

TOWN BOARD MEETING

Town of Westfield

December 7, 2022

PUBLIC HEARING

Town of Westfield

**Local Law Exempting Eligible Requests from Special Use Permit Requirements-Existing
Telecommunications Facilities**

Supervisor Bills called the public hearing to order at 7:20pm in Eason Hall North Room, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Fred Johnson
Councilmen:	David Brown		Don McCord
	David Spann		William Bauer
	James Herbert		Joanne Teeter
	Will Northrop		Xander Teeter

Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Supervisor Bills opened the public hearing to discuss the proposed Local Law.

Attorney Joel Seachrist gave an overview of the law. The section of the law was discussed. The section presented in the draft local law “Eligible Facility Requests”, as set forth in 47 C.F.R. Section 1.40001(b)(3) was not presented with the correct section. The correct section of the law “Eligible Facility Requests”, as set forth in 47 C.F.R. Section 1.6100(b)(3) is the correct section of the law.

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

Councilman David Brown made the motion to move that the public hearing be closed at 7:26pm. Councilman David Spann seconded the motion. Motion carried.

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

TOWN BOARD MEETING

Town of Westfield

December 7, 2022

PUBLIC HEARING

Town of Westfield

**Local Law #4-Local Law Providing For the Administration of the New York State Uniform
Fire Prevention and Building Code**

Supervisor Bills called the public hearing to order at 7:26pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Fred Johnson
Councilmen:	David Brown		Don McCord
	David Spann		William Bauer
	James Herbert		Joanne Teeter
	Will Northrop		Xander Teeter

Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Supervisor Bills opened the public hearing to discuss the proposed Local Law.

Attorney Joel Seachrist gave an overview of the law. The proposed law is less restrictive than what the Town currently has.

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

At 7:32pm Councilman Will Northrop made the motion to adjourn the public hearing. 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

December 7, 2022

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:32pm in Eason Hall North Room, 23 Elm Street, Westfield, NY, with the following members and guests present.

Supervisor:	Martha R. Bills	Guest:	Fred Johnson
Councilmen:	David Brown		Don McCord
	David Spann		William Bauer
	James Herbert		Joanne Teeter
	Will Northrop		Xander Teeter

Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Pledge of Allegiance

Councilman David Spann made a motion to waive the reading of the November 2, 2022, 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 November 2022. All Board members have received a copy of the report for November 2022 and is accepted as submitted. Supervisor Bills asked the board to consider using \$114,274.87 of ARPA funds for hydraulics and box for the 2023 Freightliner Truck. Councilman David Spann made the motion and Councilman James Herbert seconded the motion, all in favor, aye, motion carried.

The Town Clerk's report together with a check in the amount of \$3,784.98 representing fees for the month of November 2022 was turned over to Supervisor Bills. A check for \$22.50 representing fees for the month of November to NYS Department of Health, Marriage Licenses and a check in the amount of \$35.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$246.62 will be withdrawn on the 13th.

- The Town Clerks office will be collecting the 2023 Town and County tax collection, the office is preparing for the collection.

The Dog Warden's report for November 2022 was received and placed on file.

The Historian's report for November 2022 was received and placed on file.

The Fire Department October 2022 Report was received and placed on file.

The Town Court report for November 2022 was not received.

The WPD report for November 2022 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for November 2022. The report has been received and placed on file.

Code Enforcement:

- The Code Enforcement Officer submitted a report for the month of November 2022. The report has been received and placed on file.

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Barcelona Harbor:

- The Pier is closed for the season. Vandalism occurred at the pier at the harbor building, windows are ordered, and insurance proposal have been received.

Public Comment:

- Don McCord spoke on behalf of the Gateway Grant that was submitted. The grant the Town to Barcelona and includes landscaping parking lot and the four corners at Barcelona.

Announcements:

- Eason Hall front entrance will be closed to replace pillars.

Project Updates:

- The Welch Trail is open to the public. The community is enjoying it. Highway Superintendent and Southern Tier West have mapped out the trail, working on signage for the trail and will meet with the County to finalize the project.
- Continuing to work on the Route 5 East Lake Road Water Project No.2 with the engineer, water purchase agreement and easements. We are waiting for the formal review letter from the state.
- The sale of the Welch Building is moving along, continuing to work on agreements for the parking lot and the Village ZBA and Planning Board will hold a public hearing on December 20, 2022, in the North room to consider an area variance application and to consider a special use permit.

New Business:

Resolutions for 12/7/2022

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

Resolution No.76 2022

Town of Westfield

Adopt Local Law #3 of 2022

A Local Law Exempting Eligible Facilities Requests From Special Use Permit Requirements-Existing Telecommunications Facilities.

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

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

Resolution No.77 2022

Town of Westfield

Adopt Local Law #4 of 2022

A Local Law Providing For the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

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.

**TOWN BOARD MEETING
Town of Westfield
December 7, 2022**

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

**Resolution No.78 2022
Town of Westfield
RESOLUTION REGARDING CERTAIN WORK IN RELATION TO
ROUTE 5 WATER BENEFIT DISTRICT NO. 2
Award Bidder-Geotechnical-Rte. 5 Water Benefit District No. 2**

WHEREAS, the Town will soon go out to bid on the installation of new water main in Route 5 Water Benefit District No. 2; and

WHEREAS, soil borings in the affected area will need to be conducted by a geotechnical company; and

WHEREAS, the Town's engineer has obtained three bids for the soil borings; and

WHEREAS, the Town Board has carefully considered and reviewed the various bids;

NOW, THEREFORE, BE IT:

1. **RESOLVED**, that the Town hereby awards the contract for soil borings to SJB Services, Inc. in the amount of \$27,200.00.

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.

**TOWN BOARD MEETING
Town of Westfield
December 7, 2022**

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

**Resolution No.79 2022
Town of Westfield
2023 Holiday Schedule**

- | | |
|---------------------------|-----------------------|
| • New Year's Day | Monday, January 2 |
| • Martin Luther King Day | Monday, January 16 |
| • Presidents' Day | Monday, February 20 |
| • Good Friday | Friday, April 7 |
| • Memorial Day | Monday, May 29 |
| • Juneteenth | Monday, June 19 |
| • 4 th of July | Tuesday, July 4 |
| • Labor Day | Monday, September 4 |
| • Columbus Day | Monday, October 9 |
| • Election Day | Tuesday, November 7 |
| • Veteran's Day | Friday, November 10 |
| • Thanksgiving Day | Thursday, November 23 |
| • Day after Thanksgiving | Friday, November 24 |
| • Christmas Eve | Friday, December 22 |
| • Christmas Day | Monday, December 25 |
| • Day After Christmas | Tuesday, December 26 |
| • New Years Eve | Friday, December 29 |

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

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

**TOWN BOARD MEETING
Town of Westfield
December 7, 2022**

**Resolution No. 80 of 2022
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 2022-2023 state budget; and

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December 7, 2022

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

Councilman David Brown offered the following budget revision and moved for its adoption

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Town of Westfield
December 7, 2022

Subject: Budget Revision #12 for Budget Year 2022			
Revision Description		Decrease	Increase
To move \$3,638.93 from fund balance to cover the expenditures for December.		Expenditures	Expenditures
The expenditures have exceeded what was budgeted in the 2022 budget for building expenditures for the Welch Building			
Budget Journal			
CM2 Fund (Welch Building)			
CM2 599	Appropriated Fund Balance DR	3,638.93	
CM2 1620.420	Building Expenditure Welch CR		3,638.93
Total CM2 Fund		3,638.93	3,638.93
Revision Description		Decrease	Increase
To move \$6,030.65 from the revenue account Misc Revenue From Other Gov'ts to the expense account Machinery - Fuel Slips. We have spent more money in the Machinery - Fuel Slips due to the Town supplying Westfield Central School & The Village of Westfield with fuel due to Westfield Central School's gas tank not being in working condition.		Expenditures	Expenditures
Budget Journal			
DA Fund (Highway - Townwide Fund)			
DA 2389	Misc Revenue From Other Govt DR	6,030.65	
DA 5130.420	Machinery - Fuel Slips CR		6,030.65
Total DA Fund		6,030.65	6,030.65
Revision Description		Decrease	Increase
To move \$3,858.46 From A fund A1990.400 Contingent Account to cover fund A 7180.400 Parks & Recreation - Contractual. Expenses have exceed the budget		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
A 1990.400	Contingent Account DR	3,858.46	
A 7180.400	Parks & Recreation - Contractual CR		3,858.46
Total A Fund		3,858.46	3,858.46
Revision Description		Decrease	Increase
To move \$3,910.28 from fund balance to pay Clark Patterson Lee Architecture & Engineering Planning Invoice 86526 for \$3,421.88 & Municipal Solutions, Inc Invoice 18257 for \$488.40. This Other Water, Contr Expense Account has been set up to record Route 5 Water District #2 expenses until the H Capital project fund is established and funded.		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
A 599	Appropriated Fund Balance DR	3,910.28	
A 8389.400	Other Water, Contr Expend-Route 5 Water District 2 CR		3,910.28
Total A Fund		3,910.28	3,910.28
Revision Description		Decrease	Increase
To move \$114,274.87 of ARPA Funds Account A 4089 Federal Aid - Other to A 9901.9 Transfer Other Funds to get the money out of A so the Valley Fab and Equipmnet, Inc 134275 for \$114,274.87 can get paid out of DA Machinery-Equipment for hydraulics and box for the 2023 Freightliner Truck		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
A 4089	Federal Aid-Other DR	114,274.87	
A 9901.9	Transfer, Other Funds CR		114,274.87
Total DA Fund		114,274.87	114,274.87
Revision Description		Decrease	Increase
To move \$114,274.87 from DA 5031 Interfund Transfers to DA 5130.200 Machinery Equipment from the transfer from A Fund ARPA funds to DA Funds to pay the Valley Fab and Equipment, Inc 134275 for \$114,274.87 for the hydraulics and box for the 2023 Freightliner Truck		Expenditures	Expenditures
Budget Journal			
DA Fund (Highway - Townwide)			
DA 5031	Interfund Transfers DR	114,274.87	
DA 5130.200	Machinery - Equipment CR		114,274.87
Total DA Fund		114,274.87	114,274.87
Revision Description		Decrease	Increase
To move \$1,404.06 From DA fund DA 5130.200 Machinery - Equipment to cover fund DA 5130.400 Machinery - Contractual. Expenses have exceed the budget		Expenditures	Expenditures
Budget Journal			
DA Fund (Highway - Townwide)			
DA 5130.200	Machinery - Equipment DR	1,404.06	
DA 5130.400	Machinery - Contractual CR		1,404.06
Total DA Fund		1,404.06	1,404.06

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December 7, 2022

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 7:56pm Supervisor Bills moved and Councilman David Spann seconded a motion to audit the bills.

Warrants dated December 7, 2022 (voucher #' 631-701) in the amount of \$318,959.64 were drawn on the following funds:

General	\$72,584.12
General Part-Town	\$19,089.52
Highway	\$147,386.75
Highway Part-Town	\$19,164.19
Forest Park Sewer	\$29.96
North Town Water -Shorehaven	\$2.99

Warrants dated December 7, 2022 (voucher #'s 54-57) in the amount of \$3,638.93 were drawn on the following funds:

Welch Building	\$3,638.93
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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. This was seconded by Councilman Will Northrop. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye; Councilman Will Northrop, aye.

There being no further business at 8:20pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to adjourn. Unanimously carried.

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