

PUBLIC HEARING
Town of Westfield
December 6, 2006

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

Supervisor:	Martha R. Bills	Guests:	Charles Lillie
Councilmen:	Raymond Schuster		Jack Bills
	Carl Vilaro Jr.		Claire Quadri
	Donald Nash		Tim Smith
	David Brown		Chester Issacs
Guests:	Janet Nass		Jack Gulvin
	Claude Abbey		John Sindyla

Mrs. Bills explained that the Public Hearing was being held to hear all persons in regard to American Tower's request to modify an existing cell tower in the Town of Westfield at the north end of Creamery Road. Mr. John Sindyla (from American Tower) explained that the modifications are required in order to meet Emergency 911 requirements. There will be no height increase to the tower. The Town Code Enforcement Officer (Jack Bills) stated the application and all associated required forms were in order.

Questions from the audience were addressed.

There being no further business, the public hearing was closed at 7:20 p.m.

Respectfully submitted,

Linda L. Briggs, Town Clerk

PUBLIC HEARING
Town of Westfield
December 6, 2006

Supervisor Bills called the public hearing to order at 7:25 p.m. in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guests:	Charles Lillie
Councilmen:	Raymond Schuster		Jack Bills
	Carl Vilaro Jr.		Claire Quadri
	Donald Nash		Tim Smith
	David Brown		Chester Issacs
Guests:	Janet Nass		Jack Gulvin
	Claude Abbey		John Sindyla

Mrs. Bills explained that the Public Hearing was being held to hear all persons in regard to the newly proposed Local Law #4 (Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code). The Town Code Enforcement Officer (Jack Bills) stated this proposed law replaces current law with updates specific to new NYS codes. There was discussion pertaining to several sections of the proposed law between Board members, the Town Supervisor, and the Code Enforcement Officer.

It was decided to modify the wording in Section 92-3, A. 5. adding the phrase “or possible violations” to the end of the item.

Questions from the audience were addressed.

There being no further business, the public hearing was closed at 7:40 p.m.

Respectfully submitted,

Linda L. Briggs, Town Clerk

TOWN BOARD MEETING
Town of Westfield
December 6, 2006

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:40 p.m. in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guests:	Charles Lillie
Councilmen:	Raymond Schuster		Jack Bills
	Carl Vilaro Jr.		Claire Quadri
	Donald Nash		Tim Smith
	David Brown		Chester Issacs
Guests:	Janet Nass		Jack Gulvin
	Claude Abbey		John Sindyla

David Brown moved and Donald Nash seconded a motion to waive the reading of the minutes inasmuch as all members had 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 \$1,001.18 representing fees for the month of November, 2006, was turned over to the Supervisor. State and County agencies received checks totaling \$2,623.26.

The Supervisor's report is as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking</u>	<u>Balance</u>
Gen. A	\$ 525,190	\$490,708	\$1,406.80	\$ 437,671.08
Gen B	103,198	94,691	45.72	68,172.88
Hwy DA	388,479	189,787	1,033.54	403,258.90
Hwy DB	318,094	364,239	1.32	244,795.46
Sewer HO1	23,438	22,503	-0-	16,928.74
Water HO2	55,988	43,399	-0-	77,883.62
Wfd. Fire	58,876	58,053	-0-	15,044.07
Sherm. Fire	7,296	7,143	-0-	280.51
Totals	\$1,480,599	\$1,270,523	\$2,487.38	\$1,264,035.26

The Dog Warden's report for November 2006 was read and placed on file.

Highway Superintendent, Charles Lillie, reported that the grinder delivered last month was working very well.

Code Enforcement Officer, Jack Bills, stated that 7 permits were issued for the month of November. Supervisor Bills added that the Town will review the fee schedule for special permits.

Councilman Donald Nash stated that the harbor is closed for the winter. He also noted that there was a net loss of \$1800 this past season for harbor operations. Despite the loss, this was approximately \$3000 better than the previous season.

In Public Comment there were questions from the audience.

Supervisor Bills announced the Westfield Memorial Hospital requested that the Town officially adopt a resolution in support of the Hospital towards maintaining current services. She said the Town would honor that request.

Old Business:

1. Highway Superintendent Chuck Lillie discussed the two recent highway department solicitations for bids. The first bid (truck chassis) had one bidder for a price of \$78,986. Raymond Schuster moved and David Brown seconded a motion to accept this bid. It was unanimously carried. The second bid (body) was rejected by the Board and it was decided to go out for a re-bid.
2. Supervisor Bills stated the Town is interested in having future meetings with Empire State Wind Energy to discuss a wind power project. There is currently no timeline in place ref this project.
3. Supervisor Bills stated that the initial East Main Water Project meeting held on Monday, Nov. 13 at 7:00 p.m. in Eason Hall was successful. Next, the Town will survey affected residents in order to gather information a Small Cities Grant for new construction and expansion.
4. The Town will also apply for a grant for the expansion of the water district for Barcelona and East Lake Road in the spring of 2007.
5. The first public meeting of the Lakefront Opportunity Committee will be scheduled for the end of February 2007.

New Business:

Supervisor Bills moved and Dave Brown seconded a motion on request from the Chautauqua Lake Snowmobile Club to gain Town approval on land use of strip of land (owned by Niagara Mohawk) as part of snowmobile trail. Unanimously carried.

Raymond Schuster offered the following resolution and moved its adoption:

RESOLUTION #46

WHEREAS, Dobson Cellular Systems has applied for a Special Use Permit allowing it to upgrade three antennas and add a tower mounted switch to an existing telecommunications tower located near

the intersection of Douglas Road and Creamery Road on property designated as tax map parcel Section 242.00, Block 2, Lot 7, 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 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 proposed extension, and

WHEREAS, the Board has determined that the 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 proposed use, and authorizes the Supervisor to sign Part III of the Environmental Assessment Form accordingly.

This was seconded by Donald Nash. Voting was as follows: Martha Bills, aye; Donald Nash, aye; Dave Brown, aye; Carl Vilaro, aye; Raymond Schuster, aye.

Dave Brown offered the following resolution and moved its adoption:

RESOLUTION #47

WHEREAS, Dobson Cellular Systems (hereinafter, the “Applicant”) submitted a special use permit application on October 31, 2006, requesting permission to upgrade three antennas and add a tower-mounted switch to an existing telecommunications tower, located on property designated as Section 242.00, Block 2, Lot 7, near the intersection of Douglas and Creamery Roads, 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 December 6, 2006, 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. 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.

4. This 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 Special Use Permit.

This was seconded by Donald Nash. Voting was as follows: Martha Bills, aye; Donald Nash, aye; Dave Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

Donald Nash offered the following resolution and moved its adoption:

RESOLUTION #48

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 December 6, 2006, at 7:25 p.m. at Eason Hall, 23 Elm Street, Westfield, New York to hear all interested parties on a proposed Local Law providing for the enforcement of the New York State Uniform Fire Prevention and building Code, and

WHEREAS, notice of said public hearing was duly published in the Westfield Republican, the official newspaper of the Town, on November 22, 200, and

WHEREAS, said public hearing was duly held on December 6, 2006 at 7:25 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 action will not have any significant adverse environmental effects and has issued a Determination of Non-Significance, or Negative Declaration, for purposes of the State Environmental Quality Review Act, 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 BE IT RESOLVED, that the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law NO. 4 of 2006, a copy of which is attached and made a part hereof, and the Town Clerk be and 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.

This was seconded by Carl Vilardo. Voting was as follows: Martha Bills, aye; David Brown, aye; Donald Nash, aye; Carl Vilardo aye; Raymond Schuster, aye.

Dave Brown offered the following resolution and moved its adoption:

RESOLUTION #49

WHEREAS, Westfield Memorial Hospital has effectively provided health services to the community since 1942 and is the primary access to care for our exclusively rural population, and

WHEREAS, our Town and the surrounding rural communities are challenged by many factors, including a health care provider shortage, difficult travel conditions, severe weather conditions, no public transportation and a vulnerable population including elderly, poor and Amish, and

WHEREAS, the area has experienced a severe economic down turn and Westfield Memorial Hospital is the largest private employer in Westfield and the provider of localized hospital services and is a critical factor in recruiting and retaining other employees to the region, and

WHEREAS, the local government is charged with considering the safety, health and well being of its citizens and Westfield Memorial Hospital plays a crucial role in the natural and non-natural disaster preparedness program on the local, county, state and federal level, and

WHEREAS, Westfield Memorial Hospital is the only hospital in Chautauqua County that has been affiliated with a major medical center (Saint Vincent Health System) through this ten (10) year affiliation, it has lowered the costs and developed access to sophisticated, high quality health care otherwise unavailable in any other part of Chautauqua County.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Westfield requests that the findings of the New York Commission on Health Care Facilities for the 21st Century be reconsidered and the Westfield Memorial Hospital be officially recognized as a MODEL for rural health care by our state and federal officials and that Westfield Memorial Hospital be certified and reimbursed at a level that allows these services to continue thereby acknowledging the importance of this facility to the continuance of our unique, agricultural economy and the quality of live of our rural citizens.

This was seconded by Don Nash. Voting was as follows: Martha Bills, aye; Donald Nash, aye; Dave Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

Dave Brown offered the following resolution and moved its adoption:

RESOLUTION #50

LET IT BE RESOLVED, that the Town Board hereby authorizes the Town Supervisor and the Town Highway Superintendent to draft a use application and a right-of-way permit form to be used by citizens requesting permission from the Town Board to use town right of ways.

This was seconded by Don Nash. Voting was as follows: Martha Bills, aye; Donald Nash, aye; Dave Brown, aye; Carl Vilardo, aye; Raymond Schuster, aye.

Warrants dated 12/06/06 drawn on the following funds: \$38,016.22 General; \$17,472.04 General Part Town; \$29,736.58 Highway; \$44,126.95 Part Town Highway; \$11.29 HO1, \$14,000.00 SF1, \$2.30 HO6 and \$423.10 T & A were presented and audited by the board members.

David Brown offered the following resolution and moved its adoption:

RESOLUTION #51

That the Supervisor be directed to draw the necessary checks to cover the warrant as audited.

This was seconded by Raymond Schuster. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; Donald Nash, aye; Carl Vilaro, aye.

The next Town Meeting is scheduled for Wednesday, January 10, 2006 @ 7:30 pm.

The Town Board accepted with regret the resignation of Linda Briggs, Town Clerk effective December 31st, 2006.

There being no further business, at 8:35 p.m. Carl Vilaro moved and Donald Nash seconded a motion to move to Executive Session to discuss particular personnel issues. Unanimously carried.

At 9:50 p.m. David Brown moved and Raymond Schuster seconded a motion to return to regular session. Martha Bills moved and Raymond Schuster seconded a motion that retiring Town Clerk, Linda Briggs, will receive a lump sum payment for accumulated sick time and two months of health insurance. Unanimously carried. At 9:55 p.m. Donald Nash moved and David Brown seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,

Linda L. Briggs, Town Clerk