

**PUBLIC HEARING**  
**Town of Westfield**  
**March 3<sup>rd</sup>, 2010**  
**(Community Development Block Grant / CDBG)**

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	Joel Seachrist	Donald Haskin	Conrad Vicary
Councilmen:	Raymond Schuster	Marybelle Beigh	Carl Vilaro	Fred Johnson
	David Brown	Claude Abbey	Alex Gerould	Jennifer Johnson
	James Herbert	David Babcock	Janet Nass	Herb Marker
	David Spann	Claire Quadri	Harold Nass	John Rawlinson
		William Perrine		

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to potential projects within the Town that could be funded by a NYS CDBG Grant. Ideas discussed included a moderate / affordable senior housing project and improvements to the Barcelona Water District.

There being no further questions or comments, David Brown 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  
March 3<sup>rd</sup>, 2010**

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	Joel Seachrist	Donald Haskin	Conrad Vicary
Councilmen:	Raymond Schuster	Marybelle Beigh	Carl Vilardo	Fred Johnson
	David Brown	Claude Abbey	Alex Gerould	Jennifer Johnson
	James Herbert	David Babcock	Janet Nass	Herb Marker
	David Spann	Claire Quadri	Harold Nass	John Rawlinson
		William Perrine		

David Brown moved and 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 \$10,336.13 representing fees for the month of February 2010 was turned over to the Supervisor. State and County agencies received checks totaling \$434.17.

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	\$387,865.00	\$107,593.00	\$8740.25	\$937,267.01
Gen B	91,339.00	42,868.00	55.72	113,388.93
Hwy DA	263,483.00	52,490.00	198.62	448,116.83
Hwy DB	18,955.00	7500.00	1037.64	252,101.83
Sewer HO1	21,679.00	18,631.00	-0-	15,066.97
Water HO2	20,390.00	12,818.00	-0-	98,971.36
Wfd. Fire	65,899.00	-0-	-0-	65,994.92
Sherm. Fire	8,600.00	-0-	-0-	8766.50
Totals:	\$878,210.00	\$241,900.00	\$10,032.23	\$1,939,674.35

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

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

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

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

Highway:

- The Town Highway Superintendent submitted a written report on activities for February highlighting continued snow removal operations.

- He informed the Town Board that one proposal was submitted in response to the bid request to reconstruct a culvert on Felton Road. Betts Masonry proposed a price of \$12,525. Raymond Schuster moved and David Brown seconded a motion to accept the bid. This was unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting February inspections conducted, new homes status, and his attendance at required trainings.

Barcelona Harbor:

- The Pier remains closed for the season.

In Public Comment, Mr. Vicary again discussed a property issue with his neighbor. Janet Nass discussed the number of potential wind turbine sites in the DEIS and PILOT negotiations being conducted by the IDA for the Wind Project. Claire Quadri expressed her opinion that Town Board input / discussions to the DEIS should have been done in open meetings and publicized.

Announcements:

- Supervisor Bills requested that the Town Board declare March 18<sup>th</sup>, 2010 as Absolutely Incredible Kids Day for the Town of Westfield. This was moved by David Brown and seconded by Raymond Schuster. Unanimously approved.
- The County's Legislative Breakfast is scheduled for March 20<sup>th</sup>, 2010.

Old Business:

- Supervisor Bills provided a Project Update including the Concord Grape Belt Heritage Association's Management Plan (which is on schedule), the spring plan for completion of the East Main Road water project, and that the Wind Project DEIS is on-line (link on Town Web Site) & at the Patterson Library.
- The date for a Public Hearing for Local Law #1 was set for April 7<sup>th</sup>, 2010 @ 7:20pm.
- The date for the second CDBG Public Hearing was set for April 14<sup>th</sup>, 2010 @ 4:30pm.

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- Martha Bills offered the following resolution and moved its adoption:

**Resolution No. 14 of 2010**  
Amended Notice of Completion

**WHEREAS**, the Town of Westfield is co-lead agency with the Town of Ripley under the New York State Environmental Quality Review Act, ECL §8-0101, *et seq.* and its implementing regulations at 6 NYCRR Part 617 (collectively, "SEQRA") for the Ripley-Westfield Wind Power project (the "Project"); and,

**WHEREAS**, on February 24, 2010, at a Special Meeting, the Town Board of the Town of Westfield ("this Town Board") passed Resolution No. 12, by which it made its determination pursuant to SEQRA that the Draft Environmental Impact Statement (the "DEIS") for the Project filed with the Town on or about February 17, 2010, by

Ripley-Westfield Wind LLC (the "Applicant") is adequate with respect to its scope and content for the purpose of commencing public review (the "completeness determination") and provided for a public comment period on the DEIS; and,

**WHEREAS**, Resolution No.12 also directed the Town Clerk to file a Notice of Completion and otherwise give notice of the completeness determination and the public comment period on the DEIS, which public comment period was to end on April 26, 2010; and,

**WHEREAS**, at its Special Meeting on February 24, 2010, this Town Board also passed Resolution No. 13, setting a public hearing date on the DEIS for April 13, 2010, and directing the Town Clerk to incorporate the Notice of Hearing into the Notice of Completion, file the Notice of Completion and otherwise give notice of the public hearing; and,

**WHEREAS**, thereafter, the Town Board of the Town of Ripley ( the "Ripley Town Board") was unable to meet and set a public hearing date for and public comment period on the DEIS to co-ordinate with the dates set by this Town Board; and,

**WHEREAS**, the Ripley Town Board requested and did receive an extension of time from the Applicant to conduct its public hearing on the DEIS and receive public comments thereon; and,

**WHEREAS**, at a Special Meeting on February 26, 2010, the Ripley Town Board made its completeness determination of the DEIS, set a public hearing thereon for May 4, 2010, and set a public comment period thereon to conclude on May 17, 2010; and,

**WHEREAS**, at its February 24 Special Meeting this Town Board heard from some members of the public that they would like a longer time to comment on the DEIS; and,

**WHEREAS**, an extension of time of the public comment period on the DEIS by this Town Board would serve to better coordinate the receipt of public comments on the DEIS with the Town of Ripley and be responsive to the requests of the Town residents who spoke at the Special Meeting; and,

**WHEREAS**, the Town of Westfield and the Applicant have now agreed to an extension of time for the Town to receive public comments on the DEIS.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board will hold a public hearing on the DEIS starting at 1:00 p.m. and continuing until the last person asking to speak is heard, on Tuesday, April 13, 2010, in Eason Hall, at 23 Elm Street, Westfield, New York, as previously determined by this Town Board in Resolution No. 12; and, be it further

**RESOLVED**, that the public comment period on the DEIS for the Project be and hereby is extended to May 17, 2010; and, be it further

**RESOLVED**, that the Town Clerk is directed to take such steps as may be necessary to withdraw or otherwise supercede the filing, publishing and posting of the Notice of Completion attached to Resolutions No. 12 and 13; and, be it further

**RESOLVED**, that the Town Clerk is directed to incorporate the Notice of Hearing into the Amended Notice of Completion in the form attached to this Resolution; and, be it further

**RESOLVED**, that the Town Clerk is directed to file an Amended Notice of Completion in the form attached to this Resolution with the Town of Ripley, New York, the New York State Department of Environmental Conservation, all involved agencies, any person who has requested a copy and the Applicant; and, be it further

**RESOLVED**, that the Town Clerk is directed to give notice of the completeness determination, the public comment period on the DEIS and the public hearing on the DEIS by publishing the Amended Notice of Completion in the

form attached to this Resolution in the New York State Department of Environmental Conservation *Environmental Notice Bulletin*, the *Dunkirk Observer*, and the *Westfield Republican*, and by posting this Amended Notice in Westfield Town Hall.

**Amended Notice of Completion of Draft EIS and Public Hearing**

Chautauqua County - This amended notice is issued pursuant to the State Environmental Quality Review Act (SEQRA), ECL Article 8 and its implementing regulations at 6 NYCRR Part 617. The Town of Westfield, New York (Westfield), as co-lead agency with the Town of Ripley, New York (Ripley), has accepted a Draft Environmental Impact Statement (DEIS) on the proposed Ripley-Westfield Wind Power project, a Type I action under SEQRA. A public hearing on the DEIS will be held starting at 1:00 pm and continuing until the last person asking to speak is heard, on Tuesday, April 13, 2010, at Eason Hall, 23 Elm Street, Westfield, New York 14787. Written comments on the DEIS may be submitted in the following ways: 1) in person at the public hearing; 2) in person or by mail to the Town Clerk at Westfield Town Hall, 23 Elm Street, Westfield, New York 14787; or, 3) by email to the Town Clerk at [comments@townofwestfield.org](mailto:comments@townofwestfield.org). Written comments must be received by 5:00 p.m. Monday, May 17, 2010 to be considered in the Final EIS. A paper copy of the DEIS is available at Westfield Town Hall, and at Patterson Library, 40 South Portage Street, Westfield, New York 14787. The online version is available at <http://www.ripleywestfieldwind.ene.com>. The action involves the construction of a commercial wind power project with a total installed capacity of approximately 125 megawatts, including the construction of up to 31 wind turbine generators in Westfield and up to 30 wind turbine generators in Ripley and associated collection lines, access roads, a substation, an operations and maintenance building, a laydown area and two permanent meteorological towers; the construction of road improvements in the Towns of Chautauqua, Sherman and North Harmony, and the Village of Sherman; and, the construction of a temporary concrete batch plant in the Town of Chautauqua. The Project Area is generally bounded by Belson Road to the north; Sherman Westfield Road (Route 21) to the east; Wattlesburg and Sherman Ripley Roads (NYS Route 76) to the west; and Sprague, Johnson, and Sherman Ripley Roads to the south. Contact: Martha Bills, Supervisor, Town of Westfield, New York, Eason Hall, 123 Elm Street, Westfield, NY 14787; Phone: (716) 326-3211; Fax: (716) 326-3611; E-mail: [marthabills@townofwestfield.org](mailto:marthabills@townofwestfield.org).

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.

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

**Resolution No. 15 of 2010**

Authorization for Supervisor to Sign NYS DOS Grant Contracts (Barcelona Improvements)

**BE IT RESOLVED**, that the Town Board of Westfield hereby authorizes the Supervisor to sign NYS Department of State grant contracts (#C006988 - Pier Improvements and #T006987 - Streetscape Revitalization Feasibility Study) for Barcelona improvements.

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.

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New Business:

- Raymond Schuster moved and James Herbert seconded a motion to authorize the Highway Superintendent to go out for bids on Highway Materials. This was unanimously approved.

- Martha Bills moved and David Brown seconded a motion to authorize the Highway Superintendent to post roads. This was unanimously approved.
- Raymond Schuster moved and David Brown seconded a motion to renew the Transfer Station contract for 1 year with Casella Waste Management. This was unanimously approved.

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

**Resolution No. 16 of 2010**

Authorization for Supervisor to Sign NCCR Contract

**BE IT RESOLVED**, that the Town Board of Westfield hereby authorizes the Supervisor to negotiate and sign a contract with the Northern Chautauqua Canine Rescue pending approval of Counsel as to final form.

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.

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At 8:40pm Supervisor Bills moved and James Herbert seconded a motion to move to Executive Session to discuss on-going litigation. Unanimously carried.

At 9:05pm Supervisor Bills moved and David Brown seconded a motion to return to regular session. Unanimously carried.

Martha Bills 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.

The next Town Meeting is scheduled for Wednesday, April 7<sup>th</sup>, 2010 @ 7:30pm.

There being no further business, at 9:10pm. Raymond Schuster moved and David Brown seconded a motion to adjourn. Unanimously carried.

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