

PUBLIC HEARING
Town of Westfield
July 10th, 2013
SUP Application for an Outdoor Market

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	Jim Pacanowski	Marybelle Beigh
	David Brown	Claude Abbey	William Bauer
	David Spann	Janet Nass	Michael Ceci
	James Herbert	Harold Nass	Aaron Resnick

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP Application submitted by Mei Lu for an Outdoor Market on the Westfield - Sherman Road. After the applicants provided a brief synopsis of their proposal there was limited discussion and all issues identified were addressed.

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
July 10th, 2013

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:31pm 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	Jim Pacanowski	Marybelle Beigh
	David Brown	Claude Abbey	William Bauer
	David Spann	Janet Nass	Michael Ceci
	James Herbert	Harold Nass	Aaron Resnick

Martha Bills 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 with one amendment (adding Paul Dimperio as a Transfer Station Attendant). Unanimously carried.

The Town Clerk's report together with a check in the amount of \$6, 2456.12 representing fees for the month of June 2013 was turned over to the Supervisor. State and County agencies received checks totaling \$420.88.

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	\$462,456.00	\$355,501.00	\$646.69	\$838,758.57
Gen B	158,389.00	40,259.00	75.18	183,697.94
Hwy DA	288,292.00	204,413.00	515.84	328,789.34
Hwy DB	92,254.00	105,867.00	37.64	125,362.38
Sewer HO1	23,241.00	26,080.00	-0-	2553.93
Water HO2	17,357.00	12,408.00	-0-	102,405.56
Wfd. Fire	46,342.00	-0-	-0-	54,002.00
Sherm. Fire	8,912.00	8,932.00	-0-	95.95
Totals:	\$1,097,243.00	\$753,460.00	\$1275.35	\$1,635,665.67

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

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

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

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

The Westfield Police report for June 2013 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for June 2013 and highlighted fuel usage, ditching, and sluice pipe replacement.
- David Brown moved and Raymond Schuster seconded a motion to approve accepting a bid of \$38,808 from Hybrid Solutions for a Salt Building (provided CHIPS funds can be used). Unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 4 permits were issued in the Town for June 2013 and also a Certificate of Occupancy for Add Lumber.

Barcelona Harbor

- Supervisor Bills discussed The Army Corps of Engineers' announcement that the federal channel of Barcelona Harbor will be dredged in 2014 with federal funds from Hurricane Sandy Relief money.

Public Comment:

- Michael Ceci announced that 2nd Annual Cruise for Hunger is scheduled for August 10th, 2013 and informed the Town that he is planning for more cruise-in's in the future.

Supervisor made the following announcements:

- Alumnae Weekend & Firemen's Ox Roast (13 & 14 July 2013)
- 'First Friday' (2 August 2013) Sponsored by the Chamber of Commerce (5-8pm)
- Arts & Crafts (26-27 July 2013)
- Firemen's Convention (31 July - 3 August 2013)

Old Business:

Supervisor Bills stated that an Engineer update being scheduled for the Barcelona Water Project was held on June 20th, 2013. The meeting was held to discuss the project in general and obtain an Engineering update from Nussbaumer and Clarke.

Gary Muffoletto, Chief Engineer, discussed work to date on the preliminary water project site map with the Town Board.

New Business:

- Martha Bills moved and David Brown seconded a motion to appoint Barbara Johnson as a Part-Time Pier Attendant (if needed). Unanimously approved.

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

Resolution #31 of 2013
Standard Work Day and Reporting

BE IT RESOLVED, that the Town of Westfield hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Town Clerk	Timothy Smith	6.5	1/1/2012 – 12/31/2015	Y	N/A
Town Supervisor	Martha Bills	6.5	1/1/2012 – 12/31/2015	N	22
Highway Superintendent	David Babcock	8	1/1/2012 – 12/31/2015	Y	N/A
Town Councilman	David Brown	6.5	1/1/2012 – 12/31/2015	N	2.5
Town Councilman	David Spann	6.5	1/1/2010 – 12/31/2013	N	2.5
Appointed Officials					
Tax Collector	Donna Sanderson	6.5	1/1/2013 – 12/31/2013	Y	N/A
Bookkeeper	Donna Sanderson	6.5	1/1/2013 – 12/31/2013	Y	N/A
Deputy Town Clerk	Donna Sanderson	6.5	1/1/2013 – 12/31/2013	Y	N/A
Deputy Registrar	Donna Sanderson	6.5	1/1/2013 – 12/31/2013	Y	N/A
Registrar	Timothy Smith	6.5	1/1/2013 – 12/31/2013	Y	N/A
Bingo Inspector	Timothy Smith	6.5	1/1/2013 – 12/31/2013	Y	N/A
Records Management Officer	Timothy Smith	6.5	1/1/2013 – 12/31/2013	Y	N/A
Deputy Tax Collector	Timothy Smith	6.5	1/1/2013 – 12/31/2013	Y	N/A
Assessor	Bonnie Rae Strickland	8	12/16/2008 – 9/30/2013	Y	N/A
Town Court Clerk	Kathleen Alexander	6	1/1/2013 – 12/31/2013	Y	N/A
Code Enforcement	James Pacanowski	6.5	1/1/2013 – 12/31/2013	Y	N/A
Deputy Hwy Superintendent	Scott Frudd	8	1/1/2013 – 12/31/2013	Y	N/A

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

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

Resolution #32 of 2013
Negative Declaration (SUP Application for Outdoor Market)

WHEREAS, Mei Lu (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to operate an Outdoor Market on property owned by her on Sherman Road, Westfield, designated as tax map parcel Section 243.00, Block 1, Lot 30.2, 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; David Brown, aye; Raymond Schuster, aye; James Herbert, aye; David Spann, aye.

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

Resolution #33 of 2013
Issuance of SUP (Outdoor Market)

WHEREAS, Mei Lu (hereinafter, the “Applicant”) has submitted an application for a Special Use Permit to operate an Outdoor Market on property owned by her on Sherman Road, Westfield, designated as tax map parcel Section 243.00, Block 1, Lot 30.2, 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 of Westfield Planning Board reviewed the application during a meeting held June 12, 2013 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 July 1, 2013 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 10, 2013, 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 Outdoor Market on property located on Sherman 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 SUP.

2. If operation of the business has not commenced within one year of the issuance of this SUP, this SUP shall become void and the Applicants shall be required to apply for a new SUP should they intend to continue the project.
3. The terms, conditions, and requirements of this SUP bind and obligate the Applicants, their successors, and assigns. This SUP 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 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 David Spann. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; James Herbert, aye; David Spann, aye.

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

Resolution #34 of 2013

Designating the Town Clerk to Receive Notices of Claims Served Upon the Secretary of State

WHEREAS, General Municipal Law §53 requires municipalities to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the Town's agent; and

WHEREAS, pursuant to General Municipal Law §50-e(1)(a) the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Westfield, County of Chautauqua, designates Timothy C. Smith, in his capacity as Town Clerk, or the Successor Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 23 Elm Street, Westfield, New York 14787, and by e-mail at tim@townofwestfield.org; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him of the Town's designation and applicable time limitation for filing a notice of claim with the Town on or before July 15, 2013.

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

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

RESOLVED, that, pursuant to the Construction & Demolition Waste Addendum to the Chautauqua County Shared Highway Services Agreement, the Town of Westfield hereby agrees to borrow up to 50 tons of annual credit for tipping fees for the calendar year 2013 from the Town of Chautauqua. The Town of Westfield will loan a commensurate amount back to the Town of Chautauqua in calendar year 2014.

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

Warrants dated July 10th, 2013 (voucher #'s 9564 - 9630), in the amount of \$72,444.36 drawn on the following funds: General \$34,603.82; General Part-Town \$2964.13; Highway \$10,044.34; Highway Part-Town \$23,421.77; Sewer Fund \$332.11; Shorehaven Water Project \$340.03; and Trust & Agency \$738.16 were presented and audited by the Board members. James Herbert 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 8:35pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss current pending litigation and land acquisition. Unanimously carried.

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

The next Town Meeting is scheduled for Wednesday, August 7th, 2013 @ 7:30pm.

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

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