

**TOWN BOARD MEETING  
Town of Westfield  
February 1<sup>st</sup>, 2012**

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	Jim Pacanowski	Jenna Loughlin	Jamie Jaynes
Councilmen:	Raymond Schuster	Marybelle Beigh	William Bauer	Steve Woleben
	David Brown	David Babcock	Claude Abbey	Douglas Bowen
	James Herbert	Randy Edwards	Nancy Herbert	James Brotz
	David Spann	Joel Seachrist	Scott Rudnicki	Douglas Bowen
		Janet Nass	Kelly Brown	C.J. Holder
		Harold Nass	Carol Brown	

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 \$1083.01 representing fees for the month of January 2012 was turned over to the Supervisor. State and County agencies received checks totaling \$44.72.

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	\$182,032.00	\$47,575.00	\$645.89	\$899,324.52
Gen B	320.00	19,252.00	75.18	53,281.76
Hwy DA	256,800.00	26,969.00	98.62	440,067.79
Hwy DB	20,450.00	2726.00	37.64	204,000.31
Sewer HO1	25,103.00	19.52	-0-	5538.99
Water HO2	18,497.00	-0-	-0-	114,032.29
Wfd. Fire	-0-	-0-	-0-	328.71
Sherm. Fire	-0-	-0-	-0-	106.14
<b>Totals:</b>	<b>\$503,325.00</b>	<b>\$96,540.52</b>	<b>\$857.33</b>	<b>\$1,716,680.51</b>

The Dog Warden's report for January 2012 was received and placed on file.

The Fire Department Report for January 2012 was received and placed on file.

The Historian's report for January 2012 was received and placed on file.

The Town Court report for January 2012 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for January 2012 and highlighted obtaining a new lawn mower for the pier, the selling of older equipment (trailer / truck), and daily operations
- The Town Board unanimously approved the posting of roads with weight limits.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 1 Electric Service permit was issued in the Town for January 2012, a Certificate of Compliance issued, and the fact that construction continues on a new home on East Route 5.

Barcelona Harbor: (Pier is closed for the season)

Chautauqua County Under Sheriff C. J. Holder discussed sheriff coverage of the Town of Westfield ensuring that residents understood that emergency and non-emergency issues are responded to.

In Public Comment, Mr. William Bauer brought up the site of the burnt down house on N. Portage Street and noted that there should be a procedure in place to address clean-up.

Announcements:

- Supervisor Bills announced 3/1/2012 is the deadline for tax exemptions and 2/9/2012 is the date for a USAC Great Lakes Shallow Draft harbor meeting.

Old Business:

- Supervisor Bills noted that an addendum to the application to USDA for Barcelona water improvements was completed and submitted. She also noted that the Lakefront Committee will meet at 4:00pm 2/8/2012 in Eason Hall.

New Business:

-----

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

**Resolution No. 12 of 2012**  
Audit of 2011 Financial Records

**RESOLVED**, that on January 19<sup>th</sup>, 2012 the Westfield Town Board met for the purpose of auditing the 2011 town financial records. All records examined were found to be in order.

**BE IT FURTHER RESOLVED**, that on January 19<sup>th</sup>, 2012 Town Departments submitted their records for examination.

**BE IT FURTHER RESOLVED** Westfield Town Justices submitted for examination of 2011 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 Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye. David Spann, aye;

-----

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

**Resolution No. 13 of 2012**

Annual Review of Shared Services Highway Agreement w/County

**BE IT RESOLVED**, that the Town Board of Westfield after thorough review of the County's *Shared Highway Services Agreement* agrees to keep the document in place for the next year.

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

-----

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

**Resolution No. 14 of 2012**

Negative Declaration (Amend SUP for Recreation Area / Spann)

**WHEREAS**, David Spann (hereinafter, the "Applicant") has submitted an application to amend (through expansion) an existing Special Use Permit to operate Steelhead Run Recreation Area at 8324 West Lake Road, Westfield, designated as tax map parcel Section 192.06, Block 1, Lot 9.1, 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 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; Raymond Schuster, aye. David Spann recused himself.

-----

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

**Resolution No. 15 of 2012**

Issuance of Amendment to SUP for Recreation Area (Spann)

**WHEREAS**, David Spann (hereinafter, the "Applicant") has submitted an application to amend (through expansion) an existing Special Use Permit to operate Steelhead Run Recreation Area at 8324 West Lake Road, Westfield, designated as tax map parcel Section 192.06, Block 1, Lot 9.1, 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 amendment application during a meeting held January 18, 2012 and unanimously recommended approval of an amendment with any expansion being subject to Public Health Law, and

**WHEREAS**, the amendment 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 January 19, 2011 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 February 1, 2012 and finds justification to approve the amendment application subject to the qualifications hereinafter set out, now

**THEREFORE, BE IT RESOLVED**, that the amendment to the original SUP to operate Steelhead Run Recreation Area at 8324 West Lake Road (the "Use"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant is authorized to expand the Steelhead Run Recreational Area to include up to five campsites, of any combination of cabins and recreational vehicle sites, subject to any applicable regulations of the Chautauqua County Health Department.
2. The Applicant shall undertake the Use 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.
3. If construction of the Use 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.
4. 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.
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 Amended 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; James Herbert, aye; David Brown, aye; Raymond Schuster, aye. David Spann recused himself.

-----  
Warrants dated February 1, 2012 (voucher #'s 8626 - 8667), in the amount of \$49,197.07 drawn on the following funds: \$20,185.38 General; \$18,000.00 General Part-Town; \$7,489.55 Highway; \$2726.24 Highway Part-Town; 19.52 Sewer Fund; \$3.36 Shorehaven Water Project; and 773.02 Trust & Agency were presented and audited by the Board members. David Spann moved and James Herbert seconded a motion that the Supervisor be directed to draw the

necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; David Spann, aye.

Two Public Hearings were set for March 7<sup>th</sup>, 2012 at 7:20pm & 7:25pm in Eason Hall.

At 8:45pm Supervisor Bills moved and David Spann seconded a motion to move to Executive Session to discuss a particular employment history and lease proposal. Unanimously carried.

At 9:10pm Supervisor Bills moved and James Herbert seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, March 7<sup>th</sup>, 2012 @ 7:30pm.

There being no further business, at 9:12pm. James Herbert moved and Raymond Schuster seconded a motion to adjourn. Unanimously carried.

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