

**TOWN BOARD MEETING**

**Town of Westfield**

**October 6, 2021**

**PUBLIC HEARING**

Town of Westfield

**Public Hearing, Kathy Lowden, Douglas Rd, to construct a storage building**

Supervisor Bills called the public hearing to order at 7:15pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present: Practiced social distancing and adhered to CDC guidelines.

Supervisor:	Martha R. Bills	Guest:	William Bauer	Deb Best
Councilmen:	David Brown		Robert Venman	Maria Sancho
	David Spann		Tim Marzolf	Mike Cochrane
	James Herbert		Jim Boyer	
Absent:	Will Northrop		Kathy Lowden	

Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Supervisor Bills opened the Public Hearing to hear all persons in regards to hear all persons in regards to the proposed Special Use Permit.

Proof of Publication of the public hearing from the Town Clerk was available.

Applicant Kathy Lowden was present. The shed will be used for storage only. No plans to build on the property. The property will be used as a get-away retreat with the use of a camper.

The Town Planning Board has reviewed the application and recommended to the Town Board members for their review and disposition on September 8, 2021.

At 7:17pm Supervisor Bills made the motion to adjourn the public hearing. Councilman James Herbert seconded the motion. This was unanimously approved.

Respectfully submitted,

*//original signed//*

Andrea L. Babcock, Town Clerk

**TOWN BOARD MEETING**  
**Town of Westfield**  
**October 6, 2021**

**PUBLIC HEARING**  
**(Sherman Fire Protection District)**

Supervisor Bills called the public hearing to order at 7:20pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present: Practiced social distancing and adhered to CDC guidelines.

Supervisor:	Martha R. Bills	Guest:	William Bauer	Deb Best
Councilmen:	David Brown		Robert Venman	Maria Sancho
	David Spann		Tim Marzolf	Mike Cochrane
	James Herbert		Jim Boyer	
	Will Northrop		Kathy Lowden	

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

Public Hearing was held to hear all persons in regard to the proposed Sherman Fire Protection District budget of \$10,803.91 for 2022. This is a 2% increase from the previous year.

Proof of Publication of the public hearing from the Town Clerk was available.

Councilman David Brown, spoke on behalf of the Sherman Fire Protection District. Sherman contracts with Chautauqua, Mina, and Westfield. The agreement amount is 2% increase from last year. Costs continues to increase for fire equipment. Supervisor Bills thanked the Sherman Fire Protection District for their service.

The agreement amount will be paid from the fire protection district which will be assessed and levied upon the property in the fire district and collected with the Town and County Taxes of the Sherman fire district properties.

No comments were made.

Councilman James Herbert, made the motion to move that the public hearing be closed at 7:23pm. Seconded by Councilman David Brown. This was unanimously carried.

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

**TOWN BOARD MEETING**  
**Town of Westfield**  
**October 6, 2021**

**PUBLIC HEARING**  
**(Westfield Fire Protection District)**

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: Practiced social distancing and adhered to CDC guidelines.

Supervisor:	Martha R. Bills	Guest:	William Bauer	Deb Best
Councilmen:	David Brown		Robert Venman	Maria Sancho
	David Spann		Tim Marzolf	Mike Cochrane
	James Herbert		Jim Boyer	
	Will Northrop		Kathy Lowden	

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

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed Westfield Fire Protection District budget contract. The total amount is \$60,702.11. The amount is \$10,000 more than last year. The additional amount is for equipment. The Fire Chief sent the Supervisor an equipment list that includes an ambulance, power stretcher and loading system. The Chief and fire department are working on a grant for a E92 pumper. Supervisor Bills provided a brief description of the budget highlighting that as always split with the Village based on a ratio of land value and actual department costs.

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. This was unanimously approved.

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

**TOWN BOARD MEETING  
Town of Westfield  
October 6, 2021**

**PUBLIC HEARING**

**East Route 5 Water District Benefit District No. 2**

Supervisor Bills called the public hearing to order in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present: Practiced social distancing and adhered to CDC guidelines.

Supervisor:	Martha R. Bills	Guest:	William Bauer	Deb Best
Councilmen:	David Brown		Robert Venman	Maria Sancho
	David Spann		Tim Marzolf	Mike Cochrane
	James Herbert		Jim Boyer	
	Will Northrop		Kathy Lowden	

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

Meeting of the Town Board of the  
Town of Westfield, in the  
County of Chautauqua, New York

October 6, 2021

\* \* \*

A meeting of the Town Board of the Town of Westfield, in the County of Chautauqua, New York, was held at the Town Hall, in said Town, on October 6, 2021.

There were present: Martha R. Bills, Supervisor

Councilpersons: David Brown, David Spann, James Herbert, Will Northrop

There were absent: None

Also present: Andrea L. Babcock, Town Clerk

At 7:30 o'clock p.m. (prevailing time) or shortly thereafter, the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Chautauqua, New York to consider the Increase and Improvement of facilities of the North Town Water District (the "District"), in said Town.

The Supervisor stated that the Public Hearing on the Increase and Improvement of the facilities of the North Town Water District in the Town of Westfield, was now open and asked if there was any interested person who desired to be heard.

District: The following persons appeared/spoke in favor of the Increase and Improvement of the 16 people attended the Public Hearing in support of the proposed project.

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**Town of Westfield**  
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District: The following persons appeared/spoke in opposition to the Increase and Improvement of the  
None

received: The Town Clerk reported that the following pertinent written communications had been  
None

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

\* \* \*

Councilman James Herbert made the motion to move that the public hearing be closed at 7:35pm.  
Councilman David Spann seconded the motion. This was unanimously approved.

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

**TOWN BOARD MEETING**  
**Town of Westfield**  
**October 6, 2021**

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 and adhered to CDC guidelines.

Supervisor:	Martha R. Bills	Guest:	William Bauer	Deb Best
Councilmen:	David Brown		Robert Venman	Maria Sancho
	David Spann		Tim Marzolf	Mike Cochran
	James Herbert		Jim Boyer	
	Will Northrop		Kathy Lowden	

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 September 1, 2020 and September 21, 2021 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.*

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**Reports:**

Supervisor Bills presented the monthly report on the Town's finances for the month of September 2021. The Town has also received the financial stress score. It shows it is financially healthy for the Town's finances. All Board members have received a copy of the report for September 2021 and is accepted as submitted. An audit was conducted and completed for USDA. The audit results are very positive. The auditor will sit with the board at a later date to discuss.

The Town Clerk's report together with a check in the amount of \$4,715.79 representing fees for the month of September 2021 including \$2.20 for August decals commission was turned over to Supervisor Bills. A check for \$180.00 representing fees for the month of September to NYS Department of Health, Marriage Licenses and a check in the amount of \$78.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$3,602.81 will be withdrawn on the 15<sup>th</sup>.

- Received a resignation letter from Transfer Station George Kurtz. Councilman David Brown made a motion to regretfully accept the resignation. Seconded by Supervisor Bills. Motion carried.
- The building did not have internet connection from September 28-September 30. I was not able to sell hunting and fishing licenses. I referred the public to Barcelona Market. They had a different internet provider.

The Dog Warden's report for September 2021 was not received.

The Fire Department Report for September 2021 was received and placed on file.

The Historian's Report for September 2021 was received and placed on file.

The Town Court report for September 2021 was received and placed on file.

The WPD report for September 2021 was received and placed on file.

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**Town of Westfield**  
**October 6, 2021**

**Highway:**

The Town Highway Superintendent submitted a written report on activities for September 2021.

**Code Enforcement:**

The Code Enforcement Officer submitted a report for the month of September 2021. The report has been received and placed on file. Received a Special Use Permit for a shed has been received and referred to the Planning Board.

**Barcelona Harbor:**

The Pier is closed for the season. Boats are still coming in and out of the harbor.

**Public Comment:**       None

**Announcements:**       None

**Old Business:**

**Project Updates:**

- Working on the plans for Welch Trail. Equipment is starting to arrive.
- Received a notice from New York State Department of Public Service regarding available broadband. Requesting consumers' help to better understand experience with broadband access in the state. Consumers are asked to take a brief survey. The notice will be posted on the Town website.

**New Business:**

- The Town Clerk presented the tentative budget to the Town Board. Each board member received the tentative 2022 budget.
- Councilman David Spann made the motion to set a Special Meeting for the 2022 Budget Workshop #2 on Tuesday October 26<sup>th</sup> and any other business that may come before the board at 4:00pm. Seconded by Councilman David Brown and carried unanimously.
- Supervisor Martha Bills made the motion to set a Public Hearing for the Preliminary Budget on Nov 3, 2021 at 7:20pm. Seconded by Councilman David Brown and carried unanimously.
- Supervisor Martha Bills made the motion to set a Public Hearing for the Special Assessment Roll for Improvement Districts on Nov 3, 2021 at 7:25pm. Seconded by Councilman David Brown and carried unanimously.
- Supervisor Martha Bills made a motion to set a Public Hearing for 7:30pm for a Special Use Permit for Colleen Clancy at location 8637 Jones Road for a 12'x20'shed. Seconded by Councilman David Spann and carried unanimously.

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**TOWN BOARD MEETING  
Town of Westfield  
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**Resolutions for 10/6/2021**

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

**Resolution No. 51 of 2021  
Town of Westfield  
(Negative Dec, SEQR)-SUP-Kathy Lowden, Douglas Road**

**WHEREAS**, the Town Board of the Town of Westfield is considering the application of Kathy Lowden for a Special Use Permit allowing her to construct a storage building on property with no principal structure located on Douglas Road, on a parcel designated as tax map Section 242.00, Block 2, Lot 15, and

**WHEREAS**, the use 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 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 use, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the application of Kathy Lowden.

*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.*

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**TOWN BOARD MEETING  
Town of Westfield  
October 6, 2021**

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

**Resolution No. 52 of 2021**

**Town of Westfield**

Issuance of Special Use Permit-Kathy Lowden, Douglas Road

**TOWN OF WESTFIELD**

**SPECIAL USE PERMIT**

**Action of the Board:**

To consider the application of Kathy Lowden for a Special Use Permit to construct a storage building on a parcel on Douglas Road, which is designated as tax map Section 242.00, Block 2, Lot 15, and

**WHEREAS**, Kathy Lowden (hereinafter, the “Applicant”) submitted an application dated August 27, 2021 pursuant to Section 185-19(D) of the Town of Westfield Zoning Code requesting a Special Use Permit allowing her to construct a storage building on a parcel with no principal structure located on Douglas Road, which is designated as tax map Section 242.00, Block 2, Lot 15, and

**WHEREAS**, the issue of compliance with the State Environmental Quality Review Act has been thoroughly addressed, and a negative declaration was issued after examination of the record and public hearing, and

**WHEREAS**, the Town of Westfield Planning Board reviewed the application during a meeting held September 14, 2021 and recommended approval of the application, and

**WHEREAS**, the Town Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held October 6, 2021 on the application, and finds ample justification to approve the application subject to the qualifications hereinafter set forth

**NOW, THEREFORE, BE IT RESOLVED**, that the application to build a storage building be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans and descriptions submitted to the Town with the application, and agrees to be bound by the terms of the application and any conditions of this permit:
2. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
3. This permit shall expire automatically if the use is not begun by October 6, 2022.
4. This permit shall become effective after the Applicant approves each and every provision hereof and agrees to be bound by all of the terms herein contained in consideration of the granting of this special permit.

*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.*

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**TOWN BOARD MEETING**  
**Town of Westfield**  
**October 6, 2021**

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

**Resolution No. 53 of 2021**  
**Town of Westfield**

**Authorization for the Supervisor to Sign the Sherman and Westfield Fire Protection District Contracts**

**RESOLVED**, that the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign the 2022 contracts for the Sherman and Westfield Fire Protection Districts.

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

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

**Resolution No.54 of 2021**  
**Town of Westfield**

**CLASSIFYING THE TOWN OF WESTFIELD NYS ROUTE 5 WATER BENEFIT DISTRICT No. 2 IN THE TOWN OF WESTFIELD AS A TYPE I ACTION, ESTABLISHING LEAD AGENCY AND DETERMINING THE SIGNIFICANCE OF SUCH ACTION, AND DIRECTING THAT THE NEGATIVE DECLARATION BE PUBLISHED IN ACCORDANCE WITH SEQRA.**

BE IT RESOLVED BY THE BOARD OF THE TOWN OF WESTFIELD AS FOLLOWS:

WHEREAS, the Town Board of Westfield, New York has proposed improvements to the Town of Westfield NYS Route 5 Water Benefit District No. 2 to install approximately 23,100 linear feet of 12-inch and 6-inch water main. The water main will be installed on portions of NYS Route 5, Persons Road, Woodlawn Drive, Hawthorne Ave, Sycamore Lane, and McKinley Road and will serve approximately 64 residential, commercial, and agricultural properties; and

WHEREAS, to aid the Board in determining whether such Project and financing and other actions of the Board in connection therewith (the “action”) might have a significant effect on the environment, the Board caused to be prepared an environmental assessment form or similar information (“EAF”), a copy of which it attached hereto; and

WHEREAS, the Board duly reviewed the EAF and related documents with respect to the above-referenced project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”); and

WHEREAS, the Board determined that the project was an “Type I Action” pursuant to SEQRA; and

WHEREAS, the Board determined that the project involved one or more involved agencies, mandating a coordinated review; and

WHEREAS, the Board duly notified the other involved agencies pursuant to 6 NYCRR 617.6(3)(i) and indicated its willingness to be designated Lead Agency status; and

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WHEREAS, all of the involved agencies have consented to the Board's request to be designated Lead Agency status;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF WESTFIELD DECLARES TO BE LEAD AGENCY FOR THE PROJECT FOR THE PROPOSED ACTION AND THEREFORE RESPONSIBLE FOR DETERMINING WHETHER AN ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED IN CONNECTION THEREWITH AND OTHERWISE COMPLYING WITH THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS OF SEQRA;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF WESTFIELD, NEW YORK AS FOLLOWS:

1. Based upon the review by the Board of the EAF and other necessary criteria, the Board hereby finds and determines that the proposed action is an "Type I Action" under SEQRA and will result in no significant impacts and therefore, such action is not one which "may include the potential for at least one significant adverse environmental impact," (b) "there will be no significant adverse environmental impacts," and (c) no "environmental impact statement" need be prepared, as such quoted terms are defined in SEQRA. Reasons supporting this determination are attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
2. A copy of this resolution shall be placed on file in the office of the Town Clerk, where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

Duly put to a vote as follows:

AYES 5

NAYS 0

*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;*

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**TOWN BOARD MEETING**  
**Town of Westfield**  
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*Councilman David Brown offered the following resolution and moved for its adoption*  
**Resolution No.55 of 2021**

**Town of Westfield**  
**RESOLUTION AND ORDER**  
**AFTER PUBLIC HEARING APPROVING**  
**THE INCREASE AND IMPROVEMENT OF**  
**FACILITIES OF THE NORTH TOWN WATER DISTRICT**

WHEREAS, the Town Board of the Town of Westfield (herein called “Town Board” and “Town”, respectively), in the County of Chautauqua, New York, has, pursuant to Town Law, created the Town of Westfield North Town Water District (the “District”); and

WHEREAS, the Town Board has directed Clark Patterson Lee, competent engineers licensed in New York, to prepare a map, plan and report (updated August 2021) for a water system capital improvements project (commonly known as the “East Route 5 Water Benefit District No. 2”) within the District; and

WHEREAS, such water system capital improvements project will generally consist of (but not be limited to), the installation of approximately 23,100 linear feet of water main along various streets in the Town, installation of water services, meters and fire hydrants, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such increase and improvement of facilities of the District and has estimated the total cost thereof to be an estimated maximum amount of \$2,732,000; said cost to be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$2,732,000, offset by any federal, state, county and/or local funds received including, but not limited to, an expected grant from USDA Rural Development in the approximate amount of \$1,806,000.

WHEREAS, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

WHEREAS, the Town Board issued an Order at its September 1, 2021 meeting calling for a public hearing to be held at the Town Hall, Westfield, New York, on October 6, 2021 at 7:30 o’clock p.m. (prevailing time) or shortly thereafter to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

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WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF WESTFIELD, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$2,732,000; and it is hereby

DETERMINED, that the parcels and lots of the District shall be benefited by said increase and improvement of the facilities of the District; and it is hereby

DETERMINED, that all parcels and lots benefited by said increase and improvement of the facilities are included in the District; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the Project shall be financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$2,732,000, said amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, an expected grant from USDA Rural Development in the approximate amount of \$1,806,000, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk will record with the Clerk of the County of Chautauqua a copy of this Resolution and Order, certified by said Town Clerk.

***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;***

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**TOWN BOARD MEETING  
Town of Westfield  
October 6, 2021**

*Councilman David Brown offered the following resolution and moved for its adoption. Seconded by Councilman David Spann.*

**Resolution No.56 of 2021  
Town of Westfield**

**A BOND RESOLUTION, DATED OCTOBER 6, 2021, OF THE TOWN BOARD OF THE TOWN OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN THE TOWN OF WESTFIELD NORTH TOWN WATER DISTRICT AT AN ESTIMATED MAXIMUM COST OF \$2,732,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,732,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board of the Town of Westfield, Chautauqua County, New York (the “Town”), has established the Town of Westfield North Town Water District (the “District”); and

WHEREAS, the Town Board has determined, by resolution, to undertake a certain water system capital improvements project within the District; and

WHEREAS, the Town Board has determined to proceed with the Project; and

WHEREAS, the Town Board took the following actions with respect to such project: (a) received maps and plans for such project, (b) held a public hearing with respect to such project, (c) determined that such project would not have a significant adverse effect on the environment under Article 8 of the Environmental Conservation Law, (d) determined that the requirements of Article 12 of the Town Law had been satisfied with respect to such project and (e) determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a water system capital improvements project that will generally consist of (but not be limited to), the installation of approximately 23,100 linear feet of water main along various streets in the Town, installation of water services, meters and fire hydrants, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work,

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equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (the "Project"). The estimated maximum cost of said purpose is \$2,732,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$2,732,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received, including, but not limited to, an expected grant from USDA Rural Development in the approximate amount of \$1,806,000. Unless paid from other sources or charges, the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the Project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

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SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with



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and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 17. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

AYES: Supervisor, Martha Bills,  
 Councilman, David Brown  
 Councilman David Spann  
 Councilman James Herbert  
 Councilman, Will Northrop

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

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***Councilman David Brown made the motion to approve budget #6 for budget year 2021. Seconded by Councilman David Spann and carried unanimously.***

Subject:	Budget Revision #6 for Budget Year 2021			
<b>Revision Description</b>			Decrease	Increase
To move \$17.54 from DB General Repairs Contratual Account to DB General Repairs Personnal Service Account. In payroll #14 a highway employee worked .50 overtime cutting a tree after a storm			Expenditures	Expenditures
<b>Budget Journal</b>				
DB Funds (Highway Part Town Fund)				
DB 5110.400	General Repairs-Contractual		17.54	
DB 5110.100	General Repairs- Personnel Service			17.54
<b>Total DB Fund</b>			<b>17.54</b>	<b>17.54</b>
<b>Revision Description</b>			Decrease	Increase
To move \$100.00 from A funds contingent account to an other water, contr expenditure account. 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 Seachrist Law Offices, P.C. for \$100.00			Expenditures	Expenditures
<b>Budget Journal</b>				
A Fund (General Fund - Townwide)				
A 1990.400	Contingent Account DR		100.00	
A 8389.400	Other Water, Contr Expend CR			100.00
<b>Total A Fund</b>			<b>100.00</b>	<b>100.00</b>

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*At 8:34pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.*  
Warrants dated October 6, 2021 (voucher #'s 500-570) in the amount of \$55,574.38 were drawn on the following funds:

General	\$32,820.60	Shorehaven Water Project	\$3.11
General Part-Town	\$22.28	Forest Park Sewer	\$33.00
Highway	\$10,776.07		
Highway Part-Town	\$ 11,919.32		

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Warrants dated October 6, 2021 (Voucher # 43-48) in the amount of \$4,565.20 were drawn on the following funds:

Welch Building	\$4,565.20
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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 Northrop, aye.**

There being no further business at 8:50pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to adjourn. Unanimously carried.

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