

**TOWN BOARD MEETING
Town of Westfield
April 4, 2018**

**PUBLIC HEARING
Town of Westfield
April 4, 2018
Public Hearing**

Special Use Permit, Airosmith New Cingular Wireless, 6302 Douglas Rd

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	Guest:	Tom Tarpley
Councilmen:	David Brown		Rashmika Vanrensselaer
	James Herbert		Marybelle Beigh, Historian
	Will Northrop		William Bauer
Absent:	David Spann		Kelly Brown, Harbor Master
			Cristie Herbst
			Janet Nass
			Jake Monacelli-Airosmith

Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Supervisor Bills made the motion to open the Public Hearing to hear all persons in regards to the Special Use Permit.

Publication of the public hearing was posted by the Town Clerk.

The application is to upgrade their wireless equipment allowing the replacement of antennas(6), amplifiers(3), diplexers(6) on the existing tower owned by American Tower. Jake Monacelli site acquisition specialist was present. A letter was received from the Town Planning Board recommending the application be approved.

No further comments.

Supervisor Bills made the motion to close the public hearing at 7:31pm. Councilman David Brown seconded the motion. This was unanimously approved.

Respectfully submitted,
//original signed//
Andrea L. Babcock, Town Clerk

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Cristie Herbst, President of the McClurg Museum and Chautauqua County Historical Society Board of Directors gave a presentation to the Town Board about the McClurg Museum. She also gave the board members the "TimeLines Newsletter of the Chautauqua County Historical Society".

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

Supervisor:	Martha R. Bills	Guest:	Tom Tarpley
Councilmen:	David Brown		Rashmika Vanrensselaer
	James Herbert		Marybelle Beigh, Historian
	Will Northrop		William Bauer
Absent:	David Spann		Kelly Brown, Harbor Master
			Cristie Herbst
			Janet Nass
			Jake Monacelli-Airosmith

Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Pledge of Allegiance

Councilman David Brown made the motion to waive the reading of the March 7th, 2018 minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilman James Herbert seconded the motion. The motion was carried unanimously.

Reports:

The Town Clerk's report together with a check in the amount of \$3,077.81 representing fees for the month of March 2018 was turned over to Supervisor Bills. A check for \$45.00 representing fees for the month of March to NYS Department of Health, Marriage Licenses and a check in the amount of \$25.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$0.00 will be withdrawn on the 14th. A check in the amount of \$610.00 representing fees for the month of March was turned over to the Village of Westfield for Registrar of Vital Statistics fees collected.

Supervisor Bills presented the board with bank balances for the month ending February 2018. All Board members have received a copy of the bank balances. End of the year closing has not been completed. The Town bookkeeper cannot close the year end until the AUD (annual updated document) is complete.

The Dog Warden's report for March 2018 was received and placed on file.

The Fire Department Report for and March 2018 was received and placed on file.

The Historian's report for March 2018 was received and placed on file.

The Town Court report for March 2018 was received and placed on file.

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The WPD report for March 2018 was not received.

Highway:

Highway Superintendent highlighted on gas, fuel, plowing, sanding, working on redoing the ceiling in the front shop, fixing picnic tables for the Pier and sweeping roads. The Highway Superintendent's March report has been received and placed on file.

Code Enforcement:

The Code Enforcement Officer submitted a written report for March 2018 highlighting 3 permits issued in the Town, including attending meetings for the Town and the Village, inspections of projects and building projects as required performed.

- Apex sketching program has been installed for both Assessing and Code office. The new code/building software from Williamson Law will be installed April 12th.

Barcelona Harbor:

- Closed for the Season
- Harbor Master Kelly Brown announced opening day of May 15th
- Town Clerk, Andrea Babcock met with a Casella Representative to set up Pier dumpsters and tote delivery for the 2018 Harbor season, David Brown made the motion to allow the Town Clerk to sign the Casella contract from May to October 2018 Harbor season. James Herbert seconded the motion and carried unanimously.

Public Comment:

- Marybelle Beigh, Historian highlighted on the new website westfieldny.com that will be used for the Village and the Town and that it is very nice to have the beelines

Announcements:

- Spring Clean-up will be held May 5th 9:00am -1:00pm at the Transfer Station, Bourne St.
- E-Waste will be held May 12th 9:00am-1:00pm a charge of \$10.00 per CRT will be charged located at the Town Shop 118 Chestnut St
- Rabies clinic will be held May 9th from 10:00am-12:00pm at the Town Shop, 118 Chestnut St.
- Government Conference at Houghton College May 9th, 2018

Project Updates:

- The Army Corp of Engineers final close out project report was received. The latest soundings map of the Harbor is available on the Army Corp website.
- Welch Trial will get together to discuss section to section from Chautauqua Lake to Lake Erie.
- Shorehaven, closed the BAN (temporary funding) March 21st, the project is moving right along. A follow up construction meeting will be scheduled in the month of April.
- East Lake Road residents contacted State and Federal Representatives.
 - The Town is waiting to have the allocations for the project from the state.

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New Business:

Councilman David Brown offered the following resolution and moved for its adoption

Resolution No.25 of 2018
Town of Westfield
Neg. Declaration (Airosmith, New Cingular Wireless 6302 Douglas Rd)

WHEREAS, the Town Board of the Town of Westfield is considering the application of Airosmith, as agent for AT&T, for a modification of an existing Special Use Permit to allow the replacement of antennas (6), tower mounted amplifiers (3), and diplexers (6) on the existing tower owned by American Tower at 6302 Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7.1, and

WHEREAS, the 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 use, and

WHEREAS, the Board has determined that the facility changes proposed in the application 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 application of Airosmith, as agent for New Cingular Wireless PCS, LLC

This was seconded by Councilman Will Northrop. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye; Councilman Will Northrop, aye;

Councilman Will Northrop offered the following resolution and moved for its adoption

Resolution No.26 of 2018
Town of Westfield
Issuance of SUP (Airosmith, New Cingular Wireless 6302 Douglas Rd)

TOWN OF WESTFIELD
SPECIAL USE PERMIT

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Action of the Board:

To consider the application of Airosmith, as agent for New Cingular Wireless PCS, LLC, for a modification of an existing Special Use Permit to allow the replacement of antennas (6), tower mounted amplifiers (3), and diplexers (6) on the existing tower owned by American Tower at 6302 Douglas Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45, and The applicant wishes to modify an existing Special Permit to allow it to swap in antennas (6), tower mounted amplifiers (3), and diplexers (6) on the existing tower and within the existing compound at 6302 Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7.1.

WHEREAS, Airosmith (hereinafter, the “Applicant”) submitted an application on March 6, 2018, for modification of an existing Special Use Permit to allow the replacement of antennas (6), tower mounted amplifiers (3), and diplexers (6) on the existing tower at 6302 Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 7.1., and

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

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held March 28, 2018 and recommended approval of the application, 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 April 4, 2018 on the application, 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. All changes to and construction on the site shall comply with the site plans submitted with the application, unless hereinafter modified.
2. The Applicants shall comply at all times with the current applicable standards and regulations of the FCC and of all other agencies of the federal government with authority to regulate such facilities, if any.
3. The Applicants shall not unreasonably interfere with the future shared use of the facility by other parties.
4. The terms, conditions, and requirements of this special use permit are cumulative with those emplaced by any prior special permits for the project site, and bind and obligate the Applicants, their successors and assigns.

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5. The permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town of Westfield Town Board.

6. This 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 permit.

This was seconded by Councilman David Brown. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye Councilman Will Northrop, aye;

Councilman Will Northrop offered the following resolution and moved for its adoption

**Resolution No.27of 2018
Town of Westfield
Approve Bookkeeper to attend training in Ellicottville**

RESOLVED, By the Town Board of the Town of Westfield approves the Town Bookkeeper, Jill Fredd to attend the Association of Towns Finance School training May 10th and 11th in Ellicottville, NY not to exceed \$500.00.

This was seconded by Councilman James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye Councilman Will Northrop, aye;

Supervisor Martha Bills offered the following resolution and moved for its adoption

**Resolution No. 28 of 2018
Town of Westfield
Approval of HWY Supervisor- HWY School, Cornell University**

RESOLVED, By the Town Board of the Town of Westfield approves the Highway Superintendent, David Babcock to attend HWY Supervisor- HWY School at Cornell University June 4-June 6th, 2018 not to exceed \$600.00

This was seconded by Councilman David Brown. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye Councilman Will Northrop, aye;

Councilman Will Northrop offered the following resolution and moved for its adoption

**Resolution No. 29 of 2018
Town of Westfield
Shorehaven Water Project, Project Budget Modifications**

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WHEREAS, the Town of Westfield has received funding from Rural Development for their Shorehaven Water Project (“Project”); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect final costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

RESOLVED, that the Town Board of the Town of Westfield authorizes the following Budget modifications for the Project:

Fiscal Advisor	Decrease of	\$8,000.00
Net Interest	Increase of	3,300.00
Single Audits	Decrease of	10,000.00
Miscellaneous	Decrease of	2,250.00

This was seconded by Councilman David Brown. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye Councilman Will Northrop, aye;

Councilman David Brown offered the following resolution and moved for its adoption

Resolution No. 30 of 2018
Town of Westfield
Shorehaven change order #2 and contract amendment #1

Resolved, that the Town Board of the Town of Westfield approves change order #2 for the Shorehaven water project (\$57,706.00) and the contract amendment (\$20,800.00) as submitted to the Town Board by Clark Patterson Lee and hereby authorizes the Supervisor to sign the agreements which are contingent upon approval from USDA-RD.

This was seconded by Councilman James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye Councilman Will Northrop, aye;

Councilman Will Northrop offered the following resolution and moved for its adoption

Resolution No. 31 of 2018
Town of Westfield
Highway Superintendent declare surplus items

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BE IT RESOLVED, the Town Board of the Town of Westfield approves the Westfield Highway Superintendent to declare the following items surplus:

- 1-2006- Jet Band Saw #5090L48 \$1,800.00
- 1-2003- Mig Welder (Firepower) #504109-F03 \$2,200.00
- 2-11' Wings
- 1-Wheel lift
- 1-Arco Stick Welder

This was seconded by Councilman James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye Councilman Will Northrop, aye;

Councilman David Brown offered the following resolution and moved for its adoption

Resolution No. 32 of 2018

Town of Westfield

Proposal for Engineering Services for Grape Discovery Center Water Supply

Resolved, that the Town Board of the Town of Westfield authorizes the Town Supervisor to sign a proposal for engineering services with Clark Patterson Lee for the Grape Discovery center water supply in the amount of \$12,000.00

This was seconded by Councilman Will Northrop. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye Councilman Will Northrop, aye;

Councilman Will Northrop offered the following resolution and moved for its adoption

Revision Description	Increase Expenditures	Decrease Expenditures
Budget Journal		
A Funds (General Fund Townwide)		
A 1990.400 Contingent Account DR		46.48
A 1355.400 Assesors-Contractual CR	46.48	
Total A Fund	<u>46.48</u>	<u>46.48</u>
Budget Journal		
DA Funds (Highway-Townwide Fund)		
DA 5130.420 Machinery – Fuel Slips DR		479.20
DA 5130.400 Machinery – Contractual CR	479.20	
Total DA Fund	<u>479.20</u>	<u>479.20</u>

This was seconded by Councilman David Brown. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye Councilman Will Northrop, aye;

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At 8:20pm Supervisor Bills moved and David Brown seconded a motion to audit the bills.

Warrants dated April 4, 2018 (voucher #'s 131-198) in the amount of \$64,757.47 were drawn on the following funds:

General	\$40,314.18	Edge water	\$2.50
General Part-Town	\$ 48.81	Forest Park Sewer	\$35.95
Highway	\$ 19,874.03		
Highway Part-Town	\$4,482.00		

Warrants dated April 4, 2018 (voucher #'s 30-36) in the amount of \$7,670.04 (were drawn on the following funds:

Welch Building	\$7,670.04
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Warrants dated April 4, 2018 (voucher # 4-6) in the amount of \$190,266.00 were drawn on the following funds:

Shorehaven Water District Capital Project	
H6-8310.400	\$190,266.00

Warrants dated April 4, 2018 (voucher # 1) in the amount of \$54.21 were drawn on the following funds:

Trust & Agency	\$54.21
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These were presented and audited by the board members. Supervisor Martha Bills moved and Councilman Will Northrop seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman James Herbert, aye; Councilman Will Northrop, aye;

There being no further business, at 8:40pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to move into executive session to discuss a particular personal history and contract. Unanimously carried.

At 9:05pm Councilman James Herbert moved and Councilman Will Northrop seconded a motion to return to regular session. Unanimously carried.

No action was taken.

There being no further business at 9:10pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,
// original signed //
Andrea L Babcock, Town Clerk