

PUBLIC HEARING

Town of Westfield

May 3rd, 2017

Public Hearing to

Regarding the adoption of Local Law No.1 of 2017 which would create a new Light industrial (LI) zoning district and re-zone parts of the C-M District.

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	Guest:	Theresa Cochran	David Walker	Joan Kunow
Dep Super:	David Brown		Ann Kneer	William Bauer	Nancy Burkhart
Councilmen:	Raymond Schuster		Ed Kneer	Janet Nass	Steve Rudnicki
	David Spann		Philip Cowan	Bruce Lyon	Randy McNeal
	James Herbert		Tom Tarpley	Nan Doolittle	Carol Landon
			Lori Young	Tim Doolittle	Marion Eno
			Marybelle Beigh	Peter Kunow	Don Eno
			Ann Nixon	Fred Johnson	Tonja Dodd, Observer

Supervisor Bills opened the Public Hearing to hear all persons in regards to Local Law #1 of 2017 establishing a new Light Industrial District.

Proof of Publication of the public hearing from the Town Clerk was available.

The Town Planning Board accepted and referred the final report and recommendations to the Town Board members for their review and disposition on February 8th, 2017.

The County Planning Board has reviewed the Planning Boards, Zoning analysis and recommendations regarding the Commercial-Manufacturing District. A letter was received and the proposed action would have no significant county-wide or inter-community impact.

Attorney Joel Seachrist discussed the proposed change and answered questions from area residents.

Deputy Supervisor David Brown recommended that the town board table adopting the Local Law for 30 days. A few more legal questions need to be addressed to move forward with the voting.

Area residents voiced concerns regarding the 30 day delay of adopting the Local Law. Supervisor Bills discussed what the Local Law R-12 zoning would mean to residents if they want to add a business to their residences. The Town board wants to make sure that this will be good for the district, and wants to make sure everyone is comfortable with the change.

Supervisor Bills made the motion to close the public hearing at 7:35pm. Councilman Raymond Schuster seconded the motion. This was unanimously approved.

Respectfully submitted,

//original signed//

Andrea L. Babcock, Town Clerk

TOWN BOARD MEETING
Town of Westfield
May 3rd, 2017

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:37pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest: Theresa Cochran	David Walker	Joan Kunow
Dep Super:	David Brown	Ann Kneer	William Bauer	Nancy Burkhart
Councilmen:	Raymond Schuster	Ed Kneer	Janety Nass	Steve Rudnicki
	David Spann	Philip Cowan	Bruce Lyon	Randy McNeal
	James Herbert	Tom Tarpley	Nan Doolittle	Carol Landon
		Lori Young	Tim Doolittle	Marion Eno
		Marybelle Beigh	Peter Kunow	Don Eno
		Ann Nixon	Fred Johnson	Tonja Dodd, Observer

Pledge of Allegiance

Councilman Raymond Schuster made a motion to waive the reading of the April 5, 2017 minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman David Spann and carried unanimously.

Reports:

The Town Clerk's report together with a check in the amount of \$2618.64 representing fees for the month of April 2017 was turned over to Supervisor Bills. A check for \$112.50 representing fees for the month of April to NYS Department of Health, Marriage Licenses and a check in the amount of \$47.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$170.06 will be withdrawn on the 14th.

Supervisor Bills presented the monthly report on the Town's finances for the month of March 2017. The Supervisor's Monthly Report for March 2017 is accepted as submitted.

The Dog Warden's report for April 2017 was received and placed on file.

The Fire Department Report for April 2017 was received and placed on file.

The Historian's report for April 2017 was received and placed on file.

- Pleased to announce new location of Historians office, located at the Electric Department, on English St.

The Town Court report for April 2017 was received and placed on file.

The WPD report for April 2017 was received and placed on file.

Highway:

- Town Highway Superintendent David Babcock submitted a written report on activities for April 2017 and highlighted fuel usage, cleaning sluice pipes throughout the Town, cleaning plow equipment and working on Terrace St. Then Highway Dept. installed a new light pole at the Harbor along with fixing the parking lot. The report has been received and placed on file.

Code Enforcement:

The Code Enforcement Officer submitted a written report highlighting that 6 permits were issued in the Town for April 2017. The report has been received and placed on file.

Two Special Use permit applications have been received.

- Loyal Order of the Moose, Lake Property (Private/Members only Campground)
- Crossroads Farm and Craft Market(two phase application)

Barcelona Harbor:

The Pier will open May 15th for the 2017 season.

Breakwall repair information will be available at the next Town Board meeting.

Public Comment:

- East Lake Road resident Marion Eno asked what is taking so long, 11 years and counting. Supervisor Bills spoke to the Engineer and they are working on the environmental review. Supervisor Bills, explained that we could not go east with the water line until Barcelona was complete, and now it is complete. Supervisor Bills will be attending a meeting on May 4th and will hopefully know more information at the next Town Board Meeting.
- West Route 20 resident Peter Kunow asked why is other water districts taking so long and others are not? Area residents voiced their concerns and asked questions about the potential water district.
- Shorehaven has taken more than 2 years to complete the second phase paper work.
- Don Eno, asked about freon and what is to be done when disposing of it. Councilman, Raymond Schuster referred him to contact a refrigeration company and the county land fill to dispose of them.

- Deputy Supervisor, David Brown attended the Emergency Service Conference
 - Consolidation of services for police, fire, municipalities.

Announcements:

- Spring Clean-up (Saturday, May 6th, 9:00-1:00 @ Transfer Station)
- Rabies Clinic (Saturday, May 13th, 11:00-2:00 @ Town Barn)
- eWaste Turn-in (Saturday, May 20th, 9:00-1:00 @ Town Barn)
- Assessor with the tentative assessment roll:
 - May 2nd, 9am-1pm, May 6th, 1pm-5pm
 - May 9th 9am-1pm, May 15th, 4pm-8pm
- Grievance Day, The Board of Assessment Review will meet on May 23, 2017 (2:00pm - 4:00pm) and (6:00pm-8:00pm)
- Memorial Day Parade 10:30am Monday, May 29, 2017

Old Business:

West Main Route 20 residents have asked about the funding for the West Main Route 20 water district and where the Town stands at this point. Supervisor Bills read to the board and to the public **RESOLUTION #25 OF 2016.**

A RESOLUTION AUTHORIZING THE COST OF PREPARATION OF A MAP, PLAN AND REPORT REGARDING THE INCREASE IN FACILITIES OF THE NORTH TOWN WATER DISTRICT.

WHEREAS the Town of Westfield, New York (the "Town") has established the North Town Water District to assist in the funding, construction and oversight of water distribution systems in the northern part of the Town, which district includes West Main Road/Route 20 west of the Village of Westfield, and

WHEREAS there is a need to provide potable water to businesses and residences along West Main Road/Route 20 and the Town and Village of Westfield are co-ordinating efforts to determine whether the Village can supply such water and Town can install water main at a reasonable cost, and

WHEREAS grant funding may be available to facilitate the project in part, and

WHEREAS the Town desires to study the feasibility of such a project,

NOW, THEREFORE, BE IT

RESOLVED that, pursuant to Town Law §202-b, the sum not to exceed \$3,250 is appropriated to pay the cost of preparing a general map, plan, and report and preliminary environmental review for the construction of a water main and appurtenant facilities in the North Town Water District running along the West Main Road/Route 20 from the western boundary of the Village of Westfield to approximately Walker Road.

New Business:

- *Supervisor Bills made the motion to have the Town Planning Board review two Special Use permit applications and schedule a Public Hearing for June 7th at 7:20pm, (Modification of Crossroads) and 7:25pm, (Moose Campground). The motion was seconded by Deputy Supervisor Brown.*

Resolutions for 5/3/2017 meeting:

Supervisor Bills requested the Town Attorney to go over the environmental review and discuss with the board;

RESOLUTION #25 OF 2017

**Negative Declaration for the proposed Local Law #1
Create new Light Industrial Zoning District and Re-Zone parts of the current Commercial
Manufacturing District.**

Moved by David Spann, seconded by Raymond Schuster:

WHEREAS, the Town of Westfield has proposed Local Law No. 1 of 2017 to eliminate the current Commercial-Manufacturing (C-M) District near the intersection of Hawley Street and North Gale Street and split it into three new zoning designations, with part being a new Light-Industrial (L-I) District, part along North Gale Street being re-designated as Residential (R-12), and the remainder being absorbed into the Residential-Agricultural (R-A) District, and

WHEREAS, the proposed local law 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 long 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 local law, and

WHEREAS, the Board has determined that the proposed local law will not have a significant environmental impact,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby issues a Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed Local Law No. 1 of 2017.

Voting was as follows: Supervisor, Martha Bills, aye; Deputy Supervisor, David Brown, aye; Councilman, Raymond Schuster, aye; Councilman, James Herbert, aye; Councilman, David Spann, aye

*Deputy Supervisor David Brown and Attorney Joel Seachrist removed themselves at 8:15 from the meeting to discuss a legal matter. Deputy Supervisor David Brown and Attorney Joel Seachrist entered back into the regular Town board meeting at 8:17pm.
Deputy Supervisor David Brown offered the following resolution and moved its adoption:*

Resolution #26 of 2017

TO ADOPT LOCAL LAW NO. 1 OF 2017

**Create new Light Industrial Zoning District and Re-Zone parts of the current Commercial
Manufacturing District.**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Westfield for a public hearing to be held by said Board on May 3, 2017 at 7:20 p.m. at the North Room, Eason

Hall, 23 Elm Street, Westfield, New York 14787, to hear all interested parties on a proposed Local Law to eliminate the current Commercial-Manufacturing (C-M) District near the intersection of Hawley Street and North Gale Street and split it into three new zoning designations, with part being a new Light-Industrial (L-I) District, part along North Gale Street being re-designated as Residential (R-12), and the remainder being absorbed into the Residential-Agricultural (R-A) District, and

WHEREAS, notice of said public hearing was duly published in the *Dunkirk Evening-Observer* and *Westfield Republican* and posted in the Town Clerk's office and

WHEREAS, on May 2, 2017 the Chautauqua County Planning Department, pursuant to Section 239-m of the General Municipal Law, advised that the proposed Local Law was of local option, and

WHEREAS, said public hearing was duly held on May 3, 2017 at 7:20 p.m. at the said Eason Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Town Board has determined that the adoption of the local law is a Type I action for purposes of the State Environmental Quality Review Act, has prepared a full Environmental Assessment Form, and has duly adopted a Negative Declaration finding that the proposed Local Law will not have significant adverse environmental impacts, and

WHEREAS, the Town Board of the Town of Westfield, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 1 of 2017, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Westfield, and to give due notice of the adoption of the Local Law to the Secretary of State.

***The motion was seconded by Councilman Raymond Schuster. Voting was as follows:
Supervisor, Martha Bills, aye; Deputy Supervisor, David Brown, aye; Councilman, Raymond Schuster, aye; Councilman, James Herbert, aye; Councilman, David Spann, aye.***

At 8:31pm Supervisor Bills moved and Raymond Schuster seconded a motion to audit the bills.

Warrants dated May 3, 2017 (voucher #'s 525-568) in the amount of \$69,711.58 were drawn on the following funds:

General	\$40,060.92	Shorehaven Water Project	\$4.09
General Part-Town	\$11,500.00	Forest Park Sewer	\$29.75
Highway	\$9,191.10		
Highway Part-Town	\$8,925.72		

Warrants dated May 3, 2017 (voucher #'s 2-4) in the amount of \$5,578.15 were drawn on the following funds:

Shorehaven Water District Capital Project
H6-8310.400 \$5,578.15

Warrants dated May 3, 2017(voucher #'s 39-48) in the amount of \$6,629.95 (were drawn on the following funds:

Welch Building \$6,629.95

These warrants were presented and audited by the Board members. *Supervisor Bills made a motion to be directed to draw the necessary checks to cover the warrants as audited. The motion was seconded by Deputy Supervisor Brown. Voting was as follows: Supervisor Bills, aye, Deputy Supervisor Brown, aye; Councilman Herbert, aye; Councilman Schuster, aye; Councilman Spann, aye.*

There being no further business, at 8:46pm Councilman David Spann moved and Councilman Raymond Schuster seconded a motion to move to executive session to discuss pending litigations. Unanimously carried.

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

There being no further business at 9:16pm Supervisor Martha Bills moved and Deputy Supervisor David Brown seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,
//original signed//
Andrea L Babcock, Town Clerk