

TOWN BOARD MEETING

Town of Westfield

June 8, 2022

PUBLIC HEARING

Town of Westfield

Public Hearing, Fortner-SUP Modification, 7880 Persons Road, for a NEW self-storage building

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:	William Bauer
Councilmen:	David Brown		Michael Stratton
	David Spann		Marybelle Beigh, Historian
	James Herbert		Ed Slate
			Maureen Fortner

Town Attorney: Joel Seachrist

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

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

Applicant Maureen Fortner was present and gave an overview of the application. The application is a modification of Special Use Permit to add one 20'x 100' storage unit building to the existing self-storage property. The present use is a storage facility. The storage only for customers storing personal property in units.

The Town Planning Board has reviewed the application and recommended approval to the Town Board members for their review and disposition on May 11, 2022.

At 7:27pm Councilman David Spann made the motion to adjourn the public hearing. Councilman David Brown seconded the motion. This was unanimously approved.

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

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Town of Westfield
June 8, 2022

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members:

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilmen:	David Brown		Michael Stratton
	David Spann		Marybelle Beigh, Historian
	James Herbert		Ed Slate
			Maureen Fortner

Town Attorney: Joel Seachrist

Pledge of Allegiance

Councilman David Spann made the motion to waive the reading of the May 4, 2022 minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilman James Herbert seconded the motion. The motion was carried unanimously.

Reports:

Supervisor's June monthly report was distributed and accepted as submitted including up to date spending and revenues on all accounts. All board members have received a copy and the monthly report is always available in the Supervisor's office for anyone to view.
Received County Sales tax revenue, the money received was more than last year.

The Town Clerk's report together with a check in the amount of \$7132.59 & .83cents (April Decals sweep amount) totaling \$7133.42 representing fees for the month of May and April 2022 is turned over to the Supervisor. A check for \$135.00 representing fees for the month of May to NYS Department of Health, Marriage Licenses and a check in the amount of \$58.00 will be turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$385.26 will be withdrawn on the 13th. I attended the Rabies drive thru clinic that was held at the Highway Shop. 110 vaccines were given out, 72 dogs and 38 cats.

The Dog Warden's report was not received.

The Town Historian report for the month of May 2022 was received and placed on file.

Westfield Fire Department report for the month of April 2022 was received and placed on file.

The Town Court report for May 2022 was received and placed on file.

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

Highway:

Highway Superintendent's May report was not received.

- Councilman David Brown and Westfield Cemetery Association President asked the board to use the road millings for the cemetery driveway. Councilman James Herbert made the motion and Councilman David Spann seconded and carried unanimously.

Code Enforcement:

The Code Enforcement Officer submitted a written report for May 2022 has been received and accepted.

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- Councilman David Brown made a motion to refer three Special Use Permit applications to the Town Planning Board and set Public Hearings for July 13th starting at 7:15pm, 7:20pm and 7:25pm. Seconded by Councilman David Spann and carried unanimously.

Barcelona Harbor:

- The Supervisor and the board thanked the Highway Superintendent and the Highway Department for dredging the Harbor and allowing the harbor to function. Navigational buoys have been placed with the help of Councilman James Herbert and diver John.
- Fishing tournaments have started. Discussed lack of parking with the debris from the dredging. Overall, very thankful to have the harbor open and functioning for our community to enjoy.

Public Comment:

- NONE

Announcements:

- Farmers Market-Saturday July 9.
- First Friday, July 8.
- Alumnae weekend July 8-July 10.
- Westfield Fire Department Ox Roast, Sunday July 10.

Project Updates:

- Engineers are still working on the plans for the Route 5 East Lake Road Water Project No.2 project.
- The Highway Department is working on the Welch Trail.
- The sale of the Welch Building is moving slow.

New Business:

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

**Town of Westfield
Resolution No. 31 of 2022**

(Negative Declaration Fortner Modification SUP)

WHEREAS, the Town Board of the Town of Westfield is considering the application of Jeffrey and Maureen Fortner to modify an existing Special Use Permit to allow them to construct a new 20' x 100' self-storage building at 7880 Persons Road, which is designated as tax map Section 193.00, Block 1, Lot 46.1, 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

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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 Jeffrey and Maureen Fortner.

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

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

**Town of Westfield
Resolution No. 32 of 2022
Issuance of SUP-7880 Persons Road-New Storage Self-Storage Building**

Action of the Board:

WHEREAS, the Town Board of the Town of Westfield is considering the application of Jeffrey and Maureen Fortner to modify an existing Special Use Permit to allow them to construct a new 20' x 100' self-storage building at 7880 Persons Road, which is designated as tax map Section 193.00, Block 1, Lot 46.1, and

Resolution No. 32 of 2022

WHEREAS, Jeffrey and Maureen Fortner (hereinafter, collectively, the "Applicant") have submitted an application requesting permission to operate a commercial mini-storage building at 7880 Persons Road, Westfield, designated as tax map parcel Section 193.00, Block 1, Lot 46.1, in the Manufacturing (M) District, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held May 11, 2022 and recommended approval of the application, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-n of the General Municipal Law and the Department advised by letter dated 5/25/2022 that the matter was of local concern, and

WHEREAS, the Town board ("Board") has carefully considered the issue of compliance with the State Environmental Quality Review Act, and has issued a negative declaration after examination of the record and a public hearing, and

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WHEREAS, the Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held June 8, 2022 after publication of legal notice (Dunkirk Observer), and finds ample justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE, BE IT RESOLVED, that the application to amend the special use permit to permit the construction of a new 20' x 100' mini-storage building at 7880 Persons Road (the "Facility"), 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 drawings submitted to the Town with the application, and agrees to be bound by the terms of the application and the conditions of this permit.
2. No items shall be kept or stored on or around the exterior of the mini-storage building.
3. If Applicant has any night-time exterior lighting of the Facility, it shall be directed and / or screened in such a manner so as to not cause a nuisance to adjacent and nearby properties or to passersby on Persons Road.
4. The applicant shall commence operation of the Facility within one year of the issuance of this Permit. If operation has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new permit should he intend to continue the project.
5. The terms, conditions, and requirements of this permit bind and obligate the Applicant, their successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
6. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
7. This Special Use 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 Use Permit.

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.

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

**Resolution No. 33 of 2022
TOWN OF WESTFIELD
Approval of summer employment for the Pier employees**

BE IT RESOLVED, that the Town Board of the Town of Westfield hereby approves summer employment for the Pier employee, Pier Attendant, Betty Carvallo at a rate of \$14.00 an hour.

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.

Supervisor Martha Bills offered the following resolution and moved for its adoption

**Resolution No. 34 of 2022
Town of Westfield
Use of Pier (10 July 2022) for WACS Alumnae Memorial Service**

BE IT RESOLVED that the Town Board of the Town of Westfield hereby authorize the approval of use of the Pier, July 10, 2022 for the WACS Alumnae Memorial Service.

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

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

**Resolution No. 35 of 2022
Town of Westfield
Appoint Deputy Registrar**

BE IT RESOLVED, The Town Board of the Town of Westfield hereby appoints Gabrielle Ferguson as Deputy Registrar and will receive fees allowed by the state for the 2022 calendar year.

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

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

Subject: Budget Revision #6 for Budget Year 2022			
Revision Description		Decrease	Increase
To move \$16,425.00 from fund balance to pay Clark Patterson Lee Architecture & Engineering Planning Invoice 82689 for \$16,425.00. 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	16,425.00	
A 8389.400	Other Water, Contr Expend-Route 5 Water District 2		16,425.00
Total A Fund		16,425.00	16,425.00
Revision Description		Decrease	Increase
To move \$3,360.35 from fund balance to cover the expenditures for the June 2022 Board Meeting. The expenditures have exceeded what was budgeted in the 2022 budget for building expenditures.		Expenditures	Expenditures
Budget Journal			
CM2 Fund (Welch Building)			
CM2 599	Appropriated Fund Balance DR	3,360.35	
CM2 1620.420	Building Expenditure Welch CR		3,360.35
Total CM2 Fund		3,360.35	3,360.35
Revision Description		Decrease	Increase
To move \$7,505.08 from the revenue account Misc Revenue From Other Gov't 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	7,505.08	
DA 5130.420	Machinery - Fuel Slips		7,505.08
Total DA Fund		7,505.08	7,505.08
Revision Description		Decrease	Increase
To move \$3,507.37 from fund balance to cover the expenditures for the June 2022 Board Meeting. For Dredging Barcelona Harbor. West Marine Pro Invoice 9076199 for \$55.93 & West Marine Pro Invoice 9089797 for \$296.99 & West Marine Pro Invoice 9177165 for \$1,254.80 & JMI Invoice 60113 for \$1,648.69 West Marine Pro Invoice 9200913 for \$250.96		Expenditures	Expenditures
Budget Journal			
CM1 Fund (Harbor Fund)			
CM1 599	Appropriated Fund Balance DR	3,507.37	
CM1 7989.400	Other Culture and Recreation-Contra Expense CR		3,507.37
Total CM1 Fund		3,507.37	3,507.37

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.

At 8:45pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.

Warrants dated June 8, 2022 (voucher #'s 265-336) in the amount of \$227,810.11 were drawn on the following funds:

General	\$ 43,088.61
General Part-Town	\$ 1,543.99
Harbor Fund	\$ 3,507.37
Highway	\$ 21,786.78
Highway Part-Town	\$147,048.53
Sherman Fire District	\$ 10,803.91
Forest Park Sewer	\$ 27.66
North Town Water-Shorehaven	\$ 3.26

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Warrants dated June 8, 2022 (voucher #'s 20-26 in the amount of \$3,360.35 were drawn on the following funds:

Welch Building \$3,360.35

These were presented and audited by the board members. Supervisor Martha Bills moved and Councilman Will Northrop 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;

At 8:15pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to move to executive session to discuss a particular personnel history. Unanimously carried.

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

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