

PUBLIC HEARING
Town of Westfield
December 6, 2017
Public Hearing

Special Use Permit, Airosmith, as an agent for Verizon, 7872 Persons St.

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:	Tom Tarpley	Code Officer:	Bonnie Rae Strickland
Dep Super:	David Brown		Jill Santi	Town Attorney:	Joel Seachrist
Councilmen:	Raymond Schuster		Lynn Patterson		
	David Spann		Marybelle Beigh		
	James Herbert		William Bauer		
			Amanda McKane		
			Jonathan McKane		

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 from the Town Clerk was available.

Code Enforcement Officer, spoke on behalf of the applicants. The applicants were not present. The application is for telecommunications, to add a 3' microwave dish to existing tower to help with back haul services. There will be no change to height of the tower, no electrical work and no ground disturbance.

Supervisor Bills made the motion to close the public hearing at 7:24pm. Deputy Supervisor David Brown seconded the motion. This was unanimously approved.

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

TOWN BOARD MEETING
Town of Westfield
December 6, 2017

The regular meeting of the Town Board was called to order at 7:32 pm 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
Dep Super:	David Brown		Jill Santi	Town Attorney:	Joel Seachrist
Councilmen:	Raymond Schuster		Lynn Patterson		
	David Spann		Marybelle Beigh		
	James Herbert		William Bauer		
			Amanda McKane		
			Jonathan McKane		

Pledge of Allegiance

Councilman Raymond Schuster made the motion to waive the reading of the November 1st 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 \$2,582.06 representing fees for the month of November 2017 was turned over to Supervisor Bills. A check for \$45.00 representing fees for the month of November to NYS Department of Health, Marriage Licenses and a check in the amount of \$36.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$772.94 will be withdrawn on the 14th.

Supervisor Bills presented the monthly report on the Town's finances for the month of October 2017. 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 October 2017 and is accepted as submitted.

The Dog Warden's report for November 2017 was received and placed on file.

The Fire Department Report for and November 2017 was received and placed on file.

The Historian's report for November 2017 was received and placed on file.

The Town Court report for November 2017 was received and placed on file.

The WPD report for November 2017 was received and placed on file.

Highway:

- Highway Supervisor, David Babcock submitted November report highlighting fuel usage, working on Flood area that washed out and ditch work, tree trimming, getting plow equipment ready, salt and sand mix.
- Discussed a Right-of-way application permit for Dennis Hanes on Lake St. for 210 feet, 1' line black plastic from 7865 Lake St to 7861 Lake Street for use of his pond water to supply water for his own property.
- Discussed F550 2018 truck, asking to trade current Town truck, 2011 Ford 550 with trade in of (-\$24,000.00). Town would pay a price of an estimated \$23,178.30 for the truck. Highway Supervisor is waiting on bids for hydraulics and box (Valley Fab) not to exceed \$45,298.00. **Councilman Raymond Schuster made the motion to allow the Highway Superintendent to purchase the F550 2018 Truck estimating the cost of \$23,178.30. Deputy Supervisor David Brown seconded the motion. Voting was**

as follows: Supervisor Martha Bills, aye; Deputy Supervisor David Brown; aye; Councilman Raymond Schuster, aye; Councilman James Herbert, aye; Councilman David Spann, aye

- Highway Superintendent may have bid figures for the hydraulics and box bids for the scheduled Special Meeting of the Town board on Thursday, December 14th.
- Highway employee, Norm Boardman will be retiring as of February 27th of 2018
- New Employee, Highway Superintendent, David Babcock hired Mark Johnson from Stockton and will start work Monday, December 11, 2017. ***Supervisor Martha Bills made the motion to approve the hiring of Mark Johnson. Councilman David Spann Seconded the motion. This was seconded by Councilman David Spann. Voting was as follows: Supervisor Martha Bills, aye; Deputy Supervisor David Brown; aye; Councilman Raymond Schuster, aye; Councilman James Herbert, aye; Councilman David Spann, aye***

Code Enforcement:

- The Code Enforcement Officer submitted a written report for December 2017 highlighting 13 permits issued in the Town.
 - Special Use Permit, John McKane 7263 E. Lake Rd, repair shop in an A-R District (ATV's, for foot traffic-pick-up and delivery only).
Deputy Supervisor David Brown made the motion to set a public hearing for 7:25pm prior to the January 10th 2018 Town Board meeting for a Special Use Permit Public Hearing for John McKane 7263 E. Lake Rd, repair shop in an A-R District (ATV). Councilman Raymond Schuster seconded the motion and carried unanimously.

Barcelona Harbor:

- The Harbor is closed.

Public Comment:

- McClurg Museum will be open Sunday December 10th from 2:00pm-4:00pm

Supervisor Bills made the following announcements:

- Town Employee Christmas party Thursday, December 14, 2017 at Noon
- FEMA meeting is rescheduled for December 13th at 2:00pm in Mayville
- Councilman David Spann Spoke on behalf of Soil and Water, culvert, drainage and funding
- LUCA,(Local Update of Census Address) The County has asked Towns and Villages to be a part of the 2020 Census
- Supervisor Bills thanked Councilman Raymond Schuster for his years of service. Councilman Raymond Schuster did not seek re-election ending his term December 31, 2017. Ray has been on the board since 2001 from Councilman to Deputy Supervisor to Councilman. Supervisor Bills commended his dedication, expertise and availability to the Town Board and to the Community.

Old Business:

- Shorehaven Water Project is moving along, the next construction meeting is scheduled for Friday December 8th at 10:30am
- East Route 5, underwriters are reviewing revised paperwork.
- Welch Trail, Parks and Recreation a contract issue with State and Federal funding has placed it back into the cycle of processing for review.

New Business:

Councilman Raymond Schuster offered the following resolution and moved its adoption

**Resolution No. 69 of 2017
Town of Westfield**

Negative Declaration, Airosmith, as agent for Verizon, 7872 Persons St

WHEREAS, the Town Board of the Town of Westfield is considering the application of Airosmith, as agent for Verizon, for a modification of an existing Special Use Permit to allow the placement of a 3’ microwave dish on the existing tower owned by American 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 Airosmith.

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

Councilman David Spann offered the following resolution and moved its adoption

**Resolution No. 70 of 2017
Town of Westfield**

Issuance of Special Use Permit, Global Tower Partners, 7872 Persons St

To consider the application of Airosmith, as agent for Verizon, for a modification of an existing Special Use Permit to allow the placement of a 3’ microwave dish on the existing tower owned by American Tower at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45, and

WHEREAS, Airosmith (hereinafter, the “Applicant”) submitted an application on October 23, 2017, for modification of an existing Special Use Permit to allow the placement of a 3’ microwaver dish 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 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 November 15, 2017 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 December 6, 2017 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 Applicants 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 Applicants 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 Applicants, 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 Applicants approve each and every provision hereof and agree to be bound by all of the terms herein contained in consideration of the granting of this special permit.

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

Supervisor Martha Bills offered the following resolution and moved its adoption

**Resolution No. 71 of 2017
Town of Westfield
2018 Holiday Schedule**

New Year's Day	Monday, January 1
Martin Luther King Day	Monday, January 15
Presidents' Day	Monday, February 19
Good Friday	Friday, March 30
Memorial Day	Monday, May 28
4 th of July	Tuesday, July 4
Labor Day	Monday, September 3
Columbus Day	Monday, October 8
Veteran's Day	Monday, November 12
Thanksgiving Day	Thursday, November 22
Day after Thanksgiving	Friday, November 23
Christmas Day	Tuesday, December 25
Day after Christmas	Wednesday, December 26
Day before New Year's	Monday, December, 31

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

Councilman Raymond Schuster offered the following resolution and moved its adoption

**Resolution No. 72 of 2017
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 2017-18 state budget; and

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 Deputy Supervisor David Brown. Voting was as follows: Supervisor Martha Bills, aye; Deputy Supervisor David Brown; aye; Councilman Raymond Schuster, aye; Councilman James Herbert, aye; Councilman David Spann, aye

Councilman David Spann offered the following resolution and moved its adoption

**Resolution No. 73 of 2017
Town of Westfield
December Special Meeting**

BE IT RESOLVED, that the Town Board of the Town of Westfield schedule a Special Meeting to audit December vouchers for 2017 on Thursday December 14th 2017 at 11:30am

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

Supervisor Martha Bills offered the following resolution and moved its adoption

**Resolution #74 of 2017
Town of Westfield
Move January Board Meeting**

BE IT RESOLVED, that the Town Board of the Town of Westfield move the January 3, 2018 Town board meeting to the following week of January 10th, 2018

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

Deputy David Brown offered the following resolution and moved its adoption

Resolution #75 of 2017

Town of Westfield

“Approving Assignment of Special Use Permit to New Owners”

RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the assignment of the Special Use Permit issued to Roger Hazen in March 1999, and modified in August 2014, permitting him to operate a bed and breakfast facility at 8223 East Lake Road, Westfield, New York, to Russell Pitts and Lori Grusnis, or to any corporate entity they may establish to own and operate such establishment, subject to all the terms and conditions of the original Special Use Permit, as modified.

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

Councilman David Spann offered the following resolution and moved its adoption

Resolution #76 of 2017

Town of Westfield

SEQR, West Route 20 water project, 2,000 linear feet of water main

WHEREAS, the Town of Westfield is considering an action to install approximately 2,000 linear feet of water main along West Route 20, running westward from the Village line, with the benefited area to become known as the West Route 20 Water Benefit District, and

WHEREAS, the proposed action 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 long Environmental Assessment Form and Coastal 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 proposed action, and

WHEREAS, the Board has determined that the proposed action 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 proposed action, and authorizes the Supervisor to sign Part III of the Environmental Assessment Form accordingly.

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

Deputy Supervisor David Brown offered the following resolution and moved its adoption

**Resolution #77 of 2017
Town of Westfield**

Authorize Supervisor/Deputy to execute State Grant, waterline, Grape Discovery Center

RESOLVED, that the Supervisor and Deputy Supervisor be and they hereby are authorized to execute a grant agreement with the Dormitory Authority State of New York in the amount of One Hundred Thousand Dollars (\$100,000.00) for the purpose of a waterline extension on West Route 20 in the Town of Westfield, New York, with said extension to run from the Village line westward for approximately 2,000 linear feet; and be it further

RESOLVED, that the Town Board of the Town of Westfield does hereby commit to providing funding for the balance of any funds necessary to complete the said project.

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

Councilman Raymond Schuster offered the following resolution and moved its adoption

**Resolution #78 of 2017
Town of Westfield**

Authorize Supervisor/Deputy to execute State Grant, July, 2015 Flood Damage

RESOLVED, that the Supervisor and Deputy Supervisor be and they hereby are authorized to execute a grant agreement with the Dormitory Authority State of New York in the amount of One Hundred Thirty Five Thousand Seven Hundred Forty Four Dollars and 30 cents (\$135,744.30) for the purpose of unreimbursed flood damaged funding for damages sustained as a result of the July 2015 storm in the Town of Westfield, New York.

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

Deputy Supervisor David Brown offered the following resolution and moved its adoption

**Resolution #79 of 2017
Town of Westfield**

Highway Right-of-Way, Lake St, Hanes

RESOLVED that the Town Board of the Town of Westfield hereby consents to the issuance of a Highway Right-of-Way permit to Dennis Hanes, permitting him to install approximately 210' linear of water line along the west side of Lake Street, subject to the submission of as-built drawings once construction is complete, County Health Department approval, and with the understanding that the line may become obsolete when the East Lake Road water benefit district is formed.

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

Deputy Supervisor David Brown offered the following resolution and moved its adoption

**Budget Revision #2 of 2017
Town of Westfield**

Budget Resolution #2 for Budget Year 2017

Revision Description	Increase Expenditures	Decrease Expenditures
Budget Journal		
A Funds (General Fund Townwide)		
A 1665.400 Record Management- Contractual DR		1,500.00
A 1665.100 Record Management-Personnel Services CR	1,500.00	
Total A Fund	1,500.00	1,500.00
Budget Journal		
A Funds (General Fund Townwide)		
A 7180.200 Parks & Recreation-Equipment DR		784.00
A 7180.400 Parks & Recreation-Contractual CR	784.00	
Total A Fund	784.00	784.00
Budget Journal		
DA Funds (Highway-Townwide Fund)		
DA 5140.400 Miscellaneous-Contractual DR		3,107.00
DA 5130.400 Machinery-Contractual CR	3107.00	
Total A Fund	3,107.00	3,107.00
Budget Journal		
DA Funds (Highway-Townwide Fund)		
DA 5140.400 Miscellaneous-Contractual DR		493.00
DA 5140.120 Miscellaneous-Hardor Cleanup CR	493.00	
Total A Fund	493.00	493.00
Budget Journal		
SW3 Funds (North Town Water-Shorehaven)		
SW3 599 Appropriated Fund Balance DR		44.00
SW3 8389.400 Other Operations & Maint Shorehaven CR	44.00	
Total A Fund	44.00	44.00
Budget Journal		
A Funds (Highway-Townwide Fund)		
A 599 Appropriated Fund Balance DR		7,000.00
A 9950.9 Transfer, Capital Projects Fund CR	7,000.00	
Total A Fund	7,000.00	7,000.00
Budget Journal		
H Funds (Capital Projects Fund Shorehaven)		
H 5031 Interfund Transfers DR		7,000.00
H 8310.4 Water Adminsistration CR	7,000.00	
Total A Fund	7,000.00	7,000.00
Budget Journal		
A Funds (General Fund Townwide)		

A 9950.9	Transfer, Capital Projects Fund DR		7,000.00
A 201	Cash-Savings CR	7,000.00	
Total A Fund		7,000.00	7,000.00

Budget Journal

H Funds (Capital Projects Fund Shorehaven)			
H 200	Cash-Checking DR		7,000.00
H 5031	Interfund Transfer CR	7,000.00	
Total A Fund		7,000.00	7,000.00

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

Warrants dated December 6, 2017 (voucher #'s 871-920) in the amount of \$189,128.94 were drawn on the following funds:

General	\$69,838.75
General Part-Town	\$16,340.20
Highway	\$33,524.58
Highway Part-Town	\$13,712.80
Westfield Fire Department	\$55,360.00
Forest Park Sewer	\$32.50
North Town Water -Barcelona	\$4.11
Route 5 Water District –Edgewater	\$316.00

Warrants dated December 6, 2017 (voucher # 15-18) in the amount of \$189,144.41 were drawn on the following funds:

Shorehaven Water District Capital Project	
H6-8310.400	\$189,144.41

Warrants dated December 6, 2017(voucher #'s 106-118) in the amount of \$29,026.87 were drawn on the following funds:

Welch Building	\$29,026.87
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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 Deputy Supervisor Brown. Voting was as follows: Supervisor Bills, aye, Deputy Supervisor Brown, aye; Councilman Schuster, aye; Councilman James Herbert, aye; Councilman David Spann, aye

The next Town Board meeting is scheduled for Wednesday, January 10th, 2018 @ 7:30pm.

There being no further business, at 9:08pm Supervisor Martha Bills moved and Deputy Supervisor David Brown seconded a motion to move to executive session to discuss the medical and employment history of a particular employee. Unanimously carried.

At 9:25pm Supervisor Martha Bills moved and Raymond Schuster seconded a motion to return to regular session. Unanimously carried.

After discussion of the current health insurance plan the following motion was made by David Spann and seconded by Raymond Schuster. At this time the Town Board does not have a provision in its personnel or health insurance policy to pay for the cost of health insurance for domestic partners, however, eligible employees as determined by the insurance carrier have the option to buy insurance at the Town rate. Voting was as follows: Supervisor Bills, aye, Deputy Supervisor Brown, aye; Councilman Schuster, aye; Councilman James Herbert, aye; Councilman David Spann, aye.

There being no further business at 9:42pm James Herbert moved and Raymond Schuster seconded a motion to adjourn. Unanimously carried.

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