

**TOWN BOARD MEETING
Town of Westfield
April 5, 2023**

**PUBLIC HEARING
Town of Westfield**

**A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER
FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF
THE REAL PROPERTY TAX LAW**

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall North Room, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilmember:	David Brown		Don McCord
	David Spann		John Hanmann
	James Herbert		Ryan Norton
	Will Northrop		Bryan Boleratz-Goodwill-WNY

Highway Superintendent: David Babcock
Code Officer: Bonnie Rae Strickland
Town Attorney: Joel Seachrist
Town Clerk: Andrea L. Babcock

Supervisor Bills opened the public hearing to discuss the proposed Local Law. Supervisor Bills gave an overview of the law and discussed eligibility requirements and application process. Supervisor Bills thanked the fire department volunteers for their service.

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

Supervisor Bills made the motion to move that the public hearing be closed at 7:26pm. Councilmember David Brown seconded the motion. Motion carried.

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

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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, in the auditorium with the following members:

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilmember:	David Brown		Don McCord
	David Spann		John Hanmann
	James Herbert		Ryan Norton
	Will Northrop		Bryan Boleratz-Goodwill-WNY

Highway Superintendent: David Babcock
Code Officer: Bonnie Rae Strickland
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Pledge of Allegiance

Councilmember David Spann made the motion to waive the reading of the March 1, 2023, minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilmember James Herbert seconded the motion. The motion was carried unanimously.

Reports:

Supervisor's March monthly report was distributed and accepted as submitted including up to date spending and revenues on all accounts. All board members have received a copy and the monthly report is always available in the Supervisor's office for anyone to view. The money market account is receiving a 4.25% interest rate. Supervisor Bills mentioned that the Board of Assessment review board needs another member. Supervisor Bills received a letter from NYSDOT to conduct a project on NYS Route 5 from Terrace Street to Lake Street by December 31, 2023. A Professor from Geneseo reached out to the Supervisor asking permission to test pawpaw trees on Town property. The board does not object to the testing.

The Town Clerk's report together with a check in the amount of \$4543.19 representing fees for the month of March 2023 will be turned over to the Supervisor. A check for \$22.50 representing fees for the month of March to NYS Department of Health, Marriage Licenses, and a check in the amount of \$42.00 will be turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$1056.11 will be withdrawn on the 13th.

- Tax Collector's monthly collection report will be presented to the board at the May meeting. Tax bills received will be forwarded to the county as the end of the collection date at the Town level was April 3, 2023.
- The Dog Warden's report for March 2023 was not received.
- Town Historian Report for March 2023 has been received and placed on file.
- Westfield Fire Department report for the month of February 2023 was received.
- The Town Court report for February and March 2023 was received and placed on file.
- The WPD report for March 2023 was not received.

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Highway:

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

- Discussed with the board replacing the 2008 Cab Tractor. The Highway Superintendent received bids. The tractor is 15 years old. Councilmember David Brown made the motion to support the purchase of a Cab Tractor, seconded by Councilmember David Spann and carried unanimously.

Code Enforcement:

The Code Enforcement Officer submitted a written report for March 2023 that has been received and accepted.

- Received a special use permit application from Scott Switzer at 8265 Second Street (Barcelona) for a 6' fence. The application is referred to the Town Planning Board. Councilmember Will Northrop made a motion to set a public hearing for May 5th 2023 at 7:25pm. Seconded by Councilmember James Herbert and carried unanimously.

Barcelona Harbor:

- The Harbor is closed for the Season.
- Army Corp of Engineers will be dredging in May. The Supervisor has received the dredging permits.
- Received two quotes for three floating dock sections for the launch ramp at the Daniel Reed Pier. The board reviewed the two quotes and after detailed discussion the board was concerned about the end of the dock. The board asked the Town Clerk to reach out to the bidders and ask them to resubmit a new quote for two floating docks instead of three. Councilmember David Brown made a motion to authorize the bidder to resend a quote of two floating docks instead of three by 4:00pm Thursday April 13th, 2023, and authorize the Supervisor to accept the lowest bidder. Councilmember James Herbert seconded the motion and carried unanimously.

Public Comment:

- Bryan Boleratz representative from Western New York Goodwill goodskills career builder training for a diverse workforce gave an overview of the program offered in Chautauqua County.

Announcements:

- Spring Clean-up will be held Saturday, May 6th 9:00am -1:00pm at the Transfer Station, Bourne St.
- E-Waste will be held May Saturday, 13th 9:00am-1:00pm- located at the Town Shop 118 Chestnut St. Acceptable electronics collection is free of charge. Prior years, a charge of \$10.00 was collected for CRT's television and or monitors. The fee will not be charged or collected.
- Rabies clinic will be held Saturday, May 20th from 10:00am-12:00pm at the Town Shop, 118 Chestnut St.
- Cemetery cleanup will be held on Saturday April 8th, 2023, from 9:00am-12:00pm.
- Beach cleanup will be held on Saturday, April 22, 2023.

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Project Updates:

- Engineers are still working on the plans for the Route 5 East Lake Road Water Project No.2 project. Route 5 Water District No. 2 easement letters and agreements are being returned to the Town. Supervisor Bills received a letter from SJB contract drilling and testing that referenced Atlantic Testing Laboratories Acquisition of SJB Services, Inc. Councilmember James Herbert made a motion to accept the change of contract from SJB Services, Inc to ATL (Atlantic Testing Laboratories). Seconded by Councilmember David Brown and carried unanimously.
- Continuing to work on the signage for the Welch trail and finalize the project.

New Business:

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

Resolution No.21 of 2023
Town of Westfield
TOWN OF WESTFIELD
RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2023

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Westfield for a public hearing to be held by said Board on April 5, 2023 at Eason Hall, 23 Elm Street, Westfield, to hear all interested parties on a proposed Local Law enacting a property tax exemption for volunteer firefighters and ambulance workers pursuant to section 466-a of the Real Property Tax Law, and

WHEREAS, notice of said public hearing was duly published in the *Dunkirk Observer, Westfield Republican* and posted in the Town Clerk's office, and

WHEREAS, said public hearing was duly held on April 5, 2023, at the said time and place and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, the Board has determined that the adoption of the local law is a Type II action for purposes of the State Environmental Quality Review Act, so that no further review is required; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interests of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board of the Town of Westfield hereby adopts said Local Law as Local Law No. 1 of 2023, a copy of which is attached hereto and made a part hereof, and the Town Clerk hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Westfield, and to give due notice of the adoption of the Local Law to the Secretary of State.

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**TOWN OF WESTFIELD
LOCAL LAW NO. 1 FOR THE YEAR 2023**

**A LOCAL LAW ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER
FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF
THE REAL PROPERTY TAX LAW**

Be it enacted by the Town Board of the Town of Westfield, County of Chautauqua, and State of New York, as follows:

SECTION 1.

A new Article II of Chapter 156 of the Code of the Town of Westfield, entitled “Volunteer Firefighters and Ambulance Workers Exemption,” is hereby enacted pursuant to Real Property Tax Law Section 466-a, to read as follows:

**Article II
Volunteer Firefighters and Ambulance Workers Exemption**

§ 156-3 Grant of exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the Town of Westfield as long as eligibility requirements are met.

§ 156-4 Eligibility requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes;
- D. The volunteer firefighter or volunteer ambulance worker resides in the Town of Westfield and the Town of Westfield is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified by the authority having jurisdiction as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the Town of Westfield, which is hereby established as two years.

§ 156-5 Application.

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A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Town of Westfield, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The Town of Westfield must maintain written guidelines, available upon request, as to the requirements of an enrolled volunteer member relating to this exemption.

§ 156-6 Certification.

Either the Board of Fire Commissioners or the Chief of each fire department serving the Town of Westfield must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

§ 156-7 No diminution of benefits.

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this article shall not have any of those benefits diminished because of this article.

§ 156-8 Grant of lifetime exemption.

Any eligible enrolled member who accrues more than 20 years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Town of Westfield.

§ 156-9 Un-remarried spouse of enrolled member killed in the line of duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

§ 156-10 Un-remarried spouse of deceased enrolled member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least 20 years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

SECTION 2.

If any part or provision of this Local Law shall be declared invalid, void, unconstitutional, unenforceable by a court of law, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

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SECTION 3.

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

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

Councilmember David Spann offered the following resolution and moved for its adoption.

Resolution No.22 of 2023
Town of Westfield

Lateral Restriction-Conditions on Future Service-E. Route 5 Water Benefit District-Phase No.2.

Lateral Restriction – Conditions on Future Service

The Town of Westfield imposes the following conditions, on the management of water/sewer lines located along E. Route 5 Water Benefit District-phase No.2 within an agricultural district, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g. subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law 1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be provided to more than a total of four residences, building and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon the approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

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- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

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

Councilmember David Spann offered the following resolution and moved for its adoption.

Resolution No.23 of 2023
Town of Westfield
July Town Board Meeting Date Change

BE IT RESOLVED that the Town Board of the Town of Westfield hereby approves the date change of the regular scheduled Town Board Meeting Wednesday July 5th, 2023, to the second Wednesday, July 12th, 2023, at 7:30pm due to the 4th of July Holiday.

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

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Councilmember Will Northrop offers the following budget revision for 2023.

Subject:	Budget Revision #4 for Budget Year 2023			
Revision Description			Decrease	Increase
To move \$3,651.28 from fund balance to cover the National Fuel Bill For \$3,148.32 The For The Welch Bldg For February 2023 and to cover the final Electric and Water & Sewer Bill For \$446.96 For The Welch Building & Attorney Fees From Seachrist Law Offices for \$56.00 For The Sale of The Welch Building			Expenditures	Expenditures
Budget Journal				
CM2 Fund (Welch Building)				
CM2 599	Appropriated Fund Balance DR		3,651.28	
CM2 1620.420	Building Expenditure Welch CR			3,651.28
Total CM2 Fund			3,651.28	3,651.28
Revision Description			Decrease	Increase
To move \$3,456.00 from fund balance to pay Archaeological Consulting Experts. LLC Invoice 14.22.01 for \$3,400.00. & Seachrist Law Offices Inv 2969 For \$56.00 This Other Water, Contr Expense Account has been sett up to record Route 5 Water District #2 expenses until the H Capital project fund is established and funded			Expenditures	Expenditures
Budget Journal				
A Fund (General Fund - Townwide)				
A 599	Appropriated Fund Balance DR		3,456.00	
A 8389.400	Other Water, Contr Expend-Route 5 Water District 2 CR			3,456.00
Total A Fund			3,456.00	3,456.00

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

At 8:50pm Supervisor Bills moved, and Councilman David Brown seconded a motion to audit the bills.

Warrants dated April 5, 2023 (voucher #'s 138-142-pre-paid) in the amount of \$1,668.60 and (voucher #'s 143-205) in the amount of \$76,045.72 were drawn on the following funds:

General	\$32,966.77
General (prepaid)	\$ 1636.38
General Part-Town	\$ 1588.17
General -Part Town (prepaid)	\$ 32.22
Highway	\$13,635.19
Highway Part-Town	\$27,814.88
Forest Park Sewer	\$ 37.32
North Town Water-Shorehaven	\$ 3.39

Warrants dated April 5,2023 (voucher #'s 12-pre-paid & 13-14) in the amount of \$3,651.28 were drawn on the following funds:

Welch Building (prepaid)	\$3,148.32
Welch Building	\$ 502.96

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 Councilmember David Brown. Voting was as follows: Supervisor Bills, aye, Councilmember David Brown, aye; Councilmember James Herbert, aye; Councilmember Will Northrop, aye.

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At 9:10pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to move to executive session to discuss potential acquisition of real property with the Town Attorney. Unanimously carried.

At 9:30pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to return to regular session. Unanimously carried.

There being no further business at 9:30pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to adjourn. Unanimously carried.

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