

**Town Board
Town of Westfield
March 4, 2026**

PUBLIC HEARING
Town of Westfield

**A LOCAL LAW ENACTING TO EXTEND THE MORATORIUM ON COMMERCIAL
BATTERY ENERGY STORAGE SYSTEMS**

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:	Sandra Brown
Councilmember:	David Brown		Antonio Figueroa
	David Spann		Tom Herr
	James Herbert		Cyndie Hart
Absent:	William Northrop		Gail Gray
Code Officer:	Kenneth Shearer		
Assessor:	Kenneth Shearer		
Town Attorney:	Joel Seachrist		
Town Clerk:	Andrea L. Babcock		

Absent: Highway Superintendent: David Babcock

Supervisor Bills opened the public hearing to discuss the proposed Local Law and asked Attorney Joel Seachrist to give an overview of the law. The extension of the moratorium will allow for the final report and recommendations of New York State, environmental review, locations and the required procedures. Local Law No. 1 of 2026 shall be extended for one year through March 1, 2027.

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

Public comment: Discussed local fire departments and their equipment capacities to extinguish lithium battery fires and the environmental impact.

Supervisor Bills made the motion to move that the public hearing be closed at 7:31pm. Councilmember David Spann seconded the motion. Motion carried.

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

Accepted 04/01/2026

**Town Board
Town of Westfield
March 4, 2026**

**PUBLIC HEARING
Town of Westfield**

**A LOCAL LAW ENACTING TO EXTEND THE MORATORIUM ON WIND ENERGY
CONVERSION SYSTEMS**

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:	Sandra Brown
Councilmember:	David Brown		Antonio Figueroa
	David Spann		Tom Herr
	James Herbert		Cyndie Hart
Absent:	William Northrop		Gail Gray
Code Officer:	Kenneth Shearer		
Assessor:	Kenneth Shearer		
Town Attorney:	Joel Seachrist		
Town Clerk:	Andrea L. Babcock		

Absent: Highway Superintendent: David Babcock

Supervisor Bills opened the public hearing to discuss the proposed Local Law and asked Attorney Joel Seachrist to give an overview of the law. The extension of the moratorium will allow for the final report and recommendations of New York State, environmental review, locations and the required procedures. Local Law No. 2 of 2026 shall be extended for one year through March 1, 2027.

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

Public comment: none.

Supervisor Bills made the motion to move that the public hearing be closed at 7:31pm. Councilmember David Spann seconded the motion. Motion carried.

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

**Town Board
Town of Westfield
March 4, 2026**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:32pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Sandra Brown
Councilmember:	David Brown		Antonio Figueroa
	David Spann		Tom Herr
	James Herbert		Cyndie Hart
Absent:	William Northrop		Gail Gray

Code Officer:	Kenneth Shearer
Assessor:	Kenneth Shearer
Town Attorney:	Joel Seachrist
Town Clerk:	Andrea L. Babcock

Absent: Highway Superintendent: David Babcock

Pledge of Allegiance

Supervisor Bills introduced the new WPD Chief Erik Karlstrom, Chief Karlstrom gave an overview of his department and his visions for the department and provided his monthly report.

Councilmember David Brown made the motion to accept the February 4, 2026, Town Board minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilmember James Herbert seconded the motion. The motion was carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town's finances for the month of February. The report is always available in the Supervisors office. All Board members have received a copy of the report and is accepted as submitted. Up to date revenues through February 2026 were presented to the board. All board members received a copy. The Town received first quarter sales tax distribution.

The Town Clerk's report together with a check in the amount of \$2,151.80 representing fees for the month of February 2026 will be turned over to the Town Supervisor. A check in the amount of \$22.00 will be turned over to NYS Department of Agriculture and Markets for dog licenses. A report reflecting zero sales will be submitted to NYS Department of Health for marriage licenses. Zero sales for DECALS for the month.

Tax Collector's monthly collection report has been distributed to the Town Board and is on file with the Town Clerk. A total of \$1,874,547.25 was collected for the month of February.

The Dog Warden's report for February 2026 was received and placed on file.

The Fire Department Report for February 2026 was not received.

The Historian report for February 2026 was received and placed on file.

The Town Court report for February 2026 was received and placed on file.

The WPD report for February 2026 was received and placed on file.

**Town Board
Town of Westfield
March 4, 2026**

Highway:

The Highway Superintendent is in Albany advocating CHIPS funding. The Highway Superintendent submitted a written report for the month of February. The report has been accepted and placed on file. Councilmember David Spann made the motion to:

- Accept the State D.O.T and Chautauqua County annual contract bids for the year 2026.
- Post Roads
- Accept Town of Ellicott blacktop bid

Second, by Councilmember David Brown. The motion was carried unanimously.

Code Enforcement:

The Code Enforcement Officer submitted a written report for February.

Assessor: The Assessor submitted a monthly report for the month of February.

Barcelona Harbor:

- Closed for the Season.
- The Army Corp of Engineers are out to bid for dredging the west part of the breakwall.
- County representatives contacted Supervisor Bills regarding what funding is needed for Barcelona.

Public Comment:

- Tom Herr had the floor; a discussion ensued regarding allegations about himself and his property and the use of Taylor Road.

Announcements:

- Tax Collection: March 7- April 1, 2026- 2% on original bill.
- Village Election-March 18, 2026- Noon to 9:00pm at Eason Hall.

Project Updates:

- David Hardenbrook CPL engineer was present and gave a project update for East Route 5 Water Benefit District No. 2. The project has been on hold due to the winter weather. Monthly project meetings are held in person or via teams. The contractor will be pressure testing the water line in the next week. USDA has given approval on a Change Order request for the PRV Vault Improvements. The improvement cost increases the cost change to \$78,269.35. Engineer Hardenbrook asked if the board would formally accept the change order and it would reflect on the April Form E-9 so that it does not hold up the project. Councilmember James Herbert made a motion to accept the Change Order request. Seconded by Councilmember David Brown and carried unanimously.

**Town Board
Town of Westfield
March 4, 2026**

New Business:

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

**Resolution No. 21 of 2026
TOWN OF WESTFIELD
RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2026
A LOCAL LAW TO EXTEND THE MORATORIUM ON COMMERCIAL BATTERY ENERGY
STORAGE SYSTEMS**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Westfield for a public hearing to be held by said Board on March 4, 2026 at Eason Hall, 23 Elm Street, Westfield, to hear all interested parties on a proposed Local Law to extend the moratorium on commercial battery energy storage systems and

WHEREAS, notice of said public hearing was duly published in the *Dunkirk Observer*, and posted in the Town Clerk's office, and

WHEREAS, said public hearing was duly held on March 4, 2026, at the said time and place and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Board has determined that the adoption of the local law is a Type II action for purposes of the State Environmental Quality Review Act, so that no further review is required; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interests of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 1 of 2026, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Westfield, and to give due notice of the adoption of the Local Law to the Secretary of State.

**TOWN OF WESTFIELD
LOCAL LAW NO. 1 FOR THE YEAR 2026
A LOCAL LAW TO EXTEND THE MORATORIUM ON COMMERCIAL BATTERY ENERGY
STORAGE SYSTEMS**

Be it enacted by the Town Board of the Town of Westfield as follows:

Section 1. Title.

This Local Law shall be referred to as the "Local Law to Extend the Moratorium on Commercial Battery Energy Storage Systems in the Town of Westfield".

Section 2. Purpose and Intent.

By Local Law No. 1 of 2024, the Town Board of the Town of Westfield enacted a moratorium on the processing and approval of new applications for commercial battery energy storage systems that lasted through March 1, 2027.

Accepted 04/01/2026

**Town Board
Town of Westfield
March 4, 2026**

The Town Board is undertaking a comprehensive review of the Town Zoning Law relating to commercial battery energy storage systems, and the Town Board's desires to complete its review of the Zoning Law free from any pressure or concerns related to timing concerns raised by the expiration of the moratorium. Additionally, the Town awaits the final report and recommendations of New York State's Inter-Agency Fire Safety Working Group with regard to battery energy storage facilities. It is anticipated the Town Board will need additional time to receive the State's report, and then to complete this process, the related environmental review, and the required procedure for the adoption of a local law. Accordingly, the Town Board desires to extend the current moratorium for an additional one year, or to March 1, 2027.

The Town Board finds that pursuant to 6 N.Y.C.R.R. 617.5(c)(30) the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") which has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Article 8 of the Environmental Conservation Law and is therefore not subject to review under 6 N.Y.C.R.R. Part 617 or the Environmental Conservation Law.

Section 3. Moratorium; Extended Term.

A. Local Law No. 1 of 2024, imposing a moratorium on the on the review and approval of commercial battery energy storage systems in the Town of Westfield shall be extended for one year through March 1, 2027.

B. Except as otherwise amended herein, all provisions of Local Law No. 1 of 2024, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for one (1) year through March 1, 2027.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section 5. Suspension and Supersession of Other Laws.

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through March 1, 2027. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Westfield with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

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

**Town Board
Town of Westfield
March 4, 2026**

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

**Resolution No. 22 of 2026
Town of Westfield**

**A LOCAL LAW TO EXTEND THE MORATORIUM ON COMMERCIAL WIND ENERGY
CONVERSION SYSTEMS**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Westfield for a public hearing to be held by said Board on March 4, 2026 at Eason Hall, 23 Elm Street, Westfield, to hear all interested parties on a proposed Local Law to extend the moratorium on commercial battery energy storage systems and

WHEREAS, notice of said public hearing was duly published in the *Dunkirk Observer*, and posted in the Town Clerk's office, and

WHEREAS, said public hearing was duly held on March 4, 2026, at the said time and place and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Board has determined that the adoption of the local law is a Type II action for purposes of the State Environmental Quality Review Act, so that no further review is required; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interests of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 2 of 2026, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Westfield, and to give due notice of the adoption of the Local Law to the Secretary of State.

**TOWN OF WESTFIELD
LOCAL LAW NO. 2 FOR THE YEAR 2026
A LOCAL LAW TO EXTEND THE MORATORIUM ON COMMERCIAL WIND ENERGY
CONVERSION SYSTEMS**

Be it enacted by the Town Board of the Town of Westfield as follows:

Section 1. Title.

This Local Law shall be referred to as the "Local Law to Extend the Moratorium on Commercial Wind Energy Conversion Systems in the Town of Westfield".

Section 2. Purpose and Intent.

By Local Law No. 3 of 2024, the Town Board of the Town of Westfield enacted a moratorium on the processing and approval of new applications for commercial Wind Energy Conversion systems that lasted through February 28, 2025.

The Town Board is undertaking a comprehensive review of the Town Zoning Law relating to commercial Wind Energy Conversion systems, and the Town Board's desires to complete its review of the Zoning Law free from any pressure or concerns related to timing concerns raised by the expiration of the moratorium. Accordingly, the Town Board desires to extend the current moratorium for an additional one year, or to March 1, 2027.

Accepted 04/01/2026

**Town Board
Town of Westfield
March 4, 2026**

The Town Board finds that pursuant to 6 N.Y.C.R.R. 617.5(c)(30) the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”) which has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Article 8 of the Environmental Conservation Law and is therefore not subject to review under 6 N.Y.C.R.R. Part 617 or the Environmental Conservation Law.

Section 3. Moratorium; Extended Term.

C. Local Law No. 3 of 2024, imposing a moratorium on the on the review and approval of commercial Wind Energy Conversion systems in the Town of Westfield shall be extended for one year through March 1, 2027.

D. Except as otherwise amended herein, all provisions of Local Law No. 3 of 2024, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for one (1) year through March 1, 2027.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section 5. Suspension and Supersession of Other Laws.

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through March 1, 2027. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town’s Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Westfield with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

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.

**Town Board
Town of Westfield
March 4, 2026**

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

**Resolution No. 23 of 2026
Town of Westfield
ROUTE 5 WD #2 PROJECT
PROJECT BUDGET MODIFICATIONS**

WHEREAS, the Town of Westfield has received funding from Rural Development for their Route 5 WD #2 Project (“Project”); and

WHEREAS, the Town Board wishes to adjust project budget items to more accurately reflect actual costs and;

WHEREAS, Rural Development requires the Town Board to authorize all changes to the Administrative Budget as shown on the Form E; NOW, therefore be it

RESOLVED, that the Town Board of the Town of Westfield authorizes the following Budget modifications for the Project:

- | | | |
|-----------------|-------------|----------|
| 1. Bond Counsel | Increase of | \$13,000 |
|-----------------|-------------|----------|

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

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

**Resolution No. 24 of 2026
Town of Westfield
Authorize Payment for Form E-No. 8 for East Route 5 Water Benefit District No.2**

BE IT RESOLVED, The Town Board of the Town of Westfield hereby authorizes Form E #8 -Rural Development Budget / Cost Certification, tabulation sheets and project related services to date for East Route 5 Water Benefit District No.2.

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.

At 8:12pm Supervisor Martha Bills moved and Councilmember David Brown seconded a motion to move to an executive session to discuss a particular personal history and current litigation with the Town Attorney, Town Clerk and WPD Chief. Unanimously carried.

At 8:32pm Supervisor Martha Bills moved and Councilmember David Brown seconded a motion to return to regular session and audit the bills. Unanimously carried.

**Town Board
Town of Westfield
March 4, 2026**

Supervisor Bills moved and Councilmember David Brown seconded a motion to audit the bills at 8:32pm

Warrants dated March 4, 2026 (voucher #'s 8-149) in the amount of \$76,071.85 were drawn on the following funds:

General	\$62,165.28
General-Part Town	\$ 151.84
Highway-Town	\$13,689.14
Forest Park Sewer	\$ 61.12
Shorehaven	\$ 4.47

Warrants dated March 4, 2026 (voucher # 7-8) in the amount of \$33,456.06 were drawn on the following funds:

Route 5 Water Benefit District-2 (H9)	\$ \$33,456.06
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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.

There being no further business at 8:45pm Supervisor Martha Bills moved and Councilmember David Brown seconded a motion to adjourn. Unanimously carried.

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