

PUBLIC HEARING

Town of Westfield

November 3rd, 2010

(Modification / Extension of SUP (Sm. Manufacturing Business 8275 Culver Rd)

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	David Babcock	Claire Quadri	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Claude Abbey	Harold Nass
	David Brown	Joel Seachrist	Jack Gulvin	
	James Herbert	Jim Pacanowski		
	David Spann			

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to modifying and extending the SUP for Michael & Susan Ceci to operate a small manufacturing business at 8275 Culver Road. She explained that this is second extension and the site plan has been modified to incorporate the use of a new building rather than use an existing structure.

There being no further business, Martha Bills moved and Raymond Schuster seconded the motion that the public hearing be closed at 7:24pm. This was unanimously approved.

Respectfully submitted,

//original signed//

Timothy C. Smith, Town Clerk

**PUBLIC HEARING
Town of Westfield
November 3rd, 2010
(Town of Westfield 2011 Preliminary Budget)**

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 R. Bills	David Babcock	Claire Quadri	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Claude Abbey	Harold Nass
	David Brown	Joel Seachrist	Jack Gulvin	
	James Herbert	Jim Pacanowski		
	David Spann			

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed 2011 Budget for the Town of Westfield. The prevailing theme in budget development was to “hold the line” wherever possible. The total budgeted for appropriations are \$1,825,861 with a total of \$732,521 to be raised by taxes (approximately \$3000 lower than last year). The tax rate for Town residents is \$2.74 per \$1,000 of assessed property value and \$2.55 per \$1,000 for Village residents.

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
November 3rd, 2010

The regular meeting of the Town Board 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	David Babcock	Claire Quadri	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Claude Abbey	Harold Nass
	David Brown	Joel Seachrist	Jack Gulvin	
	James Herbert	Jim Pacanowski		
	David Spann			

The Town Clerk's report together with a check in the amount of \$2112.69 representing fees for the month of October 2010 was turned over to the Supervisor. State and County agencies received checks totaling \$2750.34.

The Supervisor's report is as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>HSBC - MM Balance</u>
Gen. A	\$595,040.00	\$505,689.00	\$8740.25	\$762,282.83
Gen B	109,547.00	73,744.00	55.72	101,199.38
Hwy DA	298,484.00	223,164.00	198.62	335,494.19
Hwy DB	318,422.00	373,260.00	1037.64	189,594.55
Sewer HO1	21,722.00	30,731.00	-0-	5,433.57
Water HO2	20,720.00	17,840.00	-0-	94,240.72
Wfd. Fire	66,119.00	-0-	-0-	66,192.01
Sherm. Fire	8,616.00	8,644.00	-0-	135.91
Totals:	\$1,415,623.00	\$1,104,827.00	\$10,032.23	\$1,616,083.51

The Dog Warden's report for October 2010 was received and placed on file.

The Fire Department Report for October 2010 was received and placed on file.

The Historian's report for October 2010 was received and placed on file.

The Town Court report for October 2010 was received and placed on file.

Highway:

- The Town Highway Superintendent provided a written report for October 2010 and highlighted current projects which included the progress for the East Main Road Water Project (specifically the waterline for East Side Trailer park) and winter preparation.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for October 2010 highlighting that 14 inspections were done, 8 permits issued in the Town. Also attended the monthly meeting of the Chautauqua County Building Officials in Fredonia on 10/14/2010.

Barcelona Harbor:

- Pier operations are closed for 2010. Supervisor Bills provided an update on the status of grants for pier beautification and Front Street planning

In Public Comment, there were no questions.

Announcements:

- *STW Fall Planning & Zoning Conference* (scheduled at Chautauqua Suites on the 17th of November, 2010).
- The Victorian Christmas Weekend in Westfield is 19-20 November, 2010.

Old Business:

- Supervisor Bills provided updates on projects including the East Main Road water project, the fact that a second extension for the submission of the FEIS for the Wind Project has been submitted, and the status of the Fishway Project in Chautauqua Creek.

New Business:

- A Public Hearing was set for November 3rd, 2010 at 7:20pm in Eason Hall based on a request from Mr. and Mrs. Michael Ceci to modify and extend an existing SUP for 1 year.

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- David Brown offered the following resolution and moved its adoption

Resolution No. 43 of 2010
Negative Declaration

Negative Declaration for Extension of existing SUP for Small Manufacturing Business

WHEREAS, Michael & Susan Ceci have requested an extension for one year to their existing Special Use Permit (set to expire on December 2nd, 2010) to operate a small manufacturing business on a parcel of land located at 8275 Culver Road in the Town of Westfield, designated as County tax map parcel Section 243.00, Block 1, Lot 28.1, and

WHEREAS, the proposed 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 an 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 extension, and

WHEREAS, the Board has determined that extending the SUP for one year for proposed use will not have a significant environmental impact,

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves Part II of the Environmental Assessment Form as completed, issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed use, and authorizes the Supervisor to complete and sign the Environmental Assessment Form accordingly.

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

- Martha Bills offered the following resolution and moved its adoption

Resolution No. 44 of 2010
Issuance of 1-Year Modification / Extension of Existing SUP
Operation of a Small Manufacturing Business (Ceci)

WHEREAS, Michael & Susan Ceci (hereinafter, the “Applicant”) have submitted a request for a 1 year extension of their existing SUP (set to expire on December 2nd, 2010) to operate a small manufacturing business on located at 8275 Culver Road in the Town of Westfield, designated as tax map parcel Section 243.00, Block 1, Lot 28-1, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a Negative Declaration has been issued after examination of the record and public hearing, and

WHEREAS, the extension request also incorporates a modification to the original SUP consisting of construction of a new building for the small business rather than using an existing structure as originally planned, and

WHEREAS, the extension request 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 October 14th, 2010 that the matter was of local concern, 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 November 3rd, 2010 and finds justification to approve the extension subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the one year extension request to operate a small manufacturing business on a parcel of land located at 8275 Culver Road 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 plans approved by the Town and agrees to be bound by the terms of this extension and the conditions of this permit.
2. The terms, conditions, and requirements of this extension bind and obligate the Applicant, its successors, and assigns. This extension shall not be assigned or transferred, in whole or part, without prior written consent of the Town.
3. The applicant shall commence operation of the business within one year of the issuance of this extension (by December 1st, 2011). If operation has not begun within the prescribed time, this extended Special Use Permit shall be void and the applicant shall be required to apply for a new permit should he intend to continue the project.
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 extension of the approved 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 SUP.

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

- Raymond Schuster offered the following resolution and moved its adoption

Resolution No. 45 of 2010
Appointment of Assessor

RESOLVED, that the Westfield Town Board hereby appoint Bonnie Rae Strickland as Assessor effective November 4th, 2010 for the remainder of the 6 year standard NYS term through September 30th, 2013.

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

- David Brown offered the following resolution and moved its adoption

Resolution No. 46 of 2010
Granting an Extension of Time to Submit FEIS (Wind Project)

WHEREAS, the Town of Westfield is co-lead agency with Town of Ripley for the proposed Ripley-Westfield Wind project, and

WHEREAS, the period for public comment on the Draft Environmental Impact Statement (DEIS) submitted by Ripley-Westfield Wind LLC (the "Applicant") for the proposed Ripley-Westfield Wind project is now closed, and

WHEREAS, extensive comments were received during the comment period and the Applicant has notified the Town that more time is required in order to appropriately and adequately respond to the public comments, and

WHEREAS, pursuant to 6 N.Y.C.R.R. §§617.3(i) and 617.9(a)(5)(ii)(a), the Applicant has 45 days from the close of the public hearing to prepare and submit the Final Environmental Impact Statement (FEIS), but such deadline may be extended by mutual consent of the Applicant and lead agency where it is determined that additional time is necessary to prepare the statement adequately, and

WHEREAS, by resolution adopted August 4, 2010, the Town Board agreed to a previous request by the Applicant to extend the deadline to submit the FEIS to October 1, 2010, and

WHEREAS, the Applicant was unable to submit the FEIS by October 1, 2010 and has now requested that the deadline be extended indefinitely,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds that additional time is necessary for the Applicant to respond adequately to the great number of comments received on the DEIS, and be it further

RESOLVED, that the Town Board agrees to the Applicant's request for an indefinite extension of time to prepare and submit the FEIS, and be it further

RESOLVED, that the Supervisor is hereby directed to inform the other involved agencies of this extension in the manner she deems appropriate.

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

- Raymond Schuster offered the following resolution and moved its adoption

Resolution No. 47 of 2010
Adoption of 2011 Town of Westfield Budget

BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves and adopts the 2011 Preliminary Budget as presented as the 2011 Town Budget.

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

- Raymond Schuster offered the following resolution and moved its adoption:
Budget Resolution #2 of 2010

Revision Description	Increase Expenditures	Decrease Expenditures	Increase Revenue	
A Funds (General)				
Increase Budgetary Revenue & Expense to reflect JCAP Grant Justice – Equipment A.42.1110.2 Justice – Revenue A.28.3089.0	\$6,143.29		\$6,143.29	
Increase Expenditure for cost of Law Books & Supplies Justice – Contractual A.42.1110.4 Bookkeeper – Contractual A.43.1220.41	\$1,000.00	\$1,000.00		
Increase Expenditure for cost of new Docks Parks – Equipment A.92.7180.2 Parks – Salary A.92.7180.1 Attorney – Contractual A.45.1420.4	\$6,648.00 \$850.00	\$7,498.00		
Increase Expenditure for cost of Radios for Trucks Radios – Equipment A.46.1650.2 Website – Contractual A.46.1650.41	\$573.00	\$573.00		
Decrease Reserve-Increase Revenue for Harbor Projects Parks - Streetscape A.92.7180.41 Parks - Harbor Imp A.92.7180.42 Gen. Reserve A.05.0870.0 Rev - Other Recreation Income A.19.2089.0	2,000.00 1,910.00		\$3910.00	\$3910.00
B Funds (Outside)				
Increase Expenditure for unexpected increase to Retirement Retirement – B.98.9010.800 Planning – Contractual B.96.8020.400	\$6,229.00	\$6,229.00		
DA Funds (Hwy Inside)				
Increase Expenditure for cost of Tree Removal Brush & Weeds – Contractual DA.72.5140.4 Snow – Contractual DA.72.5142.4	\$60.00	\$60.00		
DB Funds (Hwy Outside)				
Increase Budgetary Revenue & Expenditure to match AID CHIPS – Revenue DB.28.3501.0 CHIPS – Contractual DB.72.5112.0	\$9991.84		\$9991.84	
Increase Expenditures for cost of SS & Medicare Social Security DB.98.9030.8 Medicare DB.98.9035.8 Bridges & Culvert – Contractual DB.72.5120.4	\$27.00 \$7.00	\$34.00		

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

A date of 1 December, 2010 @ 7:25pm was set for a Public Hearing for Local Law #5-2010 to amend the Town's Animals Law to reflect transferring dog licensing authority to the Town. Unanimously approved

Martha Bills moved and David Spann 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; and David Spann, aye.

The next Town Meeting is scheduled for Wednesday, December 1st, 2010 @ 7:30pm.

There being no further business, at 8:35pm David Brown moved and Martha Bills seconded a motion to adjourn. Unanimously carried.

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