

**PUBLIC HEARING  
Town of Westfield  
July 12<sup>th</sup>, 2017  
Public Hearing  
Regarding the adoption of Local Law No.2 of 2017. A Local Law Enacting Regulations for Solar  
Energy Systems**

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:	Don Eno	Marion Eno
Dep Super:	David Brown		William Bauer	Nancy Burkhart
Councilmen:	Raymond Schuster		Randy McNeal	Janet Nass
	David Spann		Jennifer Johnson	Marybelle Beigh
	James Herbert		Susan Breon	Doug Breon

Supervisor Bills made the motion to open the Public Hearing to hear all persons in regards to the adoption of Local Law #2, Solar Energy.

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

The County Planning Board has reviewed the proposal and it would have no significant county-wide or inter-community impact and would be a matter of local concern.

Community members voiced concerns of the Local Law.

Supervisor Bills went on to address the public that Chautauqua County contacted the Town of Westfield to look into Solar Energy. Community members were also being asked for land use of potential Solar Farms. The Town Board adopted a Local Law in 2016, which included a nine-month moratorium on the processing of applications for and the issuance of any approvals or permits for solar farms and solar power plants in the town of Westfield. The Planning Board and the Town Attorney reviewed several local laws from other local townships as well as the NYS Model Solar Energy Law. The Town Attorney drafted the Local Law and was reviewed and accepted by the Planning Board and recommended Town Boards approval. The Local Law has been available in the office of the Town Clerk for review since May 3<sup>rd</sup> and posted in the two local newspapers.

Supervisor Bills made the motion to close the public hearing at 7:37pm. Deputy Supervisor David Brown seconded the motion. This was unanimously approved.

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

PUBLIC HEARING  
**Town of Westfield**  
**July 12<sup>th</sup>, 2017**  
**Public Hearing to**  
**Public Hearing to consider the Stachura 8459 Lyons Rd an Amish Shed**

Supervisor Bills called the public hearing 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: Don Eno	Marion Eno
Dep Super:	David Brown	William Bauer	Nancy Burkhart
Councilmen:	Raymond Schuster	Randy McNeal	Janet Nass
	David Spann	Jennifer Johnson	Marybelle Beigh
	James Herbert	Susan Breon	Doug Breon

Supervisor Bills opened the Public Hearing to hear all persons in regards to hear all persons in regards to the proposed Special Use Permit.

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

Bonnie Rae Strickland, Code Enforcement officer spoke on behalf of the applicant and provided an overview of the application and answered questions from the board.

The Town Planning Board has reviewed the application and recommended to the Town Board for their review and disposition on June 14<sup>th</sup>, 2017.

The County Planning Board has reviewed it and would have no significant county-wide or inter-community impact and would be a matter of local concern.

Supervisor Bills made the motion to close the public hearing at 7:41pm. 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**  
**July 12<sup>th</sup>, 2017**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:41pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Don Eno	Marion Eno
Dep Super:	David Brown		William Bauer	Nancy Burkhart
Councilmen:	Raymond Schuster		Randy McNeal	Janet Nass
	David Spann		Jennifer Johnson	Marybelle Beigh
	James Herbert		Susan Breon	Doug Breon

**Pledge of Allegiance**

*Councilman David Spann made a motion to waive the reading of the June 7<sup>th</sup>, 2017 minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman Raymond Schuster and carried unanimously.*

**Reports:**

The Town Clerk's report together with a check in the amount of \$7099.02 representing fees for the month of June 2017 was turned over to Supervisor Bills. A check for \$112.50 representing fees for the month of June to NYS Department of Health, Marriage Licenses and a check in the amount of \$69.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$85.98 will be withdrawn on the 14<sup>th</sup>.

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

The Dog Warden's report for June 2017 was received and placed on file.  
The Fire Department Report for June 2017 was received and placed on file.  
The Historian's report for June 2017 was received and placed on file.  
The Town Court report for May and June 2017 has been received and placed on file.  
The WPD report for June 2017 was received and placed on file.

**Highway:**

- Town Highway Superintendent David Babcock submitted a written report on activities for June 2017 and highlighted fuel usage, tree trimming and road side mowing for the 4<sup>th</sup> of July. Blacktop patching Coon, Putnam, Klondyke and Belson road. The report has been received and placed on file.

**Code Enforcement:**

The Code Enforcement Officer submitted a written report highlighting that 13 permits were issued in the Town for June 2017. The report has been received and placed on file.

- A work session was held on June 28<sup>th</sup> and review of District Zoning Laws has begun.
- Addressing concerns with outdated zoning, new concepts and usage and the Comprehensive Plan

- Zoning Variance Application has been received for 8390 Schultz Dr. ***Deputy Supervisor David Brown made the motion to forward the Variance application to the Zoning Board to review the application. This was seconded by Councilman David Spann and it carried unanimously.***

**Barcelona Harbor:**

- Walleye Derby is scheduled for August 4,5,6 of 2017
- Commended the Highway Department on the appearance of the Pier.
- The Army Corp. of Engineers, Dean Marine has started dredging the Harbor. The dredging is going very well at this time. The contract ends the end of August.

**Public Comment:**

- Janet Nass thanked the Highway Supervisor for not mowing the Daylilies on Hardscrabble Road.
- The volume of traffic on the side roads during the Route 20 detour has become immensely large. This includes the rate of speed on the roads.

**Announcements:**

- ‘First Friday’ (4August 2017) Sponsored by the Chamber of Commerce (5pm)
- Lake Erie Regional Grape Program Open House Saturday, (12<sup>th</sup>, August )
- Railroad crossing road closures began July 10. Includes 34 roads from Brocton to Ripley.
- Northern Chautauqua County Lakefront Revitalization Plan public meeting will be held July 25<sup>th</sup> at 5:15pm at Eason Hall to discuss the plans as it pertains to Westfield.

**Old Business:**

- East Lake Road water project: The environmental review can be completed after 8/16/2017.
- Bids for Shorehaven water system have been advertised for acceptance and will be publicly opened and read on Thursday July 27, 2017 at 11:00am in the North room of Eason Hall.

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**New Business:**

Resolutions for 7/12/2017:

***Councilman David Spann offered the following resolution and moved its adoption:***

**Resolution No. 36 of 2017**

**Town of Westfield**

**Negative Dec for the proposed Local Law #2 Regulate Solar Energy**

**WHEREAS**, the Town of Westfield has proposed Local Law No. 2 of 2017, which would regulate solar energy facilities, and

**WHEREAS**, the proposed 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 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. 2 of 2017 and authorizes the Supervisor to complete Part III of the EAF accordingly.

*The motion was seconded by Councilman James Herbert. 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.*

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*Deputy Supervisor David Brown offered the following resolution and moved its adoption:*

**Resolution #37 of 2017  
Town of Westfield  
Adopt LL#2 of 2017 Regulate Solar Energy**

**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 July 12, 2017 at Eason Hall, 23 Elm Street, Westfield, to hear all interested parties on a proposed Local Law to regulate solar energy facilities, and

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

**WHEREAS**, said public hearing was duly held on July 12, 2017 at the said time and place 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 Chautauqua County Planning Department by letter dated July \_\_\_\_, 2017, sent in response to a referral made pursuant to Section 239-m of the General Municipal Law, has advised that the proposed Local Law is of local option, and

**WHEREAS**, the 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 an 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, after due deliberation, finds it in the best interests 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. 2 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 David Spann. 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.*

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*Councilman David Spann offered the following resolution and moved its adoption:*

**Resolution No. 38 of 2017**

**Town of Westfield**  
**Negative Dec for SUP Stachura 8459 Lyons Rd, Amish Shed**

**WHEREAS**, the Town Board of the Town of Westfield is considering the application of Leonard M. Stachura for a Special Use Permit allowing him to place a 18' x 10' storage building on a parcel that does not contain a primary structure at 8549 Lyons Roder, which parcel is designated as tax map Section 262.00, Block 2, Lot 37, 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 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 use, and

**WHEREAS**, the Board has determined that 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 application of Leonard M. Stachura.

*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.*

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*Councilman Raymond Schuster offered the following resolution and moved its adoption:*

**Resolution #39 of 2017**  
**Town of Westfield**  
**Issuance of SUP Stachura 8459 Lyons Rd, Amish Shed**  
**TOWN OF WESTFIELD**  
**SPECIAL USE PERMIT**

**Action of the Board:**

To consider the application of Leonard M. Stachura for a Special Use Permit to place an 18' x 10' storage building on a parcel that has no primary structure at 8459 Lyons Road, which is designated as tax map Section 262.00, Block 2, Lot 37, and

**WHEREAS**, Leonard M. Stachura (hereinafter, the "Applicant") submitted an application dated May 19, 2017 pursuant to Section 185-24(J)(33) of the Town of Westfield Zoning Code requesting a Special Use Permit to construct or place an 18' x 10' storage building on a parcel that has no primary structure at 8459 Lyons Road, which is designated as tax map Section 262.00, Block 2, Lot 37, and

**WHEREAS**, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a negative declaration was 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 14, 2017 and recommended approval of the application, 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 12, 2017 on the application, and finds ample justification to approve the application subject to the qualifications hereinafter set forth

**NOW, THEREFORE, BE IT RESOLVED**, that the application to construct or place an 18' x 10' storage building 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. This permit shall expire automatically if the building is not erected by July 12, 2018.
4. This 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 permit.

*The motion was seconded by Councilman David Spann. 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.*

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*Deputy Supervisor David Brown offered the following resolution and moved its adoption:*

**Resolution #40 of 2017  
Town of Westfield  
SEQRA Notice Of Intent To Serve As Lead Agency  
For The Town Of Westfield  
NYS Route 5 Water Benefit District No. 1**

**Whereas**, the Westfield Town Board (Town) has proposed implementing NYS Route 5 Water Benefit District No. 1, a new water benefit district that will include a total of approximately 6,000 linear feet of 8-inch and 12-inch water main, serving approximately 27 equivalent dwelling units (EDUs). The new water benefit district is proposed to address local concerns regarding insufficient and poor water quality in existing private wells as well as provide a system for fire protection to areas that have none. The projects will provide a safe and reliable potable water supply to the residents and eliminate the health risks associated with the quality and quantity of ground water in these areas.

**Whereas**, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Town intends to serve as Lead Agency for SEQRA review of this Unlisted Action and will determine if the proposed action will have a significant effect on the environment; and

**Whereas**, the Lead Agency will undertake a coordinated review of this proposed action.

**Now Therefore Be It Resolved**, that the Town hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notice along with Part 1 of the Full Environmental Assessment Form and any other supporting documentation to all Involved Agencies.

These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

VOTE

AYES: 5  
 NOES: 0  
 ABSENT: 0  
 DATE: July 12<sup>th</sup>, 2017

*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.*

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**Councilman Raymond Schuster offered the following resolution and moved its adoption:**

**Resolution #41 of 2017  
 Town of Westfield  
 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	Days/Month (based on Record of Activities)
<b>Elected Officials</b>				
Town Councilman	David Spann	6.5	1/1/2014 – 12/31/2017	2.2
<b>Appointed Officials</b>				
Court Clerk	Kimberly Stahley	6	1/1/2016 – 12/31/2016	11.27
Code Enforcement/Bldg Insp.	Bonnie Rae Strickland	6.5	3/15/2016 – 12/31/2016	N/A

*The motion was seconded by Deputy Supervisor David Brown. 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.*

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**Councilman James Herbert offered the following resolution and moved its adoption:**

**Resolution #42 of 2017  
 Town of Westfield  
 AUTHORIZING INTERMUNICIPAL COMPREHENSIVE PLAN PROJECT**



**WHEREAS**, the Village of Westfield intends to apply for a grant from the New York State Department of State Local Waterfront Revitalization Program to develop an intermunicipal comprehensive plan (the “Project”); and

**WHEREAS**, the purpose of the Project is to develop a comprehensive plan for the Town and Village of Westfield, New York, that will set forth a policy statement and comprehensive strategy to advance revitalization efforts through transformative economic development and community projects that will assist in attracting and retaining residents, visitors and businesses alike; and

**WHEREAS**, the Village of Westfield will serve as the lead agency for the Project; and

**WHEREAS**, the Town desires to express its full support for the Project;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. The Town Supervisor is hereby authorized and directed to spend not exceeding \$12,500.00 in cash or in-kind services as the required match for any grant funds that are awarded for the Project;
2. The Town Supervisor is hereby authorized to execute an Intermunicipal Agreement with the Village of Westfield as may be required by the Consolidated Funding Application for the Project;
3. The Town Supervisor is hereby authorized to coordinate with the Village of Westfield and to execute such other documents as are necessary to complete the grant application.

*The motion was seconded by Deputy Supervisor David Brown. 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.*

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*Councilman David Spann offered the following resolution and moved its adoption:*

**Resolution No. 43 of 2017  
Town of Westfield**

**Resolution Approving An Outside User Hook-Up To The East Route 20 Benefit District**

**WHEREAS**, the East Route 20 Benefit District was established by the Town of Westfield Town Board on April 7, 2009 as part of the North Town Water District, and

**WHEREAS**, a request has been received by the Town Board, acting as Commissioners of the said District, to approve an outside user connection for the Grape View Dairy, located at 7314 Prospect Road, and

**WHEREAS**, the said property is located outside the legal boundaries of the Benefit District, and

**WHEREAS**, the Town Board, acting as Commissioners of the East Route 20 Benefit District, has reviewed and approved the application and they have no objection to the new user, and

**WHEREAS**, the Town Clerk will collect all appropriate fees and charges for the connection as required by Chapter 175 of the Town Code and the Rules and Regulations of the North Town Water District;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board, acting as Commissioners of the East Route 20 Benefit District, hereby approves an outside user connection to the District's facilities by Grape View Dairy pursuant to the standard Outside User Agreement used by the Town, and authorizes the Supervisor to sign the agreement on behalf of the East Route 20 Benefit District; and be it further

**RESOLVED**, that this approval for an outside-user connection by Grape View Dairy is specifically conditioned upon (a) the receipt by the Town of a fully-executed easement agreement between the Grape View Dairy and any landowner on which the proposed water line will be located, and (b) adherence to the Town of Westfield's Rules and Regulations for the North Town Water District, which shall be incorporated by reference into the Outside User Agreement applicable to this property.

*The motion was seconded by Councilman James Herbert. 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.*

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*Councilman Raymond Schuster offered the following resolution and moved its adoption:*

**Resolution No. 44 of 2017  
Town of Westfield  
Water Main & Appurtenance Standardization**

**WHEREAS**, the Town of Westfield (Town) has entered into an agreement with the Village of Westfield (Village) for the operation and maintenance of Town water districts.

**WHEREAS**, the Village has specific material requirements for water main and appurtenances that are operated and maintained by the Village. The material requirements are outlined in the Village of Westfield Resolution #1-2014 dated March 17 of 2014, the Village of Westfield Resolution #2-2014 dated March 17 of 2014, and the Village of Westfield Resolution #9-2014 dated March 31 of 2014.

**WHEREAS**, the Village requires that all proposed water districts and extensions in the system operated by the Town utilize the materials that the Village has standardized on through formal resolutions.

**BE IT RESOLVED**, the Town shall standardize on all current and future material requirements as formally established by the Town for all proposed water districts and extensions, so long as the agreement for the operation and maintenance of the Town water districts is in effect.

*The motion was seconded by Deputy Supervisor David Brown. 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.*

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*At 8:35pm Supervisor Bills moved and David Brown seconded a motion to audit the bills.*

Warrants dated July 12, 2017 (voucher #'s 630-685) in the amount of \$87,412.28 were drawn on the following funds:

General	\$46,443.61	Shorehaven Water Project	\$6.34
General Part-Town	\$613.20	Forest Park Sewer	\$46.96
Highway	\$3,160.61		
Highway Part-Town	\$37,141.56		

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Warrants dated July 12, 2017 (voucher #'s 6) in the amount of \$25, 427.50 were drawn on the following funds:

Shorehaven Water District Capital Project  
H6-8310.400                      \$25,427.50

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Warrants dated July 12, 2017(voucher #'s 62-72) in the amount of \$6,612.85 (were drawn on the following funds:

Welch Building                      \$6,612.85

**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 8:47pm Supervisor Martha Bills moved and Deputy Supervisor David Brown seconded a motion to move to executive session to discuss pending litigations. Unanimously carried.

At 9:35pm Supervisor Martha Bills moved and Deputy Supervisor David Brown seconded a motion to return to regular session. Unanimously carried.

There being no further business at 9:36pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to adjourn. Unanimously carried.

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