

PUBLIC HEARING  
Town of Westfield  
November 2<sup>nd</sup>, 2011  
**(Town of Westfield 2012 Preliminary Budget)**

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	David Babcock	Claire Quadri	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Claude Abbey	Harold Nass
	David Brown	Joel Seachrist	Judy Ottaway	Rick Jones
	James Herbert	Jim Pacanowski	Fred Johnson	
	David Spann	Richard Conti	Jennifer Johnson	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed 2012 Budget for the Town of Westfield. The total amount budgeted for appropriations is \$1,858,345 with a total of \$741,405 to be raised by taxes. The tax rate for Town residents is \$2.73 per \$1,000 of assessed property value and \$2.54 per \$1,000 for Village residents.

There being no further business, David Brown moved and James Herbert seconded the motion that the public hearing be closed at 7:25pm. This was unanimously approved.

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

**PUBLIC HEARING  
Town of Westfield  
November 2<sup>nd</sup>, 2011  
(LL #3 Authorization to Exceed the 2% Tax Cap)**

Supervisor Bills called the public hearing to order at 7:26pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Claire Quadri	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Claude Abbey	Harold Nass
	David Brown	Joel Seachrist	Judy Ottaway	Rick Jones
	James Herbert	Jim Pacanowski	Fred Johnson	
	David Spann	Richard Conti	Jennifer Johnson	

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to passing a Local Law that would allow for an adopted budget for the fiscal year 2012 that has the tax levy in excess of the 2% limit specified in General Municipal Law § 3-c.

She explained that this Local Law is being considered simply as a safeguard. The current Town budget does not exceed the 2% limit. The amount to be raised by tax is set when the budget is adopted and will not change. The enactment of the override law is being advised by the Town Attorney and the Attorneys for the Association of Towns as a cautionary measure to hold the Town harmless in case of clerical error or further changes in interpretation and requirements as the new law is put into practice throughout the state. There was some discussion as to why the Town should take this action. All issues were addressed

There being no further business, James Herbert moved and Raymond Schuster seconded the motion that the public hearing be closed at 7:34pm. This was unanimously approved.

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

TOWN BOARD MEETING  
Town of Westfield  
November 2<sup>nd</sup>, 2011

The regular meeting of the Town Board was called to order at 7:35pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	Claire Quadri	Janet Nass
Councilmen:	Raymond Schuster	Marybelle Beigh	Claude Abbey	Harold Nass
	David Brown	Joel Seachrist	Judy Ottaway	Rick Jones
	James Herbert	Jim Pacanowski	Fred Johnson	
	David Spann	Richard Conti	Jennifer Johnson	

The Town Clerk's report together with a check in the amount of \$1451.85 representing fees for the month of October 2011 was turned over to the Supervisor. State and County agencies received checks totaling \$2739.35.

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	\$542,667.00	\$413,626.00	\$9645.89	\$849,183.89
Gen B	110,046.00	69,694.00	55.72	103,575.71
Hwy DA	274,594.00	264,442.00	198.62	278,641.15
Hwy DB	213,808.00	382,836.00	1037.64	83,216.21
Sewer HO1	22,516.00	26,308.00	-0-	1,635.28
Water HO2	18,409.00	17,430.00	-0-	95,320.33
Wfd. Fire	65,255.00	-0-	-0-	65,592.54
Sherm. Fire	8,614.00	8,644.00	-0-	106.04
Totals:	\$1,255,909.00	\$1,182,980.00	\$10,937.87	\$1,477,271.15

The Dog Warden's report for October 2011 was received and placed on file.

The Fire Department Report for October 2011 was received and placed on file.

The Historian's report for October 2011 was received and placed on file.

The Town Court report for October 2011 was received and placed on file.

Highway:

- The Town Highway Superintendent provided a written report for October 2011 and highlighted current projects which included completion of mowing and winter preparation.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for October 2011 highlighting the inspections that were done and permits issued in the Town. He also discussed the status of demolition of the fire damaged home in Barcelona.

Barcelona Harbor:

- Pier operations are closed for 2011. The harbor has been winterized

In Public Comment, there were no questions.

Supervisor Bills made the following announcements:

- Indoor Farmer's Market (5 Nov 2011)
- Fall Planning and Zoning Conference (15 & 16 Nov 2011)
- Victorian Christmas Weekend / Holly Tour (19 & 20 Nov 2011)

Old Business:

- Supervisor Bill discussed the fact that an Engineer has been selected for development of the Barcelona Water Project map & plan. A grant application through the NYS Consolidated Funding Application process has been submitted. She also stated that there was nothing new to report in terms of the Wind Project.

New Business:

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- David Brown offered the following resolution and moved its adoption

**Resolution No. 35 of 2011**  
Adoption of Local Law #3 of 2011

**Authorization to Override Tax Levy Limit for FY 2012**

**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 November 2<sup>nd</sup>, 2011 at 7:25pm at Eason Hall, 23 Elm Street, Westfield, New York to hear all interested parties on a proposed Local Law to amend Chapter 165 of the Town of Westfield Code, and

**WHEREAS**, notice of said public hearing was duly published in the Dunkirk Observer, the official newspaper of the Town, on October 25<sup>th</sup>, 2011, and

**WHEREAS**, said public hearing was duly held on November 2<sup>nd</sup>, 2011 at 7:25pm 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 of the Town of Westfield, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

**NOW, THEREFORE**, the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 3 of 2011, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and 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 Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, nay; David Brown, aye; David Spann, aye; Raymond Schuster, aye. The Resolution was passed at 7:56pm. A NYS DOS-239 Form (Local Law Filing) for LL #3 was posted at 7:57pm.

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- David Brown offered the following resolution and moved its adoption

**Resolution No. 36 of 2011**

Authorization for Town Supervisor to sign an Engineering Contract

**RESOLVED**, that the Town Supervisor is authorized to sign a contract with Nussbaumer & Clarke, Inc. including a general map, plan, and report for a new Barcelona water transmission system.

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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- Raymond Schuster offered the following resolution and moved its adoption

**Resolution No. 37 of 2011**

Adoption of 2012 Town of Westfield Budget

**BE IT RESOLVED**, the Town Board of the Town of Westfield hereby approves and adopts the 2012 Preliminary Budget as presented as the 2012 Town Budget.

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. The resolution was passed at 8:01pm.

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Resolution No. 38 of 2011 (Authorization for Town Supervisor to Apply for NYS Justice Court Funds) was tabled and contingent upon further discussion with the Village.

Martha Bills moved and David Spann 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; and David Spann, aye.

The next Town Meeting is scheduled for Wednesday, December 7<sup>th</sup>, 2011 @ 7:30pm.

There being no further business, at 8:35pm James Herbert moved and David Spann seconded a motion to adjourn. Unanimously carried.

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