

PUBLIC HEARING
Town of Westfield
Senior Citizen Real Property Tax Exemption
January 9th, 2008

Supervisor Bills called the public hearing to order at 7:25pm. in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | |
|-------------|-------------------|---------|------------------|---------------------|
| Supervisor: | Martha R. Bills | Guests: | David Babcock | Fred Bertrando |
| Councilmen: | Raymond Schuster | | James Pacanowski | Ed Causebrook |
| | David Brown | | Scott Frudd | Marybelle Biegh |
| | Carl Vilardo, Jr. | | Jack Gulvin | Conrad Vicary |
| | James Herbert | | Claude Abbey | Kaitlyn Ballerstein |
| | | | Steven Lax | Samantha Leone |
| | | | Robert Rose | Evelyn Gonzalez |
| | | | Shirley West | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a proposed change to the Senior Citizen Real Property Tax Exemption. The proposal allows for income limits to be increased to \$16,000 effective as of the next taxable status date (March 1st, 2008) with the income limit to be increased annually by an additional \$1,000 per year in each of the next four (4) years.

There were no questions from the audience.

There being no further business, David Brown moved and Raymond Schuster seconded the motion that Public Hearing be closed at 7:30pm. This was unanimously approved.

Respectfully submitted,

Timothy C. Smith, Town Clerk

**TOWN BOARD MEETING
Town of Westfield
January 9th, 2008**

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: | David Babcock | Fred Bertrando |
| Councilmen: | Raymond Schuster | | James Pacanowski | Ed Causebrook |
| | David Brown | | Scott Frudd | Marybelle Biegh |
| | Carl Vilardo, Jr. | | Jack Gulvin | Conrad Vicary |
| | James Herbert | | Claude Abbey | Kaitlyn Ballerstein |
| | | | Steven Lax | Samantha Leone |
| | | | Robert Rose | Evelyn Gonzalez |
| | | | Shirley West | |

Ray Schuster 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 \$2188.78 representing fees for the month of December, 2007, was turned over to the Supervisor. State and County agencies received checks totaling \$294.62.

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 | \$624,468.00 | \$534,663.00 | \$1,157.66 | \$500,617.00 |
| Gen B | 92,496.00 | 106,403.00 | 55.72 | 49,083.46 |
| Hwy DA | 306,267.00 | 336,346.00 | 198.62 | 230,661.22 |
| Hwy DB | 384,333.00 | 392,823.00 | 1.32 | 196,632.84 |
| Sewer HO1 | 24,054.00 | 24,311.00 | -0- | 16,614.56 |
| Water HO2 | 48,874.00 | 41,758.00 | -0- | 85,269.69 |
| Wfd. Fire | 79,989.00 | 77,906.00 | -0- | 3,131.75 |
| Sherm. Fire | 7,746.00 | 7,858.00 | -0- | 169.45 |
| Totals: | \$1,568,227.00 | \$1,522,068.00 | \$1,413.32 | \$1,082,179.97 |

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

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

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

Code Enforcement Officer James Pacanowski stated the two new Wind Project Meteorological Towers in the Town (with approved SUP's) have been erected. He also noted that the existing two Meteorological Towers from the previous Wind Project should be taken down within 2 weeks. CEO Pacanowski also submitted his annual report with 62 Building Permits issued within the Town during 2007.

In Public Comment there were questions / comments reference the two older Met Towers and a Hawthorne Beach resident.

Supervisor Bills announced that the Town would conduct an annual Audit of Books on the 17th of January 2008 at 4:00pm.

Old Business:

1. Supervisor Bills discussed Draft Engineering Reports for Barcelona and East Lake road.
2. Supervisor Bills also stated that Cable Access Channel 5 has requested \$2695 from the Town for the upcoming 2008 operating year.

New Business:

David Brown offered the following resolution and moved its adoption:

Resolution No. 1 of 2008
Official Meeting Place

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

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 2 of 2008
Salaries

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

| | |
|--------------------|----------------------------------------|
| Highway Employees: | Laborers - Minimum \$7.50 p/hr. |
| | MEO's - Minimum \$10.00 to 16.93 p/hr. |
| | - Maximum \$25.39 p/hr. |

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

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

Martha Bills offered the following resolution and moved its adoption:

Resolution No. 3 of 2008
Designation of Banks

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

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

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

Martha Bills offered the following resolution and moved its adoption:

Resolution No. 4 of 2008
Official Newspapers

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

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

Martha Bills offered the following resolution and moved its adoption:

Resolution No. 5 of 2008
Annual Appointments

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

Planning Board

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

Zoning Board of Appeals

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

Town Committees

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

Barcelona Harbor Commission

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

Fire Department Liaison - David Brown

Process Servers - David Haskin / Max Baker / Town Constable – Peter Kunow

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

Martha Bills offered the following resolution and moved its adoption:

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

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

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

Martha Bills offered the following resolution and moved its adoption:

Resolution No. 7 of 2008
2008 Holiday Schedule

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

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

Raymond Schuster offered the following resolution and moved its adoption:

Resolution No. 8 of 2008
Highway Agreement

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

1. For the oiling and stoning within the budget allotment of portions of the following roads: upper Parker, Barber, South Gale, North Gale, Ogden, Mt. Baldy, Minton, Martin Wright, Persons, Creamery, Napper, Light, Main Street (Barcelona), Jamestown Street (Barcelona), and Felton.

2. Should the Town receive funds under the Consolidated Highway Improvement Project System (CHIPS), funds would be used towards blacktopping of Mt. Baldy Road (3 miles), Creamery (.7 miles), and Parker Road (1 mile).

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

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 9 of 2008

Increase of Income Limits to Senior Citizen Real Property Tax Exemption

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

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

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

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

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

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

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

David Brown offered the following resolution and moved its adoption:

Resolution No. 10 of 2008
Removal of Equipment from Inventory

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

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

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

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

Martha Bills offered the following resolution and moved its adoption:

Budget Resolution No. 1 of 2008
Amendment to 2007 Budget

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

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

Raymond Schuster was unanimously appointed Deputy Supervisor.

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

At 8:45pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss a particular personnel history. Unanimously carried.

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

The next Town Meeting is scheduled for Wednesday, February 6th, 2008 @ 7:30pm.

There being no further business, at 9:05pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,

Timothy C. Smith, Town Clerk

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TOWN BOARD MEETING Town of Westfield February 6th, 2008

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: | David Babcock | Janet Nass |
| Councilmen: | Raymond Schuster | | James Pacanowski | Harold Nass |
| | David Brown | | Scott Frudd | Tom Herr |
| | Carl Vilardo, Jr. | | Marybelle Biegh | Greg Edwards |
| | James Herbert | | Claude Abbey | Shirley West |

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

The Town Clerk's report together with a check in the amount of \$1388.60 representing fees for the month of January 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$270.43.

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 | \$373,134.00 | \$28,005.00 | \$1,157.66 | \$828,827.47 |
| Gen B | 960.00 | 1,004.00 | 55.72 | 37,111.62 |
| Hwy DA | 241,459.00 | 39,320.00 | 198.62 | 441,335.38 |
| Hwy DB | 0.00 | 2,167.00 | 1.32 | 194,465.55 |
| Sewer HO1 | 22,659.00 | 54.00 | -0- | 39,258.36 |
| Water HO2 | 43,113.00 | 0.00 | -0- | 128,380.69 |
| Wfd. Fire | 0.00 | 0.00 | -0- | 3,131.75 |
| Sherm. Fire | 0.00 | 0.00 | -0- | 169.45 |
| Totals: | \$681,325.00 | \$70,550.00 | \$1,413.32 | \$1,231,344.89 |

The Dog Warden's report for January 2008 was not received.

The Fire Department Report for January 2008 was received and placed on file.

The Historian report for January 2008 was received and placed on file.

Code Enforcement Officer James Pacanowski stated 2 permits were issued in the Town in January along with several inspections and a meeting with the Planning Board. CEO Pacanowski also reported he has offered a potential housing solution to a resident of Hawthorne and has corrected a problem in Edgewater with propane tank usage for heating.

DRAFT

He also announced that the Portage Inn has been purchased and renovations will begin the following week in order to re-open.

In Public Comment a San Francisco Chronicle newspaper article was read describing wildlife concerns from a California Wind Project, a question was asked if any Pier damage occurred from recent winter storms (none known of), and it was noted that an article appeared in the Erie Times about the Main Diner sign.

Announcements:

Supervisor Bills announced that the Concorde Grape Heritage Society will conduct a seminar (3/12/2008) at the Chautauqua Suites.

Supervisor Bills also discussed highlights from a regional meeting she attended in Buffalo with the Army Corps of Engineers on potential funding sources for the dredging of Barcelona Harbor.

Old Business:

- Mr. Tom Herr updated the Board on his Taylor Road property which included plans for enhancement of a biological field study station and use as a vacation house. He also discussed his desire to keep Taylor Road as “footpath” through his property and outlined some issues with ATV riders.
- David Brown moved and Martha Bills seconded a motion that the Town give \$1000 to Cable Access Channel 5. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, nay; Carl Vilardo, nay.
- Raymond Schuster offered the following resolution and moved its adoption:

Resolution No. 11 of 2008
 2007 Financial Record Audits

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

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

BE IT FURTHER RESOLVED Westfield Town Justices submitted for examination of 2007 court dockets and records. All fines and fees that were collected by the Town Court have been turned over to the proper officials. A report has been prepared using the comptroller’s suggested “Checklist for Initial Review of Justice Court Records”.

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

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New Business:

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

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

WHEREAS, the Town Board considers it essential to future community development to participate in the Office of Small Cities grant program for funding of one or more community development activities within the Town; and

WHEREAS, currently the Governor’s Office for Small Cities is soliciting applications for the 2008 grant competitive round.

NOW, THEREFORE BE IT RESOLVED, that this Town Board hereby determines to have public hearings for the purposes of identifying a community development project or projects for submission during the 2008 round; and,

BE IT FINALLY RESOLVED, that this Board will conduct two public hearings on the 5th day of March, 2008 at 7:25pm as well as the 12th day of March, 2008 at 4:30pm to solicit the comments and suggestions of the public and to provide for the further development of such project or projects.

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

- Martha Bills moved and David Brown seconded a motion that the Town give \$1500 to the Chautauqua County Vacation Bureau. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.
- Raymond Schuster moved and Carl Vilardo seconded a motion that the Board accept with regret the resignation of Ms. Marsha Holland from the Town Zoning Board of Appeals. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.
- Carl Vilardo moved and Raymond Schuster seconded a motion that the Town Clerk put out for bid to purchase a Mower / Chopper for the Town Highway Department. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

Chautauqua County Executive Greg Edwards addressed the meeting by providing an update on significant issues within the county and answering questions.

Martha Bills 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; James Herbert, aye; Carl Vilardo, aye.

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The next Town Meeting is scheduled for Wednesday, February 6th, 2008 @ 7:30pm.

There being no further business, at 9:05pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,

Timothy C. Smith, Town Clerk

PUBLIC HEARING
Town of Westfield
March 5th, 2008
(NYS Office of Small Cities Grant)

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | |
|-------------|-------------------|---------|------------------|--------------|
| Supervisor: | Martha R. Bills | Guests: | David Babcock | Janet Nass |
| Councilmen: | Raymond Schuster | | James Pacanowski | Harold Nass |
| | David Brown | | Joel Seachrist | Tom Herr |
| | Carl Vilardo, Jr. | | Marybelle Biegh | Sandy Brown |
| | James Herbert | | Claude Abbey | Shirley West |
| | | | Scott Frudd | Peter Gross |
| | | | Jack Gulvin | |

Supervisor Bills explained that this Public Hearing was being held to hear all persons in regard to the Town's application for a 2008 NYS Office of Small Cities Grant. 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 12th of March, 2008 at 4:30pm.

Supervisor Bills further explained that current projects under consideration for submission are an East Main Street water project extending beyond the Village limits, Barcelona water / sewer, and East Lake Road water / sewer. There were no questions from the Audience.

There being no further business, the public hearing was closed at 7:30pm.

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

**TOWN BOARD MEETING
Town of Westfield
March 5th, 2008**

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: | David Babcock | Janet Nass |
| Councilmen: | Raymond Schuster | | James Pacanowski | Harold Nass |
| | David Brown | | Joel Seachrist | Tom Herr |
| | Carl Vilardo, Jr. | | Marybelle Biegh | Sandy Brown |
| | James Herbert | | Claude Abbey | Shirley West |
| | | | Scott Frudd | Peter Gross |
| | | | Jack Gulvin | |

Raymond Schuster 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 \$980.95 representing fees for the month of February 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$667.00.

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 | \$388,373.00 | \$70,511.00 | \$7463.95 | \$898,285.84 |
| Gen B | 87,519.00 | 2,232.00 | 55.72 | 38,111.62 |
| Hwy DA | 241,459.00 | 58,497.00 | 198.62 | 413,715.01 |
| Hwy DB | 33,052.00 | 4,978.00 | 144.32 | 225,040.05 |
| Sewer HO1 | 22,659.00 | 67.00 | -0- | 17,636.18 |
| Water HO2 | 43,113.00 | 0.00 | -0- | 106,725.16 |
| Wfd. Fire | 64,301.00 | 0.00 | -0- | 67,440.55 |
| Sherm. Fire | 7,411.00 | 0.00 | -0- | 7,580.87 |
| Totals: | \$887,887.00 | \$136,285.00 | \$7,862.51 | \$1,774,610.46 |

The Dog Warden's report for February 2008 was received and placed on file.

The Fire Department Report for February 2008 was received and placed on file.

The Historian report for February 2008 was received and placed on file.

Code Enforcement:

- Code Enforcement Officer James Pacanowski stated 3 permits were issued in the Town in February along with 2 inspections.
- He met with the Planning Board regarding structures, buildings, etc. that are exempt from current zoning requirements and are not subject to a permit. He also attended the monthly Chautauqua County Building Officials Association meeting and a 6 hour training session on the Energy Code in Mayville.
- Raymond Schuster moved and David Brown seconded a motion that CEO Pacanowski be authorized to attend the 33rd Annual Code Enforcement Officials Educational Conference in Rochester 17-20 March 2008. Cost to be split with the Village. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.

In Public Comment, two articles pertaining to Wind power were highlighted with copies given to the Board. There was also discussion on traffic along Route 5. Concerns were expressed about #'s of vehicles, speed limit adherence & enforcement, and safety.

Announcements:

Supervisor Bills announced that the Chautauqua County Joint Legislative Breakfast will be held 3/8/2008 at the Lakewood American Legion Post #1286 starting at 8:30am.

Supervisor Bills also discussed highlights from a regional meeting she attended in Buffalo with the Army Corps of Engineers on potential funding sources for the dredging of Barcelona Harbor.

Old Business:

- Supervisor Bills announced that a “next-steps” Westfield-Ripley Lakefront Plan meeting will be scheduled for May 2008.
- David Brown moved and Carl Vilaro seconded a motion that the Town accept the low bid of \$10,378 from Larry Romance & Son, Inc. for a 10' Mower w/right side lift. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.

New Business:

- Martha Bills stated that an application for Meteorological Tower SUP has been submitted by Babcock & Brown. The application will be referred to the Planning Board for their March 20th meeting and a Public Hearing was set for 7:25pm, April 2nd, 2008 in Eason Hall.

- Mr. Peter Gross (Babcock & Brown) addressed the Board his company's Windmill replacement project on the Buena Vista Wind Farm in Altamont Pass in California.
- Martha Bills moved and Carl Vilaro seconded a motion that the Town Clerk put Fuels for the Town Highway Department out for bid. Unanimously approved.
- Carl Vilaro moved and Raymond Schuster seconded a motion that the Town Clerk put the purchase of a tractor for the Town Highway Department out for bid. Unanimously approved.
- Raymond Schuster moved and David Brown seconded a motion that Town Roads be posted with weight limits for the spring season. Unanimously approved.
- Martha Bills moved and James Herbert seconded a motion that Anthony Pisicoli be appointed the Board of Assessment Review for a 5 year term through September 30th, 2012. Unanimously approved.
- Martha Bills moved and David Brown seconded a motion that the Board accept with regret the resignation of Mr. Joseph Orton from the Town Planning Board. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilaro, aye; Raymond Schuster, aye.
- Supervisor Bills announced that the AUD Report (the Town's annual financial report) for the year 2007 is complete and available for the public to review in the Town offices.

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

The next Town Meeting is scheduled for Wednesday, April 2nd, 2008 @ 7:30pm.

There being no further business, at 8:45pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

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

PUBLIC HEARING
Town of Westfield
April 2nd, 2008
(Meteorological Tower / McCray Property)

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | |
|-------------|-------------------|---------|------------------|------------------|
| Supervisor: | Martha R. Bills | Guests: | David Babcock | Scott Frudd |
| Councilmen: | Raymond Schuster | | James Pacanowski | Jack Gulvin |
| | David Brown | | Joel Seachrist | Janet Nass |
| | Carl Vilardo, Jr. | | Marybelle Biegh | Sara Herrman |
| | James Herbert | | Claude Abbey | Shirley West |
| | | | Paul Coran | Peter Gross |
| | | | Robert Rose | Darwin Gustafson |
| | | | J. McDonald | Bill Bills |
| | | | Ed Causebrook | Lyle Holland |

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 the intersection of Highway 76 (Sherman Road) and Nettle Hill Road (McCray property). Peter Gross from Babcock & Brown provided an overview of the project. There was some discussion on duration of permit and provisions for an escrow fund to remove the tower 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 7:30pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
April 2nd, 2008**

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: | David Babcock | Scott Frudd |
| Councilmen: | Raymond Schuster | | James Pacanowski | Jack Gulvin |
| | David Brown | | Joel Seachrist | Janet Nass |
| | Carl Vilardo, Jr. | | Marybelle Biegh | Sara Herrman |
| | James Herbert | | Claude Abbey | Shirley West |
| | | | Paul Coran | Peter Gross |
| | | | Robert Rose | Darwin Gustafson |
| | | | J. McDonald | Bill Bills |
| | | | Ed Causebrook | Lyle Holland |

Raymond Schuster 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 \$2174.55 representing fees for the month of March 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$284.18.

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 | \$398,741.00 | \$109,388.00 | \$7401.64 | \$783,590.29 |
| Gen B | 87,809.00 | 3,309.00 | 55.72 | 121,611.77 |
| Hwy DA | 243,416.00 | 91,540.00 | 198.62 | 391,270.47 |
| Hwy DB | 34,003.00 | 8,988.00 | 144.22 | 221,505.29 |
| Sewer HO1 | 22,747.00 | 19,152.00 | -0- | 17,351.66 |
| Water HO2 | 43,574.00 | 35,943.00 | -0- | 93,794.37 |
| Wfd. Fire | 64,449.00 | 0.00 | -0- | 67,580.54 |
| Sherm. Fire | 7,427.00 | 0.00 | -0- | 7,596.61 |
| Totals: | \$902,166.00 | \$268,320.00 | \$7,800.20 | \$1,704,301.00 |

The Dog Warden's report for March 2008 was received and placed on file.

The Fire Department Report for March 2008 was received and placed on file.

The Historian report for March 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent discussed the status of bids and updated the Board on current projects including sweeping of the roads & pier clean-up.

Code Enforcement:

- Code Enforcement Officer James Pacanowski stated 4 permits were issued in the Town in March, 18 inspections were conducted, and 4 new houses planned.
- He attended the monthly Chautauqua County Building Officials Association meeting and the 33rd Annual Code Enforcement Officials Educational Conference in Rochester 17-20 March 2008.

In Public Comment, no one addressed the Town Board.

Announcements:

- Supervisor Bills announced that a presentation for the Westfield-Ripley Lakefront Development Plan will be held 5/6/2008 at Zebro's Harbor House starting at 7:00pm.
- Supervisor Bills also announced that the Army Corps of Engineers will host a Fishway Project Information meeting 4/21/2008 at 7:00pm (Eason Hall).

Old Business:

- Martha Bills moved and David Brown seconded a motion that the Town Board make a final decision by April 9th, 2008 on the low bid of \$18,000 from Larry Romance & Son, Inc. for a new tractor (including trade-in). This will be contingent upon a review of the budget. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilardo, aye.
- Raymond Schuster moved and David Brown seconded a motion that the Town Board accept the only bid received for fuels from R. O. Proper & Son, Inc. for unleaded (\$2.895 / gal) and diesel (\$3.495 / gal) fuels. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilardo, aye.
- Based on a briefing by the Westfield Fire Department, David Brown moved and Raymond Schuster seconded a motion that the Town Board approve a payment of up to \$2167.37 to enhance the Torque Box / Seat brackets within the specs for the previously approved Fire Truck. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilardo, aye.

New Business:

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

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

WHEREAS, Babcock & Brown Renewable Holdings, Inc. has applied for a Special Use Permit allowing it to erect a 197' radio communications/meteorological tower on property belonging to Terry McCray, designated as tax map parcel Section 21, Block 1, Lot 15.2, located in the Residential- Agricultural (R-A) District at the intersection of Highway 76 (Sherman Road) and Nettle Hill Road, and

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

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

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

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby adopts the applicant's proposed answers to Part II of the Environmental Assessment Form, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to sign Part III of the Environmental Assessment Form accordingly.

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

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

Resolution No. 14 of 2008
Issuance of SUP for Met Tower Construction / McCray Property

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

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and public hearing, and

WHEREAS, the Town submitted a zoning referral to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and was advised by letter dated March 19, 2008, that the proposed action was of local option, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held March 20, 2008, and recommended approval of the application with qualifications, and

WHEREAS, the Town Board has heard those wishing to be heard at a public hearing held April 2, 2008, has considered all the facts and papers before it, and finds justification to approve the application subject to the conditions hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application of Babcock & Brown Renewable Holdings, Inc. to operate a radio communications/meteorological tower and the structures and equipment appurtenant thereto on the parcel of land located at the intersection of Highway 76 (Sherman Road) and Nettle Hill Road, Westfield (the "Facility"), be and hereby is authorized and approved subject to the following conditions:

1. All development and construction on the Facility site shall comply with the site plans and specifications submitted with the application, except as hereinafter modified.
2. The tower and any equipment attached thereto shall not exceed 197' in total height, so that the tower need not be lighted or marked under current regulations.
3. The Applicant shall remove the tower and equipment if the Facility becomes obsolete or ceases to be used for its intended purpose for a period of six (6) consecutive months. Prior to construction of any part of the Facility, the Applicant shall deposit with the Town the sum of \$5,000, which the Town shall hold in escrow to secure the removal of the Facility.
4. The permit shall be valid until April 1, 2011, unless modified or renewed, and shall expire automatically if the Facility is not operational by April 1, 2009.
5. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns.
6. The permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town of Westfield Town Board, which shall not be unreasonably withheld.
7. This permit shall become effective after the Applicant approves each and every provision hereof and agrees to be bound by all of the terms herein contained.

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

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

Resolution No. 15 of 2008

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

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

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

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

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

- James Herbert offered the following resolution and moved its adoption:

Resolution No. 16 of 2008
Authorization to Sign Escrow Agreement (Wind Project Review)

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

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

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

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

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

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

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

Resolution No. 17 of 2008
Request to NYS DOT for Speed Study Route 5

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

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

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

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

Resolution No. 18 of 2008
NYS Small Cities Grant Application

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

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

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

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

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

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

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

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

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

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

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

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

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

-
- Martha Bills offered the following resolution and moved its adoption

Budget Resolution No. 2 of 2008
2008 Budget Increase

| Amendment Description | Increase | Decrease |
|-----------------------|----------|----------|
|-----------------------|----------|----------|

A Funds

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

| | | |
|-------------------------|-----------|--------|
| Records Mgmt: Grant Rev | 28.3089.1 | \$2020 |
| Records Mgmt: BDM | 1665.41A | \$2020 |

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

-
- Martha Bills moved and David Brown seconded a motion that the Board accept with regret the resignation of Mr. James Dahlberg from the Town Board of Assessment Review. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.
 - David Brown moved and Raymond Schuster seconded a motion that the Board authorize the Town Historian to attend the NYS Historian Conference (17-19 April 2008). Unanimously carried.
 - Martha Bills moved and David Brown seconded a motion that a Public Hearing date of May 6th, 2008 (7:25pm @ Eason Hall) be set for a SUP application for an Art Gallery on West Main Road. Unanimously carried.
 - Raymond Schuster moved James Herbert seconded a motion that the Town advertise for bids (Oil & Stone) for the Highway Department. Unanimously carried.
 - Martha Bills 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; James Herbert, aye; Carl Vilardo, aye.

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

At 9:00pm Supervisor Bills moved and James Herbert seconded a motion to move to Executive Session to discuss pending litigation and a particular personnel history. Unanimously carried.

At 9:15pm Supervisor Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

- Martha Bills moved and Raymond Schuster seconded a motion that the Town accept with regret the resignation of Kate Issler as bookkeeper and authorize a payment of \$700 for accumulated sick time. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.

There being no further business, at 9:16pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

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

PUBLIC HEARING
Town of Westfield
May 7th, 2008
(Proposed Art Gallery / Keller)

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | |
|-------------|-------------------|------------------|--------------|-----------------|
| Supervisor: | Martha R. Bills | David Babcock | Sandy Brown | Lisa Newell |
| Councilmen: | Raymond Schuster | James Pacanowski | Jack Gulvin | Brittany Mason |
| | David Brown | Joel Seachrist | Janet Nass | Natalie Luder |
| | Carl Vilardo, Jr. | Marybelle Biegh | Sara Herrman | Jim Mason |
| | James Herbert | Claude Abbey | Shirley West | Bre Meleen |
| | | Jordan Sanderson | Nancy Nixon | Claire Quadri |
| | | Robert Williams | Shoddy Flore | M.Quinn-Fullmer |
| | | Carol Ford | Steve Kelly | Jack Gulvin |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a SUP submitted by Robert and Sheila Keller to operate an art gallery on a parcel of land located at 8418 West Main Road, Westfield. The application had been satisfactorily reviewed by the Planning Board and the County Planning Department. There were no questions from the audience.

There being no further business, David Brown moved and Raymond Schuster seconded the motion that the public hearing be closed at 7:30pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
May 7th, 2008**

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

| | | | | |
|-------------|-------------------|------------------|--------------|-----------------|
| Supervisor: | Martha R. Bills | David Babcock | Sandy Brown | Lisa Newell |
| Councilmen: | Raymond Schuster | James Pacanowski | Jack Gulvin | Brittany Mason |
| | David Brown | Joel Seachrist | Janet Nass | Natalie Luder |
| | Carl Vilardo, Jr. | Marybelle Biegh | Sara Herrman | Jim Mason |
| | James Herbert | Claude Abbey | Shirley West | Bre Meleen |
| | | Jordan Sanderson | Nancy Nixon | Claire Quadri |
| | | Robert Williams | Shoddy Flore | M.Quinn-Fullmer |
| | | Carol Ford | Steve Kelly | Jack Gulvin |

WACS Superintendent Mark Sissel & District Business Manger Alan Holbrook gave a presentation on the current proposed school budget (vote is May 20th, 2008) in addition to an update on future key issues.

Raymond Schuster 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 \$6246.07 representing fees for the month of April 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$476.53.

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 | \$447,467.00 | \$159,257.00 | \$7552.52 | \$794,214.65 |
| Gen B | 89,192.00 | 15,135.00 | 55.72 | 111,168.18 |
| Hwy DA | 244,251.00 | 121,565.00 | 198.62 | 364,882.64 |
| Hwy DB | 34,476.00 | 15,837.00 | 144.22 | 218,527.08 |
| Sewer HO1 | 22,791.00 | 19,167.00 | -0- | 17,372.96 |
| Water HO2 | 43,776.00 | 35,943.00 | -0- | 92,558.94 |
| Wfd. Fire | 64,593.00 | 0.00 | -0- | 67,724.70 |
| Sherm. Fire | 7,443.00 | 0.00 | -0- | 7,612.81 |
| Totals: | \$953,989.00 | \$374,762.00 | \$7,951.08 | \$1,674,061.96 |

The Dog Warden's report for April 2008 was received and placed on file.

The Fire Department Report for April 2008 was received and placed on file.

The Historian report for April 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for the previous month.

Code Enforcement:

- Submitted Written Report

Barcelona Harbor:

- Jim Herbert discussed highlights from Harbor activities which included a plaque honoring Robert Smith, a concern over swimming off of break walls, and ladders for the pier.

In Public Comment, no one addressed the Town Board.

Announcements:

- Supervisor Bills announced that the Memorial Day Parade will be held 5/26/2008 starting at 10:00am and that the Information Booth in Barcelona opens on 5/26/2008.
- Supervisor Bills also announced that a New Resident Reception will be held 5/15/2008.

Old Business:

- David Brown moved and Carl Vilaro seconded a motion that the Town Board accept the bid from Russell Standard Corp. for oil & accept bids from Erie Sand and Gravel and Country Side Sand and Gravel for stone. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.
- Raymond Schuster moved and David Brown seconded a motion that the Town Board accept the all estimates and bids received from contractors for the Town Barn with the exception of steel. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.
- A Ripley-Westfield Lakefront Plan session was held highlighted with discussions on grant opportunities and The Dudley Breed proposal.
- The Town received a letter from the NYS DOT stating the Speed Study on Rte 5 was completed with no changes being implemented.

New Business:

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

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

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

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

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

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

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

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

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

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

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

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held April 17, 2008 and recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and it advised by letter dated April 25, 2008 that the application is a matter of local concern, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held May 7, 2008, and finds justification to approve the application subject to the qualifications hereinafter set out, now

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

1. The Applicants shall undertake the project in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agree to be bound by the terms of the application and the conditions of this permit.

2. The parking area depicted on the map attached to the application shall be of a size no less than twice the square footage of the proposed gallery space.

3. If operation of the Facility has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicants shall be required to apply for a new permit should it intend to continue the project.

4. The terms, conditions, and requirements of this permit bind and obligate the Applicants, their successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.

5. Any failure or omission on the part of the Applicants to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicants, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.

6. This Special Use Permit shall become effective after the Applicants approve each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

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

-
- Supervisor Bills announced that the Babcock & Brown Wind Farm SUP application is available for viewing in the Town office.
 - Martha Bills moved and David Brown seconded a motion that the Town Supervisor be authorized to enter into an agreement with EDR as a Wind Project consultant. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.
 - Martha Bills moved and Raymond Schuster seconded a motion that a Public Hearing date of June 4th, 2008 (7:20pm & 7:25pm @ Eason Hall) be set for SUP applications for a Campground on Taylor Road & a Gift Shop on Sherman Road. Unanimously carried.

- Raymond Schuster moved James Herbert seconded a motion that James Brotz be appointed to the Planning Board. Unanimously carried.
- Martha Bills moved and Carl Vilaro seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.

At 8:55pm Supervisor Bills moved and James Herbert seconded a motion to move to Executive Session to discuss a specific issue. Unanimously carried.

At 9:15pm Supervisor Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

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

Resolution No. 22 of 2008
Authorization to Sign Agreement with Behan Planning, Inc.

BE IT RESOLVED, that the Supervisor is hereby authorized to sign an agreement for an amount not to exceed \$3,000 with Behan Planning, Inc. to assist the Town in writing a Grant application under Title 11 of the NYS Environmental Protection Fund to prepare or implement Local Waterfront Revitalization Programs.

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

The next Town Meeting is scheduled for Wednesday, June 4th, 2008 @ 7:30pm.

There being no further business, at 9:20pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

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

PUBLIC HEARING
Town of Westfield
June 4th, 2008
(Proposed Campground / Williams)

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

| | | | | |
|-------------|-------------------|------------------|---------------|---------------|
| Supervisor: | Martha R. Bills | David Babcock | Tom Herr | Mike Testrake |
| Councilmen: | Raymond Schuster | James Pacanowski | Claire Quadri | Ryan Lehman |
| | David Brown | Joel Seachrist | Janet Nass | Tyler Freeman |
| | Carl Vilardo, Jr. | Marybelle Biegh | Sara Herrman | Mike Fusec |
| | James Herbert | Claude Abbey | Shirley West | Zack Johnson |
| | | Sandra Brown | T. Woodard | Debbie Manell |
| | | Robert Williams | Carol Ford | Kelley Issler |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a SUP submitted by Robert Williams to operate a Campground on a parcel of land located on Taylor Road, Westfield. The application had been satisfactorily reviewed by the Town Planning Board and the County Planning Department. Mr. Tom Herr expressed concern over potential liability issues on his neighboring property. Carol Ford and Robert Williams presented their plan and satisfactorily answered Board questions concerning campground activities and operation.

There being no further business, Martha Bills moved and Carl Vilardo seconded the motion that the public hearing be closed at 7:25pm. This was unanimously approved.

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

PUBLIC HEARING
Town of Westfield
June 4th, 2008
(Proposed Gift Shop / Bailey)

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | |
|-------------|-------------------|------------------|---------------|---------------|
| Supervisor: | Martha R. Bills | David Babcock | Tom Herr | Mike Tetrake |
| Councilmen: | Raymond Schuster | James Pacanowski | Claire Quadri | Ryan Lehman |
| | David Brown | Joel Seachrist | Janet Nass | Tyler Freeman |
| | Carl Vilardo, Jr. | Marybelle Biegh | Sara Herrman | Mike Fusec |
| | James Herbert | Claude Abbey | Shirley West | Zack Johnson |
| | | Sandra Brown | T. Woodard | Debbie Manell |
| | | Robert Williams | Carol Ford | Kelley Issler |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP submitted by Larry & Traci Bailey to operate a Gift Shop on a parcel on Sherman Road, Westfield. It was further explained that the applicants notified Town offices and stated that they require more time to fulfill application requirements in order to operate their business. It was unanimously agreed upon by the Board to revisit the permit application in 6 months (December 2008).

There being no further business, Martha Bills moved and James Herbert seconded the motion that the public hearing be closed at 7:30pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
June 4th, 2008**

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

| | | | | |
|-------------|-------------------|------------------|---------------|---------------|
| Supervisor: | Martha R. Bills | David Babcock | Tom Herr | Mike Testrake |
| Councilmen: | Raymond Schuster | James Pacanowski | Claire Quadri | Ryan Lehman |
| | David Brown | Joel Seachrist | Janet Nass | Tyler Freeman |
| | Carl Vilardo, Jr. | Marybelle Biegh | Sara Herrman | Mike Fusec |
| | James Herbert | Claude Abbey | Shirley West | Zack Johnson |
| | | Sandra Brown | T. Woodard | Debbie Manell |
| | | Robert Williams | Carol Ford | Kelley Issler |

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 \$7010.66 representing fees for the month of May 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$2503.44.

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 | \$429,978.00 | \$191,886.00 | \$7289.48 | \$771,828.54 |
| Gen B | 91,670.00 | 28,924.00 | 55.72 | 101,819.87 |
| Hwy DA | 244,866.00 | 169,806.00 | 198.62 | 335,527.43 |
| Hwy DB | 118,380.00 | 31,205.00 | 144.22 | 299,032.13 |
| Sewer HO1 | 22,826.00 | 19,189.00 | -0- | 17,388.03 |
| Water HO2 | 43,933.00 | 35,943.00 | -0- | 92,715.02 |
| Wfd. Fire | 64,707.00 | 0.00 | -0- | 67,838.90 |
| Sherm. Fire | 7,858.00 | 7858.00 | -0- | -0- |
| Totals: | \$1,023,816.00 | \$484,811.00 | \$7,688.04 | \$1,685,917.57 |

The Dog Warden's report for May 2008 was received and placed on file.

The Fire Department Report for May 2008 was received and placed on file.

The Historian's report for May 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for the previous month. He highlighted the fact that routine summer maintenance is on-going (i.e. tree trimming, stone & oiling of roads, etc.).

Code Enforcement:

- The Code Enforcement Officer submitted a written report, which included issuance of six permits in the town, a Certificate of Occupancy issued, and trainings / conferences attended during May 2008.

Barcelona Harbor:

- The Pier remains open.

In Public Comment, no one addressed the Town Board.

Announcements:

- Supervisor Bills announced that a Walleye Fishing Tournament is scheduled for 6-15 June 2008 at the Barcelona Pier with a weigh station on-site.
- A jointly run Town / Village Tire Amnesty will be held 23 June - 2 July 2008 at the Village Sewage Waste Treatment Facility on Old Hawley Street.

Old Business:

- David Brown moved and Carl Vilaro seconded a motion that the Town Board accept the low quote from Robert Mazza (\$9012) for steel to use on the Town Barn addition. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilaro, aye.
- In a Wind Project update, Attorney Joel Seachrist provided an overview of the SEQRA process which has begun for the SUP application for a Wind Farm Project in the Town from Babcock & Brown.
- Supervisor Bills stated that a meeting with Dudley Breed is scheduled for June 12th, 2008 at the Pier to review his proposals for landscape enhancements of Town owned areas at the Pier and Barcelona as part of the Ripley-Westfield Lakefront Plan.

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

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

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

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

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

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

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

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

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

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

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

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and a public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held May 15, 2008 and unanimously recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and it advised by letter dated May 30, 2008 that the application is a matter of local concern, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held June 4, 2008, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to operate a campground at 8072 Taylor Road (the "Campground"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agrees to be bound by the terms of the application and the conditions of this permit.
2. If operation of the Campground has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicant shall be required to apply for a new permit should he intend to continue the project.
3. The terms, conditions, and requirements of this permit bind and obligate the Applicant, his successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
4. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
5. This Special Use Permit shall become effective after the Applicant approves each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

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

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

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

WHEREAS, Edward C. and Wilma R. Benjamin and the Town of Westfield are desirous of having certain assessment issues resolved as to property owned by Edward C. and Wilma R. Benjamin in the Town of Westfield, and

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

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

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

THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2007 tax certiorari proceedings filed by Edward C. and Wilma R. Benjamin in which the assessed value of the

parcel shall be reduced from \$403,500 to \$364,000, and Petitioner shall receive a refund of excess taxes paid, without statutory interest; and the Petitioner shall not file a judicial proceeding challenging the 2008, 2009, 2010, 2011, and 2012 assessed values so long as the assessed value remains at \$364,000, consistent with the provisions of the Real Property Tax Law; and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Edward C. and Wilma R. Benjamin and the Town of Westfield as to the above referenced assessment.

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

New Business:

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

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

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

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

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

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

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

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

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

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

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

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

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

Budget Resolution No. 3 of 2008
2008 Budget Increase

| Amendment Description | Increase | Decrease |
|-----------------------|----------|----------|
|-----------------------|----------|----------|

A Funds

- ❖ To amend the budget departmentally under Supervisor

| | | | |
|-----------------------|--------|--------|--------|
| Supervisor CE: | 1220.4 | \$5000 | |
| Supervisor Equipment: | 1220.2 | | \$5000 |

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

-
- Town Attorney Joel Seachrist highlighted upcoming changes in the Chautauqua County Sanitary Code.
 - Martha Bills moved and David Brown seconded a motion that the Town Assessor be authorized to attend The NYS Assessor Training (14-18 July 2008) and Assessor Conference (21-24 September 2008). Unanimously carried.
 - Martha Bills recommended that the Board consider sometime in August 2008 for the next Joint Town / Village meeting.
 - Martha Bills moved and Carl Vilardo seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; Carl Vilardo, aye.

At 8:30pm Supervisor Bills moved and James Herbert seconded a motion to move to Executive Session to discuss a specific personnel issue. Unanimously carried.

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

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

Personnel Resolution No. 1 of 2008
Special Counsel Authorization

RESOLVED, upon advice of counsel made pursuant to Chapter 14 of the Town Code, the Town shall provide a defense for Highway Department employee Richard A. Bausum in connection with a New York State

Department of Motor Vehicles hearing to be held on an accident in which Mr. Bausum was involved on October 10, 2007, while on duty, and be it further

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

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

The next Town Meeting is scheduled for Wednesday, July 2nd, 2008 @ 7:30pm.

There being no further business, at 9:05pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
July 9th, 2008**

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

| | | | | |
|-------------|-------------------|------------------|--------------|-----------------|
| Supervisor: | Martha R. Bills | David Babcock | Sara Herrman | Shirley West |
| Councilmen: | Raymond Schuster | James Pacanowski | Scott Frudd | Marybelle Beigh |
| | David Brown | Joel Seachrist | Claude Abbey | |
| | Carl Vilardo, Jr. | | | |
| | James Herbert | | | |

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 \$7007.94 representing fees for the month of June 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$1911.12.

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 | \$506,345.00 | \$241,310.00 | \$7137.41 | \$774,310.48 |
| Gen B | 92,224.00 | 29,647.00 | 55.72 | 101,297.69 |
| Hwy DA | 245,409.00 | 171,900.00 | 198.62 | 302,568.46 |
| Hwy DB | 119,395.00 | 69,671.00 | 144.22 | 268,334.44 |
| Sewer HO1 | 22,859.00 | 19,189.00 | -0- | 17,393.98 |
| Water HO2 | 44,084.00 | 36,372.00 | -0- | 92,864.83 |
| Wfd. Fire | 64,817.00 | 0.00 | -0- | 67,948.52 |
| Sherm. Fire | 7,456.00 | 7858.00 | -0- | -0- |
| Totals: | \$1,102,589.00 | \$575,947.00 | \$7,535.97 | \$1,624,718.40 |

The Dog Warden's report for June 2008 was received and placed on file.

The Fire Department Report for June 2008 was received and placed on file.

The Historian's report for June 2008 was received and placed on file.

The Town Court report for June 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for the previous month. He highlighted the progress of the Town Barn addition project.

Code Enforcement:

- The Code Enforcement Officer submitted a written report, which included issuance of 14 permits in the town, a Certificate of Occupancy issued, complaints, and trainings / conferences attended during June 2008.

Barcelona Harbor:

- Councilman Herbert discussed new ladders on the breakwall, clearing stumps within the harbor, and kayaking.

In Public Comment, no one addressed the Town Board.

Announcements:

- Supervisor Bills announced that Celebrate Westfield is scheduled for July 7th, 2008 from 3:00pm to 8:00pm.
- She also stated that STW Wind Power Seminars are scheduled for 18 & 25 July 2008.

Old Business:

- Supervisor Bills stated that the Town received a NYSDOS Grant in the amount of \$75K on behalf of the Concord Grape Belt Heritage Association for their development of a Heritage Management Plan.

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

Resolution No. 31 of 2008

Memorandum of Understanding - Concord Grape Belt Heritage Kiosk

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

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

New Business:

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

Resolution No. 32 of 2008
Water Improvement Projects Pre-application Documents

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

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

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

Resolution No. 33 of 2008
Water Contract

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

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

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

Budget Resolution No. 4 of 2008
2008 Budget Increase

| Amendment Description | Increase | Decrease |
|-----------------------|----------|----------|
|-----------------------|----------|----------|

A Funds

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

| | | |
|-------------------------|------------|------|
| Records Mgmt: Grant Rev | 28.3089.1 | \$96 |
| Records Mgmt: BDM | 46.1665.41 | \$96 |

❖ To increase appropriations for additional Grant writing:

| | | |
|-----------------------|-----------|--------|
| Grant Writers: | 47.1989.4 | \$2000 |
| Due from other Funds: | 27.2801.0 | \$2000 |

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

- Town Board members having previously reviewed Parts 2 & 3 of the Full Environmental Assessment Form for the Ripley - Westfield Wind Farm Project (submitted by Babcock & Brown Renewable Holdings, Inc.), discussed the document. The Town Attorney also reviewed the document. The EAF was found to be acceptable.

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

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

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

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

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

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

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

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

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

The next Town Meeting is scheduled for Wednesday, August 6th, 2008 @ 7:30pm.

There being no further business, at 8:40pm. Carl Vilaro moved and David Brown seconded a motion to adjourn. Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
August 6th, 2008**

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

| | | | |
|-------------|------------------|-----------------|----------------|
| Supervisor: | Martha R. Bills | David Babcock | Sara Herrman |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Shirley West |
| | David Brown | Claire Quadri | Joel Seachrist |
| | Carl Vilaro, Jr. | Janet Nass | |
| | James Herbert | | |

David Brown moved and Carl Vilaro, Jr. 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 \$5201.17 representing fees for the month of July 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$1938.60.

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 | \$518,018.00 | \$288,696.00 | \$7091.59 | \$740,327.70 |
| Gen B | 92,798.00 | 41,474.00 | 55.72 | 99,185.91 |
| Hwy DA | 245,884.00 | 178,573.00 | 198.62 | 300,948.98 |
| Hwy DB | 119,817.00 | 272,430.00 | 144.22 | 221,716.35 |
| Sewer HO1 | 22,892.00 | 19,713.00 | -0- | 17,421.30 |
| Water HO2 | 44,236.00 | 36,372.00 | -0- | 92,582.04 |
| Wfd. Fire | 64,923.00 | 0.00 | -0- | 68,055.23 |
| Sherm. Fire | 7,456.00 | 7858.00 | -0- | -0- |
| Totals: | \$1,116,024.00 | \$845,116.00 | \$7,490.15 | \$1,540,237.51 |

The Dog Warden's report for July 2008 was not received.

The Fire Department Report for June 2008 was received and placed on file.

The Historian's report for June 2008 was received and placed on file.

The Town Court report for June 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for the previous month. He also highlighted progress of the Town Barn addition project which included the status of the roof and the heating situation.

Code Enforcement:

- The Code Enforcement Officer submitted a written report, which included permits issued for three new houses & conferences / trainings attended during July 2008.

Barcelona Harbor:

- Councilman Herbert provided an update on Harbor Commission highlights & issues.

In Public Comment, two individuals addressed the Town Board in reference to the recently submitted proposed Wind Project Draft Scoping Document.

Announcements:

- Supervisor Bills announced that a Water Supply Seminar is scheduled for 8/13/2008 from 1:00pm to 4:00pm @ JCC.
- She also stated that the Town's NYS CDBG Grant Application was approved as a Public Water Project (for E. Main Road) in the amount of \$553,750.

Old Business:

- Supervisor Bills stated that the Westfield-Ripley Waterfront Opportunity Plan is being used as a source of information for submission of grant applications to NYS DOS for Harbor improvements and a Barcelona streetscape feasibility study. She further stated that a committee will meet with Dudley Breed on 8/19/2008 at 10:00am @ the Pier to discuss ideas for Harbor improvements.

New Business:

- Martha Bills discussed *Light up Chautauqua* and the fact that Barcelona will host fireworks on August 31st, 2008. The Town has budgeted up to \$2000 for its share of this event.

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

Resolution No. 35 of 2008
Court Grant

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

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

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

The next Town Meeting is scheduled for Wednesday, September 3rd, 2008 @ 7:30pm.

There being no further business, at 8:35pm. Carl Vilaro moved and James Herbert seconded a motion to adjourn. Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
September 3rd, 2008**

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

| | | | |
|-------------|------------------|-----------------|--------------|
| Supervisor: | Martha R. Bills | David Babcock | Sara Herrman |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Shirley West |
| | David Brown | Claire Quadri | Paul Coran |
| | James Herbert | Janet Nass | Herb Marker |
| | | Claude Abbey | |

Raymond Schuster 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 \$5136.59 representing fees for the month of August 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$4382.41.

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 | \$526,583.00 | \$328,938.00 | \$7291.59 | \$719,302.25 |
| Gen B | 93,687.00 | 42,550.00 | 55.72 | 88,247.85 |
| Hwy DA | 246,374.00 | 182,893.00 | 198.62 | 294,765.96 |
| Hwy DB | 209,365.00 | 304,881.00 | 144.22 | 118,675.31 |
| Sewer HO1 | 22,935.00 | 19,570.00 | -0- | 14,074.56 |
| Water HO2 | 44,388.00 | 36,909.00 | -0- | 86,967.73 |
| Wfd. Fire | 65,034.00 | 67,768.00 | -0- | 68,166.23 |
| Sherm. Fire | 7,456.00 | 7858.00 | -0- | 0.65 |
| Totals: | \$1,216,055.00 | \$994,367.00 | \$7,689.89 | \$1,390,200.31 |

The Dog Warden's report for August 2008 was not received.

The Fire Department Report for August 2008 was received and placed on file.

The Historian's report for August 2008 was received and placed on file.

The Town Court report for August 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for the previous month. He also provided three (3) written proposals for installation of heating system within the Town Barn addition. David Brown moved and Raymond Schuster seconded a motion that the Pipes "R" Us proposal of \$4,850.00 be accepted. This was unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a written report which included # of permits, Certificates of Occupancy, and Certificates of Compliance issued for the past month. He also highlighted that there are 9 new homes being constructed.

Barcelona Harbor:

- Councilman Herbert provided an update on Harbor Commission highlights & issues including some potential upgrades to the Pier area.

In Public Comment, there were questions on access to the Final Scoping Document for the Wind Project and the possibility of a Special Meeting of the Town Board for further discussion.

Announcements:

- Supervisor Bills announced that the second "1st Friday" will take place 6-9pm on Main Street on the 5th of September.
- She also stated that a County Comprehensive Plan meeting is scheduled for 5pm (9/15/08) @ Chautauqua Suites.

Old Business:

- Supervisor Bills updated the work / progress being made towards Pier improvements.

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

Resolution No. 36 of 2008

Authorization for Supervisor to sign Small Cities Grant contract

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

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

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

New Business:

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

Resolution No. 37 of 2008
Retention Agreement

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

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

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

Budget Resolution No. 5 of 2008
2008 Budget Increase

| | | |
|-----------------------|----------|----------|
| Amendment Description | Increase | Decrease |
|-----------------------|----------|----------|

A Funds

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

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

- ❖ Adjust appropriations due to unexpected expenditures

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

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

- Supervisor Bills announced that a 2009 Town Budget Workshop will be held on Monday, September 29, 2008 @ 4:00pm.

- The Town Board unanimously approved the Bookkeeper's attendance at a Harris Software Seminar in Rochester on 9/15/2008.
- Public Hearings were set as follows for October 1st, 2008:
 - 7:15pm Westfield Fire District
 - 7:20pm Sherman Fire District
 - 7:25pm SUP Application (Omnipoint /10kw Generator)

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

The next Town Meeting is scheduled for Wednesday, October 1st, 2008 @ 7:30pm.

There being no further business, at 8:25pm. Martha Bills moved and James Herbert seconded a motion to adjourn. Unanimously carried.

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

**PUBLIC HEARING
Town of Westfield
October 1st, 2008
(Westfield Fire District)**

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

| | | | | |
|-------------|-------------------|-----------------|-------------------|-----------------|
| Supervisor: | Martha R. Bills | David Babcock | Sara Herrman | Jerome Scholl |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Claude Abbey | Betty Scholl |
| | David Brown | Joel Seachrist | Paul Coran | Meridithe Smith |
| | Carl Vilardo, Jr. | Jim Pacanowski | Kathy Probst | Dariel Woltz |
| | | Harold Nass | Nancy Young | Keith Hagenbuch |
| | | Janet Nass | Pat Heilman | Pat Hagenbuch |
| | | Claire Quadri | Mary Quinn Fulmer | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Westfield Fire District Budget of \$70,093 for 2009. She provided a brief description of the budget highlighted that this was split with the Village. 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 7:20pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
October 1st, 2008
(Sherman Fire District)**

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

| | | | | |
|-------------|------------------|-----------------|-------------------|-----------------|
| Supervisor: | Martha R. Bills | David Babcock | Sara Herrman | Jerome Scholl |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Claude Abbey | Betty Scholl |
| | David Brown | Joel Seachrist | Paul Coran | Meridithe Smith |
| | Carl Vilaro, Jr. | Jim Pacanowski | Kathy Probst | Dariel Woltz |
| | | Harold Nass | Nancy Young | Keith Hagenbuch |
| | | Janet Nass | Pat Heilman | Pat Hagenbuch |
| | | Claire Quadri | Mary Quinn Fulmer | |

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 which reflects no change from the previous year. There were some questions from the audience which were answered satisfactorily.

There being no further business, David Brown moved and Raymond Schuster seconded the motion that the public hearing be closed at 7:25pm. This was unanimously approved.

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

PUBLIC HEARING
Town of Westfield
October 1st, 2008
(SUP 10kw Generator / Omnipoint Cell Tower Site)

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

| | | | | |
|-------------|------------------|-----------------|-------------------|-----------------|
| Supervisor: | Martha R. Bills | David Babcock | Sara Herrman | Jerome Scholl |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Claude Abbey | Betty Scholl |
| | David Brown | Joel Seachrist | Paul Coran | Meridithe Smith |
| | Carl Vilaro, Jr. | Jim Pacanowski | Kathy Probst | Dariel Woltz |
| | | Harold Nass | Nancy Young | Keith Hagenbuch |
| | | Janet Nass | Pat Heilman | Pat Hagenbuch |
| | | Claire Quadri | Mary Quinn Fulmer | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a SUP Application to install a 10kw generator as a back-up power source within the Reid Road Cell Tower site. She noted the Planning Board recommended approval and the County determined it was a local decision. Councilman Vilaro (as property owner) abstained from involvement in the discussion and any vote. A question on fuel storage from the audience was answered by the Omnipoint representative.

There being no further business, Raymond Schuster moved and David Brown seconded the motion that the public hearing be closed at 7:30pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
October 1st, 2008**

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

| | | | | |
|-------------|-------------------|-----------------|-------------------|-----------------|
| Supervisor: | Martha R. Bills | David Babcock | Sara Herrman | Jerome Scholl |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Claude Abbey | Betty Scholl |
| | David Brown | Joel Seachrist | Paul Coran | Meridithe Smith |
| | Carl Vilardo, Jr. | Jim Pacanowski | Kathy Probst | Dariel Woltz |
| | | Harold Nass | Nancy Young | Keith Hagenbuch |
| | | Janet Nass | Pat Heilman | Pat Hagenbuch |
| | | Claire Quadri | Mary Quinn Fulmer | |

Raymond Schuster 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 \$4439.24 representing fees for the month of September 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$5967.78.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>HSBC - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|--------------------------|
| Gen. A | \$556,248.00 | \$374,999.00 | \$7099.12 | \$713,786.90 |
| Gen B | 93,778.00 | 43,641.00 | 55.72 | 88,549.06 |
| Hwy DA | 246,679.00 | 184,845.00 | 198.62 | 290,751.76 |
| Hwy DB | 209,488.00 | 331,114.00 | 144.22 | 86,072.55 |
| Sewer HO1 | 22,940.00 | 22,577.00 | -0- | 16,933.24 |
| Water HO2 | 44,478.00 | 42,136.00 | -0- | 87,595.36 |
| Wfd. Fire | 65,105.00 | -0- | -0- | 68,236.65 |
| Sherm. Fire | 7,689.00 | 7858.00 | -0- | 0.65 |
| Totals: | \$1,246,405.00 | \$1,007,170.00 | \$7,497.68 | \$1,351,926.17 |

The Dog Warden's report for September 2008 was received and placed on file.

The Fire Department Report for September 2008 was received and placed on file.

The Historian's report for September 2008 was received and placed on file.

The Town Court report for September 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for September.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 9 permits were issued, 8 complaints answered, and a ZBA area variance approved for the past month. He also updated the status of new homes being constructed in the Town.

Barcelona Harbor: (Pier closed for the season)

In Public Comment, some residents raised concerns about the public not being able to view / comment on the Final Scoping Document for the Wind Project prior to its publication and prior to it being voted on at this meeting by the Town Council. It was noted by Supervisor Bills that two (2) Public Hearings were held and all written as well as verbal comments were reviewed and considered in the preparation of the Draft Scoping Document. It was further noted that the Town Board members individually reviewed various drafts and submitted comments in regard to the Final version prior to this evening’s meeting. Board members brought up individual concerns that prompted revisions to the drafts.

One resident voiced concern over the placement of a dumpster in Hawthorne Beach.

Announcements:

- Supervisor Bills announced that the monthly “1st Friday” will take place 6-9pm on Main Street on the 3rd of October.

Old Business:

- Two letters of Recommendation from the Town’s Planning Board were presented. The recommendations were to allow the Planning Board to:
 - Draft an update to our Town Code incorporating new Chautauqua County regulations for private sewage systems
 - Draft a potential update to our Town Code regulating the use of garbage dumpsters within the Town
 - David Brown moved and Carl Vilaro seconded a motion to allow the Planning Board to proceed with both recommendations. Unanimously approved.

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

Resolution No. 38 of 2008
NYS CDGB Agreement

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

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

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

Resolution No. 39 of 2008
Negative Declaration

10kw Generator / Omnipoint Cell Tower Site (Reid Road)

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

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

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

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

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

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

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

Resolution No. 40 of 2008
Issuance of SUP

10kw Generator / Omnipoint Cell Tower Site (Reid Road)

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

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held September 18, 2008 and recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and it advised by letter dated September 26, 2008 that the application is a matter of local concern, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held October 1, 2008, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to install a 10kw Generator on a 3'x4' concrete pad within an existing telecommunications facility on a parcel of land located on Reid Road, Westfield, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans submitted to the Town with the application, except as hereinafter modified, and agree to be bound by the terms of the application and the conditions of this permit.
2. If operation of the Facility has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicant shall be required to apply for a new permit should it intend to continue the project.
3. The terms, conditions, and requirements of this permit bind and obligate the Applicant, their successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
4. Any failure or omission on the part of the Applicants to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicants, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
5. This SUP shall become effective after the Applicants approve each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

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

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

Resolution No. 41 of 2008

Adoption of the Final Scoping Document for the preparation of the Draft EIS for the Babcock & Brown Renewable Holdings, Inc. Wind Power Project

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

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

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

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

This was seconded by Martha Bills. After Board discussion on areas of revision and recent changes to the draft, voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Carl Vilaro aye.

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

Resolution #42 of 2008
Agreement with Patterson Library

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

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

- Supervisor Bills moved and Carl Vilaro seconded a motion that Donald Paddock be appointed as a Town representative to the Recreation Committee. Unanimously approved.

- Public Hearings were set as follows for November 5th, 2008:

- 7:15pm SUP Application (Rammelt Car / Light Truck Repair)
- 7:20pm 2009 Budget Hearing

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

The next Town Meeting is scheduled for Wednesday, November 5th, 2008 @ 7:30pm.

There being no further business, at 8:50pm. Martha Bills moved and David Brown seconded a motion to adjourn. Unanimously carried.

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

**PUBLIC HEARING
Town of Westfield
November 5th, 2008
(Rammelt SUP Application)**

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 | Sara Herrman | Shirley Ibach | Don Rammelt |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Claude Abbey | Mike Ceci |
| | David Brown | Joel Seachrist | Harold Nass | Susan Ceci |
| | Carl Vilaro, Jr. | Janet Nass | Herb Marker | Marc Kapple |
| | James Herbert | | | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by Donald Rammelt for a proposed Car & Light Truck Repair at 7332 East Main Road. She provided a brief description of the application highlighting that it had been reviewed by both the County & the Town Planning Board. Mr. Rammelt spoke on behalf of his proposed business.

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

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

**PUBLIC HEARING
Town of Westfield
November 5th, 2008
(2009 Town Budget Hearing)**

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

| | | | | |
|-------------|------------------|-----------------|---------------|-------------|
| Supervisor: | Martha R. Bills | Sara Herrman | Shirley Ibach | Don Rammelt |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Claude Abbey | Mike Ceci |
| | David Brown | Joel Seachrist | Harold Nass | Susan Ceci |
| | Carl Vilaro, Jr. | Janet Nass | Herb Marker | Marc Kapple |
| | James Herbert | | | |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed 2009 Town Budget. She provided a brief description of the budget which reflects a \$19,000 overall decrease which produces an 8% decrease in the rate per thousand for Town Residents and a 6% decrease in the same rate for Village residents. There were some questions from the audience which were answered satisfactorily.

There being no further business, Raymond Schuster moved and Martha Bills seconded the motion that the public hearing be closed at 7:29pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
November 5th, 2008**

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 | Sara Herrman | Shirley Ibach | Don Rammelt |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Claude Abbey | Mike Ceci |
| | David Brown | Joel Seachrist | Harold Nass | Susan Ceci |
| | Carl Vilardo, Jr. | Janet Nass | Herb Marker | Marc Kapple |
| | James Herbert | | | |

James Herbert 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 \$2584.49 representing fees for the month of October 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$2107.43.78.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>HSBC - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|--------------------------|
| Gen. A | \$595,527.00 | \$410,920.00 | \$7418.97 | \$687,041.75 |
| Gen B | 96,196.00 | 67,832.00 | 55.72 | 88,480.88 |
| Hwy DA | 247,397.00 | 209,702.00 | 198.62 | 289,209.57 |
| Hwy DB | 307,626.00 | 357,025.00 | 533.88 | 157,989.90 |
| Sewer HO1 | 22,984.00 | 22,584.00 | -0- | 16,943.67 |
| Water HO2 | 44,696.00 | 42,136.00 | -0- | 87,703.10 |
| Wfd. Fire | 65,274.00 | -0- | -0- | 68,321.10 |
| Sherm. Fire | 7,689.00 | 7858.00 | -0- | 0.65 |
| Totals: | \$1,387,389.00 | \$1,118,057.00 | \$8,207.19 | \$1,395,690.62 |

The Dog Warden's report for October 2008 was received and placed on file.

The Fire Department Report for October 2008 was received and placed on file.

The Historian's report for October 2008 was received and placed on file.

The Town Court report for October 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for October.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 12 permits were issued in the Town, 1 complaint answered, and 1 Certificate of Occupancy issued for the past month. He also updated the status of new homes being constructed in the Town.

Barcelona Harbor: (Pier closed for the season)

In Public Comment, there were issues brought forward or questions asked.

Announcements:

- Supervisor Bills announced that the monthly “1st Friday” will take place on the 7th of November from 3-9 at Crossroads & 6-9pm on Main Street
- She announced that STW will hold the Annual Fall Planning & Zoning Conference on 11/13/2008 in Jamestown
- She also announced the ‘Heat Smart NY’ program (1-877-NYSMART)

Old Business:

- Supervisor Bills discussed the status of the Rte 20 Bridge replacement project highlighting the current timeline and potential traffic routing issues.
- She also announced that that two grants were awarded to the Town (from the NYS Environmental Protection fund) in support of the recently published Lakefront Plan:
 1. Harbor / Pier Improvements (\$64,000)
 2. Barcelona Streetscape Study (\$10,000)

New Business:

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

Resolution #43 of 2008
Negative Declaration

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

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

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of an Environmental Assessment Form, and

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

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

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

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

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

Resolution #44 of 2008
Issuance of SUP
Rammelt SUP Application for Auto & Lt. Truck Repair Facility

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

WHEREAS, the Applicant is the recipient of a Special Use Permit issued March 13, 2007, which allows him to operate a farm equipment sales and service business at the same premises, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a Negative Declaration has been issued after examination of the record and public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held October 16, 2008 and recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-n of the General Municipal Law and the Department advised by letter dated October 24, 2008 that the matter was of local concern, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held November 5, 2008, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to operate a limited retail and repair shop for automobiles and light trucks at 7332 E. Main Road be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans submitted to the Town with the application, and agrees to be bound by the terms of the application and the conditions of this permit.

2. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
3. The terms, conditions, and requirements of this permit shall be cumulative with and in addition to any set out in the Special Use Permit for the property issued March 13, 2007, which permitted the operation of a farm equipment sales and service business.
4. The applicant shall commence operation of the business within one year of the issuance of this Permit. If operation has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new permit should he intend to continue the project.
5. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
6. This Special Use Permit shall become effective after the Applicant approves each and every provision hereof and agrees to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

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

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

Resolution #45 of 2008

Adoption of 2009 Town of Westfield Budget

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

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

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

Resolution #46 of 2008

Authorization for the Supervisor to Prepare and Distribute an E. Main Rd Water Project Engineering RFP

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

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

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

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

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

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

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

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

Resolution #47 of 2008

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

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

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

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

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

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

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

A Public Hearing was set as follows for December 3rd, 2008:

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

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

The next Town Meeting is scheduled for Wednesday, December 3rd, 2008 @ 7:30pm.

There being no further business, at 8:10pm. Martha Bills moved and David Brown seconded a motion to adjourn. Unanimously carried.

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

**PUBLIC HEARING
Town of Westfield
December 3rd, 2008
(Ceci SUP Application)**

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

| | | | |
|-------------|------------------|-----------------|---------------|
| Supervisor: | Martha R. Bills | Sara Herrman | Shirley Ibach |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Mike Ceci |
| | David Brown | Harold Nass | Susan Ceci |
| | Carl Vilaro, Jr. | Janet Nass | Herb Marker |
| | James Herbert | David Babcock | Jack Gulvin |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by Michael & Susan Ceci to operate small manufacturing business on Culver Road.

Michael Ceci provided a brief description of the application highlighting the fact that he purchased the property in the County auction, acquired the deed, worked with the County Health department on sanitation issues, and gave an overview of the business itself. All questions were answered satisfactorily.

There being no further questions or comments, Martha Bills moved and David Brown seconded the motion that the public hearing be closed at 7:29pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
December 3rd, 2008**

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 | Sara Herrman | Shirley Ibach |
| Councilmen: | Raymond Schuster | Marybelle Beigh | Mike Ceci |
| | David Brown | Harold Nass | Susan Ceci |
| | Carl Vilardo, Jr. | Janet Nass | Herb Marker |
| | James Herbert | David Babcock | Jack Gulvin |

James Herbert 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 \$1224.88 representing fees for the month of November 2008 was turned over to the Supervisor. State and County agencies received checks totaling \$1761.63.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>HSBC - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|--------------------------|
| Gen. A | \$606,817.00 | \$470,128.00 | \$7420.93 | \$655,895.54 |
| Gen B | 113,369.00 | 81,896.00 | 55.72 | 65,476.06 |
| Hwy DA | 247,397.00 | 233,051.00 | 198.62 | 256,717.57 |
| Hwy DB | 391,602.00 | 387,415.00 | 533.88 | 246,358.44 |
| Sewer HO1 | 22,984.00 | 22,595.00 | -0- | 16,958.47 |
| Water HO2 | 44,696.00 | 42,137.00 | -0- | 87,811.10 |
| Wfd. Fire | 65,274.00 | 67,767.00 | -0- | 68,405.77 |
| Sherm. Fire | 7,689.00 | 7858.00 | -0- | 0.65 |
| Totals: | \$1,499,828.00 | \$1,312,847.00 | \$8,209.15 | \$1,397,623.87 |

The Dog Warden's report for November 2008 was received and placed on file.

The Fire Department Report for November 2008 was received and placed on file.

The Historian's report for November 2008 was received and placed on file.

The Town Court report for November 2008 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for November and highlighted the fact that the new addition was close to completion.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 5 permits were issued in the Town, several construction inspections, and 1 Certificate of Occupancy issued for the past month. He also updated the status of new homes being constructed in the Town and noted that the Bailey SUP application for a Gift Shop has been withdrawn.

Barcelona Harbor:

- The Pier is closed for the season / No Report

In Public Comment, there questions asked about the upcoming balloon simulation test for the Wind Project and the use of a Code of Ethics for the Wind Project parent company. These were answered satisfactorily.

Old Business:

- Supervisor Bills provided an update on the status of the Wind Project DEIS highlighting that work continues daily.
- She stated that the Town received a letter from the NY Secretary of State confirming the two grants awarded (from the NYS Environmental Protection fund) in support of the recently Lakefront Plan:
 1. Harbor / Pier Improvements (\$64,000)
 2. Barcelona Streetscape Study (\$10,000)
- The Town received 2 Engineer Services proposals based on a recent advertised RFP. These proposals will be reviewed at a Special Meeting of the Town Board scheduled for December 17th, 2008.
- Senator Schumer recently spoke at the future site of the Concord Grape Belt Heritage Visitor Center on West Main Road. He pledged to assist in procuring further funding if available.

New Business:

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

Resolution #48 of 2008
Negative Declaration

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

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

WHEREAS, the proposed use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of an Environmental Assessment Form, and

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

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

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

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

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

**Resolution #49 of 2008
Issuance of SUP**

Operation of a Small Manufacturing Business (Ceci)

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

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a Negative Declaration has been issued after examination of the record and public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held November 20, 2008 and recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-n of the General Municipal Law and the Department advised by letter dated November 25, 2008 that the matter was of local concern, and

WHEREAS, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held December 3, 2008, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to operate a small manufacturing business for fabrication of steel rings on a parcel of land located at 8275 Culver Road be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans submitted to the Town with the application, and agrees to be bound by the terms of the application and the conditions of this permit.
2. The terms, conditions, and requirements of this permit bind and obligate the Applicant, its successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
3. The applicant shall commence operation of the business within one year of the issuance of this Permit. If operation has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new permit should he intend to continue the project.
4. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
5. This Special Use Permit shall become effective after the Applicant approves each and every provision hereof and agrees to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

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

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

Resolution #50 of 2008
 Authorization for Supervisor to Sign Agreement on behalf of Shorehaven Residents
 for Preliminary Engineering Report

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

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

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

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

Resolution #51 of 2008
 NYS DOT Detour Resolution

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

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

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

A Funds

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

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

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

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

- To increase budget to include a Records Inventory Grant:

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

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

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

DB: Funds - Highway Outside Village

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

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

General Reserve

- Close Chautauqua Windpower Accounts

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

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

- Public Hearings were set as follows for January 7th, 2009:

- 7:20pm Proposed LL # 1-2009 (Lot Size Requirements)
- 7:25pm SUP Application (Verizon / Cell Tower)

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

The next Town Meeting is scheduled for Wednesday, December 3rd, 2008 @ 7:30pm.

There being no further business, at 8:10pm. Martha Bills moved and David Brown seconded a motion to adjourn. Unanimously carried.

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