

PUBLIC HEARING
Town of Westfield
June 5th, 2013
SUP Application for a Limited Retail / Wholesale Business

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	Joel Seachrist	Howard Ross
Councilmen:	Raymond Schuster	Jim Pacanowski	Marybelle Beigh	Phil Young
	David Brown	Claude Abbey	William Bauer	Dave Davidson
	David Spann	Janet Nass	Richard Queer	Arianna Cooke
	James Herbert	Harold Nass	Debra Queer	Nicole Zachary
		Dylan MacCubbin	Dan Demarco	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to an SUP Application submitted by Richard and Debra Queer for a Limited Retail / Wholesale Business (to sell fishing lures) at their home address on Bliss Road. After the applicants provided a brief synopsis of their proposal there was limited discussion and all issues identified were addressed. A neighbor, Howard Ross, spoke in support of the proposed business.

There being no further business, Raymond Schuster moved and David Spann 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
June 5th, 2013**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:32pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Joel Seachrist	Howard Ross
Councilmen:	Raymond Schuster	Jim Pacanowski	Marybelle Beigh	Phil Young
	David Brown	Claude Abbey	William Bauer	Dave Davidson
	David Spann	Janet Nass	Richard Queer	Arianna Cooke
	James Herbert	Harold Nass	Debra Queer	Nicole Zachary
		Dylan MacCubbin	Dan Demarco	

David Brown moved and James Herbert 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 \$22,246.61 representing fees for the month of April 2013 was turned over to the Supervisor. State and County agencies received checks totaling \$498.06.

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	\$435,416.00	\$300,327.00	\$646.69	\$873,547.85
Gen B	157,528.00	36,219.00	75.18	184,003.83
Hwy DA	273,214.00	195,141.00	98.62	325,403.09
Hwy DB	91,738.00	64,346.00	37.64	164,076.11
Sewer HO1	23,240.00	26,063.00	-0-	2574.37
Water HO2	17,344.00	12,408.00	-0-	102,392.51
Wfd. Fire	46,335.00	-0-	-0-	53,995.12
Sherm. Fire	8,911.00	-0-	-0-	9,026.44
Totals:	\$1,053,726.00	\$643,408.00	\$858.13	\$1,715,019.46

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

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

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

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

The Westfield Police report for May 2013 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for May 2013 and highlighted fuel usage, ditching, and roadside mowing.
- 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.
- David Brown moved and David Spann seconded a motion to solicit for more bids (only received one) on the light posts recently removed from the Pier. Unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 14 permits were issued in the Town for May 2013 and also update the Board on the status of three homes in various phase of construction.

Barcelona Harbor: The upcoming Southtowns' Walleye Tournament will begin on June 8th with the Pier again designated as a Weigh Station. It was also noted that six new life rings have been put out.

WACS:

- WACS School Superintendent provided a presentation on the potential merger between Westfield and Brocton schools.
- He announced that the 'Straw Vote' to gauge public opinion is set for June 18th, 2013.

Supervisor made the following announcements:

- 'First Friday' (7 June 2013) Sponsored by the Chamber of Commerce (5-8pm)
- Civil War Enactment (7-9 June 2013) in Moore Park
- 2013 29th Anniversary Southtowns' Walleye Association Tournament (June 8 - 16)
- Alumnae Weekend & Firemen's Ox Roast (13 & 14 July 2013)

Old Business:

- Supervisor Bills stated that the Barcelona Water Project continues to move forward with the CC Health Department finalizing their planning and an Engineer update being scheduled for the end of the month. She also stated that work continues at the Pier and in Barcelona using NYS DOS Streetscape grant funding.

- Based on several concerns and requests, the Town will officially ask the NYS DOT to conduct a traffic study on W. Route 20.

New Business:

- Martha Bills moved and David Brown seconded a motion to grant use of the Pier on 7/14/13 @ 11:30am for a WACS Alum Memorial Service. Unanimously approved.

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

Resolution No. 28 of 2013
Negative Declaration
SUP Application for Limited Retail / Wholesale Business

WHEREAS, Richard & Debra Queer (hereinafter, the “Applicants”) have submitted an application for a Special Use Permit to open a Limited Retail / Wholesale Business on property located at 7551 Bliss Road, on a parcel designated as Section 210.00, Block 1, Lot 50. The business would involve the packaging, shipping, and retail sale of fishing lures in an existing 30' x 30' building on the property, 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 use, 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 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 David Spann. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; James Herbert, aye; David Spann, aye.

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

Resolution No. 29 of 2013
Issuance of Special Use Permit
Limited Retail / Wholesale Business

WHEREAS, Richard & Debra Queer (hereinafter, the “Applicants”) have submitted an application for a Special Use Permit (SUP) to open a Limited Retail / Wholesale Business on property located at 7551 Bliss Road, on a parcel designated as Section 210.00, Block 1, Lot 50. The business would involve the packaging, shipping, and retail sale of fishing lures in an existing 30' x 30' building on the property, and

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

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held May 8, 2013 and recommended approval of the application, 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 May 28, 2013 that the application is a matter 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 June 5, 2013, and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the application to open a Limited Retail / Wholesale Business on property located at 7551 Bliss Road, Westfield, be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicants shall undertake the project in accordance with the plans submitted to the Town with the application, except as hereinafter modified, and agree to be bound by the terms of the application and the conditions of this SUP.
2. If operation of the business has not commenced within one year of the issuance of this SUP, this SUP shall become void and the Applicants shall be required to apply for a new SUP should they intend to continue the project.
3. The terms, conditions, and requirements of this SUP bind and obligate the Applicants, their successors, and assigns. This SUP shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
4. Any failure or omission on the part of the Applicants 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 Applicants, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
5. This Special Use Permit shall become effective after the Applicants approve each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

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.

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

Resolution No. 30 of 2013
Appointment of Assessor

RESOLVED, that the Westfield Town Board hereby appoints Bonnie Rae Strickland as Assessor effective October 1st, 2013 to the 6 year standard NYS term through September 30th, 2019.

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.

Martha Bills moved and David Brown seconded a motion to set a three Public Hearings prior to the next Town Board meeting on 10 July 2013. The first @ 7:15pm for an SUP Amendment Application for Cell Tower on Vilaro Road; The second @ 7:20pm for an SUP Amendment Application for Cell Tower on Persons Road; and the third for an SUP Application for an Outdoor Market on Sherman Road. This was unanimously approved.

Warrants dated June 5th, 2013 (voucher #'s 9494 - 9563), in the amount of \$84,153.95 drawn on the following funds: General \$41,213.37; General Part-Town \$90.00; Highway \$12,010.31; Highway Part-Town \$21,130.33; Sewer Fund \$20.77; Shorehaven Water Project \$19.37; and Trust & Agency \$738.16 were presented and audited by the Board members. David Spann 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, July 10th, 2013 @ 7:30pm.

There being no further business, at 8:20pm. David Spann moved and David Brown seconded a motion to adjourn. Unanimously carried.

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