

TOWN BOARD MEETING

Town of Westfield

November 2, 2022

PUBLIC HEARING

(Town of Westfield 2023 Preliminary budget)

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:	Marybelle, Beigh, Historian
Councilmen:	David Brown		Don McCord
	David Spann		William Bauer
	Will Northrop		

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 2023 Town Budget for the Town of Westfield. Supervisor Bills thanked all of the Department heads for containing costs. Costs are continuing to rise in all departments. The board met a few times to discuss the 2023 budget. The total proposed Tax Levy is \$943,655.63 (amount to be raised by taxes) and is under the State imposed 2 % tax cap. The tax rate for Town residents is \$2.90 and Village residents \$3.62 per \$1000 of assessed property value.

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

No comments were made.

Councilman David Brown made the motion to move that the public hearing be closed at 7:23pm.

Councilman David Spann seconded the motion. Motion carried.

Respectfully submitted,

//original signed//

Andrea L Babcock, Town Clerk

TOWN BOARD MEETING

Town of Westfield

November 2, 2022

PUBLIC HEARING

(Special Assessment Roll for Improved Districts)

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

Supervisor:	Martha R. Bills	Guest:	Marybelle, Beigh, Historian
Councilmen:	David Brown		Don McCord
	David Spann		William Bauer
	Will Northrop		

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Supervisor Bills opened the public hearing to discuss the proposed cost in 2023 for improvement districts including Operations & Maintenance accounts and the water or sewer charges for each district.

The Town board oversees all special districts. The Supervisor explained the amount needed for each district. Operations & Maintenance charges, water /sewer rates and rents for special improvement districts are levied and charged against those properties within Special Improvement Districts in the Town of Westfield Town and County tax bill.

The Town has one sewer district, Forest Park and several water districts. The sewer district, Forest Park had a 38year bond and was paid off in 2020.

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

No comments were made.

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

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

TOWN BOARD MEETING

Town of Westfield

November 2, 2022

PUBLIC HEARING

Town of Westfield

Public Hearing, Special Use Permit Modification, 7872 Persons Rd

Supervisor Bills called the public hearing to order at 7:30pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Marybelle, Beigh, Historian
Councilmen:	David Brown		Don McCord
	David Spann		William Bauer
	Will Northrop		

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.

The applicant was not present, Code Officer, Bonnie Rae Strickland spoke on their behalf. It is a standard modification for a cell tower, collocating T-Mobile equipment on the existing cell tower site.

The Town Planning Board has reviewed the application and recommended to the Town Board members for their review and disposition on October 27, 2022.

At 7:28pm Supervisor Martha Bills 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

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

Supervisor:	Martha R. Bills	Guest:	Marybelle, Beigh, Historian
Councilmen:	David Brown		Don McCord
	David Spann		William Bauer
	Will Northrop		

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Pledge of Allegiance

Councilman Will Northrop made a motion to waive the reading of the October 5, 2022, and the October 19, 2022, minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman David Spann and carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town's finances for the month of October 2022. All Board members have received a copy of the report for October 2022 and is accepted as submitted. The Town received fourth quarter 2022 sales tax revenue of \$158,150.48. \$41,950.70 will be used towards DA fund, leaving \$116,199.78. Supervisor Bills asked the board to consider using the \$116,199.78 funds towards dredging.

The Town Clerk's report together with a check in the amount of \$4,795.86 representing fees for the month of October 2022 was turned over to Supervisor Bills. A check for \$90.00 representing fees for the month of October to NYS Department of Health, Marriage Licenses and a check in the amount of \$54.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$469.62 will be withdrawn on the 13th. As a reminder, The Town will no longer sell punch tickets at the transfer station. Casella will be punching the transfer station punch tickets. The punch tickets can be purchased at the Town Clerks office, Tops Market and Add Lumber-True Value.

The Dog Warden's report for October 2022 was not received.

- Received the Dog Control Officer Inspection report from NYS Agriculture and Markets.

The state will follow up with the Dog Control officer in (30) days.

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

The Fire Department Report was received and placed on file.

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

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

Highway:

- The Town Highway Superintendent submitted a written report on activities for October 2022 including gas and fuel usage, roadside mowing completed, ditching, winterized the harbor.

Code Enforcement:

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

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Barcelona Harbor:

- The Pier is closed for the season.

Public Comment:

- Don McCord spoke on behalf of the First Impressions Program and gave an update on the projects.

Announcements:

- Christmas in the Village November 18-20

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.

New Business:

Resolutions for 11/2/2022

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

Resolution No. 67 of 2022

Town of Westfield

Adoption of 2023 Town of Westfield Budget

BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves and adopts the 2023 Preliminary Budget as presented as the 2023 Town Budget.

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

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

Resolution No. 68 of 2022

Town of Westfield

Approve the Special Improvement District Rolls

WHEREAS, the Town Board of the Town of Westfield, Chautauqua County, has completed an assessment schedule in connection with the proposed capital budgets, operation and maintenance charges, rates and/or rents to be levied and charged against those properties within the Special Improvement Districts in the Town of Westfield during the calendar year 2022, and has filed the same with the Town Clerk, and

WHEREAS, the Town Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Town Board would meet to hear and consider any objections to said assessment schedule, to be duly published according to law, and

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Town of Westfield

November 2, 2022

WHEREAS, the Town Board did meet at Eason Hall, 23 Elm Street, Westfield, New York on November 2, 2022, the time and place specified in said notice and heard and considered all objections to said assessment schedule,

THEREFORE, BE IT RESOLVED, that the said assessment schedule for 2022 be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Westfield.

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

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

Resolution No. 69 of 2022

Town of Westfield

Negative Dec, SEQR, 7872 Persons Rd-Cell Tower Modification

WHEREAS, the Town Board of the Town of Westfield is considering the application of Centerline Communications, LLC (on behalf of T-Mobile Northeast LLC)) for a modification of an existing Special Use Permit to allow the replacement of a T-Mobile antenna array related ground-mounted equipment on the existing tower at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45, 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 the facility changes proposed in the application 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 American Towers, Inc..

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

**TOWN BOARD MEETING
Town of Westfield
November 2, 2022**

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

**Resolution No. 70 of 2022
TOWN OF WESTFIELD
Issuance of Special Use Permit-7872 Persons Rd-Cell Tower Modification**

Action of the Board:

To consider the application of Centerline Communications, LLC (on behalf of T-Mobile Northeast LLC) for modification of an existing Special Use Permit to allow the installation of a T-Mobile antenna array and related equipment on the existing telecommunications tower at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45.

WHEREAS, Centerline Communications, LLC (on behalf of T-Mobile Northeast LLC) (hereinafter, the “Applicant”) submitted an application on September 12, 2022, for modification of an existing Special Use Permit to allow the placement of a T-Mobile antenna array at the height of 165’ and related ground-mounted equipment within the existing fenced compound at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been 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 October 27, 2022 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 November 2, 2022, 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 be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. All changes to and construction on the site shall comply with the site plans submitted with the application, unless hereinafter modified.
2. The Applicant shall comply at all times with the current applicable standards and regulations of the FCC and of all other agencies of the federal government with authority to regulate such facilities, if any.
3. The Applicant shall not unreasonably interfere with the future shared use of the facility by other parties.
4. The terms, conditions, and requirements of this special use permit are cumulative with those emplaced by any prior special permits for the project site, and bind and obligate the Applicant, their successors and assigns.
5. The permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town of Westfield Town Board.
6. 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 use

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permit.

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

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

Resolution No. 71 of 2022

Town of Westfield

**RESOLUTION REGARDING CERTAIN WORK IN RELATION TO ROUTE 5 WATER
BENEFIT DISTRICT NO. 2 (Archaeological Study)**

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, upon its review of the design documents the State Historic Preservation Office (SHPO) has required that the Town perform a Phase IA Archaeological Study for the affected area; and

WHEREAS, the Town's engineer has obtained four bids for the archaeological study; and

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

NOW, THEREFORE, BE IT:

1. **RESOLVED**, that Town hereby awards the contract for the archaeological study to Archaeological Consulting Experts, LLC in the amount \$3,400.00.

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

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

Resolution No. 72 of 2022

Town of Westfield

Set Public Hearing for Local Law No.3 of 2022

Exempting Eligible Facility Requests for Telecommunication Tower Modifications

RESOLVED, The Town Board of the Town of Westfield hereby sets a public hearing for Local Law No. 3 of 2022, Exempting Eligible Facility Requests for Telecommunication Tower Modifications for December 7, 2022, at 7:20pm prior to the Town Board meeting, located at 23 Elm Street, Westfield NY.

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

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

Resolution No. 73 of 2022

Town of Westfield

Set Public Hearing for Local Law No.4 of 2022

Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code

RESOLVED, The Town Board of the Town of Westfield hereby sets a public hearing for Local Law No.4 of 2022, Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code for December 7, 2022, at 7:25pm prior to the Town Board meeting, located at 23 Elm Street, Westfield NY.

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

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

Resolution No. 74 of 2022

Town of Westfield

Appoint Deputy Town Court Clerk for Remainder 2022 Calendar Year

BE IT RESOLVED, The Town Board of the Town of Westfield hereby accepts the Westfield Town Court to appoint Lisa Haltiner as Deputy Town Court Clerk with a pay rate of \$15.00 an hour to provide minimum coverage when needed for the remainder 2022 calendar year.

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

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

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Subject: Budget Revision #11 for Budget Year 2022			
Revision Description		Decrease	Increase
To move \$3,052.57 from fund balance to cover the expenditures for November. The expenditures have exceeded what was budgeted in the 2022 budget for building expenditures for the Welch Building		Expenditures	Expenditures
Budget Journal			
CM2 Fund (Welch Building)			
CM2 599	Appropriated Fund Balance DR	3,052.57	
CM2 1620.420	Building Expenditure Welch CR		3,052.57
Total CM2 Fund		3,052.57	3,052.57
Revision Description		Decrease	Increase
To move \$179.00 from fund balance to pay David Babcock for Invoice 137 from E.S.M.R. LLC \$179.00 for post pads for 5 benches for the Welch Trail		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
A 599	Appropriated Fund Balance DR	179.00	
A 7180.410	Parks & Recreation Contractual Welch Trail CR		179.00
Total A Fund		179.00	179.00
Revision Description		Decrease	Increase
To move \$16,475.00 from fund balance to pay Clark Patterson Lee Architecture & Engineering Plan Invoice 84995 for \$9,581.25 & Invoice 85604 for \$6,843.75 plus a Seachrist Law Offices, P.C. Invoice 2885 for a charge of \$50.00. 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	16,475.00	
A 8389.400	Other Water, Contr Expend-Route 5 Water District 2 CR		16,475.00
Total A Fund		16,475.00	16,475.00
Revision Description		Decrease	Increase
To move \$3,486.69 from DB 5110.400 General Repairs-Contractual to DB 5110.420 General Repairs Fuel Slips. Due to the increase in fuel prices the town has exceeded the budget line.		Expenditures	Expenditures
Budget Journal			
DB Funds(Highway Part Town Fund)			
DB 5110.400	General Repairs-Contractual DR	3,486.69	
DB 5110.420	General Repairs-Fuel Slips CR		3,486.69
Total DB Fund		3,486.69	3,486.69
Revision Description		Decrease	Increase
To move \$2,906.08 from A1990.400 Contingent Account to cover the amount that exceeded the budget line in Unallocated Insurance. What was budgeted for 2022 was \$35,000.00 Bristol Burgess Agency Bill for Policy Effective 10/20/2022-10/20/2023 was \$37,906.08		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
A 1990.400	Contingent Account DR	2,906.08	
A 1910.400	Unallocated Insurance CR		2,906.08
Total A Fund		2,906.08	2,906.08
Revision Description		Decrease	Increase
To move \$109,408.00 from fund balance and using \$30,000.00 from Machinery - Equipment to cover the cost of the 2023 Freightliner invoice 10950 Fleet Maintenance, Inc \$139,408.00		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
DA 599	Appropriated Fund Balance DR	109,408.00	
DA 5130.200	Machinery - Equipment CR		109,408.00
Total DA Fund		109,408.00	109,408.00
Revision Description		Decrease	Increase
To move \$400.95 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	400.95	
A 7180.400	Parks & Recreation - Contractual CR		400.95
Total A Fund		400.95	400.95
Revision Description		Decrease	Increase
To move \$143.10 from DA Snow Removal-Personnel Services account to DA Machinery-Personnel Account to cover the overtime paid to Scott Frudd for the Hydraulic Spill from a grape picker that the town highway department got called out to after normal working hours		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
DA 5142.100	Snow Removal-Personnel Services DR	143.10	
DA 5130.100	Machinery - Personnel Services CR		143.10
Total DA Fund		143.10	143.10
Revision Description		Decrease	Increase
To move \$427.78 from contingent account to cover the 3rd QTR NYS-45 Unemployment Insurance and Re-employment. The town has exceeded the 2022 budget line due to the town being unaware that the state would assess a (IAS) surcharge to businesses to ensure the state has sufficient funds to pay the unprecedented number of unemployment insurance claims due to the pandemic.		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
A 1990.400	Contingent Account DR	427.78	
A 9050.800	Unemployment Insurance CR		427.78
Total A Fund		427.78	427.78
Revision Description		Decrease	Increase
To move \$49.30 from contingent account to cover the 3rd QTR NYS-45 Unemployment Insurance and Re-employment. The town has exceeded the 2022 budget line due to the town being unaware that the state would assess a (IAS) surcharge to businesses to ensure the state has sufficient funds to pay the unprecedented number of unemployment insurance claims due to the pandemic		Expenditures	Expenditures
Budget Journal			
B Fund (General - Part Town)			
B 1990.400	Contingent Account DR	49.30	
B 9050.800	Unemployment Insurance CR		49.30
Total B Fund		49.30	49.30
Revision Description		Decrease	Increase
To move \$44.03 from A 1990.400 contingent account to cover the A 1665.400 Record Management Contractual Account.		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
A 1990.400	Contingent Account DR	44.03	
A 1665.400	Record Management - Contractual		44.03
Total A Fund		44.03	44.03

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

At 8:10pm 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 8:40pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to return to regular session. Unanimously carried.

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

Resolution No.75 of 2022

Town of Westfield

RESOLUTION AUTHORIZING THE HIRING OF CARL LAURIE

WHEREAS, the Town of Westfield has had an unexpected opening in its Highway Department, with the resignation of a long-term employee; and

WHEREAS, the Highway Department has an immediate need with snow plowing season about to start; and

WHEREAS, Carl Laurie is an applicant with long-term potential and skills that will be immediately useful; and

WHEREAS, the Town's current pay rates and terms of employment may not reflect recent inflation nor allow the Town to compete in the labor market for valuable employees;

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board of the Town of Westfield hereby varies from its employee handbook as needed to hire Carl Laurie, on the following terms:

- a. Starting pay is \$21.00 per hour;
- b. Full pay will start in the third year of employment;
- c. One week of paid vacation in his first year of employment and two weeks in his second year; and
- d. Within one year from the date of hire, Mr. Laurie will obtain a NYS Commercial Driver License (minimum Class B with air).

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

At 8:40pm Supervisor Bills moved and Councilman David Spann seconded a motion to audit the bills.

Warrants dated November 2, 2022 (voucher #'571-587-prepaid 588 & 589-630) in the amount of \$244,104.50 were drawn on the following funds:

General	\$71,576.92
General Part-Town	\$11,876.63
Highway	\$153,357.79
Highway Part-Town	\$7,261.01
Forest Park Sewer	\$29.25
North Town Water -Shorehaven	\$2.90

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Warrants dated November 2, 2022 (voucher #'s 49-53) in the amount of \$3,052.57 were drawn on the following funds:

Welch Building	\$3,052.57
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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 Spann, aye, Councilman Will Northrop, aye.

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