

**PUBLIC HEARING
Town of Westfield
March 6th, 2013
Amendment to Existing Verizon SUP**

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	Joel Seachrist
Councilmen:	Raymond Schuster	Marybelle Beigh	Jim Pacanowski
	David Brown	Claude Abbey	Mike VandeVelde
	David Spann	Carl Vilaro, Jr.	Jack Gulvin
		Roberta Vilaro	William Bauer
		Steve Woleben	Brett Morgan
		Michael Barodi	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an application to amend an existing SUP submitted on behalf of Verizon Wireless to replace 9 panel antennas and to remove 4 existing feedlines and add 12 new feedlines to an existing telecommunications tower located on Hardscrabble Road.

Mr. Brett Morgan explained the modification in detail and answered all questions.

There being no further questions or comments, David Spann moved and David Brown seconded the motion that the public hearing be closed at 7:24pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
March 6th, 2013
Amendment to Existing Airosmith Development (Sprint) SUP**

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	Joel Seachrist
Councilmen:	Raymond Schuster	Marybelle Beigh	Jim Pacanowski
	David Brown	Claude Abbey	Mike VandeVelde
	David Spann	Carl Vilaro, Jr.	Jack Gulvin
		Roberta Vilaro	William Bauer
		Steve Woleben	Brett Morgan
		Michael Barodi	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an application to amend an existing SUP submitted on behalf of Airosmith Development with Sprint as the carrier to allow for a total of 9 antennas, 3 new lines, and 2 new cabinets on the Cell Tower located on Reid Road.

Michael Barodi explained the modification in detail and answered all questions.

There being no further questions or comments, 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
March 6th, 2013**

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	Joel Seachrist
Councilmen:	Raymond Schuster	Marybelle Beigh	Jim Pacanowski
	David Brown	Claude Abbey	Mike VandeVelde
	David Spann	Carl Vilardo, Jr.	Jack Gulvin
		Roberta Vilardo	William Bauer
		Steve Woleben	Brett Morgan
		Michael Barodi	

Martha Bills moved and David Spann 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 \$2936.62 representing fees for the month of February 2013 was turned over to the Supervisor. State and County agencies received checks totaling \$203.56.

The Supervisor's report is as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>MM Balance</u>
Gen. A	\$359,514.00	\$128,346.00	\$646.69	\$1,007,518.96
Gen B	103,277.00	20,777.00	75.18	145,262.67
Hwy DA	272,784.00	64,840.00	98.62	455,433.60
Hwy DB	47,869.00	4686.00	37.64	161,807.07
Sewer HO1	23,239.00	26,000.00	-0-	2635.90
Water HO2	17,282.00	12,613.00	-0-	114,738.04
Wfd. Fire	46,303.00	-0-	-0-	53,962.44
Sherm. Fire	8,906.00	-0-	-0-	9,020.97
Totals:	\$879,174.00	\$244,649.00	\$858.13	\$1,950,379.65

The Dog Warden's report for February 2013 was received and placed on file.

The Fire Department Report for February 2013 was received and placed on file.

The Historian's report for February 2013 was received and placed on file.

The Town Court report for February 2013 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for February 2013 and highlighted fuel usage, road sign updates, and daily operations.
- Raymond Schuster moved and David Spann seconded a motion to authorize the annual bid for materials. Unanimously approved.
- David Brown moved and Raymond Schuster seconded a motion to authorize the posting of roads. Unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that no permits were issued in the Town for February 2013, and the fact that a Certificate of Occupancy was issued for a new residential home on Ogden Road.

Barcelona Harbor: (Pier is closed for the season)

Presentations:

- Aaron Resnick (Chairman, WDC) discussed the status of the 'Barcelona to Chautauqua Institution Trail'.
- Jay Warren (Chairman, NCCF Local Economic Development Committee) requested the Town of Westfield participate in the Local Waterfront Revitalization Program. The Town's portion of the local match for a grant for this program would be \$2000.

Announcements:

- Supervisor Bills announced that the Village Election is 3/19/2013 (12pm - 9pm) in Eason Hall and that the Town's AUD Report is available for review.

Old Business:

- Supervisor Bills stated that the Town has officially received funding from USDA RD for Barcelona water improvements (\$335K in a loan & \$750K in the form of a grant). The annual payment per resident is approximately \$133 per year.

New Business:

- David Spann moved and David Brown seconded a motion authorizing the Historian to attend 2013 Spring Meeting, April 20th, 2013 in Batavia with an amount not to exceed \$100. This was unanimously approved.

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

Resolution No. 14 of 2013

Negative Declaration / Verizon Wireless Amendment to existing SUP

WHEREAS, New York RSA No. 3 Cellular Partnership d/b/a Verizon Wireless (hereinafter, the “Applicant”) has applied for an amendment to an existing Special Use Permit to allow it to replace 9 panel antennas and to remove 4 existing feedlines and add 12 new feedlines to the Cell Tower at 8257Hardscrabble Road on property designated as tax map parcel Section 226.00, Block 1, Lot 26, 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 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 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 David Brown. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye. David Spann, aye;

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

Resolution No. 15 of 2013

Issuance of Amendment to existing SUP (Verizon Wireless)

WHEREAS, New York RSA No. 3 Cellular Partnership d/b/a Verizon Wireless (hereinafter, the “Applicant”) has applied for an amendment to an existing Special Use Permit to allow it to replace 9 panel antennas and to remove 4 existing feedlines and add 12 new feedlines to the Cell Tower at 8257Hardscrabble Road on property designated as tax map parcel Section 226.00, Block 1, Lot 26, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held February 13th, 2013 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 March 1st, 2013 that the matter was of local concern, and

WHEREAS, the Town board (“Board”) has carefully considered the issue of compliance with the State Environmental Quality Review Act, and has issued a negative declaration after examination of the record and a public hearing, and

WHEREAS, the Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held March 6th, 2013, after publication of legal notice, and finds ample justification to approve the application subject to the qualifications hereinafter set forth,

NOW, THEREFORE, BE IT RESOLVED, that the application 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, the site plan, and the conditions of this permit.
2. 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 authorizing the existing telecommunications tower, and any subsequent additions, modifications, or amendments thereto.
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 David Brown. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

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

Resolution No. 16 of 2013

Negative Declaration / Airosmith Development (Sprint) Amendment to existing SUP

WHEREAS, Airosmith Development with Sprint as the carrier (hereinafter, the “Applicant”) has applied for an amendment to an existing Special Use Permit to allow it to replace existing antennas with new antennas and to replace the cabinet of the Cell Tower located on Reid Road on property designated as tax map parcel Section 208.00, 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 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 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; David Brown, aye; Raymond Schuster, aye. David Spann, aye;

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

Resolution No. 17 of 2013

Issuance of Amendment to existing SUP (Airosmith Development / Sprint)

WHEREAS, Airosmith Development with Sprint as the carrier (hereinafter, the “Applicant”) has applied for an amendment to an existing Special Use Permit to allow for a total of 9 antennas, 3 new lines, and 2 new cabinets on the Cell Tower located on Reid Road on property designated as tax map parcel Section 208.00, Block 2, Lot 19, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held February 13th, 2013 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 March 1st , 2013 that the matter was of local concern, and

WHEREAS, the Town board (“Board”) has carefully considered the issue of compliance with the State Environmental Quality Review Act, and has issued a negative declaration after examination of the record and a public hearing, and

WHEREAS, the Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held March 6th, 2013, after publication of legal notice, and finds ample justification to approve the application subject to the qualifications hereinafter set forth,

NOW, THEREFORE, BE IT RESOLVED, that the application 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, the site plan, and the conditions of this permit.
2. 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 authorizing the existing telecommunications tower, and any subsequent additions, modifications, or amendments thereto.
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 David Spann. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye. David Spann, aye;

- Raymond Schuster moved and David Brown seconded a motion referring a zoning change request regulating outdoor markets to the Planning Board. This was unanimously approved.

Warrants dated March 6th, 2013 (voucher #'s 9340 - 9392 / voided #9367), in the amount of \$117,019.09 drawn on the following funds: \$101,032.20 General; \$158.87 General Part-Town; \$11,997.11 Highway; \$3069.68 Highway Part-Town; \$19.95 Sewer Fund; \$3.12 Shorehaven Water Project; and 738.16 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; David Spann, aye.

At 8:40pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss current litigation. Unanimously carried.

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

The next Town Meeting is scheduled for Wednesday, April 3rd, 2013 @ 7:30pm.

There being no further business, at 9:11pm. David Spann moved and David Brown seconded a motion to adjourn. Unanimously carried.

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