

**PUBLIC HEARING**  
**Town of Westfield**  
**May 1<sup>st</sup>, 2013**  
**LL #2-2013 Regulating Outdoor Markets**

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	David Babcock	Joel Seachrist	Noah Mathews
Councilmen:	Raymond Schuster	Jim Pacanowski	Marybelle Beigh	Destinee Rogers
	David Brown	Claude Abbey	William Bauer	
	David Spann	Janet Nass	Caleb Genthner	
	James Herbert	Harold Nass	Emily Furston	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to passing a Local Law that would allow for outdoor markets by Special Use Permit as long as the operation is within specified parameters.

There was limited discussion and all issues identified were addressed.

There being no further business, Raymond Schuster moved and David Spann 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**  
**May 1<sup>st</sup>, 2013**  
**LL #3-2013 Amending the Procurement Policy**

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	David Babcock	Joel Seachrist	Noah Mathews
Councilmen:	Raymond Schuster	Jim Pacanowski	Marybelle Beigh	Destinee Rogers
	David Brown	Claude Abbey	William Bauer	
	David Spann	Janet Nass	Caleb Genthner	
	James Herbert	Harold Nass	Emily Furston	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to passing a Local Law that would allow for the Town of Westfield to exercise a local option set forth in New York General Municipal Law. This option authorizes the Town to award purchase contracts and contracts for services on the basis of either lowest responsible bidder or "best value. The "best value" option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder based on factors such as lower cost of maintenance, durability, higher quality and longer product life.

There was some discussion as to why the Town should take this action. All issues were addressed

There being no further business, James Herbert moved and David Brown seconded the motion that the public hearing be closed at 7:13pm. This was unanimously approved.

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

**PUBLIC HEARING  
Town of Westfield  
May 1<sup>st</sup>, 2013  
LL #1-2013 Amending the Sign law**

Supervisor Bills called the public hearing to order at 7:15pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Joel Seachrist	Noah Mathews
Councilmen:	Raymond Schuster	Jim Pacanowski	Marybelle Beigh	Destinee Rogers
	David Brown	Claude Abbey	William Bauer	
	David Spann	Janet Nass	Caleb Genthner	
	James Herbert	Harold Nass	Emily Furston	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to passing a Local Law that would amend the Sign Law (within the current Town Code).

She explained that this Local Law is being considered to simplify and clarify the Sign Law. A 'Sign Design Guidelines' booklet would also be added. There was some discussion as to why the Town should take this action. All issues were addressed

There being no further business, David Brown moved and David Spann seconded the motion that the public hearing be closed at 7:34pm. This was unanimously approved.

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

**TOWN BOARD MEETING  
Town of Westfield  
May 1<sup>st</sup>, 2013**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Joel Seachrist	Noah Mathews
Councilmen:	Raymond Schuster	Jim Pacanowski	Marybelle Beigh	Destinee Rogers
	David Brown	Claude Abbey	William Bauer	
	David Spann	Janet Nass	Caleb Genthner	
	James Herbert	Harold Nass	Emily Furston	

David Brown moved and David Spann 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 \$1642.60 representing fees for the month of April 2013 was turned over to the Supervisor. State and County agencies received checks totaling \$187.30.

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	\$429,443.00	\$239,413.00	\$646.69	\$912,808.96
Gen B	105,317.00	23,014.00	75.18	144,906.74
Hwy DA	273,076.00	174,783.00	98.62	395,143.09
Hwy DB	47,934.00	26,112.00	37.64	154,982.24
Sewer HO1	23,240.00	26,042.00	-0-	2591.91
Water HO2	17,324.00	12,408.00	-0-	102,371.76
Wfd. Fire	46,324.00	-0-	-0-	53,984.18
Sherm. Fire	8,909.00	-0-	-0-	9,024.61
<b>Totals:</b>	<b>\$951,567.00</b>	<b>\$501,772.00</b>	<b>\$858.13</b>	<b>\$1,775,812.99</b>

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

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

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

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

Highway:

- The Town Highway Superintendent submitted a written report on activities for April 2013 and highlighted fuel usage, the potential purchase of salt building, and work at the harbor.
- Raymond Schuster moved and David Spann seconded a motion to approve accepting a bid of \$15,000 + \$10,000 worth of gravel (total of \$25K) from Hardrock Gravel to sell the 2000 Sterling Truck. Unanimously approved.
- Raymond Schuster moved and David Brown seconded a motion to advertise for bids on the light posts recently removed from the Pier. Unanimously approved.
- David Brown moved and Raymond Schuster seconded a motion to approve to go out for bid for a Salt Building. Unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting permits that were issued in the Town for April 2013, the fact that Mazza Distillery plans to be open for Memorial Day, and the status of three new homes.

Barcelona Harbor: The Pier is open for the 2013 season. The new light posts have been installed on the Pier by both Town and Village workers. Also, the Pier will again be a Weigh Station for the upcoming Southtowns Walleye Tournament in June.

Announcements:

- Spring Clean-up (Saturday, May 11<sup>th</sup>, 9:00-1:00 @ Transfer Station)
- eWaste Turn-in (Saturday, May 18<sup>th</sup>, 9:00-1:00 @ Town Barn)
- Assessor with the tentative assessment roll:
  - May 6, 2013 10:00am - 2:00pm
  - May 11, 2013 2:00pm - 6:00pm
  - May 13, 2013 10:00am - 2:00pm
  - May 16, 2013 12:00pm - 4:00pm
- The Board of Assessment Review (BAR) will meet on May 28, 2013 (2:00pm - 4:00pm) and (6:00pm - 8:00pm)
- Memorial Day Parade (Monday, May 27<sup>th</sup>, 2013) Participants gather @ 10:00am in Moore Park

Old Business:

- Supervisor Bills stated that required surveying and soil borings in support of the Barcelona Water Project are complete. She also stated that work continues at the Pier using NYS DOS Streetscape grant funding (including the new Light Posts).

New Business:

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

**Resolution No. 19 of 2013**  
Negative Declaration Local Law 1-2013  
Amending the Sign Law

**WHEREAS**, the Town of Westfield has proposed Local Law 1 of 2013 to amend the current Sign Law, 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 1 of 2013.

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.

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

**Resolution No. 20 of 2013**  
Adoption of Local Law 1-2013  
Amending the Sign Law

**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 1, 2013 at 7:15pm at the North Room of Eason Hall, 23 Elm Street, Westfield, New York to amend the current Sign Law, and

**WHEREAS**, notice of said public hearing was duly published in the *Westfield Republican*, and

**WHEREAS**, said public hearing was duly held on the said time and place 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 of Westfield Planning Board developed the proposed Sign Law and during a meeting held March 13, 2013 unanimously recommended Town Board approval of the final draft version, 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 April 24<sup>th</sup>, 2013 that the application is a matter of local concern, 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 and no further environmental review is required, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Westfield hereby adopts said local law as Local Law 1 of 2013, a copy of which is attached hereto and made a part hereof, and directs the Town Clerk 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.

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.

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

**Resolution No. 21 of 2013**  
Adoption of 'Sign Design Guidelines'

**WHEREAS**, the Town of Westfield Planning Board developed 'Sign Design Guidelines' and during a meeting held March 13<sup>th</sup>, 2013 unanimously recommended that the Town Board approve the final draft version to be used in conjunction with the Town's Sign Law (Local Law 1-2013).

**THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Westfield hereby adopts the "Sign Design Guidelines" (dated 4/1/2013).

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.

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

**Resolution No. 22 of 2013**  
Negative Declaration Local Law 2-2013  
Regulating Outdoor Markets

**WHEREAS**, the Town of Westfield has proposed Local Law 2 of 2013 Regulating Outdoor Markets, 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 2 of 2013.

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.

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

**Resolution No. 23 of 2013**  
Adoption of Local Law 2-2013  
Regulating Outdoor Markets

**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 1, 2013 at 7:05pm at the North Room of Eason Hall, 23 Elm Street, Westfield, New York to regulate Outdoor Markets, and

**WHEREAS**, notice of said public hearing was duly published in the *Westfield Republican*, and

**WHEREAS**, said public hearing was duly held on the said time and place 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 of Westfield Planning Board developed the proposed Local Law to regulate Outdoor Markets and during a meeting held April 10, 2013 and unanimously recommended Town Board approval of the final draft version, 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 April 19<sup>th</sup>, 2013 that the proposed Local Law is a matter of local concern, 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 and no further environmental review is required, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law 2 of 2013, a copy of which is attached hereto and made a part hereof, and directs the Town Clerk 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.

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.

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

**Resolution No. 24 of 2013**  
Adoption of Local Law 3-2013  
Amending the Procurement Policy

**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 1, 2013 at 7:10pm at the North Room of Eason Hall, 23 Elm Street, Westfield, New York to regulate Outdoor Markets, and

**WHEREAS**, notice of said public hearing was duly published in the *Westfield Republican*, and

**WHEREAS**, said public hearing was duly held on the said time and place 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, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

**THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law 3 of 2013, a copy of which is attached hereto and made a part hereof, and directs the Town Clerk 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.

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.

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

**Resolution No. 25 of 2013**

Participation in Northern Chautauqua County Regional Local Waterfront Revitalization Program

**WHEREAS**, the Town of Westfield has been invited to participate in the Northern Chautauqua County Regional Local Waterfront Revitalization Program (LWRP), and

**WHEREAS**, participation will require the creation of a local advisory committee, participation in local workshops, assistance in facilitating local workshops and public meetings, and a local financial contribution from the members, and

**WHEREAS**, participation will include some assistance gathering local information and reviewing local land use plans and plans for local projects from the participating municipalities,

**THEREFORE BE IT RESOLVED**, that pending funding from the New York State LWRP program and other identified financial contributors, the Town of Westfield will participate in the Northern Chautauqua County Regional LWRP, and will contribute in-kind services and funding in support of the Northern Chautauqua County Regional LWRP, which will include a cash contribution of \$2,000 in FY 2014 and volunteer work on advisory committees, assistance in gathering local information, provision of plans for local projects, provision of local land use plans and zoning laws, participation in local workshops, and assistance with facilitating workshops and public meetings.

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.

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

**Resolution No. 26 of 2013**

Re-naming of a Town Road

**WHEREAS**, Carl Vilardo, Jr., has been a respected member of the agricultural community in the Town of Westfield, carrying on the tradition of the Vilardo Family Farm, which has operated in the same location for over 100 years; and

**WHEREAS**, Mr. Vilardo served his community as a member of the Town Board for 38 years; and

**WHEREAS**, the Town of Westfield wishes to thank and honor Mr. Vilardo's service and devotion to his community; and

**WHEREAS**, the naming of town streets is a Town Board function pursuant to Section 64 of New York's Town Law; now, therefore, be it

**RESOLVED**, the Town Board takes this opportunity to honor Carl Vilardo, Jr., so that the town highway now known as Reid Road is hereby re-named and shall henceforth be known as "Vilardo Road".

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.

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

**Resolution No. 27 of 2013**  
Authorization to Sign Police Protection Services Agreement

**BE IT RESOLVED** that the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign the Police Protection Services Agreement with the Village effective through December 31<sup>st</sup>, 2014 in the amount of \$17,500.

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

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- James Herbert moved and David Spann seconded a motion to appoint Kelly Brown as Harbor Master for 2013. This was unanimously approved.
- James Herbert moved and David Spann seconded a motion to appoint Deborah Phillips, James Hamilton, Carter Stetson, Ralph Stoia, and Herb Johnson as Harbor Attendants for 2013. This was unanimously approved.
- David Brown moved and David Spann seconded a motion to appoint Julie Travis (Chairperson), Jamie Jaynes, George Kolibar, Carter Stetson, and Dan Chapman to the Harbor Commission for 2013. This was unanimously approved.
- Martha Bills moved and David Brown seconded a motion to set a Public Hearing prior to the next Town Board meeting on 5 June 2013 @ 7:25pm for an SUP Application for a Limited Retail Business on Bliss Road. This was unanimously approved.

Warrants dated May 1st, 2013 (voucher #'s 9444 - 9493), in the amount of \$117,108.43 drawn on the following funds: General \$25,739.85; General Part-Town \$11,500.00; Highway \$61,472.44; Highway Part-Town \$17, 606.81; Sewer Fund \$18.07; Shorehaven Water Project \$33.10; and Trust & Agency \$738.16 were presented and audited by the Board members. David Brown moved and James Herbert 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 8:46pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss current litigation. Unanimously carried.

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

The next Town Meeting is scheduled for Wednesday, June 5<sup>th</sup>, 2013 @ 7:30pm.

There being no further business, at 9:16pm. David Spann moved and David Brown seconded a motion to adjourn. Unanimously carried.

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