

TOWN BOARD MEETING
Town of Westfield
May 1, 2024

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:

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilmember:	David Brown		Don McCord
	David Spann		David Rice
	James Herbert		Taras Korol & A Korol
	William Northrop		David Rice

Highway Superintendent: David Babcock
Code Officer: Kenneth Shearer
Town Attorney: Joel Seachrist
Town Clerk: Andrea L. Babcock
Assessor: Bonnie Rae Strickland

Pledge of Allegiance

Councilmember David Brown made the motion to waive the reading of the April 3, 2024, and April 10, 2024, minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilmember David Spann seconded the motion. The motion was carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town's finances for the month of April. The report is always available in the Supervisors office. Everyone is welcome to view. All Board members have received a copy of the report and is accepted as submitted. Completed and submitted the AFR (Annual Financial Report) for 2024.

The Town Clerk's report together with a check in the amount of \$3,968.27 representing fees for the month of April 2024 will be turned over to the Supervisor. A check for \$112.50 representing fees for the month of April to NYS Department of Health, Marriage Licenses, and a check in the amount of \$51.00 will be turned over to NYS Department of Agriculture and Markets for dog licenses and NYS Decals in the amount of \$85.03 will be withdrawn on the 13th.

- Tax Collector's 2024 tax collection report for month end of April 2024 has been distributed to the Town Board and is on file in the Town Clerks office. Collection has been turned over to the County.
- The Dog Warden's April 2024 report was not received.
- The Town Historians report for April 2024 was received and placed on file.
- Westfield Fire Department report for the month of April 2024 was not received.
- The Town Court report for April 2024 was received and placed on file. The court clerk included a letter advising the board that the office will be closed to attend the 2024 NYSAMCC Annual Conference in Niagara Falls New York on September 29th – October 2, 2024.
- The WPD report for April 2024 was not received.

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Highway:

Highway Superintendent's April report has been received and placed on file.

- Highway, Superintendent Babcock gave an overview of his report.
 - Councilmember David Brown made a motion to accept Town of Harmony gravel bids and Town of Ellicott black top bids. Seconded by Councilmember James Herbert and carried unanimously.

Code Enforcement:

The Code Enforcement Officer submitted a written report for April 2024 that has been received and accepted.

- Code Enforcement Officer Kenneth Shearer provided to the board a monthly report Code Officer Shearer gave an overview of his office and procedures, including meeting with town business owners regarding annual fire inspections. The electric vehicle charging station draft proposal for Barcelona Market was discussed, no action was taken.

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Barcelona Harbor:

- Opening May 18th, 2024.
- Received from the US Army Corps of Engineering soundings and map.
- Lights are being replaced with LED lights. The Village electric department is working on the project.

Public Comment:

- NONE

Announcements:

- E-Waste will be held May Saturday, 4th 9:00am-1:00pm- located at the Town Shop 118 Chestnut St. Acceptable electronics collection is free of charge.
- Spring Clean-up will be held Saturday, May 11th 9:00am -1:00pm at the Transfer Station.
- Assessor with the tentative assessment roll:
Monday, May 6th- 9:00am- 1:00pm, Wednesday, May 8th, NOON-4:00pm
Monday, May 4th, 9:00am-8:00pm and Saturday, May 18th, 9:00am-12:00pm
The Board of Assessment Review will meet (Grievance Day) on Tuesday, May 28, 2:00pm - 4:00pm and 6:00pm-8:00pm
- Farmers Market- Saturday May 25, 2024
- Memorial Day Parade
- First Friday will be held Friday May 3,2024
- McClurg Museum annual fundraiser will be held on June 8th.

Project Updates:

- The Town is waiting for permission from USDA to allow to go out to bid for the Route 5 East Lake Road Water Project No.2. Work continues on chlorination station and upgraded meter pit for Route 5 East Lake Road Water Project No. 2.
- Finalizing paperwork with the County steering committee and NYS Parks for the Welch trail grant.
- Don McCord mentioned that a steering committee kick off meeting for the new Comprehensive Plan for the Village and the Town will be held on Thursday, May 23rd, 2024, at 6:00pm.
- Lakefront Water Revitalization Plan committee will meet to review maps and boundaries.

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New Business:

Councilmember David Spann offered the following resolution and moved for its adoption;

Town of Westfield

Resolution No.27 of 2024

Set Public Hearing for the Ghostfish Brewery Project

OFFICE OF COMMUNITY RENEWAL GRANT PROGRAM

The Town of Westfield will hold a public hearing on June 5, 2024, at 7:25pm to be held at Eason Hall, 23 Elm Street, Westfield, NY 14787, to discuss the implementation of the Ghostfish Brewery East project that received Community Development Block Grant (CDBG) funding from the New York State Office of Community Renewal (Project No. 1237ED999-21).

The purpose of the hearing is to obtain citizen views regarding any aspect of the project's implementation including, but not limited to, any construction, financing, and employment opportunities resulting from the project. The location of the hearing is accessible to persons with disabilities.

Written comments are invited and will be accepted upon delivery to the office of the Town Clerk at the address above. No written comments received after 4:00 PM on the hearing date will be considered.

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

Councilmember James Herbert offered the following resolution and moved for its adoption;

Town of Westfield

Resolution No.28 of 2024

RESOLUTION AUTHORIZING APPENDIX TO TOWN-VILLAGE WATER SUPPLY AGREEMENT FOR EAST ROUTE 5 WATER BENEFIT DISTRICT NO. 2

WHEREAS, in 2005 the Village of Westfield and Town of Westfield entered into a Water Supply Agreement by which the Village agreed to supply water to and operate the Town's North Town Water District (the "Water Supply Agreement"); and

WHEREAS, such Water Supply Agreement contemplated that the Village could supply water to new benefit districts within the North Town Water District as those benefit districts were established, which new districts would be described in appendices added to the Water Supply Agreement; and

WHEREAS, the Town intends to extend water lines further east on Route 5 by the creation of the "East Route 5 Water Benefit District No. 2" and the Village of Westfield will supply water thereto and operate the benefit district on the terms and conditions stated in the Water Supply Agreement and any addenda and appendices thereto,

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WHEREAS, with the addition of approximately 4 miles of new water lines a chlorinator booster station will be required to ensure water quality, and

WHEREAS, the Town intends to build and continue to own such chlorinator booster station on North Portage Street, near the New York State Thruway,

NOW, THEREFORE, BE IT

RESOLVED, the Village of Westfield and Town of Westfield hereby agree to attach a new Appendix G to the Water Supply Agreement, reflecting that the Town will build and own the chlorinator booster station and the Village will operate it pursuant to the Water Supply Agreement, and be it further

RESOLVED, the Mayor and Supervisor are hereby authorized to sign the said Appendix on behalf of their respective municipality.

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

Councilmember William Northrop offered the following resolution and moved for its adoption.

**Town of Westfield
Resolution No.29 of 2024
Taylor Road-Chautauqua Creek**

WHEREAS, the existing pedestrian pathway running from the parking lot at the terminus of the paved section of Taylor Road to Chautauqua Creek veers in some locations from the Town of Westfield's highway right-of-way and the owner of the adjacent lands has closed off those parts of the pathway, making it difficult for the public to safely access the gorge, and

WHEREAS, the Town of Westfield wishes to continue to allow the public to use the right-of-way as a pathway to hike, exercise public fishing rights, and enjoy the natural beauty of the Chautauqua Creek Gorge as it has for approximately 80 years since the removal of the bridge over the creek,

NOW, THEREFORE, BE IT

RESOLVED, that the Highway Superintendent is hereby authorized and requested to work the Town's right-of-way to the extent necessary to restore and continue within it a safe path to the Creek.

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

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Councilmember James Herbert offered the following resolution and moved for its adoption.

**Town of Westfield
Resolution No.30 of 2024
Approval of Summer Employment for Pier Employees**

BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves summer employment for the Pier employees. Pier Attendants, Timothy Smith, Donald Thomas, Betty Carvella and Lawrence Smith at a rate of \$15.00 an hour.

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

Councilmember David Brown offered the following resolution and moved for its adoption.

**Town of Westfield
Resolution No.31 of 2024
Appoint Alternate to Town Planning Board**

BE IT RESOLVED, the Town Board of the Town of Westfield hereby appoints Bonnie Rae Strickland as an alternate planning board member for the remainder of the 2024 calendar year.

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

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Councilmember David Spann offered the following resolution and moved for its adoption.

**Town of Westfield
Resolution No.32 of 2024
RESOLUTION AUTHORIZING EXPENDITURE FROM
THE TOWN OF WESTFIELD BUILDING CAPITAL RESERVE FUND-Generator**

At a regular meeting of the Town Board of the Town of Westfield, Chautauqua County, New York, held at Eason Hall, 23 Elm Street, Westfield, New York, in said Town, on the 1st day of May 2024, at 7:30 *o'clock* P.M., Prevailing Time.

The meeting was called to order by Martha R. Bills, Supervisor, and upon roll being called, there were:

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilmember:	David Brown		Don McCord
	David Spann		David Rice
	James Herbert		Taras Korol & A Korol
	William Northrop		

Highway Superintendent: David Babcock
Code Officer: Kenneth Shearer
Town Attorney: Joel Seachrist
Town Clerk: Andrea L. Babcock
Assessor: Bonnie Rae Strickland

The following resolution was offered by Councilmember David Spann who moved its adoption, seconded by Councilmember James Herbert to-wit:

**RESOLUTION AUTHORIZING THE TOWN FINANCIAL OFFICER TO
EXPEND FUNDS FROM THE BUILDING CAPITAL RESERVE FUND
OF THE TOWN OF WESTFIELD, SUBJECT TO PERMISSIVE
REFERENDUM.**

The Town Board of the Town of Westfield, duly convened in regular session, does hereby resolve pursuant to the provisions of section 6-c of the General Municipal Law of the State of New York that the Financial Officer of the Town of Westfield be and is hereby authorized to expend an amount not to exceed \$11,000 from the Building Capital Reserve Fund of the Town of Westfield for expenses related to the purchase and the installation of a generator at the Highway Department buildings located on Chestnut Street in the Village of Westfield. Assistance from the Town of Westfield Highway Department, Village Electric Department and Simpson Electric will install the generator to service the buildings.

This resolution shall be subject to permissive referendum, as permitted by law.

Voting was as follows: Supervisor Martha Bills, aye; Councilmember David Brown, aye; Councilmember David Spann, aye; Councilmember James Herbert aye; Councilmember William Northrop, aye.

Councilmember David Brown offered the following budget revision and moved for its adoption

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Subject: Budget Revision #3 for Budget Year 2024		
Revision Description	Decrease	Increase
To move \$1,147.89 from SW1 Fund SW1-599 Appropriated Fund Balance to SW1-8389.400 Operations & Maint Forest Park Water District to Cover The Cost of Supplies For Work On Meter Pit and Valves Servicing The Town Water Districts Along The Lake	Expenditures	Expenditures
Budget Journal		
SW1 Fund (Forest Park Water District)		
SW1 599 Appropriated Fund Balance DR	1,147.89	
SW1 8389.400 Other Water Expenditures O&M CR		1,147.89
Total SW1 Fund	1,147.89	1,147.89
Revision Description	Decrease	Increase
To move \$1,036.80 from SW2 Fund SW2-599 Appropriated Fund Balance to SW2-8389.400 Operations & Maint Edgewater Water District to Cover The Cost of Supplies For Work On Meter Pit and Valves Servicing The Town Water Districts Along The Lake	Expenditures	Expenditures
Budget Journal		
SW2 Fund (Edgewater Water District)		
SW2 599 Appropriated Fund Balance DR	1,036.80	
SW2 8389.400 Other Water Expenditures O&M CR		1,036.80
Total SW2Fund	1,036.80	1,036.80
Revision Description	Decrease	Increase
To move \$240.57 from SW5 Fund SW5-599 Appropriated Fund Balance to SW5-8389.400 Operations & Maint Barcelona Water District to Cover The Cost of Supplies For Work On Meter Pit and Valves Servicing The Town Water Districts Along The Lake	Expenditures	Expenditures
Budget Journal		
SW5 Fund (Barcelona Water District)		
SW5 599 Appropriated Fund Balance DR	240.57	
SW5 8389.400 Other Water Expenditures O&M CR		240.57
Total SW5Fund	240.57	240.57
Revision Description	Decrease	Increase
To move \$168.00 from A fund balance A 599 to pay Seachrist Law Offices, P.C. invoice 3088 for \$168.00. This Other Water, Contr Expense Account A8389.400 Other Water, Contr Expend-Route 5 Water District has been set up to record Route 5 Water District #2 expenses until the H capital project fund is established and funded.	Expenditures	Expenditures
Budget Journal		
A Fund (General Fund - Townwide)		
A 599 Appropriated Fund Balance DR	168.00	
A 8389.400 Other Water, Contr Expend-Route 5 Water District 2 CR		168.00
Total A Fund	168.00	168.00

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

At 8:09pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.

Warrants dated May 1, 2024 (voucher #'s 204-269) in the amount of \$70,950.30 were drawn on the following funds:

General	\$23,071.80
General Part-Town	\$12,031.22
Highway	\$13,083.16
Highway Part-Town	\$18,978.01
Forest Park Sewer	\$ 79.89
Route 5 Water District Forest Park	\$ 1,147.89
Route 5 Water District Edge Water	\$ 1,036.80
North Town Water-Shorehaven	\$ 151.47
North Town Water-Barcelona	\$ 740.57
North Town Water-Shorehaven II	\$ 518.40
East Route 5 District #1	\$ 111.09

These were presented and audited by the board members. Supervisor Martha Bills moved and Councilmember William Northrop seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited and carried unanimously.

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At 8:30pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to move to executive session to discuss personnel histories. Unanimously carried.

At 8:42pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to return to regular session. Unanimously carried.

Councilmember David Brown made a motion to appoint Bonnie Rae Strickland as a backup Code Enforcement Officer that shall provide backup services for the current acting Code Enforcement Officer, Kenneth Shearer from time to time. Backup services will be for a conflict of interest in a particular application or is unavailable to perform duties by reason of sickness, vacation, or otherwise absence. Seconded by Councilmember David Spann and carried unanimously.

There being no further business at 8:42pm Supervisor Martha Bills moved, and Councilmember David Spann seconded a motion to adjourn. Unanimously carried.

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