

TOWN BOARD MEETING

Town of Westfield

April 2, 2025

PUBLIC HEARING

Town of Westfield

Special Use Application for 7505 East Main Road-Westfield Maid, LLC For the Packaging of Juice Pouches

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

Supervisor:	Martha R. Bills	Guest:	Sally Switzer	Scott Switzer
Councilmember:	David Brown		Sandra Brown	Greg Bacon
	David Spann		Ed Carutis	Don McCord
	James Herbert		Paul Clutter	Tom Herr
	William Northrop		Josh Belcher	

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

Supervisor Bills opened the public hearing to discuss the application. Code Officer Shearer spoke on behalf of the applicant, giving an overview of the application. A letter was received from the Chautauqua County Department of Planning and Development. Highlighting that it was a matter of local concern and informal comments.

The Planning Board reviewed the application and recommended removing the word grape from the application since any kind of fruit or juice will be received to manufacture and not specifically grapes. No processing on site, only packaging. The structure must comply with applicable permit requirements.

The applicant was not present.

The Legal notice was posted in the Dunkirk Observer and the Westfield Republican of the Public Hearing.

Public comment: None

The Town Clerks office did not receive any calls or letters regarding the application. Code Officer Shearer mentioned that a few neighbors reached out to his office with positive feedback.

Board members highlighted on Westfield Maids presentations, and they were well received.

Supervisor Bills made the motion to close the public hearing at 7:26pm. Councilmember David Brown seconded the motion. Motion carried.

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

Accepted 05-07-2025

TOWN BOARD MEETING

Town of Westfield

April 2, 2025

PUBLIC HEARING

Town of Westfield

Special Use Permit Application for 4403 Sherman-Westfield Road-Ed Carutis for a Storage Building

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

Supervisor:	Martha R. Bills	Guest:	William Bauer	Sally Switzer
Councilmember:	David Brown		Sandra Brown	Scott Switzer
	David Spann		Ed Carutis	Greg Bacon
	James Herbert		Paul Clutter	Don McCord
	William Northrop		Josh Belcher	Tom Herr

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

Supervisor Bills opened the public hearing to discuss the application. Applicant, Ed Carutis was present and gave an overview of the application. The use is for storage. Plans are to build a house in the future. A letter was received from the Chautauqua County Department of Planning and Development. Highlighting that it was a matter of local concern and informal comments.

The Planning Board reviewed the application and recommended no living courters in the storage building.

The Legal notice was posted in the Dunkirk Observer and the Westfield Republican of the Public Hearing.

Public comment: None

The Town Clerks office did receive a call from a neighbor asking for blueprints and referred the neighbor to the Code Office. Code Officer Shearer spoke with the neighbor. The neighbor had positive feedback.

Supervisor Bills made the motion to close the public hearing at 7:28pm. Councilmember David Brown seconded the motion. Motion carried.

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

Accepted 05-07-2025

TOWN BOARD MEETING

Town of Westfield

April 2, 2025

PUBLIC HEARING

Town of Westfield

A Public Hearing on the Increase and Improvement of the Facilities of the North Town Water District in the Town of Westfield

Supervisor Bills called the public hearing to order at 7:30pm in Eason Hall North Room, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	William Bauer	Sally Switzer
Councilmember:	David Brown		Sandra Brown	Scott Switzer
	David Spann		Ed Carutis	Greg Bacon
	James Herbert		Paul Clutter	Don McCord
	William Northrop		Josh Belcher	Tom Herr

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

* * *

EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Westfield, in the
County of Chautauqua, New York
April 2, 2025

* * *

A meeting of the Town Board of the Town of Westfield, in the County of Chautauqua, New York, was held at the Town Hall, in said Town, on April 2, 2025.

There were present: Martha R. Bills, Supervisor
Councilpersons: David Brown

David Spann

James Herbert

William Northrop

There were absent: NONE

Also present: Andrea L. Babcock, Town Clerk

TOWN BOARD MEETING

Town of Westfield

April 2, 2025

At 7:30 o'clock P.M. (Prevailing Time) or shortly thereafter, the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Chautauqua, New York to consider the Increase and Improvement of facilities of the North Town Water District (the "District"), in said Town.

The Supervisor stated that the Public Hearing on the Increase and Improvement of the facilities of the North Town Water District in the Town of Westfield, was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the Increase and Improvement of the District:

18 people attended the public hearing in support of the proposed project.

The following persons appeared in opposition to the Increase and Improvement of the District:

NONE

The Town Clerk reported that the following pertinent written communications had been received:

NONE

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed at 7:34pm, seconded by Councilmember William Northrop and Councilmember David Brown and carried unanimously.

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

Accepted 05-07-2025

TOWN BOARD MEETING

Town of Westfield

April 2, 2025

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:34pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members:

Supervisor:	Martha R. Bills	Guest:	William Bauer	Sally Switzer
Councilmember:	David Brown		Sandra Brown	Scott Switzer
	David Spann		Ed Carutis	Greg Bacon
	James Herbert		Paul Clutter	Don McCord
	William Northrop		Josh Belcher	Tom Herr

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

Pledge of Allegiance

Councilmember James Herbert made the motion to waive the reading of the March 5, 2025, meeting minutes and March 20, 2025, Special Meeting minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilmember David Brown seconded the motion. The motion was carried unanimously.

Reports:

The supervisor's March monthly report was distributed and accepted as submitted including up to date spending and revenues on all accounts. All board members have received a copy, and the monthly report is always available in the Supervisor's office for anyone to view. The Annual Financial Report (AFR) for the fiscal period of 01/01/2024-12/31/2024 has been completed and submitted to the State Comptroller's office. The report is available in the Town Clerk's office.

The Town Clerk's report together with two checks in the amount of \$3598.90 and \$20.00 representing fees for the month of March 2025 has been turned over to the Supervisor. A check for \$22.50 representing fees for the month of March to NYS Department of Health, Marriage Licenses, and a check in the amount of \$58.00 will be turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$174.80 will be withdrawn on the 13th.

- The Tax Collector's monthly collection report for March 2025 was presented to the board.
- The Dog Warden's report for February and March 2025 was received and placed on file.
- The Town Historian Report for February and March 2025 was received and placed on file.
- Westfield Fire Department report for the month of March 2025 was not received.
- The Town Court report for March 2025 was received and placed on file.
- The WPD report for February 2025 was received and placed on file.

Highway:

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

- Highway Superintendent Babcock asked the board if the board was considering the 2015- 2500 Chevy pickup for dog control or can he send the vehicle to auction? The Highway Superintendent spoke with numerous municipalities and hasn't come across anyone with a municipal dog control vehicle. Municipalities offer milage compensation only. Councilmember David Brown made the motion to authorize the Highway Superintendent to send the 2500 Chevy pickup truck to auction. The vehicle cannot be used for dog control. Seconded by Councilmember David Spann and carried unanimously.

Accepted 05-07-2025

TOWN BOARD MEETING

Town of Westfield

April 2, 2025

Code Enforcement:

The Code Enforcement Officer submitted a written report for March 2025 that has been received and accepted.

- Code Officer Shearer highlighted that he continues required education for Code Enforcement, working closely with the Assessor attending meetings and gave an overview of the day-to-day activities of his office.
- A Special Use Permit has been received. Supervisor Bills made a motion to refer the special use permit to the Planning Board for review and set a public hearing for 7:25pm prior to May 7, 2025, Town Board meeting for applicant Scott and Sally Switzer located at 8265 Second Street, seconded by Councilmember William Northrop and Carried unanimously.

Barcelona Harbor:

- The Harbor is closed for the Season.
- The new permanent docks are in. The Village Electric Department and the Highway Department updated the lighting at the harbor.
- Army Corp will be dredging in May.

Public Comment:

- Fire Chief Josh Belcher spoke on behalf of the Westfield Fire Department. The department is in need of replacing a fire engine and discussed the cost, repair and grant submission with the board.

Announcements:

- Spring Clean-up will be held Saturday, May 3, 2025, at 9:00am -1:00pm at the Transfer Station on Bourne St.
- E-Waste will be held May Saturday, May 10, 2025, at 9:00am-1:00pm- located at the Highway Shop at 118 Chestnut St. Acceptable electronics collection is free of charge.
- Rabies Clinic will be held Saturday, May 17, 2025, at 10:00am-noon- located at the Highway Shop at 118 Chestnut St.

Project Updates:

- Comprehensive Plan continues being reviewed with committee members and consultants.
- Supervisor Bills attended the LWRP meeting, they discussed Barcelona zoning and reviewed maps. The LWRP representative will give a presentation at the May meeting.
- NYS Parks and Recreation Lighthouse project will be in phases, weather permitting.
- Supervisor Bills congratulated Don McCord for the grant submission of the NY Forward Program Grant for the Village of Westfield. The Village was awarded the grant funding. Other awarded grants that Don McCord submitted on behalf of the Village and the Town include the Main Street beautification project, the facade project, updating electrical in Moore Park and the Barcelona Gateway project.

TOWN BOARD MEETING
Town of Westfield
April 2, 2025

New Business:

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

Resolution No. 30 of 2025
Town of Westfield
Neg Dec-7505 East Main Rd-Westfield Maid, LLC

WHEREAS, the Town Board of the Town of Westfield is considering the application of Westfield Maid Cooperative, Inc for a Special Use Permit allowing it to establish and operate a light manufacturing facility for food processing and packaging at 7505 East Main Road, Westfield, New York 14787, which is designated as tax map Section 192.00, Block 2, Lots 71 and 72, 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 Westfield Maid Cooperative, Inc.

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.

**TOWN BOARD MEETING
Town of Westfield
April 2, 2025**

Councilmember James Herbert offered the following resolution and moved for its adoption as amended to include section d.

**Resolution No. 31 of 2025
Town of Westfield
Issuance of Permit-7505 East Main Rd-Westfield Maid, LLC
TOWN OF WESTFIELD
SPECIAL USE PERMIT**

Action of the Board:

To consider the application of Westfield Maid Cooperative, Inc. for a Special Use Permit to establish and operate a light manufacturing facility for food processing and packaging at 7505 East Main Road, Westfield, New York 14787, which is designated as tax map Sections 192.00, Block 2, Lots 71 and 72, and located in the Commercial (C) District.

WHEREAS, Westfield Maid Cooperative, Inc. (hereinafter, the “Applicant”) submitted an application requesting a Special Use Permit to allow the development of a light manufacturing facility at 7505 East Main Road for the production and packaging of juice pouches; and

WHEREAS, this use is permitted by Special Use Permit in the Commercial District under Section 185-29(J) of the Zoning Code; and

WHEREAS, the Chautauqua County Planning Department, by letter dated March 31, 2025, in response to a zoning referral submitted pursuant to Section 239-m of General Municipal Law, advised that the proposed action was of local option, and

WHEREAS, the Town Board has reviewed the site and supporting project plans, which include phased building modifications, utility upgrades, and installation of food-grade production infrastructure, and has heard those wishing to be heard at a public hearing held April 2, 2025, and finds sufficient justification to approve the application subject to the qualifications set forth below;

NOW, THEREFORE, BE IT RESOLVED, that the application to develop and operate a food manufacturing facility at 7505 East Main Road be and hereby is authorized and approved, subject to the following conditions and requirements:

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 the conditions of this permit, which include:
 - a. The facility shall be limited to light manufacturing consistent with Section 185-29(J), including processing and packaging of natural food products such as juice pouches.
 - b. No hazardous or noxious processes shall be conducted on site.
 - c. The structure must comply with all local building and fire codes and obtain applicable permits for wastewater handling, electrical upgrades, and water system improvements.

TOWN BOARD MEETING

Town of Westfield

April 2, 2025

- d. If perimeter fencing is later required or voluntarily installed in the future, the Applicant will be required to seek a modification of the Special Use Permit and at that time the Town Board may require additional conditions related to landscaping, screening, or and visual impact mitigation.
2. The project shall include, as described, installation of wastewater collection and handling for transport to the Westfield treatment facility, and such infrastructure shall comply with municipal and DEC requirements.
3. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
4. This permit shall expire automatically if the use is not begun by April 1, 2026.
5. 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.

The Applicant agrees to abide by all the terms of this Special Permit.

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.

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

Resolution No. 32 of 2025

Town of Westfield

Neg Dec- 4403 Sherman-Westfield Rd-Edward Carutis

WHEREAS, the Town Board of the Town of Westfield is considering the application of Edward J. Carutis for a Special Use Permit allowing him to install and use a 36' x 50' storage building at 4403 Sherman-Westfield Road, which is designated as tax map Section 293.00, Block 2, Lot 10, 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 Edward J. Carutis.

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.

Accepted 05-07-2025

TOWN BOARD MEETING
Town of Westfield
April 2, 2025

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

Resolution No. 33 of 2025
Town of Westfield
Issuance of Permit- 4403 Sherman-Westfield Rd- Edward Carutis
TOWN OF WESTFIELD
SPECIAL USE PERMIT

Action of the Board:

To consider the application of Edward J. Carutis for a Special Use Permit to construct a 36' x 50' storage barn for personal equipment storage at 4403 Sherman-Westfield Road, Westfield, New York, which is designated as tax map Section 293.00, Block 2, Lot 10, and located in the Residential Agricultural (R-A) District.

WHEREAS, Edward J. Carutis (hereinafter, the “Applicant”) submitted an application requesting a Special Use Permit allowing him to construct and use a 36' x 50' storage barn at 4403 Sherman-Westfield Road for the purpose of storing personal equipment and a workshop; 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 March 12, 2025, and recommended approval of the application with the provision that the storage barn is for storage only and includes no living quarters; 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 2, 2025, and finds ample justification to approve the application subject to the qualifications hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED, that the application to construct and use a 36' x 50' storage barn for equipment storage at 4403 Sherman-Westfield Road 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, which are as follows:
 - a. The structure shall be used for storage only; no living quarters are permitted.
 - b. The building must be placed in accordance with the updated setback requirements, a minimum of 80 feet from the front property line.
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 April 1, 2026.

Accepted 05-07-2025

TOWN BOARD MEETING

Town of Westfield

April 2, 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 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.

Resolution No. 34 of 2025

Town of Westfield

Resolution And Order After Public Hearing Approving the Increase and Improvements of Facilities of The North Town Water District-ER5WBD-No.2

EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Westfield, in the
County of Chautauqua, New York
April 2, 2025
* * *

A meeting of the Town Board of the Town of Westfield, in the County of Chautauqua, New York, was held at the Town Hall, Westfield, New York, on April 2, 2025.

There were present: Martha R. Bills, Supervisor

Councilpersons: David Brown, David Spann, James Herbert, William Northrop

There were absent: NONE

Also present: Andrea L. Babcock, Town Clerk

* * *

The following resolution was offered by Councilperson James Herbert and seconded by Councilperson David Spann, to wit;

Accepted 05-07-2025

TOWN BOARD MEETING
Town of Westfield
April 2, 2025

A meeting of the Town Board of the Town of Westfield, in the County of Chautauqua, New York, was held at the Town Hall, in said Town, on April 2, 2025.

PRESENT:

Hon. Martha R. Bills, Supervisor
David Brown, Councilmember
David Spann, Councilmember
James Herbert, Councilmember
William Northrop, Councilmember

-----X
In the Matter
of the

Increase and Improvement of Facilities of the North Town Water District, in the Town of Westfield, County of Chautauqua, New York, pursuant to Section 202-b of the Town Law.

-----X

RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING
THE INCREASE AND IMPROVEMENT OF
FACILITIES OF THE TOWN OF WESTFIELD
NORTH TOWN WATER DISTRICT

WHEREAS, the Town Board of the Town of Westfield (herein called “Town Board” and “Town”, respectively), in the County of Chautauqua, New York, has, pursuant to Town Law, created the Town of Westfield North Town Water District (the “District”); and

WHEREAS, the Town Board directed CPL, competent engineers licensed in New York, to prepare a map, plan and report (dated April 2020 and updated December 2020 and August 2021) for a water system capital improvements project (commonly known as the “East Route 5 Water Benefit District No. 2”) within the District; and

WHEREAS, in September and October of 2021, the Town approved the original capital improvements project, through Town Law Section 202-b proceedings and other resolutions and adopted a bond resolution on October 6, 2021; and

WHEREAS, the estimated maximum cost of the project has increased from \$2,732,000 to \$4,951,400 due to construction bids coming in higher than expected; and

WHEREAS, the Town has directed CPL, competent engineers licensed in New York, to prepare a revised map, plan and report (dated February 2025) to increase the total cost of the District; and

WHEREAS, such revised map, plan and report amends a certain prior map, plan and report (dated April 2020 and updated December 2020 and August 2021) for the purposes of (a) increasing

TOWN BOARD MEETING
Town of Westfield
April 2, 2025

the estimated maximum cost of such project, and (c) increasing the amount of bonds (and notes) for such project; and

WHEREAS, the scope of the improvements has not materially changed from the project identified in such original map, plan and report; and

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to), the installation of approximately 23,100 linear feet of water main along various streets in the Town, installation of water services, meters and fire hydrants, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"); and

WHEREAS, the February 2025 revised map, plan and report: (a) increases the estimated maximum cost of the project from \$2,732,000 to \$4,951,400 and (b) increases the aggregate principal amount of bonds from \$2,732,000 to \$4,951,400; and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such revised map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be in an estimated maximum amount of \$4,951,400; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$4,951,400, such amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, expected grant funds in the approximate amount of \$3,674,600; and

WHEREAS, such revised map, plan and report (hereinafter referred to as map, plan and report) has not been modified in any material respect other than as described above;

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

WHEREAS, the Town Board issued an Order at its March 20, 2025 meeting calling for a public hearing to be held at the Town Hall, Westfield, New York, on April 2, 2025 at 7:30 o'clock P.M. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

Accepted 05-07-2025

TOWN BOARD MEETING
Town of Westfield
April 2, 2025

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF WESTFIELD, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$4,951,400; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$4,951,400, said amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, expected grant funds in the approximate amount of \$3,674,600, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk shall record with the Clerk of the County of Chautauqua a copy of this Resolution and Order, certified by said Town Clerk.

DATED: April 2, 2025

TOWN BOARD OF THE
TOWN OF WESTFIELD

The adoption of the foregoing Resolution Approving the Increase and Improvement of Facilities of the North Town Water District was duly put to a vote on roll call, which resulted as follows:

AYES: Town Supervisor, Martha Bills

Accepted 05-07-2025

**TOWN BOARD MEETING
Town of Westfield
April 2, 2025**

Councilpersons, David Brown, David Spann, James Herbert, William Northrop

NOES: NONE

ABSENT: NONE

The Resolution approving the increase and improvement of facilities of the North Town Water District was declared adopted.

**Resolution No. 35 of 2025
Town of Westfield
Amending And Restating Bond Resolution Dated April 2, 2025**

EXTRACT OF MINUTES

Meeting of the Town Board of the
Town of Westfield, in the
County of Chautauqua, New York
April 2, 2025
* * *

A meeting of the Town Board of the Town of Westfield, in the County of Chautauqua, New York, was held at the Town Hall, in said Town, on April 2, 2025.

There were present: Martha R. Bills, Supervisor
Councilpersons: David Brown, David Spann, James Herbert, William Northrop

There were absent: NONE

Also present: Andrea L. Babcock, Town Clerk

* * *

The following resolution was offered by Councilperson David Brown and seconded by Councilperson James Herbert, to wit;

Accepted 05-07-2025

TOWN BOARD MEETING
Town of Westfield
April 2, 2025

AN AMENDING AND RESTATING BOND RESOLUTION, DATED APRIL 2, 2025, OF THE TOWN BOARD OF THE TOWN OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON OCTOBER 6, 2021, AND AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF WESTFIELD NORTH TOWN WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$4,951,400 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,951,400 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, on October 6, 2021, the Town Board of the Town of Westfield, Chautauqua County, New York (the "Town") adopted a certain bond resolution (the "Original Bond Resolution") entitled:

A BOND RESOLUTION, DATED OCTOBER 6, 2021, OF THE TOWN BOARD OF THE TOWN OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF WESTFIELD NORTH TOWN WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$2,732,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,732,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

and

WHEREAS, the Town Board has been advised that the cost of the proposed capital improvements project has increased due to construction bids coming in higher than expected for such project; and

WHEREAS, the Town Board now wishes to modify the Original Bond Resolution for the purposes of: (a) increasing the estimated maximum cost of the project from \$2,732,000 to \$4,951,400 and (b) increasing the aggregate principal amount of serial bonds authorized to be issued from \$2,732,000 to \$4,951,400 and to make other modifications in the Original Bond Resolution as may be consistent with law; and

WHEREAS, the Town Board now wishes to amend and restate the Original Bond Resolution for the purposes identified above, and to make other modifications in the Original Bond Resolution as may be

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consistent with law; and

WHEREAS, the Original Bond Resolution is being modified to increase the estimated maximum cost as previously described, and is otherwise being reaffirmed and ratified in all respects; and

WHEREAS, the Town Board of the Town has determined to proceed with the capital improvements project;

WHEREAS, the Town has not previously issued bond anticipation notes pursuant to the Original Bond Resolution and has not yet entered into permanent financing arrangements thereunder (i.e., the issuance of long-term serial bonds); and

NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Westfield, in the County of Chautauqua, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Town Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a water system capital improvements project that will generally consist of (but not be limited to), the installation of approximately 23,100 linear feet of water main along various streets in the Town, installation of water services, meters and fire hydrants, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (the "Project"). The estimated maximum cost of the Project is \$4,951,400.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Project by the issuance of serial bonds in an aggregate principal amount not to exceed \$4,951,400 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, expected grant funds in the approximate amount of \$3,674,600. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds, and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

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SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds or notes as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after October 6, 2021 or within 60 days prior to the earlier of (a) October 6, 2021 or (b) the date of any earlier expression by the Town of its intent to reimburse such expenditures) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration (or reaffirmation) of the Town's original declaration of its "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution,

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containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 12. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in said Town and designated as the official newspaper of said Town for such publication.

SECTION 15. Nothing in this amendment shall affect the validity of the original October 6, 2021 bond resolution or any action taken thereunder, and any such actions are hereby ratified.

SECTION 16. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Town Supervisor, Martha Bills

Councilpersons, David Brown, David Spann, James Herbert, William Northrop

NOES: NONE

ABSENT: NONE

The foregoing resolution was thereupon declared duly adopted.

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Councilmember William Northrop offered the following resolution and moved for its adoption, Councilmember David Spann asked to modify the form to include agency contact information for the applicant.

Resolution No. 36 of 2025
Town of Westfield
Wetland Compliance Waiver Release Form Building Permit

BE IT RESOLVED, the Town Board of the Town of Westfield hereby adopts the Building Permit Wetlands Compliance Waiver and Release Form.

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

Resolution No. 37 of 2025
Town of Westfield
Authorize The Supervisor to Sign The 2025 Agreements with the Village of Westfield

BE IT RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Supervisor to sign the 2025 rent, police and fire protection agreements with the Village of Westfield.

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 David Spann offers the following budget revision for 2025.

Table with 3 columns: Revision Description, Decrease Expenditures, Increase Expenditures. It contains three budget revision entries with their respective financial impacts.

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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At 8:16pm Supervisor Bills moved, and Councilman David Brown seconded a motion to audit the bills.

Warrants dated April 2, 2025 (voucher #'s 155-223) in the amount of \$67,556.30 were drawn on the following funds:

General	\$41,743.89
General Part-Town	\$ 1,838.74
Highway	\$21,101.09
Highway Part-Town	\$ 2,824.16
Forest Park Sewer	\$ 43.60
North Town Water-Shorehaven	\$ 4.82

These warrants were presented and audited by the Board members. Supervisor Bills made a motion to be directed to draw the necessary checks to cover the warrants as audited. The motion was seconded by Councilmember David Brown. Voting was as follows: Supervisor Bills, aye, Councilmember David Brown, aye; Councilmember James Herbert, aye; Councilmember William Northrop, aye.

At 8:38pm Supervisor Martha Bills moved, and Councilmember David Spann seconded a motion to move into executive session to discuss a particular personnel history and current litigation with the Town Attorney. Unanimously carried.

At 9:10pm 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 award the lowest bidder for the NYS Route 5 Water Benefit District #2 project contingent upon approval of necessary paperwork from USDA Rural Development, Municipal Solutions and Engineer Clark Patterson Lee. Seconded by Councilmember James Herbert and carried unanimously.

There being no further business at 9:10pm. Supervisor Martha Bills moved, and Councilmember William Northrop seconded a motion to adjourn. Unanimously carried.

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