

**TOWN BOARD MEETING**

**Town of Westfield**

**October 3, 2018**

**PUBLIC HEARING**

**Town of Westfield**

**October 3, 2018**

**(Sherman Fire District)**

Supervisor Bills called the public hearing to order at 7:15pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

|             |                 |        |                            |
|-------------|-----------------|--------|----------------------------|
| Supervisor: | Martha R. Bills | Guest: | Marion Eno                 |
| Councilmen: | David Brown     |        | Matt Kerwin                |
|             | David Spann     |        | Anthony Spann              |
|             | James Herbert   |        | Janet Nass                 |
|             | Will Northrop   |        | William Bauer              |
|             |                 |        | Marybelle Beigh, Historian |

Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland

Public Hearing was held to hear all persons in regard to the proposed Sherman Fire District budget of \$10,384.38 for 2019. This is a 3% increase from the previous year which is about \$303.00 more.

The Legal notice was posted in the newspaper of the Public Hearing.

Councilman David Brown, spoke on behalf of the Sherman Fire District. The request for the 3% increase is to offset the costs for the Sherman fire district. It is about \$303.00 more than last year. The 3% increase would be paid from the fire protection district which will be assessed and levied upon the property in the fire district and collected with the Town and County Taxes of the Sherman fire district properties. David Brown is a member of the Sherman Fire Department.

No comments were made.

Supervisor Martha Bills, made the motion to move that the public hearing be closed at 7:20pm. Councilman Will Northrop seconded the motion. Councilman David Brown abstained himself from voting. This was unanimously approved.

Respectfully submitted,

*//original signed//*

Andrea L Babcock, Town Clerk

**TOWN BOARD MEETING  
Town of Westfield  
October 3, 2018**

**PUBLIC HEARING  
Town of Westfield  
October 3, 2018  
(Westfield Fire District)**

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 | Guest: | Marion Eno                 |
| Councilmen: | David Brown     |        | Matt Kerwin                |
|             | David Spann     |        | Anthony Spann              |
|             | James Herbert   |        | Janet Nass                 |
|             | Will Northrop   |        | William Bauer              |
|             |                 |        | Marybelle Beigh, Historian |

Highway Superintendent: David Babcock  
Code Officer: Bonnie Rae Strickland

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Westfield Fire District budget contract totaling \$51,199.10 including in the total an equipment amount of \$10,362.32 for payment #2 of 4 on Rescue Truck for 2019. Supervisor Bills provided a brief description of the budget highlighting that as always this expense is split with the Village based on a ratio of land value and actual department costs. Supervisor Bills stated that the amount requested is less than the prior year and proposed to keep the approximate amount for next year's tentative 2019 budget to use as payment for the Town's share of equipment.

The Legal notice was posted in the newspaper of the Public Hearing.

No comments were made.

Supervisor Martha Bills made the motion to move that the public hearing be closed at 7:25pm. Councilman David Brown seconded the motion. This was unanimously approved.

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

**TOWN BOARD MEETING**

**Town of Westfield**

**October 3, 2018**

**PUBLIC HEARING**

**Town of Westfield**

**October 3, 2018**

**Public Hearing to consider the application of Crown Castle (Sprint) Cell Tower/8584 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 | Guest: | Marion Eno                                 |
| Councilmen: | David Brown     |        | Matt Kerwin, Barclay Damon Tower, Attorney |
|             | David Spann     |        | Anthony Spann                              |
|             | James Herbert   |        | Janet Nass                                 |
|             | Will Northrop   |        | William Bauer                              |
|             |                 |        | Marybelle Beigh, Historian                 |

Highway Superintendent: David Babcock  
Code Officer: Bonnie Rae Strickland

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 and proof of publication was available.

The application is to upgrade the existing cell tower equipment including, remove and replace (3) antennas; add (3) new antennas, add six (6) remote radio heads (non- antenna) to their existing tower. The nature of the work is maintenance to the existing equipment installed on the tower. There is no ground work for this application. Matthew Kerwin, Attorney of Barclay Damon Tower represented the Crown Castle application and was present for any questions. Mr. Kerwin mentioned that under Federal Law (6409) regulations determined that the requested items be granted on cell towers.

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 7:27pm.

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

**TOWN BOARD MEETING  
Town of Westfield  
October 3, 2018**

**TOWN BOARD MEETING  
Town of Westfield  
October 4<sup>th</sup>, 2017**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:31pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

|             |                 |        |  |
|-------------|-----------------|--------|--|
| Supervisor: | Martha R. Bills | Guest: | Marion Eno                                 |
| Councilmen: | David Brown     |        | Matt Kerwin, Barclay Damon Tower, Attorney |
|             | David Spann     |        | Anthony Spann                              |
|             | James Herbert   |        | Janet Nass                                 |
|             | Will Northrop   |        | William Bauer                              |
|             |                 |        | Marybelle Beigh, Historian                 |

Highway Superintendent: David Babcock  
Code Officer: Bonnie Rae Strickland

**Pledge of Allegiance**

*Councilman David Brown made a motion to waive the reading of the September 5, 2018 minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman Will Northrop and carried unanimously.*

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**Reports:**

The Town Clerk's report together with a check in the amount of \$5,688.32 representing fees for the month of September 2018 was turned over to Supervisor Bills. A check for \$225.00 representing fees for the month of September to NYS Department of Health, Marriage Licenses and a check in the amount of \$42.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$4,212.33 will be withdrawn on the 14<sup>th</sup>.

Supervisor Bills presented the monthly report on the Town's finances for the month of August 2018. The Town will receive a higher interest rate of 0.30 % from 0.15 %. The Town has also received the financial stress score. It shows it is financially healthy for the Town's finances. All Board members have received a copy of the report for August 2018 and is accepted as submitted.

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

The Fire Department Report for August 2018 received. Reports for September and October will be available for the November meeting.

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

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

The WPD report for September 2018 was received and placed on file.

**Highway:**

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**Town of Westfield**  
**October 3, 2018**

- The Town Highway Superintendent submitted a written report on activities for September 2018 including blacktopping 2 miles of Ogden Rd, shouldering Putnam and Ogden Rd, roadside mowing, assisting other Towns and fuel usage.

**Code Enforcement:**

- The Code Enforcement Officer, Bonnie Rae Strickland, was not present. Bonnie Rae was attending an NYSAA Seminar. No report has been submitted for the month of September.

**Barcelona Harbor:**

- The Pier is closed for the season. The Pier closed September 16<sup>th</sup>
- Docks will start to be removed from the Pier. The Highway Superintendent asked to leave one or two in place since the weather is still nice, James Herbert agreed.

**Public Comment:**

- Marion Eno asked about E. Lake Rd water project. The Town has received paper work from the Engineer to sign to submit for permits. USDA has a new representative that will be working on the project.

**The Town Supervisor made the following announcements:**

- STW Fall Planning & Zoning Conference  
(Wed, 7 November at JCC Southern Tier West Boces Center, Salamanca 4:00-8:30pm)  
(Thursday, 8 November at JCC Campus 9:30-2:45pm)
- Solar Chautauqua, October 25 at 6:30pm at JCC
- Patterson Library- Community Connections October 18<sup>th</sup> from 6-8pm

**Old Business:**

- Final bills have been received for the Shorehaven Water project.
- The Welch building is considered for a priority project with the (REDC) Western NY Regional Economic Development Council.
- The Portage Inn redevelopment site is in consideration for funding.
- The Town has submitted the requested paperwork for the Welch Trail project.

**New Business:**

- The Town Clerk presented the tentative budget to the Town Board. Each board member received the tentative 2019 budget.
- David Spann made the motion to set a Special Meeting for the 2019 Budget Workshop #2 on October 23rd at 4:00pm. Seconded by James Herbert and carried unanimously.
- Martha Bills made the motion to set a Public Hearing for the Preliminary Budget on Nov 7, 2018 at 7:15pm. Seconded by Will Northrop and carried unanimously.
- Martha Bills made the motion to set a Public Hearing for the Special Assessment Roll for Improvement Districts on Nov 7, 2018 at 7:20pm. Seconded by David Brown and carried unanimously.

**TOWN BOARD MEETING  
Town of Westfield  
October 3, 2018**

- The Town of Westfield has received a Special Use Permit modification for 8257 Hardscrabble Rd. David Spann made the motion to set a Public Hearing for SUP Cell Tower 8257 Hardscrabble Rd on November 7<sup>th</sup> at 7:25pm. Seconded by James Herbert and carried unanimously. The Special Use Permit was also referred to the Town Planning Board.

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**Resolutions for 10/3/2018**

*Councilman David Spann offered the following resolution and moved for its adoption*

**Resolution No. 72 of 2018  
Town of Westfield  
Authorization for the Supervisor to Sign the Sherman and Westfield Fire District Contracts**

**RESOLVED**, that the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign the 2019 contracts for the Sherman and Westfield Fire Districts.

*This was seconded by Councilman James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Spann, aye; Councilman James Herbert, aye; Councilman Will Northrop. Councilman David Brown abstained himself from voting.*

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

**Resolution No. 73 of 2018  
Town of Westfield  
Negative Declaration, SEQR  
Crown Castle (Sprint) Cell Tower/8584 Vilardo Road**

**WHEREAS**, the Town Board of the Town of Westfield is considering the application of Crown Castle, as agent for Sprint, for a modification of an existing Special Use Permit to allow the placement of three (3) new antennas, three (3) replacement antennas, and six (6) remote radio heads on the existing tower and within the existing wireless communications compound at 8584 Vilardo Road, on a parcel designated as tax map Section 208.00, Block 2, Lot 19, and, 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

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Town of Westfield  
October 3, 2018**

**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 Crown Castle, as agent for Sprint.

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

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

**Resolution No.74 of 2018  
TOWN OF WESTFIELD  
SPECIAL USE PERMIT  
Crown Castle (Sprint) Cell Tower/8584 Vilardo Road**

**Action of the Board:**

To consider the application of Crown Castle, as agent for Sprint, for modification of an existing Special Use Permit to allow the placement of three (3) new antennas, three (3) replacement antennas, and six (6) remote radio heads on the existing tower and within the existing wireless communications compound at 8584 Vilardo Road, on a parcel designated as tax map Section 208.00, Block 2, Lot 19, and

**WHEREAS**, Crown Castle on behalf of Sprint (hereinafter, the “Applicant”) submitted an application on September 6, 2018, for modification of an existing Special Permit to allow the placement of three (3) new antennas, three (3) replacement antennas, and six (6) remote radio heads on the existing tower and within the existing compound at 8584 Vilardo Road, on a parcel designated as tax map Section 208.00, Block 2, Lot 19, 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 September 12, 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 October 3, 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.

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Town of Westfield  
October 3, 2018**

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 employed by any prior special permits for the project site, and bind and obligate the Applicants, their successors and assigns.
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 Applicant approves 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 David Spann, aye; Councilman James Herbert, aye; Councilman Will Northrop***

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*Councilman David Brown offered the following resolution and moved its adoption:*

**Resolution No.75 of 2018  
Town of Westfield  
Authorize the consolidation of the Town and Village Vital Statistics District to the Town (675)**

**AUTHORIZING THE CONSOLIDATION OF THE TOWN AND VILLAGE OF WESTFIELD'S VITAL STATISTICS REGISTRAR DISTRICTS TO FUNCTION UNDER THE TOWN OF WESTFIELD'S REGISTRATION DISTRICT NUMBER 675**

**Whereas**, the Town of Westfield has been assigned by New York State as Vital Statistics Registration District 675, and the Village of Westfield has been assigned by New York as Vital Statistics Registration District 632, and

**Whereas**, the Town Clerk has requested the approval of the Town Board to formally consolidate the Town and Village into one primary registration district, namely the District of the Town of Westfield under Vital Statistics Registration 675, and

**Whereas**, the formal consolidation of the Registration Districts would benefit the public by eliminating questions as to which district records should be filed and not result in loss of service to either municipality,

**NOW**, therefore be it **RESOLVED**, by the Town Board of the Town of Westfield that consolidation of the Town and Village Registrar functions under the Town's registration number (Vital Registration District 675) is approved, pending necessary approvals of all other required entities, including the Village of Westfield board, Chautauqua County and New York State Department of Health.

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

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*Councilman Will Northrop offered the following resolution and moved its adoption:*



**TOWN BOARD MEETING**

**Town of Westfield**

**October 3, 2018**

**Resolution No. 76 of 2018**

**Town of Westfield**

**Authorize the Court to apply for a JCAP grant**

**RESOLVED**, that the Town Board of the Town of Westfield hereby authorizes the Court to apply for a Justice Court Assistant Program Grant (JCAP) up to \$5,000.00 for office equipment.

*The motion was seconded by Councilman David Spann. Voting was as follows: Martha Bills, aye; Councilman David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye; Councilman Will Northrop*

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*Councilman David Spann offered the following resolution and moved its adoption:*

**Resolution No. 77 of 2018**

**Town of Westfield**

**Authorize the Supervisor to extend the agreement with Hanna Commercial Real Estate to market the Welch Building at 2-4 South Portage Street**

**Whereas**, the Town Board wishes to continue to make the long-term viability and condition of the iconic Welch Building a priority, the Town Board authorize the Supervisor to extend the agreement with Hanna Commercial Real Estate to market the building at 2-4 South Portage Street and to assist the town with evaluating proposals for the long term use of the building that focus on preservation and the economic health of the downtown.

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

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*At 8:05pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.*

Warrants dated October 3, 2018 (voucher #'s 504-558) in the amount of \$86,605.62 were drawn on the following funds:

|                              |             |
|------------------------------|-------------|
| General                      | \$28,172.38 |
| General Part-Town            | \$31.49     |
| Highway                      | \$8,825.30  |
| Highway Part-Town            | \$49,542.26 |
| Forest Park Sewer            | \$31.12     |
| North Town Water -Shorehaven | \$3.07      |

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Warrants dated October 3, 2018 (voucher #'s 11-13) in the amount of \$125,025.80 were drawn on the following funds:

Shorehaven Water District Capital Project

