

PUBLIC HEARING  
Town of Westfield  
December 4<sup>th</sup>, 2013  
**Public Hearing to Amend Existing Cell Tower SUP (T-Mobile) / Vilardo Road**

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	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Harold Nass
	David Brown	Joel Seachrist	Thom Brown
	James Herbert	Connie O'Conner	William Bauer
	David Spann	Claude Abbey	Mathew Kerwin

Attorney Mathew Kerwin (representing T-Mobile) that the proposed amendment would allow the for removal of 2 panel antennas, installation of 1 panel antenna, and installation of 1 tower mounted amplifier to the Cell Tower at 8584 Vilardo Road. He explained that this is a basic upgrade and relatively easy to accomplish.

After questions were addressed and there being no further business, Martha Bills moved and David Spann seconded the motion that the public hearing be closed at 7:31pm. This was unanimously approved.

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

TOWN BOARD MEETING  
Town of Westfield  
December 4<sup>th</sup>, 2013

The regular meeting of the Town Board 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	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Harold Nass
	David Brown	Joel Seachrist	Thom Brown
	James Herbert	Connie O'Conner	William Bauer
	David Spann	Claude Abbey	Mathew Kerwin

The Town Clerk's report together with a check in the amount of \$1991.56 representing fees for the month of November 2013 was turned over to the Supervisor. State and County agencies received checks totaling \$2522.64.

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	\$527,483.00	\$576,044.00	\$9094.22	\$682,377.21
Gen B	161,728.70	167,007.00	75.18	154,267.10
Hwy DA	291,009.00	301,365.00	515.84	258,685.27
Hwy DB	308,105.00	429,928.00	37.64	(2335.58)
Sewer HO1	23,241.00	28,218.00	-0-	415.91
Water HO2	17,421.00	16,610.00	-0-	98,266.77
Wfd. Fire	46,377.00	53,591.00	-0-	54,036.44
Sherm. Fire	8,912.00	8,932.00	-0-	96.00
Totals:	\$1,384,276.70	\$1,581,695.00	\$9,722.88	\$1,245,808.12

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

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

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

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

Highway:

- The Town Highway Superintendent provided a written report for November 2013 and highlighted current projects such as repairs to bathrooms at the pier, began construction of the new shelter at the pier, and cleaning up the Town's property on West Main Road. He also submitted a 2013 Annual Report Highway Department accomplishments.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for November 2013 highlighting that noted 9 permits issued in the Town and the fact that 4 new residential homes are under construction.

Barcelona Harbor:

- Pier operations are closed.

Public Comment: None

Supervisor Bills made the following announcements:

- Town Employees' Christmas Party (19 December 2013 - 12:00pm / Eason Hall)
- USACE Visit BG Margaret Burcham (17 December 2013 - 12:00pm)

Old Business:

- Supervisor Bill discussed the fact that the Barcelona Water Project is awaiting the Engineer Final Plan (should be available December 18<sup>th</sup>).
- She also stated that Permit process for dredging the harbor continues with DEC.
- The Tops assessment challenge has been settled.
- The Cass Development assessment challenge was withdrawn.

New Business:

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

**Resolution No. 52 of 2013**  
2014 Holiday Schedule

New Year's Day (Federal)	Wednesday, January 1
Martin Luther King Day	Monday, January 20
Presidents' Day	Monday, February 17
Good Friday	Friday, April 18
Memorial Day	Monday, May 26
Independence Day	Friday, July 4
Labor Day	Monday, September 1
Columbus Day	Monday, October 13
Veteran's Day (Federal)	Tuesday, November 11
Thanksgiving Day	Thursday, November 27
Day after Thanksgiving	Friday, November 28
Christmas Eve	Wednesday, December 24
Christmas	Thursday December 25

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.

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- David Brown offered the following resolution and moved its adoption

**Resolution No. 53 of 2013**  
Negative Declaration / Amendment to Existing SUP (T-Mobile)

**WHEREAS**, T-Mobile Northeast LLC or “T-Mobile” (hereinafter, the “Applicant”) has applied for an amendment to an existing Special Use Permit to allow for removal of 2 panel antennas, installation of 1 panel antenna, and installation of 1 tower mounted amplifier to the Cell Tower at 8584 Vilaro Road on property designated as tax map parcel Section 208.00, Block 2, Lot 19, 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 David Spann. 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. 54 of 2013**  
Issuance of Amendment to existing SUP (T-Mobile)

**WHEREAS**, T-Mobile Northeast LLC or “T-Mobile” (hereinafter, the “Applicant”) has applied for an amendment to an existing Special Use Permit to allow for removal of 2 panel antennas, installation of 1 panel antenna, and installation of 1 tower mounted amplifier to the Cell Tower at 8584 Vilaro Road on property designated as tax map parcel Section 208.00, Block 2, Lot 19, and

**WHEREAS**, the Town of Westfield Planning Board reviewed the application during a meeting held November 13<sup>th</sup>, 2013 and recommended approval of the application, and

**WHEREAS**, the application 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 November 15<sup>th</sup>, 2013 that the matter was of local concern, 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 4<sup>th</sup>, 2013, 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. The terms, conditions, and requirements of this permit shall be cumulative with and in addition to any set out in the Special Use Permit authorizing the existing telecommunications tower, and any subsequent additions, modifications, or amendments thereto.
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 Amendment to an Existing 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 Amendment to an Existing Special Use Permit.

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.

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- Martha Bills offered the following resolution and moved its adoption

**Resolution No. 55 of 2013**  
Authorizing Advance Payment of Employee Health Insurance Premiums  
When Injured on the Job

**BE IT RESOLVED**, that the Town of Westfield does hereby adopt the following policy and procedure, which may be amended from time to time by further resolution:

1. The Town of Westfield shall pay a Town employee's share of his health insurance premiums for up to three (3) months if the employee was injured on the job, is eligible for Worker's Compensation, and is unable to work.
2. Any employee requesting to be so compensated shall have first signed a promissory note or similar agreement authorizing the Town to re-pay any amounts so advanced by the automatic deduction of at least 5% of the sum advanced from the employee's paycheck for each pay period after he has returned to work, until fully paid.

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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- Raymond Schuster offered the following resolution and moved its adoption

**Budget Resolution No. 1 of 2014**  
2013 Budget Revisions

<b>Revision Description</b>	<b>Increase Expenditu res</b>	<b>Decrease Expenditur es</b>	<b>Increase Revenue</b>
<b>A Funds (General)</b>			
A.46.1650.4 Cent. Communication	\$200.00		
A.46.1650.410 Website		\$200.00	
A.90.8350.0 Common Water A.46.1650.4 Contingent \$7,520.00	\$7,520.00		\$2,900.00
A.46.1665.4 Parks	\$2500.00		
A.92.7180.1 Parks PE		\$2500.00	
A.61.4020.4 Registrar A.92.7180.1 Parks PE \$900.00			\$900.00
A.92.7180.42 Harbor Improvement	\$40,000.0 0		
A. 47.1989.4 Contingent		\$27,000.00	
A. 47.1940.4 Purchase of Land		\$13,000.00	
A. 95.8160.1 Refuse PE	\$500.00		
A. 84.8989.4 Cable		\$500.00	
<b>B Funds (General)</b>			
B. 95.8160.4 Refuse CE	\$315.00		
B. 96.8020.4 Planning CE		\$315.00	

B.			
98.9010.8	Retirement	\$730.00	
B.			
96.8020.4	Planning CE		\$730.00

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.

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Warrants dated December 4<sup>th</sup>, 2013 (voucher #'s 9836 - 9888), in the amount of \$200,451.63 drawn on the following funds: General \$38,833.58; General Part-Town \$96,941.78; Highway \$10,201.75; Highway Part-Town \$862.74; Sewer Fund \$16.84; Shorehaven Water Project \$3.68; and WFD \$53,591.26 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.

The next Town Meeting is scheduled for Wednesday, January 8<sup>th</sup>, 2014 @ 7:30pm.

At 8:15pm Supervisor Bills moved and David Spann seconded a motion to move to Executive Session to discuss ongoing litigation and Property Acquisition. Unanimously carried.

At 8:55pm David Brown moved and James Herbert seconded a motion to return to regular session. Unanimously carried.

There being no further business, at 8:56pm Martha Bills moved and David Spann seconded a motion to adjourn. Unanimously carried.

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

Clerk