

PUBLIC HEARING
Town of Westfield
August 4th, 2010
(Local Law #4 / Amend the Junkyards Law)

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	Everett Smith
Councilmen:	Raymond Schuster	Marybelle Beigh	Janet Nass
	David Brown	Claude Abbey	Harold Nass
	James Herbert	David Babcock	Claire Quadri
	David Spann	Herb Marker	

Supervisor Bills explained that this Public Hearing is a continuation of the original session on July 7th, 2010. An extension was requested by Robert Harris. The Hearing was being held to hear all persons in regard to proposed Local Law #4 which would amend current Town Law for Junkyards. Supervisor Bills and Joel Seachrist briefly highlighted the changes which would primarily redefine the annual license renewal process.

There being no further questions or comments, Martha Bills moved and Raymond Schuster seconded the motion that this Public Hearing be closed at 7:28pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
August 4th, 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	Everett Smith
Councilmen:	Raymond Schuster	Marybelle Beigh	Janet Nass
	David Brown	Claude Abbey	Harold Nass
	James Herbert	David Babcock	Claire Quadri
	David Spann	Herb Marker	

David Brown moved and Raymond Schuster 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 \$5954.79 representing fees for the month of July 2010 was turned over to the Supervisor. State and County agencies received checks totaling \$2021.61.

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	\$538,773.00	\$337,195.00	\$8740.25	\$830,591.09
Gen B	108,058.00	72,253.00	55.72	89,756.09
Hwy DA	287,883.00	164,005.00	198.62	355,784.63
Hwy DB	113,624.00	171,116.00	1037.64	183,073.81
Sewer HO1	21,715.00	27,848.00	-0-	5,887.39
Water HO2	20,612.00	13,023.00	-0-	98,949.84
Wfd. Fire	66,044.00	-0-	-0-	66,117.19
Sherm. Fire	8,616.00	8644.00	-0-	135.76
Totals:	\$1,165,325.00	\$794,084.00	\$10,032.23	\$1,630,259.80

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

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

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

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

Highway:

- The Highway Superintendent submitted a written report on activities for July highlighting completion of black topping, road sealing, and yard work for the East Main Road water project. He also requested authorization to go out for bid for a new a new salt shed which was

unanimously approved. Basil Ford, Inc. submitted the low bid of \$21,171 for a new 250 Crew Cab 4x4 Truck (with Trade-in & plow). 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 report for July highlighting 4 new permits issued in the Town, 18 construction inspections, and 2 Final Electrical inspections. He also attended the CC Building Officials Association meeting in Sunset Bay.

Barcelona Harbor:

- James Herbert again highlighted the increased activity at the Pier. He also noted that there was no Harbor Commission meeting this month.

In Public Comment, Mr. Everett Smith (a Barcelona Resident) expressed concerns about smoke from beach fires, loud music, and swimming at both the beaches & the break walls.

Announcements:

- First Friday (August 6th, 2010)
- Light the Lakes (September 5th, 2010)

Old Business:

- Supervisor Bills provided a Project Update which included Route 5 road construction (set to begin on August 10th, 2010) and the fact that the CCHD has approved East Main Road water lines and backflow preventors.

New Business:

- David Brown offered the following resolution and moved its adoption

Resolution No. 38 of 2010
Extension of Time to Submit FEIS

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, the Applicant has advised that it needs additional time to prepare the statement adequately and proposes that the deadline to submit the FEIS be extended to October 1, 2010

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 hereby grants to the Applicant an extension of the deadline to prepare and submit the FEIS to and including October 1, 2010 at 5:00 p.m., 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 Raymond Schuster. 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. 39 of 2010

Adoption of LL#4 - Amend the Junkyards Law

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 July 7, 2010 at 7:20 p.m. at the North Room, Eason Hall, 23 Elm Street, Westfield, New York 14787, to hear all interested parties on a proposed Local Law to amend the Junkyard Law with regard to the annual renewal of junkyard licenses, and

WHEREAS, notice of said public hearing was duly published in the *Dunkirk Evening-Observer* and *Westfield Republican* and posted in the Town Clerk's office and

WHEREAS, said public hearing was duly held on July 7, 2010 at 7:20 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 hereby determines that the adoption of the local law is a Type II action for purposes of the State Environmental Quality Review Act, requiring no further review, 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 REOLVED, that the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 4 of 2010, a copy of which is attached hereto and made a part hereof, and the Town Clerk 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 David Brown. 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. 40 of 2010

Approval of the Lake Erie Concord Grape Belt Heritage Area Management Plan

WHEREAS, the Lake Erie Concord Grape Belt Heritage Area was recognized by the New York State Legislature as a state designated heritage area on September 13, 2006 as a means to promote, develop and preserve the unique historic, cultural, recreational, and natural resources of the Lake Erie Concord Grape Belt corridor; and

WHEREAS, the Commissioner of the Office of Parks, Recreation and Historic Preservation is required to request the preparation of a comprehensive management plan for each designated state heritage area pursuant to Section 35.03 of the Parks, Recreation and Historic Preservation Law by a local planning commission; and

WHEREAS, the Concord Grape Belt Heritage Association was recognized within the Act establishing the Lake Erie Concord Grape Belt Heritage Area as the organization authorized to prepare or cause to be prepared a management plan pursuant to Section 35.05 of the Parks, Recreation and Historic Preservation Law; and

WHEREAS, the Town of Westfield secured grant funding, on behalf of the Concord Grape Belt Heritage Association, to fund the completion of the Lake Erie Concord Grape Belt Heritage Area Management Plan, with the assistance of a planning consultant, through New York State's Department of State Division of Coastal Resources under Title 11 of the Environmental Protection Fund; and

WHEREAS, in 2009 the Concord Grape Belt Heritage Association formed the Concord Grape Belt Advisory Commission to act as the local planning commission and assist with the completion of the Lake Erie Concord Grape Belt Heritage Area Management Plan pursuant to Section 35.05 of the Parks, Recreation and Historic Preservation Law of New York State; and

WHEREAS, the draft management plan completed by the Concord Grape Belt Advisory Commission identifies a series of strategies and partnerships for communities in Chautauqua County for the preservation, education, recreation, and economic revitalization of their unique resources and for the implementation of programs and projects; and

WHEREAS, the Concord Grape Belt Advisory Commission held meetings within the proposed heritage area to inform the public and stakeholders about the development of the Lake Erie Concord Grape Belt Heritage Area Management Plan and to gather input from involved and interested agencies and residents; and

WHEREAS, this effort was completed in July of 2010 and subsequently the completed Lake Erie Concord Grape Belt Heritage Area Management Plan was posted for review on the Chautauqua County Planning Division's (www.planningchautauqua.com) and on the Concord Grape Belt Heritage Association (www.concordgrapebelt.org) websites, and provided to municipalities within the heritage area boundaries; and

WHEREAS, the Town of Westfield declared its intent to act as Lead Agency through resolution 10-2010 enacted January 10, 2010 pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the State Environmental Quality Review Act (SEQRA) without objection; and

WHEREAS, the Town of Westfield conducted a coordinated review of the Lake Erie Concord Grape Belt Heritage Area Management Plan, a Type I action, for purposes of determining significance of the Heritage Area Management Plan; and

WHEREAS, a public hearing will be held on August 25th, 2010, on the Heritage Area Management Plan before it is submitted to the NYS Office of Parks, Recreation & Historic Preservation for approval; and

WHEREAS, the boundary of the Lake Erie Concord Grape Belt Heritage Area included specific designated areas within the Towns of Ripley, Westfield, Portland, Pomfret, Dunkirk, Sheridan, Hanover, Arkwright and Chautauqua and the Villages of Westfield, Brocton, Fredonia, Silver Creek and Forestville, and the City of Dunkirk; and

WHEREAS, each municipality with land within the boundaries of the proposed Lake Erie Grape Belt Heritage Area must review and approve the Lake Erie Concord Grape Belt Heritage Area Management Plan pursuant to Section 35.05 (3) of the Parks, Recreation and Historic Preservation Law prior to submittal to the Commissioner of the Office of Parks, Recreation and Historic Preservation for consideration; and

THEREFORE BE IT RESOLVED, that the Town of Westfield hereby approves the Lake Erie Concord Grape Belt Heritage Area Management Plan, and

BE IT FURTHER RESOLVED that such resolution will be forwarded to the Concord Grape Belt Heritage Association, the Chautauqua County Department of Planning and Economic Development and the Chautauqua County Legislature for submittal to the Commissioner of the Office of Parks, Recreation and Historic Preservation for consideration.

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.

- David Spann offered the following resolution and moved its adoption

Resolution No. 41 of 2010
Sponsor Chautauqua "Light the Lakes" Event

BE IT RESOLVED, that the Town Board Town of Westfield hereby authorizes the Supervisor to act on behalf of the Town Board as a sponsor of the 2010 Chautauqua *Light the Lakes* county-wide fireworks display. The Town's share of the expenses is not to exceed \$2500. The Town Board waives the \$50 permit fee for the display and will allow the Chamber to use the pier on the afternoon and evening of September 5th, 2010

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.

Resolution No. 40 of 2010
Change Order East Main Road Water Project

David Brown moved and David Spann seconded a motion to accept a Change Order for materials used in the East Main Road Water Project. The *Change Order #1-2010 Water Systems Materials Bid*, as recommended by Tolman Engineering in their letter of August 4th, 2010 is issued to Lock City Supply to modify the contract value from an original bid of \$50,017.96 to \$40,681.08. Some items in the original bid are no longer manufactured, therefore currently available items as specified will be purchased. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; David Spann, aye; and James Herbert, aye.

David Spann moved and James Herbert seconded a motion authorizing Jerry LaPorte to attend NYS Magistrate Training 26-29 September 2010. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; David Spann, aye; and James Herbert, aye.

David Brown moved and David Spann seconded a motion authorizing the Assessor and Bookkeeper to attend Excel Training 5-7 October 2010. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; David Spann, aye; and James Herbert, aye.

At 8:21pm Supervisor Bills moved and Raymond Schuster seconded a motion to move to Executive Session to discuss employment history of particular persons. Unanimously carried.

At 8:35pm 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, September 1st, 2010 @ 7:30pm.

There being no further business, at 8:50pm David Spann moved and James Herbert seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,

//original signed//

Timothy C. Smith, Town Clerk