

TOWN BOARD MEETING

Town of Westfield

October 2, 2024

PUBLIC HEARING

Special Use Permit for a Storage Barn at 8633 Pigeon Road, Westfield New York

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

Deputy Supervisor:	David Brown	Guest:	Tom Herr	Don McCord
Councilmember:	David Spann		Ed Slate	Sandra Brown
	William Northrop		Lynn Stetson	Taras Korol
	James Herbert		Carter Stetson	Carol Ford

Absent:
Supervisor: Martha Bills

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

Public Hearing was held to hear all persons regarding the application. Applicant Carter Stetson and wife Lynn Stetson were present. Code Officer Shearer gave an overview of the application. Deputy Supervisor Brown received a letter of recommendation from the Town Planning Board recommending the application be approved with a provision that the storage barn is for storage only with no living quarters.

Proof of Publication of the public hearing from the Town Clerk was available.

No comments were made.

Councilmember James Herbert made the motion to move that the public hearing be closed at 7:17pm. Seconded by Councilmember William Northrop and carried unanimously.

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

Accepted 11/06/2024

TOWN BOARD MEETING

Town of Westfield

October 2, 2024

PUBLIC HEARING

(Sherman Fire Protection District)

Deputy Supervisor Brown called the public hearing to order at 7:20pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Deputy Supervisor:	David Brown	Guest:	Tom Herr	Don McCord
Councilmember:	David Spann		Ed Slate	Sandra Brown
	William Northrop		Lynn Stetson	Taras Korol
	James Herbert		Carter Stetson	Carol Ford
Absent:				
Supervisor:	Martha Bills			

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

Public Hearing was held to hear all persons regarding the proposed Sherman Fire Protection District budget of \$11,465.97 for 2025. This is a 2% increase from the previous year.

Proof of Publication of the public hearing from the Town Clerk was available.

Sherman contracts with Chautauqua, Mina, and Westfield. Costs continue to increase for fire equipment. Deputy Supervisor Brown thanked the Sherman Fire Protection District for their service.

The agreement amount will 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.

No comments were made.

Councilmember David Spann made the motion to move that the public hearing be closed at 7:22pm. Seconded by Councilmember James Herbert and carried unanimously.

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

Accepted 11/06/2024

TOWN BOARD MEETING

Town of Westfield

October 2, 2024

**PUBLIC HEARING
(Westfield Fire Protection District)**

Deputy Supervisor Brown called the public hearing to order at 7:25pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Deputy Supervisor:	David Brown	Guest:	Tom Herr	Don McCord
Councilmember:	David Spann		Ed Slate	Sandra Brown
	William Northrop		Lynn Stetson	Taras Korol
	James Herbert		Carter Stetson	Carol Ford
Absent:				
Supervisor:	Martha Bills			

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

Deputy Supervisor Brown explained that the Public Hearing was being held to hear all persons regarding the proposed Westfield Fire Protection District budget contract. The total amount of the contract is \$66,182.10. The budget amount is less than last year's amount.

Deputy Supervisor Brown 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.

Proof of Publication of the public hearing from the Town Clerk was available.

No comments were made.

Councilmember James Herbert made the motion to move that the public hearing be closed at 7:28pm. Seconded by Councilmember David Spann and carried unanimously.

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

Accepted 11/06/2024

TOWN BOARD MEETING

Town of Westfield

October 2, 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 and guests present:

Deputy Supervisor:	David Brown	Guest:	Tom Herr	Don McCord
Councilmember:	David Spann		Ed Slate	Sandra Brown
	William Northrop		Lynn Stetson	Taras Korol
	James Herbert		Carter Stetson	Carol Ford

Absent:
Supervisor: Martha Bills

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

Pledge of Allegiance

Councilmember David Spann made a motion to waive the reading of the September 4, 2024, and September 18, 2024, minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilmember James Herbert and carried unanimously.

Reports:

Deputy Supervisor Brown presented the monthly report on the Town’s finances for the month of September 2024, including up to date revenues and expenditures. All Board members have received a copy of the report for September 2024 and is accepted as submitted.

The Town Clerk’s report together with a check in the amount of \$6,760.59 and a water service hookup fee of \$1500.00 for the Barcelona water benefit district totaling \$8,260.59 representing fees for the month of September 2024 will be turned over to Deputy Supervisor Brown. A check for \$135.00 representing fees for the month of September to NYS Department of Health, Marriage Licenses and a check in the amount of \$65.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$2,903.81 will be withdrawn on the 13th.

The Dog Control Officer did not submit a written report for the month of September 2024.
The Fire Department report for September 2024 was received and placed on file.
The Historian’s report for September 2024 was received and placed on file.
The Town Court report for September 2024 was not received. The court clerk is attending a conference.
The WPD report for September 2024 was not received.

Highway:

The Town Highway Superintendent submitted a written report on activities for September 2024. Highway Superintendent Babcock asked the board for an executive session after they audit the bills to discuss a particular personnel history. With no objection from the board. The board will move into executive session after the audit of the bills.

TOWN BOARD MEETING

Town of Westfield

October 2, 2024

Code Enforcement/Assessor

The Code Enforcement Officer submitted a report for the month of September 2024.

Code Officer Shearer attended FEMA's Chautauqua County flood study update in person meeting and mentioned that local officials will have 30 days to provide comments and updates. The deadline is October 28th.

Code Officer Shearer continues educational assessor training.

Assessor Strickland is out of the office attending the NYSAA conference.

Barcelona Harbor:

The Pier is closed for the season.

Councilmember David Spann and Supervisor Bills applied for funding for a handicap accessible boat launch and recently received an award-winning acknowledgement letter.

The U.S Army Corps of Engineers will focus on dredging the mouth of the harbor in mid-May of 2025 through early July 2025.

Public Comment:

- Taylor Road property owner, Tom Herr asked about the safe pathway project on Taylor Road. Mr. Herr asked if it would be completed as he is concerned about public safety along with public accessing the pathway of his property. A discussion ensued regarding access to the Chautauqua Creek from Taylor Road, public access, surveys and letters and phone calls received of verbal confrontations with the public as the public is entering near Mr. Herr's property. Neighbor Carol Ford asked to have on record that she has witnessed Mr. Herr patrolling the entrance at the Taylor Road entrance to the Chautauqua Creek and verbally harassing the public. Deputy Supervisor Brown read a letter from a concerned citizen regarding the verbal situations. Taras Korol of Taylor Road stated that he also witnessed confrontations and provided a survey to the Highway Superintendent and town board that was done years ago of the surrounding properties. Highway Superintendent Babcock thanked Mr. Korol for the survey. Highway Superintendent Babcock cannot use the survey as the Town of Westfield needs to have an up-to-date survey done. Highway Superintendent Babcock mentioned that he needs to find out the cost of a survey, quotes for making the safe pathway access point accessible to the public and cost of the upkeep.

Announcements:

- Southern Tier West 2024 Fall Planning and Zoning Training will be held Wednesday October 23rd in Jamestown New York and Thursday, October 24th in Salamanca.
- Association Of Towns 2024 Planning and Zoning Schools Monday October 28th in Amherst New York.
- Chautauqua County Industrial Development Agency promotional flyer.

Project Updates:

- The Route 5 East Lake Road Water Project No. 2 project is on hold. The Supervisor spoke with USDA regarding the bids received that are over budget and discussed options to consider moving forward. More information will be forthcoming.

**TOWN BOARD MEETING
Town of Westfield
October 2, 2024**

New Business:

- The Town Clerk presented the tentative budget to the Town Board. Each board member received the tentative 2025 budget.
- Deputy Supervisor Brown made the motion to set a Public Hearing for the Preliminary Budget on Nov 6, 2024, at 7:20pm. Seconded by Councilmember David Spann and carried unanimously.
- Councilmember David Brown made the motion to set a Public Hearing for the Special Assessment Roll for Improvement Districts on Nov 6, 2024, at 7:25pm. Seconded by Councilmember David Spann and carried unanimously.

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

**Resolution No. 48 of 2024
Town of Westfield**

NEGATIVE DECLARATION-SEQR- 8633 PIGEON ROAD- CARTER STETSON-STORAGE BARN

WHEREAS, the Town Board of the Town of Westfield is considering the application of Carter Stetson for a Special Use Permit allowing him to construct a 28' x 40' storage shed at 8633 Pigeon Road, which is designated as tax map Section 259.00, Block 2, Lot 30, 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 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 application of Carter Stetson.

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

TOWN BOARD MEETING
Town of Westfield
October 2, 2024

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

Resolution No. 49 of 2024
Town of Westfield
SPECIAL USE PERMIT AT 8633 PIGEON ROAD

Action of the Board:

To consider the application of Carter Stetson for a Special Use Permit to construct a 28' x 40' storage shed at 8633 Pigeon Road, which is designated as tax map Section 259.00, Block 2, Lot 30, and

WHEREAS, Carter Stetson (hereinafter, the "Applicant") submitted an application pursuant to Section 185-24(J)(33) of the Town of Westfield Zoning Code requesting a Special Use Permit allowing him to construct a 28' x 40' storage barn at 8633 Pigeon Road, which is designated as tax map Section 259.00, Block 2, Lot 30, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been thoroughly 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 24, 2024 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 2, 2024 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 to build a storage shed 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 and descriptions submitted to the Town with the application, and agrees to be bound by the terms of the application and any 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. This permit shall expire automatically if the use is not begun by October 1, 2025.
4. This 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 special permit.

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

**TOWN BOARD MEETING
Town of Westfield
October 2, 2024**

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

**Resolution No. 50 of 2024
Town of Westfield**

Authorization for the Supervisor to Sign the Sherman and Westfield Fire Protection District Contracts

RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign the 2024 contracts for the Sherman and Westfield Fire Protection Districts.

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

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

**Resolution No. 51 of 2024
Town of Westfield**

Authorization for Westfield Town Court to Apply for JCAP Grant

BE IT RESOLVED, the Town Board of the Town of Westfield authorizes the Westfield Town Court to apply for a JCAP grant in the 2024-2025 grant cycle up to \$30,000.

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

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

**Resolution No. 52 of 2024
Town of Westfield
NCCR AGREEMENT**

RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign the agreement with Northern Canine Rescue.

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

**TOWN BOARD MEETING
Town of Westfield
October 2, 2024**

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

**Resolution No. 53 of 2024
Town of Westfield
Authorize Acceptance of Credit Card Payments-Town Clerk/Tax Collector**

WHEREAS the State Comptroller's Office states in General Municipal Law §5 and §5-b that this responsibility of the Town Clerk needs to be stated in a resolution to accept such payments for all services offered at the Town Clerks office including Tax Collection, and

WHEREAS the Westfield Town Clerk has requested such a Resolution of authorization from the Westfield Town Board,

NOW, THEREFORE, BE IT RESOLVED, that the Westfield Town Board authorizes the Westfield Town Clerk/Tax Collector to accept credit card payments as part of our local tax collection system and town clerk system, which payments would include a Consumer Convenience Fee, and

FURTHER RESOLVED that the Town Clerk/Tax Collector be authorized to enter into a contract with Elavon (Community Bank) for the Tax Collector and Williamson Law book Co. for the Town Clerk to handle credit card transactions on behalf of the Town of Westfield, and

RESOLVED, that the Town of Westfield Town Board does hereby authorize the Town Clerk to develop and administer internal procedures covering the acceptance of credit cards and debit cards and to administer said payment solutions through the Town's authorized banking services.

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

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

**Resolution No. 54 of 2024
Town of Westfield
WDC Façade Project**

RESOLVED, The Town Board of the Town of Westfield hereby authorizes the contribution of \$5,000.00 of budgeted funds for special development projects to the Westfield Development Façade Project.

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

**TOWN BOARD MEETING
Town of Westfield
October 2, 2024**

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

**Resolution No. 55 of 2024
Town of Westfield
Cyber Initial Incident Response Plan**

RESOLVED, the Town Board of the Town of Westfield hereby adopts a Town of Westfield Cyber Initial Incident Response Plan.

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

Councilmember William Northrop made the motion to approve budget #8 for budget year 2024. Seconded by Councilmember James Herbert and carried unanimously.

Subject: Budget Revision #8 for Budget Year 2024		
Revision Description	Decrease	Increase
To move \$1,410.00 from A Contingent Account A1990.400 to cover the A Record Management Contractual A1665.400 To Cover The Costs Of The Supplement No. 10 Of Town Codes & Laws	Expenditures	Expenditures
Budget Journal		
A Fund (General Fund - Townwide)		
A 1990.400 Contingent Account DR	1,410.00	
A 1665.400 Record Management Contractual CR		1,410.00
Total A Fund	1,410.00	1,410.00
Revision Description	Decrease	Increase
To move \$460.17 from A Justices - Equipment A1110.200 and \$185.07 from A Contingent Account A1990.400 to cover the A Justices - Contractual A1110.400 For the Justices Contractual Account being overspent by \$645.24	Expenditures	Expenditures
Budget Journal		
A Fund (General Fund - Townwide)		
A 1110.200 Justices-Equipment DR	460.17	
A 1990.400 Contingent Account DR	185.07	
A 1110.400 Justices-Contractual CR		645.24
Total A Fund	645.24	645.24
Revision Description	Decrease	Increase
To move \$1,295.00 from B Contingent Account B 1990.400 to cover B9030.800 Social Security and B 9035.800 Medicare To Cover The Increase In The Cost of The Safety Inspection payroll.	Expenditures	Expenditures
Budget Journal		
B Fund (Part Town Fund)		
B 1990.400 Contingent Account DR	1,295.00	
B 9030.800 Social Security CR		1,045.00
B 9035.800 Medicare CR		250.00
Total B Fund	1,295.00	1,295.00
Revision Description	Decrease	Increase
To move money from the chips revenue line to cover the chips expense line.	Expenditures	Expenditures
Budget Journal		
DB Funds(Highway Part Town Fund)		
DB 3501 DR	147,800.30	
DB 5112.400		147,800.30
Total DB Fund	147,800.30	147,800.30
Revision Description	Decrease	Increase
To move \$1,343.00 from A fund balance A 599 to pay Municipal Solutions, Inc. Invoice 21588 for \$1,343.00 This Other Water, Contr Expense Account A8389.400 Other Water, Contr Expens-Route 5 Water District #2 was 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	1,343.00	1,343.00
A 8389.400	1,343.00	1,343.00
Total A Fund	1,343.00	1,343.00
Revision Description	Decrease	Increase
To move \$114.95 from A Supt of Highways - Equipment A5010.200 to cover the A Supt of Highways - Contractual A5010.400 For the Supt of Highways Contractual Account being overspent by \$114.95	Expenditures	Expenditures
Budget Journal		
A Fund (General Fund - Townwide)		
A 5010.200 Supt of Highways - Equipment	114.95	
A 5010.400 Supt of Highways - Contractual		114.95
Total A Fund	114.95	114.95

TOWN BOARD MEETING

Town of Westfield

October 2, 2024

At 8:14pm Deputy Supervisor David Brown moved and Councilmember David Spann seconded a motion to audit the bills.

Warrants dated October 2, 2024 (voucher #'s 542-600) in the amount of \$130,305.86 were drawn on the following funds:

General	\$ 40,045.92
General Part-Town	\$ 17.98
Highway	\$ 84,560.37
Highway Part-Town	\$ 5,639.97
Forest Park Sewer	\$ 38.74
North Town Water-Shorehaven	\$ 2.88

These were presented and audited by the board members. Deputy Supervisor Brown moved and Councilmember David Brown seconded a motion that the Deputy Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Deputy Supervisor, David Brown, aye; Councilmember David Spann, aye; Councilmember James Herbert, aye, Councilmember William Northrop, aye.

At 8:30pm Deputy Supervisor Brown moved, and Councilmember David Spann seconded a motion to move to executive session to discuss personnel histories with the Highway Superintendent, Town Attorney and Town Clerk. Unanimously carried.

At 9:00pm Deputy Supervisor Brown moved, and Councilmember William Northrop seconded a motion to return to regular session. Unanimously carried.

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

Resolution No.56
Town of Westfield
Authorize the Hire of Highway Employee

RESOLVED, that the Town Board of the Town of Westfield authorizes the hiring of Jason Babcock as a Town Highway employee, with a starting wage of \$21.50 per hour and an official start date of October 25, 2024. The Town Highway Superintendent has disclosed a potential conflict of interest due to the applicant being his son. However, after review, the Town Board has determined there is no ethical conflict under the Town's Code of Ethics, as the applicant is a qualified adult who will report directly to the Deputy Highway Superintendent, ensuring transparency and impartial oversight.

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

Accepted 11/06/2024

**TOWN BOARD MEETING
Town of Westfield
October 2, 2024**

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

**Resolution No.57
Town of Westfield
Authorize the Deputy Supervisor to sign the Insurance Contract**

BE IT RESOLVED, The Town Board of the Town of Westfield authorizes the Deputy Supervisor to sign the insurance contract of Independent Health I Direct Gold Copay and Independent Health Passport Plan Local Gold HSAQ plan option for insurance options for the 2025 calendar year including and continuing a HRA plan for the employee accepting the insurance in an amount of \$1,750.00 single plan and \$3500.00 for an employee and spouse, employee and children and family plan to help offset out of pocket expenses incurred in high deductible plans. The Town will pay 85% of the Independent Health I Direct Gold Copay Plan and the employee pays 15% out of pocket for the 2025 calendar year.

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

There being no further business at 9:05pm Deputy Supervisor David Brown made a motion to adjourn. Councilmember William Northrop seconded the motion, and it carried unanimously.

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