49,136.00 | 55.72 | 76,178.62 |
| Hwy DA | 299,440.00 | 267,131.00 | 198.62 | 327,117.66 |
| Hwy DB | 123,819.00 | 231,975.00 | 1.32 | 180,570.75 |
| Sewer HO1 | 23,637.00 | 19,942.00 | -0- | 17,585.58 |
| Water HO2 | 46,842.00 | 35,250.00 | -0- | 89,067.63 |
| Wfd. Fire | 78,756.00 | 20,000.00 | -0- | 60,070.12 |
| Sherm. Fire | 7742.00 | 7858.00 | -0- | 166.20 |
| Totals: | \$1,184,063.00 | \$905,595.00 | \$1,552.47 | \$1,405,371.83 |

There was no Dog Warden's report for July 2007.

The Monthly Fire Department Report for July 2007 was received and placed on file.

The Historian report for July 2007 was received and placed on file.

The Town Highway Superintendent stated the new truck recently received by Highway Department is working well.

The new partitions for the men's room at the Barcelona Harbor are scheduled to be installed on the morning of August 15th, 2007.

There were no questions or comments during the Public Comment session.

Announcements:

There is a Lakefront Assessment Meeting on Tuesday, August 21st, 2007 at WACS.

The next Joint Town / Village Meeting is scheduled for Thursday, August 23, 2007 @ 7:00pm, at Eason Hall.

The Town's annual Tire Amnesty turn-in program is scheduled for September 4th - 14th at the Town Barn (118 Chestnut Street) during regular Highway Department work hours Monday thru Friday.

Old Business:

The Town Clerk provided an overview of the results of the recently completed Dog Enumeration.

Supervisor Bills updated the status of several ongoing projects including the East Main & East Lake water projects, the draft Westfield- Ripley Lakefront Opportunity Plan, Shorehaven water status, and potential Wind Projects.

Supervisor Bills also discussed a US Army Corps of Engineer Public Scoping Document for the Chautauqua Creek Fishway Project. There is one month to reply.

New Business:

Raymond Schuster moved and Donald Nash seconded a motion to appoint Donna Sanderson as Bookkeeper to the Town Supervisor. Voting was as follows: Martha Bills, aye; Donald Nash, aye; Carl Vilardo, aye; Raymond Schuster, aye.

Martha Bills moved and Raymond Schuster seconded a motion to appoint Donna Sanderson as Deputy Town Clerk at a stipend of \$250 for the remainder of 2007. Voting was as follows: Martha Bills, aye; Donald Nash, aye; Carl Vilardo, aye; Raymond Schuster, aye.

Raymond Schuster moved and Donald Nash seconded a motion to approve NYS Comptroller sponsored Accounting Training for Donna Sanderson October 23rd - 25th in Kingston, NY. Voting was as follows: Martha Bills, aye; Donald Nash, aye; Carl Vilardo, aye; Raymond Schuster, aye.

Supervisor Bills informed the Board that a Letter of Intent for a Grant submission to the NYS SEMO office to replace 3 culverts and drainage pipes in the vicinity of Prospect, Hardenburg, and Route 20 was received favorably. She asked the Board to consider submission of the actual Grant application.

Carl Vilardo moved and Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, September 5th, 2007 @ 7:30pm.

At 8:20pm Donald Nash moved and Carl Vilardo seconded a motion to adjourn. Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
September 5th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|---|---------|---|
| Supervisor: | Martha R. Bills | Guests: | Ed Causebrook Mary Causebrook |
| Councilmen: | Raymond Schuster Carl Vilardo Donald Nash David Brown | | Claire Quadry David Babcock Claude Abbey Shirley West |
| Guests: | Jack Bills Marybelle Biegh Conrad Vicary Paul Coran Sandy Brown | | Jim Rush Steven Lax Jim Mason Bonnie Wysard John Wysard |

Donald Nash moved and David Brown seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$5822.20 representing fees for the month of August 2007 was turned over to the Supervisor. State and County agencies received checks totaling \$650.70.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|----------------|-----------------------|-----------------------|-------------------------|-------------------------|
| Gen. A | \$535,535.00 | \$319,723.00 | \$1,296.81 | \$622,774.91 |
| Gen B | 85,207.00 | 73,336.00 | 55.72 | 76,588.42 |
| Hwy DA | 300,888.00 | 269,581.00 | 198.62 | 290,662.77 |
| Hwy DB | 206,807.00 | 258,820.00 | 1.32 | 154,233.99 |
| Sewer HO1 | 23,715.00 | 23,019.00 | -0- | 17,567.43 |
| Water HO2 | 47,236.00 | 36,325.00 | -0- | 89,067.63 |
| Wfd. Fire | 98,022.00 | 20,000.00 | -0- | 60,070.12 |
| Sherm. Fire | 7742.00 | 7858.00 | -0- | 166.20 |
| Totals: | \$1,286,152.00 | \$1,008,662.00 | \$1,552.47 | \$1,311,131.47 |

The Dog Warden's report for July 2007 was received and placed on file.

The Fire Department Report for July 2007 was received and placed on file.

The Historian report for July 2007 was received and placed on file.

The Code Enforcement Officer informed the Board that a FEMA Grant has been officially awarded to the Fire Department of Westfield in the amount of \$476,425 with a 5% share (totaling \$501,500) for a new 75' Quint aerial truck.

The Code Enforcement Officer also briefed the results of an inspection of a property at 8275 Culver Road with several code violations. The Town Board requested more information on this property and also a legal review by the Town's lawyer.

Councilman Donald Nash stated The Barcelona Harbor Commission has decided to paint the ladies room and re-do the tile grout in the men's room after close of season.

During the Public Comment session one resident read a letter to the Board on the Town's past wind project; another resident read articles on wind projects on Long Island and in Germany; and a third resident expressed a safety concern about the concrete jersey barriers on West Route 20 (over a culvert).

Announcements:

There is a Tourism Development Program (hosted by the Chautauqua County Visitor's Bureau) on Friday, September 21st, 2007 at the Chautauqua Conference Center & Suites from 8:00am - 5:00pm.

The next "New Neighbor Night" meeting is scheduled for Thursday, September 27th, 2007 from 6:00 - 8:00pm at the Patterson Library.

Supervisor Bills announced that Westfield was chosen to host the opening of this year's NY State Winterfest. Activities are being planned for the weekend of November 16-18 with the Westfield Chamber of Commerce organizing the events.

Old Business:

Supervisor Bills discussed contracting with an Engineer to evaluate the submission and potentially write a Grant application to the NY SEMO office to fund replacement of 3 culverts and drainage pipes in the vicinity of Prospect, Hardenburg, and Route 20 (see Resolution 42 below).

Supervisor Bills announced a meeting scheduled for Tuesday, September 18th, 2007 in Eason Hall concerning water in Barcelona between the Town, Village, and Barcelona residents.

New Business:

Fall Clean-up at the Transfer Station is scheduled for Saturday, September 29th, 2007.

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

**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.

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

Carl Vilardo offered the following resolution and moved for its adoption:

**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.

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

Carl Vilaro offered the following resolution and moved for its adoption:

**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.

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

Donald Nash moved and Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilaro, aye.

The next Town Meeting is scheduled for Wednesday, October 3rd, 2007 @ 7:30pm.

At 8:45pm Supervisor Bills moved and Donald Nash seconded a motion to move to Executive Session to discuss pending litigation. Unanimously carried.

At 9:00pm Supervisor Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

At 9:01pm Donald Nash moved and Carl Vilaro seconded a motion to adjourn. Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
October 3rd, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | | |
|-------------|------------------|---------|-------------------|---------|-----------------|
| Supervisor: | Martha R. Bills | Guests: | Ed Causebrook | Guests: | Peter Gross |
| | | | Mary Causebrook | | Beth O'Brian |
| Councilmen: | Raymond Schuster | | Claire Quadri | | Austin Hacker |
| | Carl Vilardo | | Steven Lax | | Rick Griener |
| | Donald Nash | | Paul Coran | | John Rawlinson |
| | David Brown | | Janet Nass | | Anthony Piscoli |
| Guests: | Jim Rush | | Harold Nass | | Jack Dean |
| | Shirley West | | Steven Lax | | Jerry Fullmer |
| | Marybelle Biegh | | Steve Sandle | | Jack Gulvin |
| | Fred Bertrando | | Mitch Fitzgibbons | | |
| | David Babcock | | Donald Eno | | |
| | Claude Abbey | | Tom Herr | | |

Donald Nash moved and Carl Vilardo seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$8059.56 representing fees for the month of September 2007 was turned over to the Supervisor. State and County agencies received checks totaling \$5097.85.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|-------------------------|
| Gen A | \$576,929.00 | \$365,005.00 | \$1,266.39 | \$608,804.78 |
| Gen B | 86,361.00 | 73,336.00 | 55.72 | 64,043.13 |
| Hwy DA | 303,310.00 | 279,344.00 | 198.62 | 290,774.26 |
| Hwy DB | 289,401.00 | 314,233.00 | 1.32 | 217,784.70 |
| Sewer HO1 | 23,863.00 | 23,031.00 | -0- | 17,707.67 |
| Water HO2 | 47,937.00 | 41,758.00 | -0- | 84,334.57 |
| Wfd. Fire | 79,524.00 | 20,000.00 | -0- | 60,572.48 |
| Sherm. Fire | 7744.00 | 7858.00 | -0- | 167.59 |
| Totals: | \$1,415,069.00 | \$1,124,565.00 | \$1,552.05 | \$1,344,189.18 |

The Dog Warden's report for September 2007 was not received.

The Fire Department Report for September 2007 was received and placed on file.

The Historian report for September 2007 was received and placed on file.

Councilman Donald Nash stated that the Barcelona Pier has officially closed for the season.

During the Public Comment session one resident invited members of the Town Board to a presentation by Jon Boone on Wind Power (October 17th, in the WACS cafeteria). Another resident announced he had “Good Idea / Bad Location” signs available. Also, there were some questions pertaining to removal of two meteorological towers.

Announcements:

Supervisor Bills announced that Southern Tier West (STW) has two upcoming training sessions of interest to local government officials:

- Regional Wind Energy Conf. (Thursday, Oct 25th / 8:00am to 4:30pm) Salamanca
- Fall Planning & Zoning Conf (Thursday, Nov 15th / 8:00am to 3:00pm) Chaut. Inst.

Old Business:

Supervisor Bills announced the Town would most likely not apply for a NY SEMO Grant for replacement of culverts on Prospect, Hardenburg, and Route 20. This is based on information gathered at a SEMO training session for writing the Grant. Since flooding in that area is relatively rare, Westfield would have a difficult time proving cost effectiveness of a project.

Supervisor Bills also discussed the results of a meeting held on September 18th, 2007 in Eason Hall between the Town, Village, and Barcelona residents concerning the future of water / sewer in Barcelona and payment of repairs for the current system.

Finally, Supervisor Bills announced that the Town did not receive the Small Cities Grant for an East Main Road water project. The Town will continue to apply for funding for this project.

New Business:

Mr. Peter Gross (Babcock & Brown) provided an overview of his company’s current status for a proposed Wind Farm in the Town of Westfield. This included information on potential location, SUP’s for Meteorological towers, and land owner agreements.

Mr. Tom Herr discussed his naturalist retreat center at the end of Taylor Road and defined it as a center for people who study nature.

Donald Nash moved and Raymond Schuster seconded a motion to accept the resignation of Jack Bills as Code Enforcement Officer effective October 5th, 2007. This was unanimously approved.

Donald Nash moved and David Brown seconded a motion to accept the resignation Syd Hoyt as a member of the Town's Board of Assessment Review effective September 18th, 2007. This was unanimously approved.

A 2008 Town Budget Workshop was scheduled for October 10th, 2007 @ 4:30pm.

The following Public Hearings were scheduled for November 7th, 2007 at Eason Hall:

- Sherman Fire District Budget 7:00pm
- Westfield Fire District Budget 7:05pm
- 2008 Town of Westfield Budget 7:10pm
- SUP Meteorological Tower (Russell) 7:15pm
- SUP Meteorological Tower(Bowen) 7:20pm

Martha Bills offered the following resolution and moved for its adoption:

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> |
|--------------------------------|-------------------|------------|
| Frederick & Laurie Russell | 5996 Douglas Road | 14-1-8 |
| Douglas Bowen & Darlene Breads | 5869 Parker Road | 16-1-25 |

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 7:15pm (Russell) and 7:20pm (Bowen / Breads).

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

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

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.

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

Martha Bills offered the following resolution and moved for its adoption:

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.

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

Donald Nash moved and Carl Vilardo seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, November 7th, 2007 @ 7:30pm.

At 9:00pm David Brown moved and Carl Vilardo seconded a motion to adjourn. Unanimously carried.

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

**PUBLIC HEARING
Town of Westfield
November 7th, 2007
(Sherman Fire District)**

Supervisor Bills called the public hearing to order at 7:00pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | | |
|-------------|------------------|---------|-------------------|---------|------------------|
| Supervisor: | Martha R. Bills | Guests: | Ed Causebrook | Guests: | Burton Emory |
| | | | Jay Furman | | Margaret Emory |
| Councilmen: | Raymond Schuster | | Claire Quadri | | Peter Baker |
| | Carl Vilaro | | Steven Lax | | Brian Strickland |
| | Donald Nash | | Conrad Vicary | | Joe Swiderski |
| | David Brown | | Janet Nass | | Peter Gross |
| Guests: | Anthony Piscoi | | Harold Nass | | Beth O'Brian |
| | Shirley West | | Steven Lax | | Rick Griener |
| | Marybelle Biegh | | Mitch Fitzgibbons | | Scott Frudd |
| | Jack Gulvin | | Claude Abbey | | |
| | Sandy Brown | | David Babcock | | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Sherman Fire District Budget of \$7858. She provided a brief description of the budget. There were some questions from the audience which were answered satisfactorily.

There being no further business, David Brown moved and Carl Vilaro seconded the motion that the public hearing be closed at 7:05pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
November 7th, 2007
(Westfield Fire District)**

Supervisor Bills called the public hearing to order at 7:05pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | | |
|-------------|------------------|---------|-------------------|---------|------------------|
| Supervisor: | Martha R. Bills | Guests: | Ed Causebrook | Guests: | Burton Emory |
| | | | Jay Furman | | Margaret Emory |
| Councilmen: | Raymond Schuster | | Claire Quadri | | Peter Baker |
| | Carl Vilaro | | Steven Lax | | Brian Strickland |
| | Donald Nash | | Conrad Vicary | | Joe Swiderski |
| | David Brown | | Janet Nass | | Peter Gross |
| Guests: | Anthony Piscoi | | Harold Nass | | Beth O'Brian |
| | Shirley West | | Steven Lax | | Rick Griener |
| | Marybelle Biegh | | Mitch Fitzgibbons | | Scott Frudd |
| | Jack Gulvin | | Claude Abbey | | |
| | Sandy Brown | | David Babcock | | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Westfield Fire District Budget of \$67,768. She provided a brief description of the budget. There were some questions from the audience which were answered satisfactorily.

There being no further business, David Brown moved and Martha Bills seconded the motion that the public hearing be closed at 7:11pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
November 7th, 2007
(Preliminary 2008Town Budget)**

Supervisor Bills called the public hearing to order at 7:11pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | | |
|-------------|------------------|---------|-------------------|---------|------------------|
| Supervisor: | Martha R. Bills | Guests: | Ed Causebrook | Guests: | Burton Emory |
| | | | Jay Furman | | Margaret Emory |
| Councilmen: | Raymond Schuster | | Claire Quadri | | Peter Baker |
| | Carl Vilaro | | Steven Lax | | Brian Strickland |
| | Donald Nash | | Conrad Vicary | | Joe Swiderski |
| | David Brown | | Janet Nass | | Peter Gross |
| Guests: | Anthony Piscoi | | Harold Nass | | Beth O'Brian |
| | Shirley West | | Steven Lax | | Rick Griener |
| | Marybelle Biegh | | Mitch Fitzgibbons | | Scott Frudd |
| | Jack Gulvin | | Claude Abbey | | |
| | Sandy Brown | | David Babcock | | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the Town of Westfield Preliminary Budget for 2008. She provided a brief description of the budget. There were some questions from the audience which were answered satisfactorily. A Special Meeting of the Town Board was set for Wednesday, November 14th, at 4:00pm in Eason Hall for further budget discussion.

There being no further business, David Brown moved and Raymond Schuster seconded the motion that the public hearing be closed at 7:45pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
November 7th, 2007
(Special Use Permit for Meteorological Tower / Russell Property)**

Supervisor Bills called the public hearing to order at 7:45pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | | |
|-------------|------------------|---------|-------------------|---------|------------------|
| Supervisor: | Martha R. Bills | Guests: | Ed Causebrook | Guests: | Burton Emory |
| | | | Jay Furman | | Margaret Emory |
| Councilmen: | Raymond Schuster | | Claire Quadri | | Peter Baker |
| | Carl Vilardo | | Steven Lax | | Brian Strickland |
| | Donald Nash | | Conrad Vicary | | Joe Swiderski |
| | David Brown | | Janet Nass | | Peter Gross |
| Guests: | Anthony Piscoi | | Harold Nass | | Beth O'Brian |
| | Shirley West | | Steven Lax | | Rick Griener |
| | Marybelle Biegh | | Mitch Fitzgibbons | | Scott Frudd |
| | Jack Gulvin | | Claude Abbey | | |
| | Sandy Brown | | David Babcock | | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a SUP submitted by Babcock & Brown to construct a temporary Meteorological Tower in the Town at 5996 Douglas Road (Russell property). Representatives from Babcock & Brown provided an overview of the project. There was some discussion on duration of permit and provisions for removal upon permit expiration. There were also some questions from the audience which were answered satisfactorily.

There being no further business, Martha Bills moved and Raymond Schuster seconded the motion that the public hearing be closed at 8:00pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
November 7th, 2007
(Special Use Permit for Meteorological Tower / Bowen Property)**

Supervisor Bills called the public hearing to order at 8:00pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | | |
|-------------|------------------|---------|-------------------|---------|------------------|
| Supervisor: | Martha R. Bills | Guests: | Ed Causebrook | Guests: | Burton Emory |
| | | | Jay Furman | | Margaret Emory |
| Councilmen: | Raymond Schuster | | Claire Quadri | | Peter Baker |
| | Carl Vilardo | | Steven Lax | | Brian Strickland |
| | Donald Nash | | Conrad Vicary | | Joe Swiderski |
| | David Brown | | Janet Nass | | Peter Gross |
| Guests: | Anthony Piscoi | | Harold Nass | | Beth O'Brian |
| | Shirley West | | Steven Lax | | Rick Griener |
| | Marybelle Biegh | | Mitch Fitzgibbons | | Scott Frudd |
| | Jack Gulvin | | Claude Abbey | | |
| | Sandy Brown | | David Babcock | | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a SUP submitted by Babcock & Brown to construct a temporary Meteorological Tower in the Town at 5869 Parker Road (Bowen property). She pointed out that this submission was essentially the same as the previous SUP with the exception of it being in a different location. There were no additional questions from the audience.

There being no further business, Donald Nash moved and Raymond Schuster seconded the motion that the public hearing be closed at 8:05pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
November 7th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | | |
|-------------|------------------|---------|-------------------|---------|------------------|
| Supervisor: | Martha R. Bills | Guests: | Ed Causebrook | Guests: | Burton Emory |
| | | | Jay Furman | | Margaret Emory |
| Councilmen: | Raymond Schuster | | Claire Quadri | | Peter Baker |
| | Carl Vilardo | | Steven Lax | | Brian Strickland |
| | Donald Nash | | Conrad Vicary | | Joe Swiderski |
| | David Brown | | Janet Nass | | Peter Gross |
| Guests: | Anthony Piscoi | | Harold Nass | | Beth O'Brian |
| | Shirley West | | Steven Lax | | Rick Griener |
| | Marybelle Biegh | | Mitch Fitzgibbons | | Scott Frudd |
| | Jack Gulvin | | Claude Abbey | | |
| | Sandy Brown | | David Babcock | | |

David Brown moved and Carl Vilardo seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$2453.97 representing fees for the month of October 2007 was turned over to the Supervisor. State and County agencies received checks totaling \$2003.53.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|-------------------------|
| Gen A | \$578,640.00 | \$435,986.00 | \$1,441.11 | \$580,070.42 |
| Gen B | 86,454.00 | 75,485.00 | 55.72 | 64,387.38 |
| Hwy DA | 303,410.00 | 283,186.00 | 198.62 | 282,212.07 |
| Hwy DB | 289,401.00 | 356,739.00 | 1.32 | 157,734.23 |
| Sewer HO1 | 23,864.00 | 24,288.00 | -0- | 17,765.39 |
| Water HO2 | 47,937.00 | 41,758.00 | -0- | 84,664.95 |
| Wfd. Fire | 79,524.00 | 20,000.00 | -0- | 60,809.77 |
| Sherm. Fire | 7744.00 | 7858.00 | -0- | 168.25 |
| Totals: | \$1,416,974.00 | \$1,245,300.00 | \$1,696.77 | \$1,247,812.46 |

The Dog Warden's report for October 2007 was received and placed on file.

The Fire Department Report for October 2007 was received and placed on file.

The Historian report for October 2007 was received and placed on file.

It was noted that a Rabies Immunization Clinic will be held on November 8th, 2007 from 4:00 - 6:00pm at the Town Barn.

Announcements:

Supervisor Bills announced that a Community Meeting on Wind Power (presented by Babcock & Brown) will be held Thursday, Nov 8th / 7:00pm to 9:00pm in the WACS cafeteria.

Supervisor Bills also announced that STW has two Planning & Zoning conferences scheduled November (15 & 28 November 2007).

- Regional Wind Energy Conf. (Thursday, Oct 25th / 8:00am to 4:30pm) Salamanca
- Fall Planning & Zoning Conf (Thursday, Nov 15th / 8:00am to 3:00pm) Chaut. Inst.

Old Business: No old business discussed.

New Business:

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

**Resolution No. 42 of 2007
(Highway Right of Way Permit #3 of 2007 / Ogden Road)**

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.

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

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

**Budget Resolution #3 of 2007
(Budget Amendments)**

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

| Amendment Description | Increase Expenditures | Decrease Revenue |
|--|------------------------------|-------------------------|
| <u>A FUNDS – General</u> | | |
| 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 | |

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

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

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

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.

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

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

**Resolution No. 44 of 2007
(Issuance of SUP for Met Tower / 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 \$5,000, which the Town shall hold in escrow to secure the removal of the Facility.
4. The permit shall be valid until November 7, 2010, unless modified or renewed, and shall expire automatically if the Facility is not operational by November 7, 2008.
5. The terms, conditions, & 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.

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

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

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

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.

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

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

Donald Nash offered the following resolution and moved for its adoption:

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 \$5,000, which the Town shall hold in escrow to secure the removal of the Facility.
4. The permit shall be valid until November 7, 2010, 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.

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

Donald Nash moved and Carl Vilardo seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, December 5th, 2007 @ 7:30pm.

At 9:10pm David Brown moved and Carl Vilardo seconded a motion to adjourn.
Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
December 7th, 2007**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | |
|-------------|------------------|---------|------------------|
| Supervisor: | Martha R. Bills | Guests: | James Pacanowski |
| | | | James Herbert |
| Councilmen: | Raymond Schuster | | Jack Gulvin |
| | Carl Vilardo | | Sandy Brown |
| | Donald Nash | | David Babcock |
| | David Brown | | Janet Nass |
| Guests: | Anthony Piscoli | | Claude Abbey |
| | Shirley West | | Marybelle Biegh |

David Brown moved and Donald Nash seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$16,672.98 representing fees for the month of November 2007 was turned over to the Supervisor. State and County agencies received checks totaling \$1591.67.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>Key - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|-------------------------|
| Gen A | \$586,004.00 | \$471,128.00 | \$1,360.13 | \$510,424.57 |
| Gen B | 86,841.00 | 89,431.00 | 55.72 | 51,723.70 |
| Hwy DA | 304,511.00 | 316,405.00 | 198.62 | 262,613.32 |
| Hwy DB | 382,818.00 | 388,569.00 | 1.32 | 228,844.38 |
| Sewer HO1 | 23,936.00 | 24,299.00 | -0- | 16,508.29 |
| Water HO2 | 48,269.00 | 41,757.00 | -0- | 84,664.95 |
| Wfd. Fire | 79,761.00 | 20,000.00 | -0- | 60,809.77 |
| Sherm. Fire | 7745.00 | 7858.00 | -0- | 168.25 |
| Totals: | \$1,519,885.00 | \$1,359,447.00 | \$1,615.79 | \$1,215,757.23 |

The Dog Warden's report for November 2007 was received and placed on file.

The Fire Department Report for November 2007 was received and placed on file.

The Historian report for November 2007 was received and placed on file.

Code Enforcement Officer James Pacanowski discussed the status of Wind Project Meteorological towers in the Town (both existing and proposed). He noted that "AWS True

Wind” was sent a certified letter pertaining to removal of the 2 existing towers. He also noted that Burnside Auto Repair is moving to West Main Street.

In Public Comment, Mr. Greg Rater of Sherman, NY (who was recently denied a permit for signage in the Town of Westfield) requested to pursue this matter further. He was asked to discuss the matter with the Code Enforcement Officer.

Announcements:

Supervisor Bills provided updates on some current projects which included:

- The pending Fishway Project in Chautauqua Creek (Village has the lead / Town Supervisor & Mayor recently met on-site with the Army Corps of Engineers)
- Seaway Trail (new information Kiosk delivered to the Town for installation at the pier in the Spring)
- A Concorde Grape Heritage Association Kiosk for Moore Park
- Wind Project (Escrow account established with funds from Babcock & Brown to remove new Met Towers upon expiration of SUP’s)

Old Business:

Councilman David Brown provided an update on the specifications and bidding status for a new or close to new Fire Truck for the Westfield Fire Dept.

Councilman Raymond Schuster provided an update on the addition project for the Town Highway Department building.

New Business:

Carl Vilardo moved and David Brown seconded a motion that a \$1000 donation be given to the Chautauqua County Snowmobile Club to be used towards the purchase of Snowmobile Groomer for the county’s trails. This was unanimously approved.

A Public Hearing for the Senior Citizen Real Property Tax Exemption was scheduled for January 9th, 2008 at 7:25pm.

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

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*.

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

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

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 |
|--|------------|------------------------------|-------------------------|
| <u>B FUNDS – General Outside Village</u> | | | |
| 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 | |
| <u>DB FUNDS – Highway Outside Village</u> | | | |
| Medical / Hospital | 98.9060DB | \$300 | |
| General Repairs - CE | 72.5110.4 | | \$300 |

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

Donald Nash moved and Carl Vilardo seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; Donald Nash, aye; Carl Vilardo, aye.

The next Town Meeting is scheduled for Wednesday, January 9th, 2008 @ 7:30pm.

At 8:45pm Supervisor Bills moved and Donald Nash seconded a motion to move to Executive Session to discuss pending litigation. Unanimously carried.

At 9:00pm Supervisor Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

At 9:01pm David Brown moved and Carl Vilardo seconded a motion to adjourn. Unanimously carried.

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