

**PUBLIC HEARING
Town of Westfield
September 2nd, 2015
SUP Modification for Cell Tower (AT&T / Douglas)**

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 Bills	Marybelle Beigh	Melissa Suridey
Councilmen:	David Brown	Joel Seachrist	Marsha Murry
	David Spann	David Babcock	Tom Tarpley
	James Herbert	Jill Santi	Mike Catalano
	Raymond Schuster	Susan Breon	William Bauer

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to a Town Board of the Town of Westfield is considering the application of New Cingular Wireless PCS, LLC (AT&T) for modification of an existing Special Permit to allow the placement of three (3) new antennas and associated LTE equipment at an existing telecommunications tower at 6302 Douglas Road.

Melissa Suridey from AT&T briefly explained the modification and answered a few questions.

There being no further questions or comments, David Spann moved and James Herbert seconded the motion that the public hearing be closed at 7:29pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
September 2nd, 2015**

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 Bills	Marybelle Beigh	Melissa Suridey
Councilmen:	David Brown	Joel Seachrist	Marsha Murry
	David Spann	David Babcock	Tom Tarpley
	James Herbert	Jill Santi	Mike Catalano
	Raymond Schuster	Susan Breon	William Bauer

James Herbert 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 \$6619.59 representing fees for the month of August 2015 was turned over to the Supervisor. State and County agencies received checks totaling \$2732.41.

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	\$565,202.21	\$339,384.41	\$16,068.41	\$815,713.55
Gen B	102,706.37	56,703.28	75.18	92,587.80
Hwy DA	330,721.40	166,649.58	515.84	427,838.89
Hwy DB	216,018.09	339,582.88	37.64	90,784.74
Sewer HO1	22,609.90	20,103.54	-0-	4,584.17
Water HO2	15,876.74	11,997.50	-0-	102,319.55
T Funds	-0-	-0-	-0-	-0-
Wfd. Fire	54,945.69	-0-	-0-	54,571.51
Sherm. Fire	9,541.66	9,536.00	-0-	108.19
Totals:	\$1,316,722.90	\$943,957.19	\$16,697.07	\$1,588,508.40

The Dog Warden's report for August 2015 was received and placed on file.

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

The Historian's report for August 2015 was received and placed on file.

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

The WPD report for August 2015 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for August 2015 and highlighted continued flood damage repairs, blacktopping, and fuel usage.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 7 permits were issued in the Town in addition to continuing construction on 3 residential homes in the Town for August 2015.

Barcelona Harbor: None.

Public Comment: Village Trustee Mike Catalano discussed a presentation of pros and cons of a Municipal billing for ambulance service done by Bradley M. Pinsky, JD, MHA, EMT of Pinsky Law Group and author of 'Fire Dept. Law and Management Personnel Manual'. He is arranging the presentation for the Village Board and invited Town Board members.

Announcements:

- First Friday (4 Sep 2015)
- ZBZ (5 Variances) 9 Sep 2015 @ 4:00pm.

Old Business:

- Supervisor Bills noted that the Town's portion of a Grant Pre-application for the Shorehaven Internal Water Project has been completed and an Environmental Review has also been completed.
- She also noted the Barcelona Water Project is awaiting a Federal Audit.

New Business:

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

Resolution No. 45 of 2015

Negative Declaration / SUP Modification for Cell Tower (AT&T) / Douglas Road

WHEREAS, the Town Board of the Town of Westfield is considering the application of New Cingular Wireless PCS, LLC (AT&T) for modification of an existing Special Permit to allow the placement of three (3) new antennas and associated LTE equipment at an existing telecommunications tower at 6302 Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7.1, 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 New Cingular Wireless PCS, LLC.

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.

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

Resolution No. 46 of 2015
Issuance of SUP Modification for Cell Tower (AT&T) / Douglas Road

WHEREAS, the Town Board of the Town of Westfield is considering the application of New Cingular Wireless PCS, LLC (AT&T) for modification of an existing Special Use Permit to add 3 additional antennas (and associated LTE equipment) to existing antennae array for a total of 9 antennas on the existing telecommunications tower at 6302 Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7-1, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held August 12th, 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 August 25th, 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 September 2nd, 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.

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

Resolution No. 47 of 2015
Barcelona Water Benefit District Project Completion

WHEREAS, the Town of Westfield has substantially completed construction of the Barcelona Water Benefit District; and

WHEREAS, the Town Board of the Town of Westfield has received notice of final completion for the Barcelona Water Benefit District; NOW, therefore be it

RESOLVED, that the Town Board of the Town of Westfield accepts the Barcelona Water Benefit District as complete and authorizes final payment to the contractors; and be it further

RESOLVED, that the Town Board of the Town of Westfield hereby states an operator appropriately licensed by New York State will be retained to oversee operation of the Barcelona Water Benefit District by way of inter-municipal agreement with the Village of Westfield, New York.

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.

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

Resolution No. 48 of 2015
Barcelona Water Benefit District Improvement Project
Project Budget Modifications

WHEREAS, the Town of Westfield has received a Loan and Grant from Rural Development for their Barcelona Water Benefit District Improvement Project (“Project”); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect final costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

RESOLVED, that the Town Board of the Town of Westfield authorizes the following Administrative Budget modifications for the Project:

Single Audit	Increase of	\$500
Miscellaneous	Decrease of	\$1,500
Lands, ROW	Decrease of	\$3,230
BAN Borrowings	Decrease of	\$212
Contingency	Increase of	\$4,442

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.

- Raymond Schuster moved and David Spann a seconded a motion to hold 3 Public Hearings (Sherman FD, Westfield FD, and a SUP application for an Accessory Building) at 7:15pm, 7:20pm, & 7:25pm respectively. Unanimously approved.
- A 2016 Budget Workshop #1 was set for 24 September 2015 @ 4:00pm.

- Warrants dated September 2nd, 2015 (voucher #'s 11185 - 11255) in the amount of \$83,768.25 were drawn on the following funds:

General	\$19,475.83	Shorehaven Water Project	\$4.01
General Part-Town	\$0.00	Sherman FD	\$0.00
Highway	\$6442.20	Trust & Agency	\$810.56
Highway Part-Town	\$26,689.08	Welch Building	\$4,139.95
Sewer Fund	\$53.32	Welch Building Plantrol	\$0.00
Welch Bldg Operating	\$0.00	Barcelona Water	\$26,171.30

These were presented and audited by the Board members. David Spann 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 8:33pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss ongoing contract negotiations and pending legal action. Unanimously carried.

At 9:05pm David Spann moved and James Herbert seconded a motion to return to regular session. Unanimously carried.

- The next Town Meeting is scheduled for Wednesday, October 7th, 2015 @ 7:30pm.
- There being no further business, at 9:07pm. James Herbert moved and David brown seconded a motion to adjourn. Unanimously carried.

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