

**TOWN BOARD MEETING
Town of Westfield
June 2, 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	Deb Best
Councilmen:	David Spann		James Alexander	Casey Best
	Will Northrop		Marybelle Beigh	Kate Mayer
	James Herbert		Diana Hamann	Steve Mayer
	David Brown		Carlton Hamann	QG Best
			Ed Slate	Philip Cowan
			Mary Gross	

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

Pledge of Allegiance

Councilman Will Northrop made the motion to waive the reading of the May 5, 2021 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:

Supervisor Bills presented the monthly report on the Town's finances for the month of May. 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.

Supervisor Bills mentioned; sales tax distribution is the most received to date. CHIPS funding amount has increased for road maintenance repairs. The Town of Westfield is still waiting for further information on funds that will be received from the American Rescue Plan Act of 2021.

The Town Clerk's report together with a check in the amount of \$9,624.65 representing fees for the month of May 2021 will be turned over to Supervisor Bills. A check for \$90.00 representing fees for the month of March to NYS Department of Health, Marriage Licenses and a check in the amount of \$56.00 will be turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$466.95 will be withdrawn on the 13th.

The Dog Warden's May report was not received
Westfield Fire Department report for the month of April was received and placed on file.
The Town Court report for May 2021 was received and placed on file.
The WPD report for March and May 2021 was received and placed on file.

Highway:

TOWN BOARD MEETING
Town of Westfield
June 2, 2021

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

- Pulled out trees from the harbor, sweeping roads, painted lines at the Harbor parking lot. Hosted a community service day for the school kids had about 23 kids participate set picnic tables out at the harbor, cleaned and painted grills at the harbor.

Code Enforcement:

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

- The Code Officer asked the board to go into executive session at the end of the meeting to discuss proposed litigation regarding a property located at 7454 East Main Road.

Barcelona Harbor:

- Councilman and harbor committee member James Herbert and volunteers conducted soundings. Town Highway crew removed a lot of debris that has been a hazard to navigation. Boaters are directed to go out the Eastside and avoid the channel entrance. Supervisor Bills thanked councilman James Herbert and volunteers. Permits have been submitted. Submitted applications with the County, Congressional offices and the Army Corp of Engineers, asking for funding to help open the Federal Channel and to do studies on the break wall.

Public Comment:

- A property owner asked the Town board why the Zoning Board of Appeals (ZBA) has vacant openings and why it has not been filled. He addressed board members of concerns of the length of a time lapsed regarding a variance application submitted on his behalf. The citizen is more than happy to fill a position and wanted to know why he was not offered the position. The board discussed the vacant position, the board is aware of the need of filling the position and thanked the concern citizen for wanting to fill a ZBA position. The board will discuss and nominate candidates for the position at a later date. No action was taken.
- Public concerns of the property located at 7454 East Main Road. Public concerns of rats and someone is going to get hurt and it is an attractive nuisance. Who is to tear it down? Is it going to be torn down or fixed? Letters have been sent to the property owner from the Code Officer. The Town Board has the authority to condemn the property, the Code officer does not have the authority per the Town Code. The Town Board is in agreement that something needs to be done and is working on addressing the property.
- Barcelona property owners asked the board if any decisions were made about parking and or signage. The board continues to discuss the concerns for Barcelona property owners and improve road access and public demands for beach access, no decisions have been made.

Announcements:

- E-Waste will be held May 15th 9:00am-1:00pm a charge of \$10.00 per CRT will be
- Farmers Market-May 29th 9:00am-2:00pm
- Informational meeting is scheduled for Thursday June 10th at 7:00pm with the Engineer and property owners on Route 5 for Phase No. 2.

**TOWN BOARD MEETING
Town of Westfield
June 2, 2021**

Project Updates:

- Route 5 East Lake Road Water Project No.1 received permission to use funds left over from the grant for some additional parts for the future.
- Route 5 East Lake Road Water Project No.2 the Supervisor received news that we will be funded. The project will go all the way to the Portland line. An informational meeting will be held June 10th at 7:00pm in Eason Hall for property owners.
- Received the final plans for the Welch Trail.
- Handicap Kayak launch is installed at the end of front street, first street and the public is enjoying it.
- The Welch building has been advertised for sale, receiving a lot of interest from developers, and working on a request for proposal procedure and will review when received.

New Business:

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

**Resolution No.25 of 2021
Town of Westfield**

**NYS ROUTE 5 WATER BENEFIT DISTRICT #1 PROJECT
PROJECT COMPLETION RESOLUTION**

WHEREAS, the Town of Westfield has substantially completed construction of the NYS Route 5 Water Benefit District #1 Project; and

WHEREAS, the Town of Westfield has \$22.63 of grant funds remaining for the NYS Route 5 Water Benefit District #1 Project which must be de-obligated; and

WHEREAS, the Town Board of the Town of Westfield received notice of final completion for the NYS Route 5 Water Benefit District #1 Project; NOW, therefore be it.

RESOLVED, that the Town Board of the Town of Westfield accepts the NYS Route 5 Water Benefit District #1 Project as complete and authorizes final payment to the contractors as well as the de-obligation of the remaining \$22.63 of grant funds.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Westfield hereby states an operator appropriately licensed by New York State has been retained to oversee operation of the water system. Erin Schuster #38784, Sr. Water Plant Operator (2A), Wastewater Treatment Plant Operator (4A).

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.

**TOWN BOARD MEETING
Town of Westfield
June 2, 2021**

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

**Resolution No.26 of 2021
Town of Westfield
RUS BULLETIN 1780-27 LOAN RESOLUTION
NYS ROUTE 5 WATER DISTRICT NO.2**

TOWN BOARD MEETING
Town of Westfield
June 2, 2021

RUS BULLETIN 1780-27

APPROVED
OMB. No. 0572-0121

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Town Board
OF THE Town of Westfield
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Drinking Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Westfield
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
Nine Hundred Twenty Thousand & 00 100

pursuant to the provisions of Subject to NYS Local Finance Law ; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) 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 of 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:

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 at 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 at reasonable 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 clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
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 permissible 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.
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 readily 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.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ACCEPTED 7/7/2021

**TOWN BOARD MEETING
Town of Westfield
June 2, 2021**

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

**Resolution No. 27 of 2021
TOWN OF WESTFIELD
Approval of summer employment for the Pier employees**

BE IT RESOLVED, that the Town Board of the Town of Westfield hereby approves summer employment for the Pier employees, Harbor Master Barbara Johnson at a rate of \$15.00 an hour. Pier Attendants, Herbert Johnson, Timothy Smith, Donald Thomas and Braiden McElhaney at a rate of \$14.00 an hour.

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 James Herbert offered the following resolution and moved for its adoption

**Resolution No. 28 of 2021
Town of Westfield
Authorize Town of Westfield Petty Cash Funds for 2021**

BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves petty cash, cash drawers from fund A210 to the following department head custodians pursuant to Town Law 64-1A for the purpose of low dollar miscellaneous expenses; and making change and all subject to Audit. A210 petty cash balance totaling \$700.00

Town Supervisor	\$100.00
Town Clerk	\$100.00
Tax Collector	\$100.00
Town Court Clerk	\$50.00
Town Highway Superintendent	\$50.00
Harbor Master	\$200.00
Transfer Station Attendant	\$100.00

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.

**TOWN BOARD MEETING
Town of Westfield
June 2, 2021**

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

**Resolution No. 29 of 2021
Town of Westfield
Appoint Town Historian**

BE IT RESOLVED, The Town Board of the Town of Westfield hereby appoints Marybelle Beigh as Town Historian for 2021. Ms. Beigh has volunteered to serve without compensation.

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 Will Northrop offered the following resolution and moved for its adoption

**Resolution No. 30 of 2021
Town of Westfield
Transfer of Landfill Credits to the Village of Brocton**

BE IT RESOLVED, The Town Board of the Town of Westfield hereby approves the transfer of up to 100 landfill unit credits to the Village of Brocton.

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 8:17pm Supervisor Bills moved and Councilman David Brown seconded a motion to audit the bills.

Warrants dated June 2, 2021 (voucher #'s 242-307) in the amount of \$124,522.69 were drawn on the following funds:

General	\$27,414.51
General Part-Town	\$ 944.82
Highway	\$ 6,472.27
Highway Part-Town	\$78,066.22
Sherman Fire District	\$10,592.07
Forest Park Sewer	\$ 29.33
North Town Water-Shorehaven	\$ 3.47

Warrants dated June 2, 2021 (voucher #'s 21-25) in the amount of \$2,735.58 were drawn on the following funds:

Welch Building	\$2,735.58
----------------	------------

These were presented and audited by the board members. Supervisor Martha Bills moved and Councilman David Brown 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.

**TOWN BOARD MEETING
Town of Westfield
June 2, 2021**

There being no further business, at 8:34pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to move to executive session to discuss proposed litigation. Town Attorney Joel Seachrist and Code Officer Bonnie Rae Strickland were in attendance at executive session. Unanimously carried.

At 9:04pm Councilman David Brown moved and Councilman James Herbert seconded a motion to return to regular session. Unanimously carried.

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

**Resolution No. 31 of 2021
Town of Westfield
Authorize the Supervisor to retain outside council**

BE IT RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Town Supervisor to retain outside council in order to pursue code violation at 7454 E. Main Rd Westfield NY, 14787.

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.

At 9:05pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to move back into executive session to discuss matters leading to the appointment of particular persons. Unanimously carried.

At 9:24pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to return to regular session. Unanimously carried.

Councilman Will Northrop hereby nominates James Alexander to the Zoning Board of Appeals, for a six year term. *Seconded by Councilman David Spann.*

Voting was as follows: Supervisor Martha Bills, nay; Councilman David Brown, nay; Councilman David Spann, aye; Councilman James Herbert aye; Councilman Will Northrop, nay. Motion denied.

Councilman Will Northrop hereby nominates Derek Johnson to the Zoning Board of Appeals, for a six year term. *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. Motion carried.

At 9:25pm Supervisor Martha Bills moved and Councilman David Brown seconded a motion to move back into executive session to discuss sale of real property with Town Attorney Joel Seachrist. Unanimously carried.

TOWN BOARD MEETING
Town of Westfield
June 2, 2021

At 9:50pm Supervisor Martha Bills moved and Councilman James Herbert seconded a motion to return to regular session. Unanimously carried.

There being no further business at 9:50pm Supervisor Martha Bills moved and Councilman David Spann seconded a motion to adjourn. Unanimously carried.

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