

**TOWN BOARD MEETING**

**Town of Westfield**

**August 4, 2021**

**PUBLIC HEARING**

**Town of Westfield**

**August 4, 2021**

**Public Hearing**

**Local Law No.1 of 2021**

**“Amending Section 185-43(N) of the Town of Westfield Zoning Code Regarding Solar Energy Systems”**

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall auditorium, 23 Elm Street, Westfield, NY, with the following members: Masks were worn, social distancing practiced.

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilmen:	David Brown		Marybelle Beigh
	James Herbert		Q.G. Best
			Deb Best
Absent:	David Spann		Steve Mayer
	Will Northrop		Kate Mayer

Town Attorney:	Joel Seachrist
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 Local Law No. 1 of 2021. Town Attorney Joel Seachrist gave an overview of the Local Law. The local law regulates projects by size and is comprised of four tiers. The local law proposed includes more specific information and requirements dependent on the size of the project.

Received a municipal zoning referral letter from the County applauding the Town for its effort and diligence in drafting the law, including the proposed action would have no significant county-wide or inter-community impact and would be a matter of local concern. The County offered informal comments regarding decommissioning plans and security, storage batteries, and tree cutting.

Proof of publication of the public hearing was posted by the Town Clerk in the newspaper as well as the Town website.

Public comments and questions included proposed sites for solar, joining neighboring Towns for connection, too much or too little power for project sizes.

Supervisor Bills made the motion to close the public hearing at 7:45pm. 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 James Herbert made a motion to waive the reading of the Town Board July 7, 2021 meeting minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman David Brown and carried unanimously.*

**Reports:**

Supervisor Bills presented the monthly report on the Town's finances for the month of July. The report is always available in the Supervisors office. All Board members have received a copy of the report and is accepted as submitted.

Received sales tax revenue report from the county. Supervisor Bills presented a month to month and year to year summary of sales tax revenue. The amount received is the most received to date per quarter. The Town received half of the American Rescue Plan Act funding \$81,666.33. The other half will be received in the summer of 2022. The funds can be used up until 2024. If the funds are not used, the funds will be returned. More information will be forthcoming on how the funds can be used. Working on the 2022 budget and federal audit. The Town office is very busy.

The Town Clerk's report together with a check in the amount of \$11,022.98 representing fees for the month of July 2021 was turned over to the Town Supervisor. A check for \$135.00 representing fees for the month of July to NYS Department of Health, Marriage Licenses and a check in the amount of \$52.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of 46.52 will be withdrawn on the 13<sup>th</sup>.

- The Town Clerks office continues to be very busy, appointments are required in the afternoon, due to the amount of work that needs to be done.
- The Town Clerk received a \$50.00 scholarship check for attending the NYSTCA virtual conference from the Chautauqua County Municipal Clerks Association. The check is to offset the cost for the NYSTCA training that was held in April.

The Dog Warden's report for July 2021 was not received.  
The Fire Department report for July 2021 was received and placed on file.  
The Town Court report for July 2021 was received and placed on file.  
The WPD report for July 2021 was received and placed on file.  
The Historian report for July 2021 was received and placed on file.

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**Highway:**

- Town Highway Superintendent David Babcock submitted a written report on activities for June 2021. The report has been received and placed on file.
  - Blacktopping roads with the Village and Town of Pomfret
  - Blacktopping Taylor Road
  - Discussed purchasing a new truck, possibly in phases.

**Code Enforcement:**

The Code Enforcement Officer submitted a written report for July 2021. The report has been received and placed on file.

**Barcelona Harbor:**

Councilman James Herbert discussed the dredging project that was completed by Rizzo. Everything is holding up very well and looks good.

**Public Comment:**

- None

**Announcements:**

- (7 August) Book and paper show in Eason Hall, Chautauqua County Historical Society
- (14 and 15 August) Antique show, Eason Hall, Chautauqua County Historical Society

**Project Updates:**

- Route 5 East Lake Road Water Project No.2, compliance review questions for board members paperwork is to be completed by the board and submitted to USDA.
- Supervisor Bills attended a meeting with the County to go over the Welch Trail plans and budget. Westfield Town and Village Historian is working on history signage for the trail.

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**New Business:**

Resolutions for 8/4/2021:

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

**Resolution No. 39 of 2021  
Town of Westfield  
Appoint Hodgson Russ LLP Bond Counsel for NYS Route 5 Water District**

**RESOLVED**, that Hodgson Russ LLP is hereby appointed Bond Counsel for the Town's NYS Route 5 Water Benefit District capital improvements project, initiated in 2021, pursuant to the terms set forth in the engagement letter as presented

*Seconded by Councilman James Herbert: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion carried.*

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

**Resolution No. 40 of 2021  
Town of Westfield**

**Authorize the Supervisor to sign necessary documents with Chautauqua County for Dredging**

**BE IT RESOLVED**, The Town Board of the Town of Westfield authorizes the Town Supervisor to sign agreement and necessary documents with Chautauqua County in order to receive dredging funds.

*Seconded by Councilman David Brown: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion Carried.*

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

**Resolution No. 41 of 2021  
Town of Westfield  
Town Clerk Appoints Deputy Town Clerk**

**BE IT RESOLVED**, the Town Clerk of the Town of Westfield hereby appoints Gabby Ferguson as Deputy Town Clerk for the remaining 2021 calendar year to assist with day to day window transactions. The hours will be a minimum of 8 hours a week at a rate of pay of \$15.00 an hour not to exceed \$2,500.00.

*Seconded by Councilman David Brown: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion carried.*

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

**Resolution No. 42 of 2021  
Town of Westfield  
Negative Declaration for Local Law No. 1 of 2021  
Town's regulations for solar energy facilities**

**WHEREAS**, the Town of Westfield has proposed Local Law No. 1 of 2021, which would amend the Town's regulations for solar energy facilities, and

**WHEREAS**, the proposed law 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 long 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 local law, and

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

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**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 Local Law No. 1 of 2021 and authorizes the Supervisor to complete Part III of the EAF accordingly.

*Seconded by Councilman James Herbert: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion carried.*

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*Supervisor Bills offered the following resolution and moved its adoption*

**Resolution No.43 of 2021**  
**Town of Westfield**  
**RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2021**  
**Town's regulations for solar energy facilities**

**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 August 4, 2021 at Eason Hall, 23 Elm Street, Westfield, to hear all interested parties on a proposed Local Law to amend the Town's regulations regarding solar energy systems, and

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

**WHEREAS**, said public hearing was duly held on August 4, 2021 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 Chautauqua County Planning Department by letter dated August 3, 2021, sent in response to a referral made pursuant to Section 239-m of the General Municipal Law, has advised that the proposed Local Law is of local option, and

**WHEREAS**, the Board has determined that the adoption of the local law is a Type I action for purposes of the State Environmental Quality Review Act, has prepared an Environmental Assessment Form, and has duly adopted a Negative Declaration finding that the proposed Local Law will not have significant adverse environmental impacts, 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 2021, 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.

*Seconded by Councilman David Brown: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion carried.*

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**Councilman David Brown offered the following budget revision #4 for Budget year 2021.**

Subject:	Budget Revision #4 for Budget Year 2021		
<b>Revision Description</b>		Decrease	Increase
To move \$45.75 from DA Hospital & Medical Insurance account to Unemployment Insurance account.	Expenditures		Expenditures
The Town's Unemployment Insurance rate for 2020 was 0.525% now in 2021 it went to 2.025%			
<b>Budget Journal</b>			
DA Funds (Highway Fund - Townwide)			
DA 9060.800	Hospital & Medical Insurance DR	45.75	
DA 9050.800	Unemployment Insurance CR		45.75
<b>Total DA Fund</b>		45.75	45.75
<b>Revision Description</b>		Decrease	Increase
To move \$38.75 from B Contingent account to B Unemployment Insurance account	Expenditures		Expenditures
The Town's Unemployment Insurance rate for 2020 was 0.525% now in 2021 it went to 2.025%			
<b>Budget Journal</b>			
B Fund (General - Part Town Fund)			
B 1990.400	Contingent Account DR	38.75	
B 9050.800	Unemployment Insurance CR		38.75
<b>Total B Fund</b>		38.75	38.75
<b>Revision Description</b>		Decrease	Increase
To move \$976.80 from A funds contingent account to an other water, contr expenditure account.	Expenditures		Expenditures
This other water, contr expenditure account has been set up to record Route 5 Water District #2 expenses until the BAN and H captial project fund is established and funded.			
Invoice for Municipal Solutions, Inc 15962 for \$976.80			
<b>Budget Journal</b>			
A Fund (General Fund - Townwide)			
A 1990.400	Contingent Account DR	976.80	
A 8389.400	Other Water, Contr Expend CR		976.80
<b>Total A Fund</b>		976.80	976.80
<b>Revision Description</b>		Decrease	Increase
To move \$24,000.00 from fund balance to pay Rizzo Excavation and Trucking Invoice 3291 for emergal dredging. Per Martha Bills	Expenditures		Expenditures
<b>Budget Journal</b>			
A Fund (General Fund - Townwide)			
A 599	Appropriated Fund Balance DR	24,000.00	
A 5710.400	Waterways Navigation Contractual Expense CR		24,000.00
<b>Total A Fund</b>		24,000.00	24,000.00

**Seconded by Councilman James Herbert: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion carried.**

**At 8:07pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.**

Warrants dated August 4, 2021 (voucher #'s 385-438) in the amount of \$68,699.36 were drawn on the following funds:

General	\$40,192.20	Shorehaven Water Project	\$30.72
General Part-Town	\$11,798.43	Forest Park Sewer	\$3.35
Highway	\$9,198.10		
Highway Part-Town	\$7,476.56		

Warrants dated August 4, 2021 (voucher #'s 32-36) in the amount of \$2,499.54 were drawn on the following funds:

CM2- Welch Building	\$2,499.54
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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.**

At 8:30pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to move to executive session to discuss a particular personnel history and sale of real property with Town Attorney, Joel Seachrist. Unanimously carried.

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

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

**Resolution No.44 of 2021  
Town of Westfield  
Agreement with Barton Loguidice, solar energy project**

**RESOLVED**, The Town Board of the Town of Westfield hereby authorizes the Supervisor to enter into an agreement with Barton Loguidice to provide professional services to assist with solar energy projects.

***Seconded by Councilman James Herbert: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion carried.***

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

**Resolution No.44 of 2021  
Town of Westfield  
Escrow Agreement for the payment of municipal consultant and legal expenses with Empire Solar,**

**RESOLVED**, the Town Board of the Town of Westfield hereby authorizes the Supervisor to sign an escrow agreement for the payment of municipal consultant and legal expenses with Empire Solar LLC a wholly owned subsidiary of AES Clean Energy Development, LLC.

***Seconded by Councilman James Herbert: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion carried.***

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

**Resolution No.45 of 2021**  
**Town of Westfield**  
**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING**  
**FOR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

**WHEREAS**, the Westfield Town Board wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for a grant to support Ghostfish Brewery East's business start-up project at the Lake Erie Grape Discovery Center located at 8305 West Main Road within the Town, and

**WHEREAS**, the Town of Westfield is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the project proposal prior to submitting an application for CDBG funding, now;

**THEREFORE, BE IT RESOLVED**, that the Town Board hereby calls for a Public Hearing whereat all interested parties shall be heard regarding the CDBG program, the Town's community development and economic development programs, and the potential funding application. Such Public Hearing to be held on September 1, at 7:25 p.m. Eason Hall, 23 Elm Street, Westfield, New York; and be it further

**RESOLVED**, that at least eight (8) days' notice of such hearing shall be given by the Town Clerk by the due posting thereof in the Town Hall and on the Town's website, and by publishing such notice at least once in the official newspaper of the Town.

*Seconded by Councilman James Herbert: Voting was as follows: Supervisor, Martha Bills, aye; Councilman, David Brown, aye; Councilman, James Herbert; aye. Motion carried.*

There being no further business at 9:10pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to adjourn. Unanimously carried.

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