

**TOWN BOARD MEETING
Town of Westfield
April 7, 2021**

**PUBLIC HEARING
Town of Westfield
April 7, 2021
Public Hearing**

Special Use Permit for 8267 Sixth St-Storage Shed, Bonnie Rae Strickland

Supervisor Bills called the public hearing to order at 7:22pm in Eason Hall auditorium, 23 Elm Street, Westfield, NY, with the following members: Masks were worn, social distancing practiced.

Supervisor: Martha R. Bills Guest: William Bauer
Councilmen: David Brown
 David Spann
 Will Northrop
 James Herbert

Town Attorney: Joel Seachrist
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 application. The application is for a 12x20 storage shed with a canopy to comply with all setbacks for an R-A district on single family home parcel.

Proof of publication of the public hearing was posted by the Town Clerk. Letters were mailed to neighbors. No correspondences received.

No public comments or questions.

Councilman David Brown made the motion to close the public hearing at 7:25pm. Councilman James Herbert seconded the motion. This was unanimously approved.

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

TOWN BOARD MEETING

Town of Westfield

April 7, 2021

PUBLIC HEARING

Town of Westfield

April 7, 2021

Public Hearing

Special Use Permit for a modification to an existing cell tower owned by American Tower Company, 7872 Person Rd.

Supervisor Bills called the public hearing to order at 7:22pm in Eason Hall auditorium, 23 Elm Street, Westfield, NY, with the following members: Masks were worn, social distancing practiced.

Supervisor: Martha R. Bills Guest: William Bauer
Councilmen: David Brown
 David Spann
 Will Northrop
 James Herbert

Town Attorney: Joel Seachrist
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 application. The application is for a modification to an existing Special Use Permit to allow construction of a 4'x10' concrete slab and placement of a 30 kilowatt backup generator for at an existing telecommunications tower owned by American Tower Company at 7872 Person Rd.

Proof of publication of the public hearing was posted by the Town Clerk. Letters were mailed to neighbors. No correspondences received.

American Tower Company Representative Rita Bailey was available by phone for any questions. Rita is from Kentucky. Most Towers have generators, the generator will be placed inside the footprint of the existing tower. No questions or concerns.

No public comments or questions.

Councilman Will Northrop made the motion to close the public hearing at 7:30pm. Councilman David Brown seconded the motion. This was unanimously approved.

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

TOWN BOARD MEETING
Town of Westfield
April 7, 2021

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: Masks were worn, social distancing practiced.

Supervisor: Martha R. Bills Guest: William Bauer
Councilmen: David Brown
 David Spann
 Will Northrop
 James Herbert

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

Pledge of Allegiance

Councilman David Spann made the motion to waive the reading of the March 3rd, 2021 minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilman James Herbert seconded the motion. The motion was carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town's finances for the month of March. The report is always available in the Supervisors office. Everyone is welcome to view. All Board members have received a copy of the report and is accepted as submitted. All Board members have received a copy of the final 2021 tax report on Tax collection. The Board members received sales tax report, sales tax was up 5%. The Town of Westfield will receive funds from the American Rescue Plan Act of 2021, the amount will be received in two payments over a two year period, more information will be available at a later date. County sales tax is up 5%. The Town will receive 15% of the 20% for transportation restoration. Received CHIPS (Consolidated Local Street and Highway Improvement Program) apportionment amounts and scheduled payment date of April 30, 2021.

The Town Clerk's report together with a check in the amount of \$5,715.77 representing fees for the month of March 2021 will be turned over to Supervisor Bills. A check for \$45.00 representing fees for the month of March to NYS Department of Health, Marriage Licenses and a check in the amount of \$96.00 will be turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$103.93 will be withdrawn on the 15th.

- The Town Clerk's office will be closed April 26-28. Appointments will be accepted. The Town Clerk will be attending New York State Town Clerk's Association's virtual online training in the office.

The Dog Warden's report for March 2021 was not received. The Town Board recommends the Town Clerk to send a letter to the Dog Control Officer asking to continue to submit monthly reports on a monthly basis.

Westfield Fire Department report for the month of March was received.

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The Town Court report for March 2021 was received and placed on file.
The WPD report for March 2021 was not received.

Highway:

Highway Superintendent's March report has been received and placed on file.

- Discussed GPS on the plow equipment, insurance companies like to see this, it is not mandatory.
- The Highway Dept is working on the drainage in Barcelona on first Street
- Discussed buying a new dump truck, no decision was made just a discussion. Discussed purchasing a paint machine for line stripping parking lots. Highway Superintendent spoke with the Village PWD Superintendent, Ed Lebaron, and the Village will split the cost of the paint stripper since they are in need of one as well.
- Received a quote for NOVA chipping First Street for next year (2022), the Highway Dept. cannot do it this year, drainage needs to settle and it takes a year to settle.

Code Enforcement:

The Code Enforcement Officer submitted a written report for March 2021 has been received and accepted.

- A discussion took place on the Kiss BBQ property with concerns of the building falling down, debris and rats. A letter has been sent to the property owner.
- Councilman David Brown made a motion to refer a Special Use Permit to the Town Planning Board for brewing and packing of gluten free beer at 7251 East Main Rd, Concord Grape Belt Heritage. Applicant Matthew Swank, 1138 Holding LLC, dba, Ghost Fish Brewery. Seconded by Will Northrop and carried unanimously.
- A variance was received and referred to the ZBA for 2 small cabins on a family owned property. Noticing more interest in building "size" outside the scope of what is in the Town Code.
- Potential stairways between second street and First Street using paper street. The Town needs to reach out to the County to make sure it is on file.

Barcelona Harbor:

- Closed for the Season, potentially opening in May subject to change.
- Councilman David Brown made the motion to accept with regret the resignation of Pier Attendant, Carter Stetson. Seconded by Councilman James Herbert, carried unanimously, motion carried.
- The Board asked the Town Clerk to post the Harbor Master and Pier Attendant notice of hiring for the upcoming 2021 season again in the newspaper.
- Permits have been submitted. Quotes have been received by the Highway Superintendent for removal of gravel. Councilman and harbor committee member James Herbert and volunteers will conduct soundings. More information will be available at the May meeting.
- Porta johns and trash containers will be scheduled for delivery the last week of April to the pier, fish house and beach.

Public Comment: None

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Town of Westfield

April 7, 2021

Announcements:

- Spring Clean-up will be held May 8th 9:00am -1:00pm at the Transfer Station, Bourne St.
- E-Waste will be held May 15th 9:00am-1:00pm a charge of \$10.00 per CRT will be charged located at the Town Shop 118 Chestnut St.
- Councilman David Brown is gathering information from other Towns that have the Transfer Station at the Highway Building.

Project Updates:

- Route 5 East Lake Road Water Project No.1 is complete, the Town is waiting for funds to be released from USDA to pay project invoices.
- Route 5 East Lake Road Water Project No.2 project is still being reviewed by USDA and engineers.
- Beach rules are still being discussed for the upcoming season
- Councilman David Brown made the motion to accept the Public Employer Health Emergency Plan for the Town of Westfield, seconded by Councilman David Spann and carried unanimously, motion carried. The Town Clerk will post the policy on the Town of Westfield website and include in the Personnel Policy.

- **Personnel Policy Revision:**

Section I. Terms and Conditions of Employment: Pay Periods, Vacation

- **Vacations** - Each **Full Time** employee shall be entitled to vacation time annually according to the following schedule:
 - 1 year receives 1 week (five days)
 - 2 through 5 years receives 2 weeks (ten days)
 - 6 years receives eleven days
 - 7 years receives twelve days
 - 8 years receives thirteen days
 - 9 years receives fourteen days
 - 10 years receives 3 weeks (fifteen days)
 - 11 years receives sixteen days
 - 12 years receives seventeen days
 - 13 years receives eighteen days
 - 14 years receives nineteen days
 - 15 years and above receives 4 weeks (twenty days)
- a) Highway employees' vacation, personal and sick time will be calculated and subtracted as actual hours used on that scheduled work week (i.e. during winter hours, 8 hours per day and summer hours, 10 hours per day).
- b) Unused vacation time expires at the end of each year.

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- **Add to the Personnel Policy:**

OVERTIME (EXTRA TIME, COMPENSATORY TIME)

Any hourly employee earning overtime hours (over 40 hours per week OR over 80 hours per biweekly pay period) will receive compensatory time at the rate of one and one-half hours for each hour of overtime work. Each overtime-earning employee has a compensatory time ceiling of 60 hours total. The compensatory time ceiling represents the maximum number of compensatory time hours an employee may carry. The compensatory time earned will be used as time off. The compensatory time must be used prior to departure. The Highway Supervisor must approve all overtime/compensatory time earned.

- Route 5 East Lake Road Water Project No.2 project is still being reviewed by USDA and engineers.
- Beach rules are still being discussed for the upcoming season
- The Town Board asked the Town Clerk to advertise for mowing the Welch property at 2-4 Portage St. Sealed bids will be received by May 3 by 11:55am. Bids will be opened at 12:00pm.

New Business:

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

**Resolution No. 17 of 2021
Town of Westfield
Negative Declaration,
8267 Sixth St, Bonnie Rae Strickland for a Storage Shed**

WHEREAS, the Town Board of the Town of Westfield is considering the application of Bonnie Rae Strickland for a Special Use Permit allowing her to construct a 12' x 20' storage shed at 8267 6th Street, which is designated as tax map Section 192.07, Block 1, Lot 51, 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 Bonnie Rae Strickland.

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

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April 7, 2021

Bills, aye; Councilman David Brown, 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.18 of 2021
Town of Westfield
SPECIAL USE PERMIT
8267 Sixth St, Bonnie Rae Strickland for a Storage Shed**

Action of the Board:

To consider the application of Bonnie Rae Strickland for a Special Use Permit to construct a 12' x 20' storage shed at 8267 6th Street, which is designated as tax map Section 192.07, Block 1, Lot 51, and

WHEREAS, Bonnie Rae Strickland (hereinafter, the "Applicant") submitted an application pursuant to Section 185-24(J) of the Town of Westfield Zoning Code requesting a Special Use Permit allowing her to construct a 12' x 20' storage shed at 8267 6th Street, which is designated as tax map Section 192.07, Block 1, Lot 51, 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 March 10, 2021 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 April 7, 2021 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 build a storage building/barn 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 plans and descriptions submitted to the Town with the application, and agrees to be bound by the terms of the application and any conditions of this permit
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 April 6, 2022.
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.

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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 Will Northrop, aye.

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

**Resolution No.19 of 2021
Town of Westfield
Negative Declaration,**

7872 Persons Rd, modification to cell tower, concrete slab and diesel generator, American Tower Co

WHEREAS, the Town Board of the Town of Westfield is considering the application of Rita Bailey for a modification of an existing Special Use Permit to allow the construction of a 4' x 10' concrete slab and placement of a 30 kilowatt backup diesel generator for at an existing telecommunications tower owned by American Tower Company 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 Rita Bailey / American Tower Company.

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; Councilman Will Northrop, aye.

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

**Resolution No.20 of 2021
Town of Westfield
TOWN OF WESTFIELD
SPECIAL USE PERMIT**

7872 Persons Rd, modification to cell tower, concrete slab and diesel generator, American Tower Co

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Town of Westfield
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Action of the Board:

To consider the application of Rita Bailey for a modification of an existing Special Use Permit to allow the construction of a 4' x 10' concrete slab and placement of a 30 kilowatt backup diesel generator for at an existing telecommunications tower owned by American Tower Company at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45.

WHEREAS, Rita Bailey for American Tower Company (hereinafter, the "Applicant") submitted an application on January 22, 2021, for modification of an existing Special Use Permit to allow the construction of a 4' x 10' concrete slab and placement of a 30 kilowatt backup diesel generator for at an existing telecommunications tower owned by American Tower Company at 7872 Persons Road, on a parcel designated as tax map Section 193.00, Block 1, Lot 45;

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 March 10, 2021 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 April 7, 2021 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 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 terms, conditions, and requirements of this special use permit are cumulative with those enacted by any prior special permits for the project site, and bind and obligate the Applicant, 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 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 use permit.

TOWN BOARD MEETING

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April 7, 2021

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; Councilman Will Northrop, aye.

At 8:55pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.

Warrants dated April 7, 2021 (voucher #'s 115-177) in the amount of \$74,039.66 were drawn on the following funds:

General	\$53,647.64
General Part-Town	\$ 1,314.00
Highway	\$17,069.55
Highway Part-Town	\$ 1,970.49
Forest Park Sewer	\$ 33.98
North Town Water-Shorehaven	\$ 4.00

Warrants dated April 7, 2021 (voucher #'s 13-17) in the amount of \$5,216.45 were drawn on the following funds:

Welch Building	\$5,216.45
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These were presented and audited by the board members. Supervisor Martha Bills moved and Councilman Will Northrop seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Supervisor Martha Bills, aye; Councilman David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye; Councilman Will Northrop, aye;

Councilman David Brown made a motion to set a Public Hearing for May 5th, 2021 at 7:25pm for application for brewing and packing of gluten free beer located at 7251 East Main Rd, Concord Grape Belt Heritage. Applicant Matthew Swank, 1138 Holding LLC, dba, Ghost Fish Brewery. Seconded by Councilman Will Northrop.

Executive session, not needed.

There being no further business at 9:40pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to adjourn. Unanimously carried.

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