

**TOWN BOARD MEETING
Town of Westfield
November 7, 2018**

**PUBLIC HEARING
Town of Westfield
November 7, 2018
(Town of Westfield 2019 Preliminary budget)**

Supervisor Bills called the public hearing to order at 7:15pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Marion Eno
Councilmen:	David Brown		Don Eno
	David Spann		Matt Kerwin
	James Herbert		Janet Nass
Absent:	Will Northrop		William Bauer
			Tom Tarpley
			Athena Smith

Highway Superintendent: David Babcock
Code Officer: Bonnie Rae Strickland

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed 2019 Budget for the Town of Westfield. The total proposed Tax Levy is \$843,440 (amount to be raised by taxes) and is under the tax cap. The tax rate for Town and Village residents is \$3.02, an increase of 6 cents from last year.

Supervisor Bills explained that the cost of garbage disposal keeps rising each year. The board will continue to look into different options to help minimize the cost of garbage. Employee benefits, such as health insurance have also risen in cost. The proposed tax levy amount includes a 2% pay rate increase for employees.
The board will take a hard look at what is needed going into future years, overall a very good budget for 2019.

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

No comments were made.

Supervisor Martha Bills, made the motion to move that the public hearing be closed at 7:21pm.
Councilman Will Northrop seconded the motion. Motion carried.

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

**TOWN BOARD MEETING
Town of Westfield
November 7, 2018**

**PUBLIC HEARING
Town of Westfield
November 7, 2018
(Special Assessment Roll for Improved Districts)**

Supervisor Bills called the public hearing to order at 7:22pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Marion Eno
Councilmen:	David Brown		Don Eno
	David Spann		Matt Kerwin
	James Herbert		Janet Nass
Absent:	Will Northrop		William Bauer
			Tom Tarpley
			Athena Smith

Highway Superintendent: David Babcock
Code Officer: Bonnie Rae Strickland

Supervisor Bills opened the public hearing to discuss the proposed cost in 2019 for improvement districts including O&M accounts and the water or sewer charges for each district. The 2019 annual water and sewer charges were discussed for each district. The Town board oversees all of the 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 Legal notice was posted in the newspaper of the Public Hearing.

No comments were made.

Supervisor Martha Bills made the motion to move that the public hearing be closed at 7:27pm. Councilman David Spann seconded the motion. Motion carried.

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

**TOWN BOARD MEETING
Town of Westfield
November 7, 2018**

**PUBLIC HEARING
Town of Westfield
November 7, 2018**

Public Hearing to consider the application of ATC Sequoia Cell Tower 8257 Hardscrabble Road

Supervisor Bills called the public hearing to order at 7:28pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Marion Eno
Councilmen:	David Brown		Don Eno
	David Spann		Matt Kerwin
	James Herbert		Janet Nass
Absent:	Will Northrop		William Bauer
			Tom Tarpley
			Athena Smith

Highway Superintendent: David Babcock
Code Officer: Bonnie Rae Strickland

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

Publication of the public hearing was posted by the Town Clerk and proof of publication was available.

The application is for a Modification of a Special Use Permit from ATC Sequoia LLC for replacement of an existing cell tower at 8257 Hardscrabble Road. Attorney Matthew Kerwin of the law firm Barclay Damon representing ATC Sequoia LLC was present and provided an overview of the project. Kerwin said the project entails the removal of the existing 286' guyed tower and all associated antennas and related equipment to allow for the installation of a new 286' guyed tower within the existing fenced compound. The size of the fenced compound and ATC's lease area will not be enlarged. All existing antennas and related equipment will be reinstalled on the replacement tower at the same heights and locations at which they currently exist. Once the new tower is built then the old tower will be removed. The project will be completed within a six month timeframe in the spring. The new tower will support more weight, wind, storms and will be much more durable. The upgrade is also for the change in technology.

A letter was received from the Town Planning Board recommending the application be approved and requesting to include in the Special Use Permit that the existing tower shall be removed within 6 months following the construction of the new tower.

One neighbor did reach out to the Town to review the application and all questions were answered at the time of review.

No further comments.

Supervisor Bills made the motion to close the public hearing at 7:34pm. Councilman David Spann seconded the motion. Motion carried.

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

Accepted 12/5/2018

**TOWN BOARD MEETING
Town of Westfield
November 7, 2018**

**TOWN BOARD MEETING
Town of Westfield
November 7th, 2018**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:34pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Marion Eno
Councilmen:	David Brown		Don Eno
	David Spann		Matt Kerwin
	James Herbert		Janet Nass
Absent:	Will Northrop		William Bauer
			Tom Tarpley
			Athena Smith

Highway Superintendent: David Babcock
Code Officer: Bonnie Rae Strickland

Pledge of Allegiance

Councilman David Spann made a motion to waive the reading of the October 3, 2018 minutes and the October 24, 2018 minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman James Herbert and carried unanimously.

Reports:

The Town Clerk's report together with a check in the amount of \$4,182.25 representing fees for the month of September 2018 was turned over to Supervisor Bills. A check for \$90.00 representing fees for the month of September to NYS Department of Health, Marriage Licenses and a check in the amount of \$49.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$573.54 will be withdrawn on the 14th.

Supervisor Bills presented the monthly report on the Town's finances for the month of October 2018. All Board members have received a copy of the report for October 2018 and is accepted as submitted.

The Dog Warden's report for October 2018 was received and placed on file.

The Fire Department Report for September and October 2018 was received and placed on file.

The Historian's report for October 2018 was not received.

The Town Court report for October 2018 was received and placed on file.

The WPD report for October 2018 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for October 2018 including gas and fuel usage, roadside mowing, mixing salt and sand for winter, getting plow trucks ready and moving a boat launch to the Highway shop to work on over the winter.

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Code Enforcement:

- Submitted September and October reports. Received a Special Use Permit that needs to be referred to the Planning Board and Town Board for review and approval. The Special Use permit is a modification to an existing cell tower on Douglas Rd.

Barcelona Harbor:

- The Pier is closed for the season.
- The Supervisor received a letter from the Con Club, Dunkirk NY requesting the use of the Pier for their Walleye tournament for next year. It was a huge success.
- The Lighthouse volunteer luncheon was held on October 30. The luncheon was to thank the volunteers for volunteering their time for the 2018 season at the lighthouse. Supervisor Bills had the visitor sign in book available to view. The luncheon included a final meeting with Parks and Recreation representative and the volunteer committee.
- Supervisor Bills received and signed the license agreement from National Oceanic and Atmospheric administration for the study that will be conducted in 2019 at the Pier.

Public Comment:

- Marion Eno asked about E. Lake Rd water project. The Town has received paper work from the Engineer to sign and submit for permits and has been forwarded to the Engineer. USDA has assigned a new representative to review the project.

The Town Supervisor made the following announcements:

- STW Fall Planning & Zoning Conference
(Wed, 7 November at JCC Southern Tier West Boces Center, Salamanca 4:00-8:30pm)
(Thursday, 8 November at JCC Campus 9:30-2:45pm)
- Christmas in the Village (16, 17, 18 November 2018)

Old Business:

- Shorehaven Water project close out forms have been received and returned for completion of the project.
- The Welch building is considered for a priority project with the (REDC) Western NY Regional Economic Development and will know in December if funding is available for the project.
- The Chautauqua County Planning department has rented space in the Welch building.
- The Portage Inn redevelopment site is in consideration for funding. We will know in December if funding will be available for the project.
- The Town has submitted the requested paperwork for the Welch Trail project.

New Business:

- Assessor, Bonnie Rae Strickland presented the board with a reassessment project overview. Two proposals were presented to the board. GAR Associates LLC Real Estate Appraisers and Consultants and Emminger Newton Pigeon Magyar, Inc. The Assessor described each of the proposals, the costs of the project and what it includes. The cost of the project is something that the board needs to consider and budget for in the future.

TOWN BOARD MEETING

Town of Westfield

November 7, 2018

- The Town of Westfield has received a Special Use Permit modification for Douglas Rd (Sprint). Martha Bills made the motion to set a Public Hearing for SUP Cell Tower Douglas Rd (Sprint) Rd on December 5th at 7:25pm. Seconded by David Spann and carried unanimously. The Special Use Permit was also referred to the Town Planning Board.

Resolutions for 11/7/2018

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

Resolution No. 82 of 2018

Town of Westfield

Negative Declaration, ATC Sequoia 8257 Hardscrabble Rd:

WHEREAS, the Town Board of the Town of Westfield is considering the application of ATC Sequoia LLC for a modification of an existing Special Use Permit to allow the replacement of the existing telecommunications tower at 8257 Hardscrabble Road, on a parcel designated as tax map Section 226.00, Block 1, Lot 26, 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 ATC Sequoia.

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

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Town of Westfield
November 7, 2018**

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

Resolution No. 83 of 2018
Town of Westfield
Issuance of Special Use Permit, ATC Sequoia 8257 Hardscrabble Rd

**TOWN OF WESTFIELD
SPECIAL USE PERMIT**

Action of the Board:

To consider the application of ATC Sequoia LLC for modification of an existing Special Use Permit to allow the replacement of the existing telecommunications tower at 8257 Hardscrabble Road, on a parcel designated as tax map Section 226.00, Block 1, Lot 26, and

WHEREAS, ATC Sequoia LLC (hereinafter, the “Applicant”) submitted an application on September 28, 2018, for modification of an existing Special Use Permit to allow the replacement of a an existing telecommunications tower at 8257 Hardscrabble Road, on a parcel designated as tax map Section 226.00, Block 1, Lot 26, 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 10, 2018 and recommended approval of the application subject to certain 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 November 7, 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 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 and/or described in 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 existing tower shall be removed within 6 months following the construction of the new tower.
5. The terms, conditions, and requirements of this special use permit are cumulative with those employed by any prior special permits for the project site, and bind and obligate the Applicants, their successors and assigns.
6. 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.

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7. 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; Councilman David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye.

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

**Resolution No. 84 of 2018
Town of Westfield
Adoption of 2019 Town of Westfield Budget**

BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves and adopts the 2019 Preliminary Budget as presented as the 2019 Town Budget.

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

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

**Resolution No. 85 of 2018
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 2018, 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

WHEREAS, the Town Board did meet at Eason Hall, 23 Elm Street, Westfield, New York on November 7, 2018, 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 2019 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 James Herbert, aye.

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Resolution No. 86 of 2018

Town of Westfield

Adopt Revised Sexual Harassment Policy and Complaint Form

RESOLVED, the *Town of Westfield* is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of *Town of Westfield's* commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with *Town of Westfield*. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws

Policy:

1. *Town of Westfield's* policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with *Town of Westfield*. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. *Town of Westfield* will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of *Town of Westfield* who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or *Town Supervisor*. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject *Town of Westfield* to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. *Town of Westfield* will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. *Town of Westfield* will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

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have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. *Town of Westfield* will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the *Town Supervisor*.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

Complaint Form for Reporting Sexual Harassment



Combating Sexual Harassment

Town of Westfield

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the **Town Supervisor located at the Town Office, 23 Elm Street, Westfield NY in person or by mail**. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

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SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

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

**TOWN BOARD MEETING
Town of Westfield
November 7, 2018**

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

Budget Revision #8 of 2018

To move \$5,350.21 to Justices Court Clerk Per Service expense line to cover Julie Devlins payrolls #22, #23, #24, #25, #26. Julie was made a full time employee on February 23, 2018.

Budget Journal

A Fund (General Fund- Townwide)		
A 1110.200	Justices-Equipment DR	1,000.00
A 1110.400	Justices-Contractual DR	4,350.21
A 1110.120	Justices-Court Clerk Pers Serv CR	<u>5,350.21</u>
Total A Fund		5,350.21

Revision

To move \$555.00 to cover social security & medicare due to Town Registrars pay going into B fund in 2018

Budget Journal

B Fund (General Part Town Fund)		
B 1990.400	Contingent Account DR	555.00
B 9030.800	Social Security CR	405.00
B 9035.800	Medicare CR	<u>150.00</u>
Total A Fund		555.00

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

At 8:25pm Supervisor Bills moved and Councilman David Spann seconded a motion to audit the bills. Warrants dated November 7, 2018 (voucher #'s 559-571) in the amount of \$81,144.02 were drawn on the following funds:

General	\$45,174.62
General Part-Town	\$11,709.81
Highway	\$12,702.07
Highway Part-Town	\$11,533.59
Forest Park Sewer	\$20.69
North Town Water -Shorehaven	\$3.24

Warrants dated November 7, 2018 (voucher #'s 98-110) in the amount of \$17,506.65 were drawn on the following funds:

Welch Building	\$17,506.65
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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 Herbert, aye; Councilman Spann, aye.

There being no further business at 8:54pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to adjourn. Unanimously carried.

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