

TOWN BOARD MEETING
Town of Westfield
August 7, 2019

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 and guests present:

| | | | |
|-------------|-----------------|--------|----------------------------------|
| Supervisor: | Martha R. Bills | Guest: | Carol Brown |
| Councilmen: | David Brown | | Kelly Brown |
| | David Spann | | Tom Tarpley |
| | James Herbert | | William Bauer |
| | Will Northrop | | Steve Rudnicki |
| | | | Joe Mullaney, Paramount Pictures |
| | | | Sean McManus, Paramount Pictures |

Highway Superintendent: David Babcock
Code Officer: Bonnie Rae Strickland
Attorney: Joel Seachrist

Pledge of Allegiance

Councilman David Brown made a motion to waive the reading of the July 10th and July 29th minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilman David Spann and carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town's finances for the month of July. The report is always available in the Supervisors office. All Board members have received a copy of the Town's finances and is accepted as submitted. Budget time is approaching, all department heads have received budget worksheets.

The Town Clerk's report together with a check in the amount of \$8,558.84 representing fees for the month of July 2019 was turned over to Supervisor Bills. A check for \$247.50 representing fees for the month of July to NYS Department of Health, Marriage Licenses and a check in the amount of \$75.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$506.21 will be withdrawn on the 15th.

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- The Town Clerk has implemented entering vouchers for the August 7, 2019 Town Board meeting for invoices received in July. The Town Clerk will be imputing the vouchers in the Williamson Law Book computer software going forward. This is a separation of duties for the Town Clerks office and the Supervisor's office.

The Dog Warden's report for July 2019 was received and placed on file.

The Fire Department Report for July 2019 was not received.

The Town Court report for July 2019 was received and placed on file.

The WPD report for July 2019 was received and placed on file.

Highway:

- Town Highway Superintendent David Babcock submitted a written report on activities for July 2019. The report has been received and placed on file.

Code Enforcement:

- The Code Enforcement Officer submitted a report for the month of July 2019. The report has been received and placed on file.
 - Regulations of Air B&B's, event facilities and the change of special use permits for cell tower regulations were discussed. The Code Enforce Officer and Town Attorney will gather information and have the Planning Board review at the next meeting.

Barcelona Harbor:

- Busy activity at the harbor, fishing is fantastic
- Parking lots have been full, need of more parking for the future
- Looking to have more staff for the next season. This will be discussed at a budget workshop. The harbor continues to become busier each year and this needs to be looked at and addressed.
- Joe Mullaney and Sean McManus from Paramount Pictures were present to discuss the potential use of the Barcelona Harbor.

Public Comment:

- No Comment

Announcements:

- 'First Friday' (6 September 2019) Sponsored by the Chamber of Commerce (5pm)
- Library Auction will be held Wednesday, August 14, 2019

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Old Business:

- Route 5 Water Benefit District #1 money is allocated to the Town, not known as to when the project will start.
 - NYS Route 5 Water District #1, a special meeting was held July 29th to pass a bond resolution. Met with a representative from USDA to go over paperwork and sign paperwork for extra grant funding. Two grants, two loans for the project.
 - Welch Trail contract for engineering is going through the State review process. Councilman David Spann representative from Soil and Water is helping the review process of the environmental part of the project.
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New Business:

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

Resolution No. 50
Town of Westfield
Loan Resolution RUS Bulletin 1780-27
Public Water System Improvements

A RESOLUTION OF THE Town Board of Councilmen of the Town of Westfield AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF AQUIRING, CONSTRUCTING, ENLARGING, IMPROVING AND/OR EXTENDING ITS **Public Water System Improvements** FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is for the **Town of Westfield.**

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of **Sixty-Seven Thousand & 00/100** pursuant to the provisions of **NEW York State Local Finance Law**; and WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government0 acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing , and supervision of such undertaking and the purchasing and the bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

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1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983 (c)).
3. To provide for, execute and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which is caused to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,00.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly per-missible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.

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8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in realty marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.
11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payment due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impact analysis for this facility's construction or operation.

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17. To accept a grant in an amount not to exceed \$156,000.00 under the terms offered by the Government; that the Town Supervisor and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement (s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of the such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas 5 Nays 0 Absent 0

The motion 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; Councilman Will Northrop, aye.

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

Resolution No. 51
Town of Westfield
Appointment of Town Assessor

BE IT RESOLVED, the Town Board of the Town of Westfield hereby re-appoints, Bonnie Rae Strickland as the Town Assessor for the next term of October 1, 2019 for a 6year standard NYS term to September 30, 2025.

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

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

Resolution No. 52

Town of Westfield

Authorize the Assessor to attend NYSAA Seminar

BE IT RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Town Assessor, Bonnie Rae Strickland to attend the New York State Assessor's Association Seminar in Lake Placid, NY not to exceed \$1000.00.

The motion 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; Councilman, Will Northrop, aye.

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

Resolution No. 53

Town of Westfield

Authorize the Town Supervisor to Sign a renewal Listing Agreement with Hannah Commercial Real Estate for the property at Two South Portage St (Welch Building).

BE IT RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign the renewal listing agreement with Hannah Commercial Real Estate covering the period of October 10th, 2018-Decemeber 31, 2019 to sell the property located at Two South Portage St, Westfield, NY, the Welch building

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The motion 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, Will Northrop, aye.

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

Resolution No. 54

Town of Westfield

Location Agreement Paramount Pictures Corporation

The Supervisor is hereby authorized to enter into a location agreement with Paramount Pictures Corporation regarding the use of Barcelona Harbor, Pier, and nearby streets and locations in connection with the filming of a movie in August and September 2019, with the final agreement being subject to review and approval by the Town Attorney.

The motion 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; Councilman, Will Northrop, aye

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

Resolution No. 55

Town of Westfield

Closing Town Pier

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Resolved that in the interest of public safety and security the Town Board of the Town of Westfield hereby closes public access to the Dan Reed Pier from September 3-7,2019 with possible additional closure dates of September 8, 9, and 10th of September depending on weather conditions.

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

Councilman David Brown made the motion to approve budget #1 for budget year 2019. Seconded by Councilman Will Northrop and carried unanimously.

Budget Revision #1 for Budget Year 2019

Revision Description

Nothing was budgeted in the B Unemployment Line

| | | Decrease Expenditures | Increase Revenues |
|-----------------------------------|---------------------------|--------------------------|----------------------|
| Budget Journal | | | |
| B Funds- (General-Part Town Fund) | | | |
| B 1990.400 | Contingnet Account DR | 130.00 | |
| B 9050.800 | Unemployment Insurance CR | | 130.00 |
| Total B Fund | | 130.00 | 130.00 |

At 8:04pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.

Warrants dated August 7, 2019 (voucher #'s 388-452) in the amount of \$53,655.24 were drawn on the following funds:

| | | | |
|-------------------|-------------|--------------------------|---------|
| General | \$31,898.64 | Shorehaven Water Project | \$3.29 |
| General Part-Town | \$11,776.51 | Forest Park Sewer | \$24.19 |

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| Highway | \$2,685.39 |
| Highway Part-Town | \$7,267.22 |

Warrants dated August 7, 2019 (Voucher # 4-7) in the amount of \$31,404.48 were drawn on the following funds:

| | |
|--|-------------|
| Route 20 Water to Grape Discovery Center | |
| H7- | \$31,404.48 |

Warrants dated August 7, 2019(voucher #'s 73-83) in the amount of \$5,398.59(were drawn on the following funds:

| | |
|----------------|------------|
| Welch Building | \$5,398.59 |
|----------------|------------|

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 pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to move to executive session to discuss sale or lease of property and contract negotiations. Unanimously carried.

At 9:30 pm Supervisor Martha Bills made the motion to move out of executive session, and return to regular session. Seconded by Councilman David Brown and carried unanimously.

At 9:30 pm Supervisor Bills moved and Councilman David Brown seconded a motion to adjourn and carried unanimously.

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