

TOWN BOARD MEETING

Town of Westfield

June 4, 2025

Town of Westfield

Public Hearing

Special Use Permit-8478 Route 5 West Lake Road, Westfield, New York, Jeffrey and Rebecca Mitchell for a campground

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:	Don McCord	Sandra Brown
Councilmember:	David Brown		Leo Wilson	Carol Ford
	David Spann		Carl Vilaro	Tom Young
	William Northrop		Jeff & Becky Mitchell	
	James Herbert		Jeff & Jennifer Phillips	
			Marybelle Beigh, Historian	
Code Officer:	Kenneth Shearer		Greg Bacon-Observer & Post Journal	
Town Attorney:	Joel Seachrist		John & Cheryl Reed	
Town Clerk:	Andrea L. Babcock		Tom & Kate Issler	
			Justine Wicmer	

Absent: Highway Superintendent: David Babcock

Supervisor Bills opened the Public Hearing to hear all persons in regard to the proposed Special Use Permit for a campground consisting of four duplex two-story cabins (30'x32', two 900sq.ft. cabin units each) pursuant to section 185-19 D,11 of the Town of Westfield Zoning Code.

“The Town Board granted a special use permit on 11-1-2023 to the Mitchells. The Mitchells did not move forward with the 2023 special use permit single story 24' x 28', 1152sq ft cabin footprint plans”. This “new” special use permit application reflects the new footprint dimensions and maps.

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

The applicants were present and gave an overview of the application.

The Town Planning Board reviewed the application on May 14, 2025, and recommended to approve the application with no concerns.

Public comments; none

At 7:28pm Councilmember David Brown made the motion to adjourn the public hearing. Councilmember David Spann seconded the motion. Unanimously carried.

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

**TOWN BOARD MEETING
Town of Westfield
June 4, 2025**

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:	Don McCord	Sandra Brown
Councilmember:	David Brown		Leo Wilson	Carol Ford
	David Spann		Carl Vilaro	Tom Young
	William Northrop		Jeff & Becky Mitchell	
	James Herbert		Jeff & Jennifer Phillips	
			Marybelle Beigh, Historian	
			Greg Bacon-Observer & Post Journal	
			John & Cheryl Reed	
			Tom & Kate Issler	
			Justine Wicmer	

Code Officer: Kenneth Shearer
Town Attorney: Joel Seachrist
Town Clerk: Andrea L. Babcock

Absent: Highway Superintendent: David Babcock

Pledge of Allegiance

Councilmember William Northrop made the motion to waive the reading of the May 7, 2025, meeting minutes and May 27, 2025, special meeting minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilmember James Herbert seconded the motion. The motion was carried unanimously.

Reports:

The supervisor's monthly May 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. The Town has received second quarter sales tax revenue. As of April, bank account interest was 4.14%. A mid-year review of the budget will be conducted in July.

The Town Clerk's report together with a check in the amount of \$6782.59 totaling fees for the month of May 2025 is turned over to the Supervisor. A check for \$112.50 representing fees for the month of May to NYS Department of Health, Marriage Licenses and a check in the amount of \$28.00 will be turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$61.41 will be withdrawn on the 13th.

- Tax Collector's 2025 tax collection account has a balance which includes the Town refund amount for CVS.

The Dog Warden's report for the month of May 2025 was not received.

The Town Historian report for the month of May 2025 was received and placed on file in the Town Clerks office. Historian Marybelle Beigh will be attending the History Expo in August.

The Westfield Fire Department report for the month May 2025 was not received.

The Town Court report for May 2025 was received and placed on file in the Town Clerks office.

The WPD report for April 2024 was received and placed on file in the Town Clerks office.

TOWN BOARD MEETING

Town of Westfield

June 4, 2025

Highway:

Highway Superintendent's May 2025 report was not received. The Highway Superintendent is attending Highway school.

Code Enforcement:

The Code Enforcement Officer submitted a written report for May 2025 and was received and placed on file in the Town Clerk's Office.

- Code Enforcement Officer Kenneth Shearer provided the board with a monthly report. Code Officer Shearer gave an overview of the day-to-day activities.
- Code officer Shearer received a special use permit application from Jeff Fortner, location 7880 Persons Road for a storage building. Supervisor Bills made a motion to refer to the application to the Town Planning Board and set a public hearing for July 2, 2025, at 7:25pm. Seconded by Councilmember David Brown and carried unanimously.
- A discussion took place regarding a special use permit application received from Jeff Phillips located at 9039 Lombard Road regarding a food prep area for food truck use. The Town code does not require a special use permit however the County is requiring it to show a relationship with the applicant and the municipality. Health Department representative Jeffrey Mitchell was present and spoke on behalf of the County and discussed. A Certificate of Compliance can be issued from the Code office as a Special Use permit is not required from the Town.

Barcelona Harbor:

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Public Comment:

- A discussion took place regarding ongoing dredging, the NYS Lighthouse project, day-to-day activities, parking and food vendors at the Harbor. Leo Wilson, Gelatinos Italian Ice owner and a food trailer owner serving ice cream and shakes, asked the board for permission to allow them to be a vendor at the Daniel Reed Pier and or permission at the corner of Portage and Route 5 at the Town owned property parking lot across from The Barcelona Market. Supervisor Bills said that this is the first year the Town has allowed a food vendor at the Daniel Reed Pier at a specific location per the Harbor Masters preference. Attorney Seachrist recommended the board draft a policy for food truck locations at the Daniel Reed Pier and Town Properties located in Barcelona, as more and more business owners are approaching the Town for food truck use permission.
- Taylor Road survey update- a survey will be conducted in the next few weeks.
- Cheryl Reed asked about the Barcelona Hamlet Gateway project and when will sewer be provided in Barcelona.

Announcements:

First Friday-Friday June 6th

Chautauqua County Historical Society annual gala will be held at the McClurg Museum on Saturday June 7th.

Civil War Encampment will not be held this year.

Alumnae Weekend- Friday July 11th- First Friday, Saturday July 12th and Sunday July 13th

Fireman's Annual Ox Roast- Sunday July 13th

**TOWN BOARD MEETING
Town of Westfield
June 4, 2025**

Project Updates:

- The East Route 5 Water Benefit District phase 2 project professional agreements have been received. The target project start date is August 1, 2025, with an estimated four-month long project with an estimate of being operational by fall.
 - Saturday June 28 from 9:00am-2:00pm the Comprehensive Plan steering committee will be at the Westfield Farmers Market.
 - The Lakefront Water Revitalization Plan committee continues to review maps and boundaries on a monthly basis.
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New Business:

Councilmember David Brown offered the following resolution and moved for its adoption;

**Resolution No. 44 of 2025
Town of Westfield
Neg -Dec 8478 West Lake Rd-Mitchells**

WHEREAS, the Town Board of the Town of Westfield is considering the application of Jeffrey Mitchell and Rebecca Mitchell for a Special Use Permit allowing them to operate a campground at 8478 West Lake Road, which parcel is designated as tax map Section 192.00, Block 1, Lot 12.2, 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 Jeffrey Mitchell and Rebecca Mitchell.

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

TOWN BOARD MEETING

Town of Westfield

June 4, 2025

Councilmember William Northrop offered the following resolution and moved for its adoption;

Resolution No. 45 of 2025

Town of Westfield

Issuance of Permit- 8478 West Lake Road-Mitchell

Action of the Board:

To consider the application of Jeffrey Mitchell and Rebecca Mitchell for a Special Use Permit under Section 185-19(D)(11) of the Town of Westfield Zoning Code allowing them to operate a campground on property designated as Section 192.06, Block 1, Lot 12.2, at 8478 West Lake Road.

WHEREAS, Jeffrey Mitchell and Rebecca Mitchell, members of Jealous Much LLC (hereinafter, the “Applicants”) have submitted an application for a Special Use Permit to operate a campground at 8478 West Lake Road, Westfield, designated as tax map parcel Section 192.06, Block 1, Lot 12.2, and

WHEREAS, the Applicants intend this Special Use Permit to replace one issued by the Town of Westfield on November 1, 2023, 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 a public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held May 14, 2025 and unanimously recommended approval of the application with conditions, 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 June 4, 2025 and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the Special Use Permit to construct and operate a campground at 8478 West Lake Road (the “Use”), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. This Special Use Permit will supersede and replace the permit issued to the same Applicants for a similar campground use on November 1, 2023.
2. The Applicant is authorized to build and operate a campground to include no more than four (4) two-story cabins, with a footprint of 30’ x 32’, having two 900 square feet cabins in each unit, along with a new access driveway, public water line, and private septic system.
3. The Applicants shall undertake the Use in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agree to be bound by the terms of the application and the conditions of this permit.

TOWN BOARD MEETING

Town of Westfield

June 4, 2025

4. If construction of the Use has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicants shall be required to apply for a new permit should they intend to continue the project.
5. The terms, conditions, and requirements of this permit bind and obligate the Applicants, 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 Applicants 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 Applicants, 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 Applicants approve 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.

Dated: June 4, 2025

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

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

Resolution No. 46 of 2025

Town of Westfield

Authorize the Supervisor to sign the County Agreement- handicap lift

BE IT RESOLVED, The Town board of the Town of Westfield hereby authorizes the Town Supervisor to accept and sign an agreement with Chautauqua County for \$15,000.00 for a handicap lift at the Dan Reed Pier.

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

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

Resolution No. 47 of 2025

Town of Westfield

Support the American Legion

BE IT RESOLVED, The Town Board of Town of Westfield hereby supports the American Legion cemetery flag project in the amount of \$300.00 of veteran's services contractual as budgeted in the 2025 Town Budget.

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

**TOWN BOARD MEETING
Town of Westfield
June 4, 2025**

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

**Resolution No. 48 of 2025
Town of Westfield
Authorize the Supervisor to sign EW5WBD phase 2 agreements**

BE IT RESOLVED, The Town board of the Town of Westfield hereby authorizes the Town Supervisor to accept and sign the extended professional agreements for the East Route 5 Water Benefit District phase 2 project.

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

Councilmember William Northrop offered the following resolution and moved for its adoption

**Resolution No. 49 of 2025
Town of Westfield
Adopt Summer Office Hours**

BE IT RESOLVED, The Town board of the Town of Westfield hereby authorizes Friday summer office hours beginning June 6th through September 5th; Fridays 8:00am-1:00pm.

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

At 8:18pm Councilmember James Herbert offered the following budget revision no. 5 of 2025 and moved for its adoption.

Subject: Budget Revision #5 for Budget Year 2025			
Revision Description		Decrease	Increase
To move \$11,770.65 from SS1 fund balance SS1 599 to cover the Village of Westfield's Bill From Fluid Kinetics Invoiced 36795 for \$15,961.00 for purchasing a spare pump to have on hand for the town's sewer district. Account SS1 8190.400 account balance was short by \$11,470.65 to cover the cost of the spare pump, plus funding the account with an additional amount of \$300.00 to cover electrical bills from May to December 2025 to SS1-8190.400 Other-Operations & Maintenance account.			
Budget Journal			
SS1 Fund (Forest Park Sewer)			
SS1 599 Appropriated Fund Balance DR		11,770.65	
SS1-8190.400 Other-Operations & Maintenance CR			11,770.65
Total A Fund		11,770.65	11,770.65
Revision Description		Decrease	Increase
To move \$7,500.00 from A fund balance A 599 to pay Jack's Welding Service, Inc invoice 10223 for Labor for modifying and adding to existing floating docks for a total of \$7,500.00. to Account A7180.412 Parks & Recreation Boat Launch Grant. The Parks & Recreation Boat Launch Grant account was setup for this grant. The town is receiving grant money in the amount of \$49,966.76 from the 2% Occupancy tax grant from Chautauqua County to cover a portion of the expenses.		Expenditures	Expenditures
Budget Journal			
A Fund (General Fund - Townwide)			
A 599 Appropriated Fund Balance DR		7,500.00	
A 7180.412 Parks & Recreation - Boat Launch Grant CR			7,500.00
Total A Fund		7,500.00	7,500.00
Revision Description		Decrease	Increase
To move \$94.56 from A fund balance A 599 to pay Column Software PBC Invoice 8951DC1E-0202 for \$24.34 & Column Software PBC Invoice 8951DC1E-0198 for \$70.22 to the Other Water, Contr Expense Account A8389.400. The Other Water, Contr Expense Route 5 Water District #2 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		94.56	
A 8389.400 Other Water, Contr Expend-Route 5 Water District 2 CR			94.56
Total A Fund		94.56	94.56

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

TOWN BOARD MEETING
Town of Westfield
June 4, 2025

At 8:42pm Supervisor Bills moved and Councilmember David Brown seconded a motion to audit the bills.

Warrants dated June 4, 2025 (voucher #'s 303-379) in the amount of \$313,973.24 were drawn on the following funds:

General	\$ 57,751.33
General Part-Town	\$ 1,734.11
Highway	\$ 9,019.68
Highway Part-Town	\$216,616.11
Sherman Fire District	\$ 11,465.97
Forest Park Sewer	\$ 17,381.55
North Town Water-Shorehaven	\$ 4.49

These were presented and audited by the board members. Supervisor Martha Bills moved and Councilmember David Brown 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; Councilmember, David Brown, aye; Councilmember David Spann, aye; Councilmember James Herbert, aye; Councilmember William Northrop, aye.

At 8:40pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to move to an executive session to discuss potential litigation with the Town Attorney. Unanimously carried.

At 9:20pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to return to regular session. Unanimously carried.

There being no further business at 9:20pm. Supervisor Martha Bills moved, and Councilmember David Spann seconded a motion to adjourn. Unanimously carried.

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