

TOWN BOARD MEETING

Town of Westfield

March 4, 2020

PUBLIC HEARING

Town of Westfield

March 4, 2020

Public Hearing

Local Law No. 1 of 2020

A Local Law Opting out of the Tax Exemptions Provided By Section 487 Of The Real Property Tax Law

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

Supervisor:	Martha R. Bills	Guest:	Steve Rudnicki
Councilmen:	David Brown		William Bauer
	David Spann		Richard Rupczyk
	Will Northrop		
	James Herbert		

Town Attorney: Joel Seachrist

Absent:	Highway Superintendent:	David Babcock
	Code Officer:	Bonnie Rae Strickland

Supervisor Bills made the motion to open the Public Hearing to hear all persons in regards to the Local Law.

Proof of publication of the public hearing was posted by the Town Clerk.

Attorney Joel Seachrist was asked to explain the law. The Law is to opt out of the tax exemptions provided by Section 487 of the Real Property Tax Law for Solar or Wind Energy Systems or Farm Waste Systems constructed after the effective date of this local law. Adopting the Local Law will allow the municipality to require to negotiate with a pilot program a cost for all Solar, Wind and farm waste projects. Opting out of the program will benefit the community by requiring a tax from the applicant.

No public comments or questions.

Supervisor Bills made the motion to close the public hearing at 7:35pm. Councilman David Brown seconded the motion. This was unanimously approved.

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

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Pledge of Allegiance

Councilman Will Northrop made the motion to waive the reading of the February 5th minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilman David Spann seconded the motion. The motion was carried unanimously.

Reports:

Supervisor's February monthly report was distributed and accepted as submitted. All board members have received a copy and the monthly report is always available in the Supervisor's office for anyone to view. A proposal for a network audit and reconfiguration has been received for the Town offices in Eason Hall. The proposal is in the amount of \$2,590.00 from Willow Bay Computers. Willow Bay Computers is the Town's software consultant. With the reconfiguration of the network and Network audit the Town is looking to have this done to upgrade the Town offices. The Town offices will have limited access to computers during the time of the network audit and reconfiguration. The Town may need to consider closing offices for a minimum of two days. More information will be forthcoming.

The Town Clerk's report together with a check in the amount of \$2,368.98 representing fees for the month of February 2020 was turned over to the Town Supervisor. A check for \$22.50 representing fees for the month of February to NYS Department of Health, Marriage Licenses and a check in the amount of \$63.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$23.62 will be withdrawn on the 15th.

- Councilman David Spann made the motion to approve:
 - Town Spring Clean-up on May 2nd 9:00am -1:00pm at the Transfer Station, Bourne St.
 - E-Waste collection on May 9th 9:00am-1:00pm at the Town Highway Shop located at 118 Chestnut street with a charge of \$10.00 per CRT.
 - Rabies Clinic May 16th 10:00am-12:00pm at 118 Chestnut StreetSeconded by Will Northrop and carried unanimously.

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The Dog Warden's report for February 2020 was received and placed on file.
The Fire Department Report for February 2020 has not been received.
The Town Court report for February 2020 was received and placed on file.
The WPD report for February 2020 was received and placed on file.

Highway:

The Highway Superintendent's February 2020 report has been received and placed on file.

- Highway Superintendent was absent, he was in Albany lobbying for chips funding.
- Councilman Will Northrop made the motion to allow the posting of the roads. Seconded by Councilman David Spann. The motion was carried unanimously.
- Councilman David Brown made the motion to go out to bid for products that are used for our roads and to accept the State D.O.T and Chautauqua County annual contract bids for the 2020 year. Seconded by Councilman Will Northrop. The motion was carried unanimously.

Code Enforcement:

The Code Enforcement Officer was absent., February report was not received.

Barcelona Harbor:

Closed for the Season

Public Comment:

Announcements:

- Village Election March 18th, 2018 (12:00pm-9:00pm) at Eason Hall

Project Updates:

- Clark Patterson and Lee reports Route 5 Water District No.1 started work on February 3, working from West to East. Contractor DJM has worked 23 days on the job. Approximately 2,200, 12'PVC pipe has been installed, about 33% of large pipe installed. 3 fire hydrant assemblies have been installed and 3 open trench creek crossings are also complete. DJM continues to work weather dependent.

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New Business:

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

**Resolution No.16 of 2020
Town of Westfield
RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2020**

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, 2020 at Eason Hall, 23 Elm Street, Westfield, to hear all interested parties on a proposed Local Law by which the Town would opt out of the tax exemptions provided by Section 487 of the Real Property Tax Law, and

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

WHEREAS, said public hearing was duly held on March 4, 2020 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 2020, 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 of 2020**

**A LOCAL LAW OPTING OUT OF THE TAX EXEMPTIONS PROVIDED BY SECTION
487 OF THE REAL PROIERTY TAX LAW**

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

SECTION 1. Legislative Authority

This local law is enacted pursuant to the authority contained in Real Property Tax Law Section 487.

SECTION 2. Opt Out of Real Property Section 487 Tax Exemption.

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The Town of Westfield hereby opts out of the tax exemptions provided by Section 487 of the Real Property Tax Law for Solar or Wind Energy Systems or Farm Waste Energy Systems constructed after the effective date of this local law.

SECTION 3. Repealer

All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

SECTION 4. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other portion of this Local Law which can be given effect without such invalid provision.

SECTION 5. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State, the New York State Department of Taxation and Finance, and the New York State Energy Research and Development Authority.

Councilman David Brown seconded the motion: 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.17 of 2020
Town of Westfield
Authorize the Supervisor to sign an agreement with the County for the Welch Trail**

BE IT RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to enter into an agreement with Chautauqua County to provide up to \$50,000.00 for the local match for the Welch Trail OPRHP RTP Grant.

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

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

**Resolution No.18 of 2020
Town of Westfield
Board of Assessment Review Appointment**

RESOLVED, the Town Board of the Town of Westfield hereby Reappoints Helen Baran to the Board Assessment Review board for a term of 10/01/2019-09/308/2024.

Councilman David Spann seconded the motion: 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.19 of 2020
Town of Westfield
Recreation Committee Member**

RESOLVED, the Town Board of the Town of Westfield hereby appoints Wade Dellow to the recreation department for a three year term ending December 31, 2022.

Councilman James Herbert seconded the motion: 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 20 of 2020
Town of Westfield
Approve Town Clerk to attend NYSTCA conference in Albany**

RESOLVED, By the Town Board of the Town of Westfield approves the Town Clerk, Andrea Babcock to attend the NYSTCA conference in Albany April 26 –April 29th not to exceed \$1,500.00

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

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

Subject: Budget Revision #8 for Budget Year 2019

Revision Description	Decrease	Increase
To move money from Barcelona's water district fund balance to the expense line other water expenditures o&m for labor and materials used for repairs on 10/1418 & 10/15/19	Expenditures	Expenditures
Budget Journal		
SW5 North Town Water- Barcelona		
SW5-599 Appropriated Fund Balance DR	571.87	
SW5-8389.400 Other Water Expenditures O&M Barcelona CR		571.87
Total SW5 Barcelona Water District Fund	571.87	571.87

Revision Description	Decrease	Increase
To move money from the money remaining in the Bond Anticipation Note Interest account and the rest from the fund balance to cover the other building expenditure	Expenditures	Expenditures
Budget Journal		
CM2 Fund (Welch Building)		
CM2-599 Appropriated Fund Balance DR	2,056.98	
CM2-9730.700 Bond Anticipation Note Interest DR	431.06	
CM2-1620.420 Building Expenditure Welch CR		2,488.04
Total CM2 Welch Fund	2,488.04	2,488.04

Revision Description	Decrease	Increase
To move \$79.20 from the Supt of Highways Equipment Acct to Supt of Highways Contractual Acct	Expenditures	Expenditures
Budget Journal		
A Funds (General Fund – Townwide)		
A Supt Of Highways Equipment DR	79.20	
5010.200		
A Supt of Highways Contractual CR		79.20
5010.400		
Total A Fund	79.20	79.20

Revision Description	Decrease	Increase
To move \$76.65 from A funds contingent account to cover the Control of Dogs - Contractual	Expenditures	Expenditures
Budget Journal		
A Funds (General Fund - Townwide)		
A Contingent Account DR	76.65	
1990.400		

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A	Control Of Dogs - Contractual CR	76.65
3510.400		
Total A		76.65
Fund		76.65

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;

At 7:54pm Supervisor Bills moved and David Brown seconded a motion to audit the bills.

Warrants dated March 4, 2020 (voucher #'s 88-153) in the amount of \$75,896.05 were drawn on the following funds:

General	\$50,648.07	Shorehaven Water Project	\$29.73
General Part-Town	\$ 1,979.01	Forest Park Sewer	\$ 2.57
Highway	\$17,810.26		
Highway Part-Town	\$5,426.41		

Warrants dated March 4, 2020 (voucher #'s 19-27) in the amount of \$11,283.04 (were drawn on the following funds:

Welch Building	\$11,283.04
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Warrants dated March 4, 2020 (voucher #'s 5) in the amount of \$4,320.00 (were drawn on the following funds:

H8-Route 5 Water District No. 1	\$4,320.00
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Warrants dated March 4, 2020 (voucher #'s 787-788) in the amount of \$1,079.83 (were drawn on the following funds:

SS1-Forest Park Sewer	\$ 7.96
SW5- North Town Water-Barcelona	\$1,079.83

These were presented and audited by the board members. Supervisor Martha Bills moved and Councilman David Spann seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye; Councilman Will Northrop, aye;

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There being no further business, at 8:35pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to move to executive session to discuss property acquisition. Unanimously carried.

At 9:05pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to return to regular session. Unanimously carried.

No action was taken.

There being no further business at 9:05pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to adjourn. Unanimously carried.

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