

**Town of Westfield
January 10th, 2018**

7:25 Town Clerk Andrea L. Babcock administered the Oath of office to re-elected officers Town Justice Jerry Laporte, Town Councilman David Spann and newly elected Town Councilman Will Northrop.

**PUBLIC HEARING
Town of Westfield
January 10, 2018
Public Hearing**

Special Use Permit, McKane 7263 East Lake Rd small engine repair shop

Supervisor Bills called the public hearing to order at 7:27pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Tom Tarpley	Code Officer:	Bonnie Rae Strickland
Councilmen:	David Spann		Don Eno	Highway Superintendent:	David Babcock
	David Spann		Marion Eno	Town Attorney:	Joel Seachrist
	James Herbert		Jonathon McKane	Town Historian:	Marybelle Beigh
Absent:	David Brown		Amanda McKane	Town Justice:	Jerry Laporte
			William Bauer		
			Casey Ackendorf		

Supervisor Bills made the motion to open the Public Hearing to hear all persons in regards to the Special Use Permit.

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

The application is for a small engine and power sport repair shop in an existing garage, no foot traffic pickup and delivery only. The applicants, Jonathon and Amanda McKane were present. A letter was received from a neighbor respectfully opposing the permit voicing concerns such as a 55 MPH zone, including a dip in the road, more road kill than normal, noise, frequency of testing equipment and potential to depress the property value.

Applicants Jonathon and Amanda addressed the board stating they are already testing personal equipment and they have not received any complaint. They test anywhere from 9-5 and consideration of the neighbors. A neighbor spoke on behalf of the McKanes stating they are not a bother. He hears the testing during the day and is not a problem. No further comments.

Supervisor Bills made the motion to close the public hearing at 7:35pm. Councilman Will Northrop seconded the motion. This was unanimously approved.

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

TOWN BOARD MEETING
Town of Westfield
January 10th, 2018

The regular meeting of the Town Board was called to order at 7:35pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Tom Tarpley	Code Officer:	Bonnie Rae Strickland
Councilmen:	David Spann		Don Eno	Highway Superintendent:	David Babcock
	David Spann		Marion Eno	Town Attorney:	Joel Seachrist
	James Herbert		Jonathon McKane	Town Historian:	Marybelle Beigh
Absent:	David Brown		Amanda McKane	Town Justice:	Jerry Laporte
			William Bauer		
			Casey Ackendorf		

Pledge of Allegiance

Councilman James Herbert made the motion to waive the reading of the December 6th and December 14th minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilman David Spann seconded the motion. The motion was carried unanimously.

Reports:

The Town Clerk's report together with a check in the amount of \$2,989.43 representing fees for the month of December 2017 was turned over to Supervisor Bills. A check for \$45.00 representing fees for the month of December to NYS Department of Health, Marriage Licenses and a check in the amount of \$26.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$33.07 will be withdrawn on the 14th.

- A request for waiver of the 30 day municipality notification was received for an on premise liquor license serving wine, beer and cider in a bed and breakfast on January 5, 2018 and all board members received a copy of the notification.
- ***Councilman David Spann made the motion to waive the 30 day notification request requested by Barcelona Lakeside B and B Inc, located at 8223 E. Lake Rd Westfield for an on premise liquor license. The motion was seconded by Councilman James Herbert and carried unanimously.***

Supervisor Bills presented the monthly report on the Town's finances for the month of November. The report is always available in the Supervisors office. Everyone is welcome to view. All Board members have received a copy of the report for November 2017 and is accepted as submitted.

The Dog Warden's report for December 2017 was received and placed on file.
The Fire Department Report for and December 2017 was received and placed on file.
The Historian's report for December 2017 was received and placed on file.
The Town Court report for December 2017 was received and placed on file.
The WPD report for December 2017 was received and placed on file.

Highway:

- The Town Highway Superintendent discussed plowing roads and fuel and gas usages.
- December 25-31st, the Town received a little over 6.5 feet of snow.
- December 28th –31st, 28 trees were down on Coon road and most of the trees were completely across the road.

- The extra hands have been very nice to have with the new hire training and he is doing very well since Norm Boardman is retiring in February.
- The Town of Westfield Highway Department 2017 jobs completed report for the Town of Westfield was received and placed on file.

Code Enforcement:

- The Code Enforcement Officer submitted a written report for December 2017 highlighting that 4 permits were issued in the Town. The report also included an annual report for 2017.
- Received a Special Use Permit, ATC Sequoia, LLC for Verizon wireless on Hardscrabble Rd. Requesting to change a “medium intensity white light” rather than the red light. ***Supervisor Martha Bills made the motion to set a Public hearing February 7th, 2018 at 7:25pm. Councilman, Will Northrop seconded the motion and carried unanimously.***

Barcelona Harbor:

- Pier operations are closed for the season

Public Comments:

- Marian Eno asked the status of East Lake Road water project. Supervisor Bills spoke to a representative from USDA. The project has been recommended for funding. The preliminary funding estimate is being re-evaluated taking into consideration on the local poverty level and health and safety issues provided to the agency by the department of health.

Project updates: Supervisor Bills made the following announcements:

- Supervisor Martha Bills made the motion to have the Annual Audit of Books on Tuesday, Jan 23, 2018 at 3:00pm. seconded by Councilman David Spann and carried unanimously.
- Shorehaven water project has disband for the winter season
- Welch Trail project, the Town is waiting to have a meeting with the Village to discuss the project.
- Website, our Town of Westfield website will be transferred over to a new website. All departments will have access to update and download information.

Councilman David Spann offered the following resolutions 1 through 6 and moved for its adoption

Resolution No. 1 of 2018

Official Meeting Place

“That the official meeting of the Town Board shall be in Eason Hall, 23 Elm Street, Westfield, NY on the first Wednesday of each month at 7:30pm.”

Resolution No. 2 of 2018

Salaries

“That the Town Board hereby fix the salaries of the Town employees and officials for the year 2018 as follows:”

Highway Employees

Laborers - Minimum \$9.00 /hr

MEO’s - Minimum \$14.00 to \$22.03 /hr

	- Maximum \$33.05 /hr
Supervisor	\$16,000 annual to be paid quarterly
Code Enforcement	\$20,000 annual to be paid bi-weekly
Assessor	\$48,494 annual to be paid bi-weekly
Deputy Supervisor	\$ 2,700 annual
Councilmen	\$ 3,000 annual
Justice Spann	\$ 7,000 annual to be paid quarterly
Justice LaPorte	\$ 7,000 annual to be paid annually
Court Clerk	\$18,360 annual to be paid bi-weekly
Town Clerk/Town Registrar/ Deputy Tax Collector	\$36,439 annual to be paid bi-weekly
Bookkeeper / Deputy Town Clerk / Tax Collector/	
Deputy Town Registrar	\$41,215 annual to be paid bi-weekly
Historian	\$ 1,000 annual
Highway Superintendent	\$57,672 annual to be paid bi-weekly
Deputy Highway Superintendent	\$ 2,000 annual to be paid quarterly
Utility Workers	\$ 9.00 Minimum/hr. & \$16.00 Maximum/hr
Dog Control Officer	\$ 7,500 bi-weekly
Court Clerk Assistant	\$ 12.25 hourly/bi-weekly
Safety Inspections Clerk	\$ 12.25 hourly/bi-weekly

Resolution No. 3 of 2018

Designation of Banks

WHEREAS, under Section 64 of the Town Law, it is provided that the Town Board shall designate by written resolution the banks and trust companies in which certain Town Officers shall deposit monies received into their hands by virtue of their office, be it,

RESOLVED, that Community Bank of Westfield, M & T Bank of Jamestown and Mayville, MBIA Class, and Key Bank of Westfield, are hereby designated as depositories in which the Supervisor, Town Clerk, Deputy Town Clerk, Tax Collector and Court Clerk shall deposit all monies coming into their hands.”

Resolution No. 4 of 2018

Official Newspapers

“That the *Westfield Republican* and the *Observer* newspapers be designated the official newspapers of the Town for the year 2018.”

Resolution No. 5 of 2018

2018 Annual Appointments

Andrea L. Babcock	Registrar of Vital Records / Records Management Officer / Deputy Tax Collector
Jill Fredd	Bookkeeper / Tax Collector / Deputy Town Clerk / Deputy Registrar
Bonnie Rae Strickland	Code Enforcement / Zoning Officer
Marybelle Beigh	Historian
Kimberly Stahley	Clerk to the Court
Richard Ossman	Deputy Highway Superintendent
Chuck Raynor	Dog Control Officer

Kelly Brown Harbor Master
Lindsey Simpson Safety Inspections Clerk
Julie Devlin Court Clerk Assistant

Planning Board

Phil Riedesel (Chairman) Chad Schofield
Diana Hamann Tom Tarpley
John Hemmer Chris Reese
Timothy Smith (Alternate)

Zoning Board of Appeals

Wayne Harrington (Chairman) Melinda Johnson
Linda Wolfe Abbie Cardy(Alternate)
Bradley Szymczak

Town Committees

Harbor Martha Bills & David Spann, James Herbert
Security & Technology David Brown
Transfer Station David Brown & Will Northrop
Highway David Spann & Will Northrop
Personnel Martha Bills & David Brown & David Spann
Website David Brown, Aaron Resnick, Martha Bills,
Andrea Babcock & Joel Seachrist

Fire Dept. Liaison - David Brown

Process Servers - David Haskin / Max Baker

Town Constables - Peter Kunow / Max Baker

Resolution No. 6 of 2018

Town of Westfield

Authorizations for Supervisor / Deputy Supervisor

RESOLVED, pursuant to Town Law §29(16), that the Town Board of the Town of Westfield hereby authorizes and delegates to the Town Supervisor powers and duties of day-to-day administration and supervision of all town and special district facilities and employees, including the negotiation and execution of standardized annual agreements, service contracts, maintenance agreements, and the like, which are consistent with the annual budget adopted by the Town, and with and in furtherance of any and all State and Federal laws applicable thereto and with any and all local laws, resolutions or policies heretofore adopted by this Town Board.

BE IT FURTHER RESOLVED that the Supervisor or the Deputy Supervisor be, and are hereby authorized, to sign all the necessary documents for the financing of the Town of Westfield

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

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

Resolution No. 7 of 2018
Town of Westfield
Highway Agreement

RESOLVED, that pursuant to the provisions of Section 284 of the Highway Law, the Town Board agrees that monies levied and collected for the repair and improvement of highways, and received from the state for the repair and improvement of highways, and specifically the sum of \$170,000 shall be expended for the general repairs of town highways, including sluices, culverts and bridges, or the renewal thereof, and for the following projects:

1. The oiling and stoning within the budget allotment of portions of the following roads: (Titus Road (.49); Putnam Road (.85); Culver Road(.41); Klondike Road (.7); North Light Road (.5); Upper Parker Road (1.5). Total mileage is 4.45
2. Should the Town receive funds under the Consolidated Highway Improvement Project System (CHIPS), funds estimated in the 2018 Budget (\$128,036.00) would be used towards re-blacktopping Ogden Road (2.39 mile)

BE IT FURTHER RESOLVED, that no fewer than three members of the Town Board and the Highway Superintendent shall execute a certified copy of this resolution in duplicate, and said certified copy, so signed, shall constitute written agreement between the parties once it shall have been approved by the County Superintendent of Highways.

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

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

Resolution No. 8 of 2018
Town of Westfield
Appointment of Deputy Supervisor

RESOLVED, that Councilman David Brown is appointed as Deputy Supervisor for the Town of Westfield for the 2018 calendar year.

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 Spann offered the following resolution and moved for its adoption

Resolution No. 9 of 2018
Town of Westfield
Annual Review of Procurement Policy

RESOLVED, that after thorough review, the Town Board approves the Procurement Policy (Chapter 37 of the Town Code).

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

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

Resolution No. 10 of 2018
Town of Westfield
Standard Work Day and Reporting

BE IT RESOLVED, that the Town of Westfield hereby establishes the following as standard work days for appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Days/Month (based on Record of Activities)
Elected Officials				
Town Councilman	David Spann	6.5	1/1/2018–12/31/2021	2.2
Appointed Officials				
Court Clerk	Kimberly Stahley	6	1/1/2018 – 2/2/2018	11.27
Code Enforcement/Bldg Insp.	Bonnie Rae Strickland	6.5	1/1/2018 – 12/31/2018	9.11

This was seconded by Councilman Will Northrop. Voting was as follows: Supervisor Martha Bills, 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

Resolution No. 11 of 2018
Town of Westfield
Resignation and appointment of Court Clerk

BE IT RESOLVED, The Town Board of the Town of Westfield accepts the resignation of Court Clerk Kim Stahley as of February 2nd, 2018. The Town Board on the recommendation from the Town Justices appoints assistant Court Clerk Julie Devlin to Town Court Clerk as of February 3rd, 2018 with an annual salary of \$34,500.00.

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

Justice Jerry Laporte told the board that this is State mandatory training of Court Clerks as of this year by the state. The state will pay for the training.

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

Resolution No. 12 of 2018
Town of Westfield
Approval of Court Clerk Training

BE IT RESOLVED, The Town Board of the Town of Westfield approves Court Clerk, Julie Devlin to attend the Association of Town Court Clerk Training School February 19th-20th at a cost not to exceed \$500.00.

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

Supervisor Bills asked the Town Attorney to explain the Negative Declaration to the board. All impacts were addressed. Councilman James Herbert recused himself from the voting of resolution # 13 and resolution #14. Councilman Herbert is a neighbor to the applicants.

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

Resolution No. 13 of 2018
Town of Westfield
Negative Declaration, Jonathan & Amanda McKane, 7263 E Lake Rd small engine repair shop

WHEREAS, the Town Board of the Town of Westfield is considering the application of Jonathan & Amanda McKane for a Special Use Permit allowing them to operate a small engine and power-sports motor repair shop at 7263 East Lake Road, on a parcel designated as tax map Section 176.00, Block 2, Lot 7, 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 Jonathan & Amanda McKane.

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

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

Resolution No. 14 of 2018
Town of Westfield
Issuance of Special Use Permit, Jonathan & Amanda McKane, 7263 E Lake Rd small engine repair shop

Action of the Board:

To consider the application of Jonathan McKane and Amanda McKane for a Special Use Permit to operate a small engine and power sports repair shop in an existing 24' x 28' garage structure at 7263 East Lake Road, which is designated as tax map Section 176.00, Block 2, Lot 7, and

WHEREAS, Jonathan McKane and Amanda McKane (hereinafter, collectively, the “Applicant”) submitted an application dated December 4, 2017 pursuant to Section 185-24(J)(18) of the Town of Westfield Zoning Code requesting a Special Use Permit to operate a small engine and power sports repair shop in an existing 24’ x 28’ garage at 7263 East Lake Road, which is designated as tax map Section 176.00, Block 2, Lot 7, 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 December 13, 2017 and recommended approval of the application, and

WHEREAS, the Chautauqua County Planning Department by letter dated January 9, 2018, in response to a zoning referral submitted pursuant to Section 239-m of the General Municipal Law, advised that the proposed action was of local option, 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 January 10, 2018 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 operate a repair shop 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 description submitted to the Town with the application, and agrees to be bound by the terms of the application and the conditions of this permit, including:
 - a. All repairs and testing of equipment shall be conducted indoors; and
 - b. No machines shall be stored outdoors.
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 January 10, 2019.
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 Will Northrop. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Spann, aye; Councilman Will Northrop, aye

At 8:15pm Supervisor Bills moved and Councilman David Spann seconded a motion to audit the bills

Warrants dated January 10, 2018 (voucher #'s 929-949) in the amount of \$32,086.93 were drawn on the following funds:

General	\$23,037.26
General Part-Town	\$46.50
Highway-Town	\$4,930.22
Highway Part-Town	\$4,072.95

Warrants dated January 10, 2018 (voucher #'s 1-23) in the amount of \$16,333.28 were drawn on the following funds:

General	\$11,900.59
General Part-Town	\$260.00
Highway-Town	\$4,149.01
Forest Park Sewer	\$20.18
North Town Water -Barcelona	\$3.50

Warrants dated January 10, 2018 (voucher # 19-20) in the amount of \$128,888.00 were drawn on the following funds:

Shorehaven Water District Capital Project	
H6-8310.400	\$128,888.00

Warrants dated January 10, 2018(voucher #'s 122-124) in the amount of \$398.49 were drawn on the following funds:

Welch Building	\$398.49
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Warrants dated January 10, 2018(voucher #'s 1-9) in the amount of \$7,127.22 were drawn on the following funds:

Welch Building	\$7,127.22
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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 Spann. Voting was as follows: Supervisor Bills, aye, aye; Councilman James Herbert, aye; Councilman David Spann, aye; Councilman Will Northrop, aye

There being no further business, at 8:30pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to move to executive session to discuss pending litigation and a particular personnel history. Unanimously carried.

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

No action was taken.

There being no further business at 9:05pm James Herbert moved and David Spann seconded a motion to adjourn. Unanimously carried.

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