

TOWN BOARD MEETING
Town of Westfield
December 4, 2019

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:31pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilmen:	David Brown		Ed Slate
	David Spann		Don Eno
	James Herbert		Marion Eno
	Will Northrop		

Highway Superintendent: David Babcock
Code Officer: Bonnie Rae Strickland
Town Attorney: Joel Seachrist

Pledge of Allegiance

Councilman Will Northrop made a motion to waive the reading of the November 6, 2019 minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman David Spann and carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town’s finances for the month of November 2019. Also, available were the revenues and expenditures for the month of October. All Board members have received a copy of the report for October and November and is accepted as submitted. The Supervisor also stated that she received the mortgage tax revenue from the County. She stated that is very difficult to estimate the amount the Town will receive. She had a spreadsheet with the history of what has been received for the past ten years and is available for anyone to take a look at.

The Town Clerk’s report together with a check in the amount of \$2,755.19 representing fees for the month of November 2019 was turned over to Supervisor Bills. A check for \$45.00 representing fees for the month of September to NYS Department of Health, Marriage Licenses and a check in the amount of \$23.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$725.00 will be withdrawn on the 15th.

2019 Report of Examination for the Town of Westfield prepared by the Office of the State Comptroller office has been received and is available in the Town Clerks office and online under the Office of State Comptroller website. Proof of publication has been received and submitted to the local newspapers. All board members have received a copy.

The Dog Warden’s report for November 2019 was received and placed on file.
The Fire Department Report for November 2019 was not received.
The Town Court report for November 2019 was received and placed on file.
The WPD report for November 2019 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for November 2019 including gas and fuel usage, mixing salt and sand for winter. Markers are up along road side for plowing, harbor has been winterized, water has been shut off and water has been drained. Continues to work on Route 20 waterline, testing leaks.

Code Enforcement:

- The Code Enforcement Officer submitted a report for the month of November 2019. The report has been received and placed on file.
- Chautauqua County entered into an agreement with Air B&B to collect bed tax. Air B&B will collect the bed tax. This is a good thing. The Town will receive some revenue from the County for bed tax collection.
- Tractor Supply is open and running.
- The County is looking to do a study for a County wide code enforcement program and a zoning and housing court.

Barcelona Harbor:

- The Pier is closed for the season.
- An Army Corp and FEMA representative came out and met with a few board members and Supervisor Bills to access the damage from the October 31 storm. Further information about the damage will be forthcoming.

Public Comment:

- None

The Town Supervisor made the following announcements:

- Town Employees' Christmas Party (Thursday December 12th 11:00a.m.-1:00pm)

Old Business:

- East Lake Rd water project, the contractor (DJM) is finishing up a project in Dunkirk and plans to start the project the first of the year.
- The Welch building final BAN payment will be made on December 12.
- The Welch Trail the consultant is sending a survey team to survey the project.
- The County is getting a consultant for the handicap accessible kayak grant that is offered through the County for the harbor.

New Business:

Resolutions for 12/4 /2019

Councilman James Herbert offered the following resolution and moved for its adoption

**Resolution No.75 2019
Town of Westfield
2020 Holiday Schedule**

New Year’s Day	Wednesday, January 1
Martin Luther King Day	Monday, January 20
Presidents’ Day	Monday, February 17
Good Friday	Friday, April 10
Memorial Day	Monday, May 25
4 th of July	Friday, July 3
Labor Day	Monday, September 7
Columbus Day	Monday, October 12
Veteran’s Day	Wednesday, November 11
Thanksgiving Day	Thursday, November 26
Day after Thanksgiving	Friday, November 27
Christmas Eve	Thursday, December 24
Christmas Day	Friday, December 25
New Year’s Eve	Thursday, December 31

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

Councilman David Brown offered the following resolution and moved for its adoption

**Resolution No.76 of 2019
Town of Westfield
CHIPS Funding**

WHEREAS, a reliable transportation infrastructure is vital for the safety of New York’s travelling public and its economy; and

WHEREAS, 85% of New York’s roads and bridges are maintained by local governments; and

WHEREAS, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally transportation assets means that they beyond preservation and in need of much more costly rehabilitation and reconstruction; and

WHEREAS, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

WHEREAS, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

WHEREAS, the New York State Association of Town Superintendents of Highways commissioned its own 15 year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

WHEREAS, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

WHEREAS, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is and is part of the New York State Department of Transportation (NYSDOT) capital program; and

WHEREAS, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and

WHEREAS, when the DHBTF was created, it was agreed that the NYSDOT and MTA five year capital programs would be similar in size and would be negotiated concurrently; and

WHEREAS, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

WHEREAS, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT;

NOW THEREFORE BE IT RESOLVED that the Town of Westfield calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2020-21 state budget; and

BE IT FURTHER RESOLVED that the Town of Westfield calls upon the Governor and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and

BE IT FURTHER RESOLVED that the Town of Westfield calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously

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

Councilman Will Northrop offered the following resolution and moved for its adoption

Resolution No. 77 of 2019
Town of Westfield
December Special Meeting

BE IT RESOLVED, that the Town Board of the Town of Westfield schedule a Special Meeting to audit December vouchers for 2019 on Thursday December 12th 2019 at 10:30am.

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

Councilman Will Northrop offered the following resolution and moved its adoption:

Resolution No. 78 of 2019
Town of Westfield
Move January 2020 Town Board Meeting

BE IT RESOLVED, that the Town Board of the Town of Westfield move the January 1, 2020 Town board meeting to the following week of January 8th, 2020.

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

Councilman David Spann offered the following resolution and moved its adoption:

Resolution No. 79 of 2019
Town of Westfield
Municipal Solutions Agreement

RESOLVED, the Supervisor is hereby authorized to sign an extension to the current agreement with Municipal Solutions, which would extend the original contract for an additional twelve months with the not-to-exceed amount remaining at \$30,000.

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

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

Resolution No. 80 of 2019

Town of Westfield

Town of Ripley shared service payment

RESOLVED, the Town will retain one-third of the agreed-upon payment of \$22,000 per year for assessing services provided to the Town of Ripley in return for the use of facilities, employee time, materials, equipment and other costs, and the remaining two-thirds, or not-exceeding approximately \$14,000 will be used to pay the salaries of the clerk (\$15.00 per hour) and Acting Assessor.

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

Councilman Will Northrop offered the following resolution and moved for its adoption

Resolution No. 81 of 2019

Town of Westfield

Negative Declaration for the sale of 2 S. Portage St

WHEREAS, the Town of Westfield has proposed the sale of 2 South Portage Street to Landmark Development Consortium LLC for \$350,000, which is an Unlisted Action for purposes of the New York State Environmental Conservation Law (State Environmental Quality Review Act), and

WHEREAS, the proposed sale has been subject to environmental review pursuant to Article 8 of the 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 proposed sale, and

WHEREAS, the Board has determined that the proposed sale will not have a significant environmental impact,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby issues a Notice of Determination of Non-Significance, also known as a Negative Declaration, for the proposed sale of 2 South Portage Street to Landmark Development Consortium LLC.

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

Councilman David Brown offered the following resolution and moved for its adoption

Resolution No. 82 of 2019

Town of Westfield

Authorize Sale of Real Property at 2 North Portage St.

RESOLUTION AUTHORIZING SALE OF REAL PROPERTY AT 2 NORTH PORTAGE STREET TO LANDMARK DEVELOPMENT CONSORTIUM LLC FOR \$350,000, SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, in 2014 the Town purchased the Welch Building, located at 2 South Portage Street in the Village of Westfield, along with approximately 14 acres of land behind it, for \$355,000 with the intention of preserving the historic and important building pursuant to Section 119-dd(4) of the General Municipal Law; and

WHEREAS, by the end of this month the Town will have paid off all debt associated with the building and accumulated a surplus of \$125,000, solely from rent revenues generated by the building; and

WHEREAS, the Town has further leveraged its ownership of the building to obtain grants used to demolish the Portage Inn and build a 1.25 mile multi-use trail, grant a needed easement to the Village of Westfield for the West Side Sewer project, and secure a \$1,000,000 grant that will be used to renovate the building; and

WHEREAS, Landmark Development Consortium LLC has proposed to purchase the Welch Building and approximately 2 acres of land for \$350,000 with the intention of spending approximately \$5,000,000 to renovate the building and convert it into a mixed-use facility, and

WHEREAS, the Town would retain approximately 12 acres of land behind the building valued at \$144,000 to \$180,000; and

WHEREAS, the Town Board has determined that the proposed purchase price is reasonable, that the sale will produce the maximum financial benefit to taxpayers, that the purchaser is a well-respected developer with considerable ability and experience in renovating historic buildings, and that the transaction is ideally suited to preserve the historic Welch Building for several generations; and

WHEREAS, the Town Board has determined that the proposed sale is an Unlisted action for purposes of the State Environmental Quality Review Act, has prepared a short Environmental Assessment Form, and has duly adopted a Negative Declaration finding that the proposed sale will not have significant adverse environmental impacts

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Westfield, in regular session duly convened, does hereby authorize and direct the Supervisor to finalize and sign a Contract of Sale, and to execute and deliver to Landmark Development Consortium LLC such instruments as are necessary to convey the said property for \$350,000, all being subject to permissive referendum as permitted by law.

This was seconded by Councilman James Herbert. Roll Call Vote: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye; Councilman Will Northrop, aye.

At 8:05pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.
Warrants dated December 4, 2019 (voucher #'s 657-729) in the amount of \$192,915.01 were drawn on the following funds:

General	\$65,047.72
General Part-Town	\$18,620.84
Highway	\$36,248.22
Highway Part-Town	\$15,103.14
Westfield Fire Dept. District	\$57,871.78
Forest Park Sewer	\$20.75
North Town Water -Shorehaven	\$2.56

Warrants dated December 4, 2019 (voucher #'s 115-124) in the amount of \$4,658.45 were drawn on the following funds:

Welch Building	\$4,658.45
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Warrants dated December 4, 2019 (voucher #'s 1-2) in the amount of \$1,609.00 were drawn on the following funds:

Route 5 Water Benefit District #1 Capital Project	\$1,609.00
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Warrants dated December 4, 2019 (voucher #'s 19) in the amount of \$864.00 were drawn on the following funds:

Route 20 to Grape Discovery Center Water Capital Project	\$864.00
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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 Councilman David Brown. Voting was as follows: Supervisor Bills, aye, Councilman Brown, aye; Councilman Herbert, aye; Councilman Spann, aye, Councilman Will Northrop, aye.

There being no further business at 8:37pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to adjourn. Unanimously carried.

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