

TOWN BOARD MEETING
Town of Westfield
December 2, 2020
Public Hearing Cable Franchise Agreement

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall auditorium, 23 Elm Street, Westfield, NY, with the following members and guests present: Practiced social distancing, six feet apart, masks were worn, NYS sanitizer available and used during the COVID-19 pandemic and adhered to NYS Governor's guidelines.

Supervisor: Martha R. Bills Guest: William Bauer
Councilmen: David Brown Michael Cipolla, WACS Superintendent
 David Spann
 James Herbert
Absent: Will Northrop

Absent: Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland
Attorney: Joel Seachrist

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the Cable Franchise Agreement. Attorney Joel Seachrist explained the process, it is an agreement that is signed every ten years, it is a standard agreement. The agreement is asking for improvements. Supervisor Bills mentioned that the Town was paying the taxes from the franchise agreement in prior agreements and did not see that option in the new agreement. The Town will receive a 5% franchise fee. The agreement was available for review.

The Legal notice was posted in the newspaper of the Public Hearing.

No comments were made.

Supervisor Martha Bills, made the motion to move that the public hearing be closed at 7:30pm. Councilman David Brown seconded the motion. Motion carried.

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

DRAFT

**TOWN BOARD MEETING
Town of Westfield
December 2, 2020**

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: Practiced social distancing, six feet apart, masks were worn, NYS sanitizer available and used during the COVID-19 pandemic and adhered to NYS Governor’s guidelines.

Supervisor: Martha R. Bills Guest: William Bauer
Councilmen: David Brown Michael Cipolla, WACS Superintendent
 David Spann
 James Herbert
 Will Northrop

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

Pledge of Allegiance

Michael Cipolla Westfield Central School Superintendent briefed the board about the recent COVID -19 cases, remote learning, in person learning and hybrid learning along with the 2019 capital project and an upcoming survey regarding an upgrade to the athletic complex. The Board welcomed the Superintendent and thanked him for taking the time to address the board.

Councilman David Brown made a motion to waive the reading of the November 4, 2020 minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman James Herbert and carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town’s finances for the month of November 2020. All Board members have received a copy of the report for November 2020 and is accepted as submitted.

The Town Clerk’s report together with a check in the amount of \$2,541.21 representing fees for the month of November 2020 was turned over to Supervisor Bills. Zero marriage licenses were sold \$0.00 representing fees for the month of November to NYS Department of Health, Marriage Licenses and a check in the amount of \$47.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$151.18 will be withdrawn on the 15th.

- Discussed transfer station punch cards. The board agreed to raise the punch cards from \$25.00 to \$30.00 as of 1 January. The punches will remain the same, 25 punches. Tickets purchased prior to 1 Jan 2021 will be honored for the remainder of punches. The board will revisit the punch card cost and punches again next year.

The Dog Warden’s report for November 2020 was not received
The Fire Department Report for November 2020 was not received.
The Town Court report for November 2020 was received and placed on file.
The WPD report for November 2020 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for November 2020 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.

Code Enforcement:

- The Code Enforcement Officer submitted a report for the month of November 2020. The report has been received and placed on file.

Barcelona Harbor:

- The Pier is closed for the season. The board discussed the recent storm damage and that the storm may have caused entry closure for larger boats to the channel including excess gravel and the possibility of removal. Supervisor Bills and Councilman David Spann will reach out to the Army Corp. and our local congressmen to seek guidance on harbor options.

Public Comment:

- None

Announcements:

- Online trainings are available to board members.

Old Business:

- Continuing to close out Route 5 East Lake Rd water project No.1.
- Route 5 Water District No. 2 is being reviewed no new information has been received.
- Waiting for the Spring to continue the Welch Trail project.
- LWRP (Local Water Front Revitalization Plan)

New Business:

Resolutions for 12/2/2020

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

Resolution No.60 2020

Town of Westfield

2021 Holiday Schedule

New Year's Day	Friday, January 1
Martin Luther King Day	Monday, January 18
Presidents' Day	Monday, February 15
Good Friday	Friday, April 2
Memorial Day	Monday, May 31
4 th of July	Monday, July 5
Labor Day	Monday, September 6
Columbus Day	Monday, October 11
Veteran's Day	Thursday, November 11
Thanksgiving Day	Thursday, November 25
Day after Thanksgiving	Friday, November 26
Christmas Eve	Friday, December 24
Christmas Day (Saturday)	Monday, December 27
New Year's Eve	Friday, December 31

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 David Spann offered the following resolution and moved for its adoption

Resolution No.61 of 2020
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 James Herbert. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye.

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

**Resolution No.62 of 2020
Town of Westfield**

Intermunicipal Extension Agreement with the Town of Ripley for Shared Assessor Service

WHEREAS, the Town of Westfield recognizes the need to co-operate with neighboring municipalities to more efficiently provide necessary services to our residents, and to work as best it can with our neighbors as they try to do the same for their residents; and

WHEREAS, the General Municipal Law authorizes municipalities to entire into intermunicipal agreements to effectuate shared service; and

WHEREAS, the Town of Ripley is in need of assessor services until it can find a full-time Assessor; and

WHEREAS, the Town of Westfield employs personnel who are able and willing to temporarily provide assessing services to Ripley,

NOW, THEREFORE, BE IT

RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Supervisor to sign an extension of the intermunicipal agreement with the Town of Ripley, by which the Town of Westfield will provide assessing services to the Town of Ripley for 2021 for an annual sum of \$11,000.00. The Town will retain one-third of the agreed-upon payment of \$11,000 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 will be used to pay the salary of the Assessor.

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 David Brown offered the following resolution and moved its adoption:

**Resolution No. 63 of 2020
Town of Westfield, New York
Cable Franchise Agreement**

WHEREAS, an application has been duly made to the Town Board of the Town of Westfield, County of Chautauqua, New York, by Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter”), a limited liability company organized and existing in good standing under the laws of State of

Delaware doing business at 2604 Seneca Avenue, Niagara Falls, New York 14305, for the approval of a renewal agreement for Charter's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission; and

WHEREAS, the franchise renewal agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings; and.

WHEREAS, a public hearing was held in the Town of Westfield, New York on December 2, 2020, 7:25 P.M. and notice of the hearing was published in the Dunkirk Observer and Westfield Republican on November 19,2020; and

WHEREAS, the Town Board finds that:

1. Spectrum Northeast, LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law;
2. Spectrum Northeast, LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Spectrum Northeast, LLC can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby grants the cable television franchise of Spectrum Northeast, LLC and the Town of Westfield for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence; and.be it further

RESOLVED, that the Town Board hereby confirms acceptance of this franchise renewal agreement.

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 David Spann offered the following resolution and moved its adoption:

**Resolution No. 64 of 2020
Town of Westfield, New York**

Contract Extension with Hanna Commercial Real Estate, 2-4 Portage St Welch Building

RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to extend the contract with Hanna Commercial Real Estate for 2 South Portage St, Welch Building for a period of 365 days, one year.

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 David Spann offered the following resolution and moved for its adoption

**RESOLUTION No. 65 of 2020
Town of Westfield
NYS ROUTE 5 WATER BENEFIT DISTRICT #1 PROJECT
PROJECT BUDGET MODIFICATIONS
TOWN OF WESTFIELD**

WHEREAS, the Town of Westfield has received funding from Rural Development for their NYS Route 5 Water Benefit District #1 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:

Fiscal Advisor (Municipal Solutions)	Decrease of	\$6,775.75
Miscellaneous	Decrease of	\$201.52

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

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

**Town of Westfield
Budget Revision #9 of 2020**

Subject:	Budget Revision #9 for Budget Year 2020		
Revision Description		Decrease	Increase
To move \$198.47 from A funds contingent account to cover the NYS Retirement in A Fund		Expenditures	Expenditures
Budget Journal			
A Funds (General Fund - Townwide)			
A 1990.400	Contingent Account DR	197.89	
A 9010.800	State Retirement CR		197.89
Total A Fund		197.89	197.89
Revision Description		Decrease	Increase
To move \$180.66 from DA funds to cover the NYS Retirement in DA Fund		Expenditures	Expenditures
Budget Journal			
A Funds (General Fund - Townwide)			
DA 9050.800	Unemployment Insurance DR	179.97	
DA 9010.800	State Retirement CR		179.97
Total A Fund		179.97	179.97

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.

There being no further business, at 8:32pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to move to executive session to discuss a particular personnel history included in the executive session was the Town Attorney and the Town Clerk. Unanimously carried.

At 9:00pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to return to regular session. Unanimously carried.

At 9:00pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.
Warrants dated December 2, 2020 (voucher #'s 632-688) in the amount of \$181,195.76 were drawn on the following funds:

General	\$60,082.68
General Part-Town	\$19,049.92
Highway	\$23,525.98
Highway Part-Town	\$20,915.11
Westfield Fire Dept. District	\$57,878.59
Forest Park Sewer	\$29.91
North Town Water -Shorehaven	\$2.57

Warrants dated December 2, 2020 (voucher #'s 93-99) in the amount of \$3,082.85 were drawn on the following funds:

Welch Building	\$3,082.85
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Warrants dated December 2, 2020 (voucher #'s 23-26) in the amount of \$65,526.30 were drawn on the following funds:

Route 5 Water Benefit District #1	
Capital Project	\$65,526.30

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.

There being no further business at 9:15pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to adjourn. Unanimously carried.

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