

CONTINUATION OF PUBLIC HEARING
Town of Westfield
July 13th, 2011
(SUP Application for a Recreation Area)

Supervisor Bills continued the Public Hearing (from 8 June 2011) at 7:21pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Harold Nass
Councilmen:	Raymond Schuster	Joel Seachrist	Janet Nass
	David Brown	Jim Pacanowski	Randy Edwards
	James Herbert	Claude Abbey	Marybelle Beigh
	David Spann		

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by David Spann to operate a Recreation Area near his residence at 8322 West Lake Road in Westfield. She noted that County Planning Department determined this to be a matter of local concern and the Town Planning Board recommended Town Board approval as long as Health Department standards were maintained.

There being no further questions or comments, David Brown moved and James Herbert seconded the motion that the public hearing be closed at 7:27pm. This was unanimously approved.

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

**PUBLIC HEARING
Town of Westfield
July 13th, 2011
(SUP Application for a 6' Fence)**

Supervisor Bills called the Public Hearing to order at 7:28pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Harold Nass
Councilmen:	Raymond Schuster	Joel Seachrist	Janet Nass
	David Brown	Jim Pacanowski	Randy Edwards
	James Herbert	Claude Abbey	Marybelle Beigh
	David Spann		

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP application submitted by Paul E. Baker to construct a 6' x 80' Privacy Fence on his property on Gun Club Road in Westfield. The Town Planning Board recommended approval and the County was not required to be notified.

There being no further questions or comments, Raymond Schuster moved and David Spann seconded the motion that the public hearing be closed at 7:31pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
July 13th, 2011**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:32pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Harold Nass
Councilmen:	Raymond Schuster	Joel Seachrist	Janet Nass
	David Brown	Jim Pacanowski	Randy Edwards
	James Herbert	Claude Abbey	Marybelle Beigh
	David Spann		

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 \$7761.20 representing fees for the month of June 2011 was turned over to the Supervisor. State and County agencies received checks totaling \$733.76.

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	\$461,892.00	\$242,365.00	\$9645.89	\$916,311.07
Gen B	108,547.00	41,901.00	55.72	120,969.49
Hwy DA	274,108.00	228,447.00	198.62	314,158.65
Hwy DB	116,209.00	104,597.00	1037.64	258,842.36
Sewer HO1	22,515.00	24,086.00	-0-	2,070.46
Water HO2	18,341.00	12,818.00	-0-	99,836.98
Wfd. Fire	65,209.00	-0-	-0-	65,527.93
Sherm. Fire	8,614.00	8,644.00	-0-	105.94
Totals:	\$1,075,435.00	\$662,858.00	\$10,937.87	\$1,777,822.88

The Dog Warden's report for June 2011 was received and placed on file.

The Fire Department Report for June 2011 was received and placed on file.

The Historian's report for June 2011 was received and placed on file.

The Town Court report for June 2011 was received and placed on file.

Highway:

- The Highway Superintendent submitted a written report on activities for June highlighting 7.15 miles of roads sealed and the fact that Proper is closing. We need to have another fuel source and it was recommended to purchase the tanks Proper has provided.

Code Enforcement:

- The Code Enforcement Officer submitted a report for June 2011 highlighting 6 Building Permits in the Town. One new home on Parker Road is looking for the C of O while a new home on Sherman has had the foundation set.

Barcelona Harbor:

- Jim Herbert briefed that new buoys have been emplaced and are working well. He also noted that breakwall swimming appears to have lessened.

In Public Comment Claude Abbey asked about establishment of his own recreation area and also about mowing at the Pier. Janet Nass commented on Board member participation in Public Hearings and regular meetings when discussion revolves around a permit that a specific Board member has applied for.

Supervisor announced the following:

- Westfield Arts & Crafts (29-30 June, 2011)

Old Business:

- Supervisor Bills provided a Project Update which included the potential impact of new NY State legislation in terms of Wind project construction and financing. She also noted that the Town successfully underwent a USDA security and civil rights review for the Forest Park water financing project.
- The Town Board accepted the resignation of Richard Sauer from the Town Planning Board with regret.
- David Spann moved and David Brown seconded a motion to appoint Diane Hamlin (Primary) and Chad Schofield (Alternate) as members of the Town Planning Board.

New Business:

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

Resolution No. 22 of 2011
Negative Declaration (SUP for Operation of a Recreation Area / Spann)

WHEREAS, David Spann (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to operate a 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.

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

Resolution No. 23 of 2011

Issuance of SUP to Operate a Recreation Area (Spann)

WHEREAS, David Spann (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to operate a 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 application during a meeting held June 16, 2011 and unanimously recommended approval of the application with the stipulation no more than 4 camp sites can be active at one time (includes the cabin, RV sites, and tent sites), 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 June 11, 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 July 13, 2011 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 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 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.
2. 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.

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 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; James Herbert, aye; David Brown, aye; Raymond Schuster, aye; David Spann, recused himself.

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

Resolution No. 24 of 2011

Negative Declaration (SUP for 6' High x 80' Long Fence / Baker)

WHEREAS, Paul E. Baker (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to construct a 6' x 80' fence at 7643 Gun Club Road, Westfield, designated as tax map parcel Section 192.10, Block 1, Lot 23, 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; James Herbert, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

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

Resolution No. 25 of 2011

Issuance of SUP to Construct a 6' High x 80' Long Fence (Baker)

WHEREAS, Paul E. Baker (hereinafter, the "Applicant") has submitted an application for a Special Use Permit to construct a 6' x 80' fence at 7643 Gun Club Road, Westfield, designated as tax map parcel Section 192.10, Block 1, Lot 23, 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 June 16, 2011 and unanimously recommended approval of the application, and

WHEREAS, the Town Board finds that the additional 2' of fence height will not unreasonably impede visibility from adjacent properties, nor adversely affect light and air movement, 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 July 13, 2011 and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to construct a 6' x 80' fence at 7643 Gun Club Road (the "Use"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. 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.
2. 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.
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 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 Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

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- A Public Hearing date for proposed Local Law 2-2011 (Terms of Town Offices) was set for August 3rd, 2011 @ 7:25pm.
 - Raymond Schuster moved and David Spann seconded a motion to appoint Debbie Ruland as a Part-time Pier Attendant. Unanimously approved.
 - David Brown moved and David Spann seconded a motion to authorize the Assessor to attend the ORPTS Certification Course (July 17-22). Unanimously approved.

Raymond Schuster moved and David Spann 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.

At 8:40pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss a specific contract negotiation and a particular personnel history. Unanimously carried.

At 9:05pm James Herbert moved and David Brown seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, August 3rd, 2011 @ 7:30pm.

There being no further business, at 9:07pm David Spann moved and James Herbert seconded a motion to adjourn. Unanimously carried.

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