

**TOWN BOARD MEETING**

**Town of Westfield**

**May 7, 2025**

**PUBLIC HEARING**

**Town of Westfield**

**Special Use Application for 8265 Second Street-Storage Shed-Switzer's**

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:	Taras Korol	Mark Winsche
Councilmember:	David Brown		Sandra Brown	Greg Bacon
	David Spann		Gail Gray	Don McCord
	William Norhtrop		Tom Herr	Tom Young
Absent:	James Herbert		Scott Switzer	Sally Switzer
			Jeff Mitchell	Becky Mithcell

Local Waterfront Revitalization Program- Rebecca Wurster, Planning Coordinator

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 gave an overview of the application. The application is for a storage building over 144 sq ft. pursuant to section 185-19 D, 10 of the Town of Westfield Zoning Code.

The Planning Board reviewed the application and recommended the application be approved with no concerns. The storage building will be used for storage only.

The applicant was present.

The Legal notice was posted in the Dunkirk Observer 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.

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

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Supervisor Bills introduced, Local Waterfront Revitalization Program Planning Coordinator Rebecca Wurster, and asked her to give an overview of the program. Maps and an information packet were reviewed and discussed. Supervisor Bills and the Town Board thanked Rebecca Wurster. The map and the informational packet are available in the Town Clerks office for review.

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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:	Taras Korol	Mark Winsche
Councilmember:	David Brown		Sandra Brown	Greg Bacon
	David Spann		Gail Gray	Don McCord
	William Norhtrop		Tom Herr	Tom Young
Absent:	James Herbert		Scott Switzer	Sally Switzer
			Jeff Mitchell	Becky Mithcell

Local Waterfront Revitalization Program- Rebecca Wurster, Planning Coordinator  
Highway Superintendent: David Babcock  
Code Officer: Kenneth Shearer  
Town Attorney: Joel Seachrist  
Town Clerk: Andrea L. Babcock

**Pledge of Allegiance**

*Councilmember William Northrop made the motion to waive the reading of the April 2, 2025, 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 April 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 bank interest rate has stayed the same.

The Town Clerk's report together with two checks in the amount of \$4136.84 representing fees for the month of April 2025 has been turned over to the Supervisor. A check for \$90.00 representing fees for the month of April to NYS Department of Health, Marriage Licenses, and a check in the amount of \$28.00 will be turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$14.16 will be withdrawn on the 13<sup>th</sup>.

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

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### Highway:

Highway Superintendent's April report has been received and placed on file. The report highlighted fuel usage, sweeping roads, cleaning and organizing Highway shop and yard. The Chevy 2500 truck was put into May 8<sup>th</sup> through May 13<sup>th</sup> auction. Walked the health trail and fishing trails.

- Councilmember David Brown made a motion to accept the Town of Harmony gravel bids and the Town of Ellicott black top bids. Seconded by Councilmember David Spann and carried unanimously.

### Code Enforcement:

The Code Enforcement Officer submitted a written report for April 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, webinars and gave an overview of the day-to-day activities of the 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 June 4, 2025, Town Board meeting for applicant Jeff and Rebecca Mitchell located at 8478 Route 5 West Lake Road, Westfield New York, seconded by Councilmember William Northrop and Carried unanimously.

### Barcelona Harbor:

- The Harbor is getting ready to open for the season. Opening Memorial weekend.
- Army Corp will start dredging May 15<sup>th</sup>.
- Discussed the 2026 break wall project.

### Public Comment:

- John Issler presented to the board a letter and pictures on behalf of his sister regarding Taylor Road. The letter highlighted enjoying scenic beauty, taking photographs of landscape and wildlife until a recent situation occurred on Taylor Road. A detailed discussion ensued. Discussed ongoing seasonal unacceptable confrontations with Taylor Road property owner, Tom Herr. Tom Herr was present and added to the discussion, of concerns of the public driving down the road, his property and being genuinely concerned about safety and his property. Highway Superintendent Babcock addressed Mr. Herr about the issues at hand and that Taylor Road is a public road, and the public has the right to drive down the road without confrontation, it is a public road! The board discussed installing a camera on Town property. A Survey will be conducted in the upcoming months; until then the Town cannot do any work that has been discussed for years until the survey is complete. The situation was discussed, and plans are to continue to work together so that all parties can enjoy the road.

**TOWN BOARD MEETING  
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**Announcements:**

- E- Waste Collection- Saturday May 10, 2025 - 9:00am-1:00pm at 118 Chestnut St.
- Rabies Clinic-Saturday May 17, 2025-10am-NOON at 118 Chestnut St.
- Assessor with the tentative assessment roll:  
Monday, May 5 from 9:00am- 1:00pm, Tuesday, May 13 from 1:00pm-5:00pm and Saturday, May 17 from 9:00am-1:00pm and Monday, May 19 from 5pm-9pm
- The Board of Assessment Review will meet (Grievance Day) on Tuesday, May 27, 2:00pm - 4:00pm and 6:00pm-8:00pm

**Project Updates:**

- Comprehensive Plan continues being reviewed with committee members and consultants.
- NYS Parks and Recreation Lighthouse project will be in phases, weather permitting.
- The Board may need to set a special meeting at a later date for the East Route 5 Water Benefit District phase 2 project as the Town, engineer and funding entities work towards the next steps.

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**New Business:**

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

**Town of Westfield  
Resolution No.38 of 2025**

**Neg. Dec 8265 Second Street-Special Use Permit for a storage shed-Switzer's**

**WHEREAS**, the Town Board of the Town of Westfield is considering the application of Scott and Sally Switzer for a Special Use Permit allowing them to construct a 10' x 20' storage shed at 8265 Second Street, which is designated as tax map Section 192.06, Block 1, Lot 37, 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 Scott and Sally Switzer.

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

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**TOWN BOARD MEETING  
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*Councilmember David Spann offered the following resolution and moved for its adoption;*

**Town of Westfield  
Resolution No.39 of 2025  
Issuance of Permit-8265 Second Street-Special Use Permit for a storage shed- Switzers**

**TOWN OF WESTFIELD  
SPECIAL USE PERMIT**

**Action of the Board:**

To consider the application of Scott and Sally Switzer for a Special Use Permit to construct a 10' x 20' (200 sq. ft.) storage shed at 8265 Second Street, Westfield, New York 14787, which is designated as tax map Section 192.06, Block 1, Lot 37, and located in the Commercial (C) District.

**WHEREAS**, Scott and Sally Switzer (hereinafter, the "Applicants") submitted an application pursuant to Section 185-19(D)(10) of the Town of Westfield Zoning Code requesting a Special Use Permit allowing them to construct a 10' x 20' (200 sq. ft.) storage shed at 8265 Second Street, which is designated as tax map Section 192.06, Block 1, Lot 37, and

**WHEREAS**, the Town of Westfield Planning Board reviewed the application during a meeting held April 9, 2025, 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 May 7, 2025 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 Applicants shall undertake the project in accordance with the plans and descriptions submitted to the Town with the application, and agree 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 May 7, 2026.
4. This permit shall become effective after the Applicants approve each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this special permit.

The Applicants agree to abide by all the terms of this Special Permit.

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

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

**Town of Westfield  
Resolution No.40 of 2025  
Appointing Assessor**

**BE RESOLVED**, the Town Board of the Town of Westfield hereby appoints Kenneth Shearer as the Assessor. The appointment will begin on July 1, 2025.

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

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

**Town of Westfield  
Resolution No.41 of 2025  
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 \$15.50 an hour.

*This was seconded by Councilmember David Brown. Voting was as follows: Supervisor Martha Bills, aye; Councilmember David Brown, aye; Councilmember David Spann, 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.42 of 2025  
Purchase approval of a dog control vehicle**

**BE IT RESOLVED**, the Town Board of the Town of Westfield hereby authorizes the purchase of a dog control vehicle not to exceed \$5,500.00.

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

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**TOWN BOARD MEETING**  
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***Councilmember David Brown offers the following budget revision for 2025.***

Subject: Budget Revision #4 for Budget Year 2025			
<b>Revision Description</b>		Decrease	Increase
To move \$21,817.95 from A fund balance A 599 to pay Add Lumber Invoice 254279 for polyseal for concrete for docks for \$199.95 & Jack's Welding Service, Invoices 10224, 10225 & 10226 For Installation of docks & supplies for dock anchoring system and crane service & materials for future adds to the floating dock system for a total of \$16,360.00 & Jamestown Macadam, Inc Invoices 126287, 126606 & 127108 for Concrete & Barrier Blocks for a total of \$5,258.00 to Account A7180.412 Parks & Recreation Boat Launch Grant. The Parks & Recreation Boat Launch Grant account was setup for this grant. The town is receiving grant money in the amount of \$49,966.76 from the 2% Occupancy tax grant from Chautauqua County to cover a portion of the expenses.		Expenditures	Expenditures
<b>Budget Journal</b>			
A Fund (General Fund - Townwide)			
A 599 Appropriated Fund Balance DR		21,817.95	
A 7180.412 Parks & Recreation - Boat Launch Grant CR			21,817.95
<b>Total A Fund</b>		<b>21,817.95</b>	<b>21,817.95</b>
<b>Revision Description</b>		Decrease	Increase
To move \$1,241.58 from CM2 Fund Balance CM2 599 Appropriated Fund Balance to CM2 1950.400 Taxes & Assess On Munic Prop Contra Exp To Cover The 2025 County & Town taxes on the property the Town purchased in March of 2024 on First Street Barcelona out of this account.		Expenditures	Expenditures
<b>Budget Journal</b>			
CM Fund (Welch Building Fund)			
CM2 599 Appropriated Fund Balance DR		1,241.58	
CM2 1950.400 Taxes & Assess On Munic Prop, Contra Exp CR			1,241.58
<b>Total CM2 Fund</b>		<b>1,241.58</b>	<b>1,241.58</b>
<b>Revision Description</b>		Decrease	Increase
To move \$5,446.30 from A fund balance A 599 to pay Municipal Solutions, Inc Invoice 22487 for \$2,180.40 & Column Software PBC invoice 8951DC1E-0197 for \$72.90 & Chautauqua County Clerk for filing easements with the county clerk for \$2,893.00 & Seachrist Law Offices, P.C. invoice 3209 for \$300.00 to the Other Water, Contr Expense Account A8389.400. The Other Water, Contr Expend-Route 5 Water District #2 has been set up to record Route 5 Water District #2 expenses until the H capital project fund is established and funded.		Expenditures	Expenditures
<b>Budget Journal</b>			
A Fund (General Fund - Townwide)			
A 599 Appropriated Fund Balance DR		5,446.30	
A 8389.400 Other Water, Contr Expend-Route 5 Water District 2 CR			5,446.30
<b>Total A Fund</b>		<b>5,446.30</b>	<b>5,446.30</b>
<b>Revision Description</b>		Decrease	Increase
To move \$5,500.00 from A1990.400 Contingent Account to pay William Christ For His 2016 Chrysler Town & Country Minivan For The Dog Control Officer to cover expense account A3510.200 Control of Dogs - Equipment.		Expenditures	Expenditures
<b>Budget Journal</b>			
A Fund (General Fund - Townwide)			
A 1990.400 Contingent Account DR		5,500.00	
A 3510.200 Control Of Dogs-Equipment CR			5,500.00
<b>Total A Fund</b>		<b>5,500.00</b>	<b>5,500.00</b>

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

At 8:17pm Supervisor Bills moved, and Councilman David Brown seconded a motion to audit the bills.

Warrants dated May 7, 2025 (voucher #'s 224-302) in the amount of \$111,615.50 were drawn on the following funds:

General	\$64,044.81
General Part-Town	\$12,049.17
Highway	\$16,777.38
Highway Part-Town	\$18,401.81
Forest Park Sewer	\$ 337.87
North Town Water-Shorehaven	\$ 4.46

***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 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.

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The Town Board discussed and approved the use of a hot dog cart at the Daniel Reed Pier at the discretion of the Harbor Master.

There being no further business at 9:15pm. Supervisor Martha Bills moved, and Councilmember William Northrop seconded a motion to adjourn. Unanimously carried.

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