

PUBLIC HEARING
Town of Westfield
October 7th, 2015
(Sherman Fire District)

Supervisor Bills called the public hearing to order at 7:05pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Jim Pacanowski	Jeff Breads
Councilmen:	Raymond Schuster	Diane Strain	Sue Breads
	David Brown	Kim Schrader	Matthew Trusso
	James Herbert	Martin Schrader	Andrea Babcock
	David Spann	Jill Santi	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Sherman Fire District budget of \$9,854.00 for 2016. She explained that this is a 3% increase from the previous year. There were some questions which were answered satisfactorily.

There being no further business, Martha Bills moved and James Herbert seconded the motion that the public hearing be closed at 7:09pm. This was unanimously approved.

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

PUBLIC HEARING
Town of Westfield
October 7th, 2015
(Westfield Fire District)

Supervisor Bills called the public hearing to order at 7:10pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Jim Pacanowski	Jeff Breads
Councilmen:	Raymond Schuster	Diane Strain	Sue Breads
	David Brown	Kim Schrader	Matthew Trusso
	James Herbert	Martin Schrader	Andrea Babcock
	David Spann	Jill Santi	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Westfield Fire District contract of \$46,527.22 for 2016. The actual amount is \$54,000 including the contract for expenses and equip fund. She provided a brief description of the budget highlighting that as always this expense is split with the Village based on actual department costs. There were some questions from the audience which were answered satisfactorily.

There being no further business, Martha Bills moved and David Brown seconded the motion that the public hearing be closed at 7:15pm. This was unanimously approved.

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

PUBLIC HEARING
Town of Westfield
October 7th, 2015
(SUP Application Accessory Building as Primary Structure)

Supervisor Bills called the public hearing to order at 7:16pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Jim Pacanowski	Jeff Breads
Councilmen:	Raymond Schuster	Diane Strain	Sue Breads
	David Brown	Kim Schrader	Matthew Trusso
	James Herbert	Martin Schrader	Andrea Babcock
	David Spann	Jill Santi	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP Application submitted by Martin & Kim Schrader to have an Accessory Building as a primary structure on parcel derived from planned split of a larger parcel. The Martins provided a brief description of the application. There were some questions which were answered satisfactorily.

There being no further business, David Spann moved and David Brown seconded the motion that the public hearing be closed at 7:21pm. This was unanimously approved.

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

PUBLIC HEARING
Town of Westfield
October 7th, 2015
(SUP Cell Tower Modification - Chautauqua County, Hardscrabble Road)

Supervisor Bills called the public hearing to order at 7:22pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Jim Pacanowski	Jeff Breads
Councilmen:	Raymond Schuster	Diane Strain	Sue Breads
	David Brown	Kim Schrader	Matthew Trusso
	James Herbert	Martin Schrader	Andrea Babcock
	David Spann	Jill Santi	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP Modification Application (Cell Tower) submitted by the Chautauqua County Radio Department to enhance Public Safety Communications. Matthew Trusso provided a brief description of the application. There were some questions which were answered satisfactorily.

There being no further business, Martha Bills moved and James Herbert 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 7th, 2015
(Revised Shorehaven Benefit District Map, Plan, and Report)

Supervisor Bills called the public hearing to order at 7:26pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Jim Pacanowski	Jeff Breads
Councilmen:	Raymond Schuster	Diane Strain	Sue Breads
	David Brown	Kim Schrader	Matthew Trusso
	James Herbert	Martin Schrader	Andrea Babcock
	David Spann	Jill Santi	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to making minor revisions to the Shorehaven Benefit District Map, Plan, and Report (MPR). Supervisor Bills provided a brief description of the revision which will more accurately describe the legal relationship between the Towns of Westfield and Ripley. There were some questions which were answered satisfactorily.

There being no further business, David Brown 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
October 7th, 2015

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	Jim Pacanowski	Jeff Breads
Councilmen:	Raymond Schuster	Diane Strain	Sue Breads
	David Brown	Kim Schrader	Matthew Trusso
	James Herbert	Martin Schrader	Andrea Babcock
	David Spann	Jill Santi	

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 \$4020.21 representing fees for the month of September 2015 was turned over to the Supervisor. State and County agencies received checks totaling \$4157.79.

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	\$594,937.80	\$385,847.09	\$16,068.41	\$812,731.09
Gen B	104,556.37	58,027.65	75.18	93,113.43
Hwy DA	330,773.36	188,176.58	515.84	413,031.55
Hwy DB	216,018.93	369,269.87	37.64	55,676.80
Sewer HO1	22,609.90	20,118.96	-0-	4,548.85
Water HO2	15,876.74	11,997.50	-0-	102,319.55
Wfd. Fire	55,045.69	-0-	-0-	54,571.51
Sherm. Fire	9,541.66	9,536.00	-0-	108.19
Totals:	\$1,348,360.45	\$1,042,973.65	\$16,697.07	\$1,536,100.97

The Dog Warden’s report for September 2015 was received and placed on file.

The Fire Department Report for September 2015 was received and placed on file.

The Historian’s report for September 2015 was received and placed on file.

The Town Court report for September 2015 was received and placed on file.

The Westfield Police report for September 2015 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for September 2015 and highlighted blacktopping, closing the Barcelona Harbor, & fuel usage.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 8 permits were issued in the Town for September 2015 and updates on home construction and additions.

Barcelona Harbor. The Pier is now closed for the season.

Public Comment: None.

The Town Supervisor made the following announcements:

- Fall Clean-Up (Transfer Station / 10 Oct 2015 from 9:00am - 1:00pm)
- Public Meeting (Municipal Billing for Ambulance Services / October 22nd, 2015 @ 7:00pm)
- STW Fall Planning & Zoning Conference (Chautauqua Suites / 5 Nov 2015)

Old Business:

- Supervisor Bills stated that a USDA-RD / State Engineer warranty inspection will take place in October. In addition, the required Federal Audit is underway.
- She also showed the concept drawing for the Town Parking Lot at Moose Beach.

New Business:

- A Special Meeting (2016 Budget Workshop #2) was set for 19 Oct 2015 @ 4:00pm.
- Martha Bills moved and David Brown seconded a motion to set dates for the following Public Hearings:
 - Preliminary Budget (7:20pm / 4 Nov 2015 in Eason Hall)
 - Special Assessment Roll (7:25pm / 4 Nov 2015 in Eason Hall)

These were unanimously approved.

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

Resolution #49 of 2015

Authorization for the Supervisor to Sign the Sherman and Westfield Fire District Contracts

RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign the contracts for the 2016 Sherman and Westfield Fire Districts.

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

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

Resolution #50 of 2015

Negative Declaration - SUP for Accessory Building as Primary Structure (Schrader / Sherman Road)

WHEREAS, the Town Board of the Town of Westfield is considering the application of Martin and Kimberly Schrader for a Special Use Permit to allow for an Accessory Building as Primary Structure on Sherman Road, and

WHEREAS, the 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 full 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 use, and

WHEREAS, the Board has determined that the facility changes proposed in the application 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 application of Martin and Kimberly Schrader.

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

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

Resolution #51 of 2015

Issuance of SUP for Accessory Building as Primary Structure (Schrader / Sherman Road)

WHEREAS, the Town Board of the Town of Westfield is considering the application of Martin and Kimberly Schrader for a Special Use Permit to allow for an Accessory Building as Primary Structure on Sherman Road, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held September 23rd, 2015 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 September 29th, 2015 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 October 7th, 2015 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 Modification to an Existing 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 Modification to an Existing Special Use Permit.

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

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

Resolution #52 of 2015

Negative Declaration - SUP Modification for Cell Tower / Hardscrabble Rd

WHEREAS, the Town Board of the Town of Westfield is considering the application of Chautauqua County (Radio Department) for modification of an existing Special Use Permit to allow the placement of three (3) new Public Safety antennas on an existing telecommunications tower at 8257 Hardscrabble Road, on a parcel designated as tax map Section 226.00, Block 1, Lot 26, and

WHEREAS, the 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 full 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 use, and

WHEREAS, the Board has determined that the facility changes proposed in the application 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 application of Chautauqua County (Radio Department).

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

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

Resolution #53 of 2015
Issuance of SUP Modification for Cell Tower / Hardscrabble Rd

WHEREAS, the Town Board of the Town of Westfield is considering the application of Chautauqua County (Radio Department) for modification of an existing Special Use Permit to allow the placement of three (3) new Public Safety antennas on an existing telecommunications tower at 8257 Hardscrabble Road, on a parcel designated as tax map Section 226.00, Block 1, Lot 26, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held September 23rd, 2015 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 September 29th, 2015 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 October 7th, 2015 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 Modification to an Existing 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 Modification to an Existing 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; James Herbert, aye.

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

Resolution #54 of 2015
Revised Shorehaven Benefit District Map, Plan, and Report (MPR)

At a regular meeting of the Town Board of the Town of Westfield, Chautauqua County, New York, held at Eason Hall, 23 Elm Street, in Westfield, New York in said Town, on October 7, 2015, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:	<u>Martha R. Bills</u> Supervisor	<u>David Brown</u> Councilman
	<u>Raymond Schuster</u> Councilman	<u>James Herbert</u> Councilman
	<u>David Spann</u> Councilman	

In the Matter of the Increase and Improvement of the
Facilities of the North Town Water District in the Town of **RE-AFFIRMATION OF PUBLIC INTEREST ORDER**
Westfield, Chautauqua County, New York

WHEREAS, the Town Board of the Town of Westfield, Chautauqua County, New York, duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202b of the Town Law, relating to the increase and improvement of the facilities of the North Town Water District in the Town of Westfield, Chautauqua County, New York, consisting of the construction of water systems improvements as further described in said map, plan and report, for an area to be known as the Shorehaven Benefit District; and

WHEREAS, at public hearing was duly called and held by said Town Board on July 17, 2015, following which a Public Interest Order was adopted finding that it was in the public interest to increase and improve the facilities of the North Town Water District in the Town of Westfield, Chautauqua County, New York, consisting of the construction of water systems improvements as further described in the map, plan and report prepared in connection therewith, at a maximum estimated cost of \$838,000, and to diminish the boundaries of the current Shorehaven Benefit District to that area described and depicted in the map, plan, and report, which benefitted area shall continue to be known as the Shorehaven Benefit District, and

WHEREAS, following the said public hearing it was recommended that minor changes be made to the description of the project contained in the map, plan, and report to more accurately describe the legal relationship between the Town of Westfield and Town of Ripley with regard to the project, and those changes are contained in a the "Final Map, Plan, and Report" revised September 2015,

WHEREAS, a second public hearing was duly noticed and held at Eason Hall in Westfield, New York, in said Town, on October 7, 2015, at 7:25 o'clock P.M., Prevailing Time, at which all persons desiring to be heard were duly heard;

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Westfield, Chautauqua County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearings, and upon the revised Map, Plan, and Report dated September 2015, it is hereby re-affirmed that it is in the public interest to increase and improve the facilities of the North Town Water District in the Town of Westfield, Chautauqua County, New York, consisting of the

construction of water systems improvements as further described in the map, plan and report prepared in connection therewith, at a maximum estimated cost of \$838,000, and to diminish the boundaries of the current Shorehaven Benefit District to that area described and depicted in the map, plan, and report, which benefitted area shall continue to be known as the Shorehaven Benefit District.

Section 2. This order shall take effect immediately.

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

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

Resolution #55 of 2015
Water Sale Agreement

WHEREAS, the Town of Westfield's North Town Water District has received a request from Randolph Ruland of 7323 Walker Road, Westfield, New York, designated on the official tax map of Chautauqua County as Section 192.00, Block 1, Lot 39, to become an outside user of the Shorehaven Benefit District; and

WHEREAS, Mr. Ruland will be responsible for all installation costs, including those for a highway work permit allowing her to install a service line in the Town's right-of-way along Walker Road,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor, after review and recommendation of the Town Attorney, is hereby authorized to sign the Outside User Agreement with Randolph Ruland to become an outside user of the West Route 5 Water District (Edgewater), providing payment of all appropriate fees as set forth in the Agreement and related permits.

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

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

Resolution #56 of 2015
Use of Highway Right-of-Way

BE IT RESOLVED, the Town Board of the Town of Westfield hereby consents to Town highway right-of-way use on the east side of Walker Road (approximately 1800') from Route 5 southward for the purpose of running a residential water service.

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

- Warrants dated October 7th, 2015 (voucher #'s 11256 - 11329) in the amount of \$83,768.25 were drawn on the following funds:

General	\$33,874.88	Shorehaven Water Project	\$3.05
General Part-Town	\$0.00	Sherman FD	\$0.00
Highway	\$13,108.14	Trust & Agency	\$810.56
Highway Part-Town	\$21,269.89	Welch Building	\$8,288.39
Sewer Fund	\$15.42	Welch Building Plantrol	\$0.00
Welch Bldg Operating	\$0.00	Barcelona Water	\$0.00

These were presented and audited by the Board members. David Brown moved and Martha Bills 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; James Herbert, aye; Raymond Schuster, aye; David Brown, aye; David Spann, aye.

- At 8:20pm Supervisor Bills moved and David Spann seconded a motion to move to Executive Session to discuss a particular personnel history and pending legal action. Unanimously carried.

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

- The next Town Meeting is scheduled for Wednesday, November 4th, 2015 @ 7:30pm.
- There being no further business, at 9:12pm. James Herbert moved and David Brown seconded a motion to adjourn. Unanimously carried.

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