

TOWN BOARD MEETING

Town of Westfield

February 1, 2023

PUBLIC HEARING

Town of Westfield

Public Hearing, 7573 Prospect Rd-Noah Mathews-Landscaping Excavation Business

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

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilperson:	David Brown		Josh Larsen
	David Spann		Jamie Johnson
	James Herbert		Don McCord
	Will Northrop		High School Students-names were not recorded.

Highway Superintendent: David Babcock

Code Officer: Bonnie Rae Strickland

Attorney: Joel Seachrist

Town Clerk: Andrea L. Babcock

Supervisor Bills opened the Public Hearing to hear all persons in regards to hear all persons in regards to the proposed Special Use Permit.

Proof of Publication of the public hearing from the Town Clerk was available.

Applicant Noah Mathews was present. The application is for a proposed use for a landscaping business with a maintenance shop, tree care service, storing equipment and yard equipment. Discussed burning tree material and organic waste, piles, length of time with no permanent storage. The applicant will abide by DEC regulations.

The Town Planning Board has reviewed the application and recommended approval to the Town Board members for their review and disposition on January 11, 2023. The Planning Board recommends when burning tree material and organic waste it must be attended from start to finish.

At 7:27pm Councilperson David Brown made the motion to adjourn the public hearing. Councilperson David Spann seconded the motion. This was unanimously approved.

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, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	William Bauer
Councilperson:	David Brown		Josh Larsen
	David Spann		Jamie Johnson
	James Herbert		Don McCord
	Will Northrop		High School Students-names were not recorded.

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

Pledge of Allegiance

Councilperson David Brown made the motion to accept the January 4, 2023, minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilperson 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 January. The report is always available in the Supervisors office. Everyone is welcome to view. All Board members have received a copy of the report for January and is accepted as submitted. Up to date revenues for amount through December 2022 and January 2023 were presented to the board. All board members received a copy. Community bank reached out to let the Supervisor know that the interest rate on the money market account has gone up, not sure for how long.

The Town Clerk’s report together with a check in the amount of \$3202.60 representing fees for the month of January 2023 was turned over to the Town Supervisor. A check for \$22.50 representing fees for the month of January to NYS Department of Health, Marriage Licenses and a check in the amount of \$35.00 was turned over to NYS Department of Agriculture and Markets and NYS Decals in the amount of \$18.90 will be withdrawn on the 13th.

- Supervisor Bills congratulated the Town Clerk. The Town Clerk received the Chautauqua County Municipal Clerks Association “Clerk of the Year” award for 2022. She was recognized for her outstanding contributions to the association, her constituents, leadership, and achievements.

Tax Collector’s monthly collection report has been distributed to the Town Board and is on file with the Town Clerk. The total of \$2,120,700.85 was collected.

The Dog Warden’s report for January was not received.

The Fire Department Report for December 2022 was received and placed on file.

The Historian report for January 2023 was received and placed on file.

The Town Court report for January 2023 was received and placed on file.

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- The Court Clerk included in her report questions from the board raised at the annual audit review. All board members have received a copy of her research.

The WPD report for January 2023 was not received.

Highway:

The Highway Superintendent submitted a written report for the month of January. The report has been accepted and placed on file.

- Fuel reader is broke, replacement reader has been ordered.
- Plowing and sanding
- Making 4 new picnic tables, 40 new ballards for the harbor parking lot, pressure washing old picnic tables and re-sealing.
- Mentioned to the board that the salt barn cover will need to be replace in the near future.

Code Enforcement:

The Code Enforcement Officer submitted a written report for January 2023 highlighting. The report has been accepted and placed on file.

Barcelona Harbor:

- Closed for the Season.
- Supervisor Bills spoke with Congressional Representatives and the County to discuss funding and ongoing problems.
- NY State has created a task force for the upcoming total solar eclipse on April 8, 2024. State Parks reached out to the Town Supervisor regarding the use of the pier at that time.

Public Comment:

- A representative from the Walleye tournament proposed to the Town Board a Walleye festival during the Walleye tournament in June. He was referred to the Barcelona Chamber of Commerce and the WDC.

Announcements:

- Taxes: Until February 3 without penalty
February 4-February 28, 2023- 1% on original bill
March 1- April 3, 2023- 2% on original bill

Project Updates:

- Route 5 Water District No. 2 easement letters and agreements have been sent to property owners.
- The Welch Trail project has received an extension for one year to complete. Supervisor Bills had a phone conference with the County and NY State Park representatives discussed plans to finalize the project.
- The sale of the Welch Building is moving forward, hoping to close at the end of the month.

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- Board members received a sample local law for volunteer firefighters and ambulance worker real property tax exemption. The Town Attorney has drafted local laws for other municipalities. The board asked to received a draft local law from the Town Attorney.

New Business:

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

Resolution No. 11 of 2023

TOWN OF WESTFIELD

Negative Declaration-7573 Prospect Rd-Noah Mathews

WHEREAS, the Town Board of the Town of Westfield is considering the application of Noah Mathews for a Special Use Permit allowing him to operate a landscaping/excavating/tree service business at 7573 Prospect Road, which is parcel is designated as tax map Section 193.00, Block 2, Lot 53, 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 Noah Mathews

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

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

**Resolution No. 12 of 2023
TOWN OF WESTFIELD
SPECIAL USE PERMIT
7573 Prospect Rd-Noah Mathews**

Action of the Board:

To consider the application of Noah Mathews for a Special Use Permit to landscaping/excavating/tree service businesses at 7573 Prospect Road, which parcel is designated as tax map Section 193.00, Block 2, Lot 53, and

WHEREAS, Noah Mathews (hereinafter, the “Applicant”) submitted an application requesting a Special Use Permit allowing him to operate landscaping, excavating, and tree service businesses at 7573 Prospect Road, on a parcel designated as tax map Section 193.00, Block 2, Lot 53, and

WHEREAS, such businesses may be operated in the Residential-Agricultural (R-A) District as a “Building/Construction Contractor Business” pursuant to Section 185-24(J)(27) of the Town of Westfield Zoning Code

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 January 11, 2023 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 February 1, 2023 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 operate a landscaping/excavating/tree service business shall 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 February 1, 2024.
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 use

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permit.

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

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

**Resolution No. 13 of 2023
TOWN OF WESTFIELD
Audit of 2022 Financial Records**

RESOLVED, that on January 10, 2023 the Westfield Town Board met for the purpose of auditing the 2022 Town financial records.

BE IT FURTHER RESOLVED, that on January 10, 2023 Town Departments, Town Clerk, Town Supervisor and Town Justices submitted their records for examination.

BE IT FURTHER RESOLVED Westfield Town Justices submitted for examination of 2022 court dockets and records. All fines and fees that were collected by the Town Court have been turned over to the proper officials. A report has been prepared using the comptroller's suggested "Checklist for Initial Review of Justice Court Records".

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

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

**Resolution No. 14 of 2023
TOWN OF WESTFIELD
Annual Review of Shared Services Highway Agreement w/County**

RESOLVED, that the Town Board of Westfield after thorough review of the County's *Shared Highway Services Agreement* agrees to keep the document in place for the next year.

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

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

**Resolution No. 15 of 2023
TOWN OF WESTFIELD
Welch Building Parking Lot Agreement with the Village of Westfield**

RESOLVED, in connection with the sale of the Welch Building, the Town Board hereby authorizes Supervisor Martha Bills to execute any and all documents needed to convey the Welch Building parking lot to the Village of Westfield, to be used as a municipal parking lot, subject to the continued right of the Town and the public to use the lot to access the Little League field and recreational trail beyond it and the Village's agreement to mow the grass adjacent to the parking lot.

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

Councilperson Will Northrop offered the following budget revision and moved for its adoption;

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Subject:	Budget Revision #14 for Budget Year 2022			
Revision Description			Decrease	Increase
To move \$3,837.25 from fund balance to cover the expenditures for Accrued December expenses.			Expenditures	Expenditures
The expenditures have exceeded what was budgeted in the 2022 budget for building expenditures for the Welch Building				
Budget Journal				
CM2 Fund (Welch Building)				
CM2 599	Appropriated Fund Balance DR		3,837.25	
CM2 1620.420	Building Expenditure Welch CR			3,837.25
Total CM2 Fund			3,837.25	3,837.25
Revision Description			Decrease	Increase
To move \$1,1551.73 from DA 9010.800 State Retirement to the expense account DA 5130.420			Expenditures	Expenditures
Machinery - Fuel Slips. We have spent more money in the Machinery - Fuel Slips due to the Town supplying Westfield Central School & The Village of Westfield with fuel due to Westfield Central School's gas tank not being in working condition.				
Budget Journal				
DA Fund (Highway - Townwide Fund)				
DA 9010.800	State Retirement DR		1,551.73	
DA 5130.420	Machinery - Fuel Slips CR			1,551.73
Total DA Fund			1,551.73	1,551.73
Revision Description			Decrease	Increase
To move \$168.25 from B Contingent Account to the expense account B3620.400			Expenditures	Expenditures
Safety Inspection-Contractual. The expenditures have exceeded what was budgeted for Safety Inspection-Contractual for 2022				
Budget Journal				
B Fund (Part Town Fund)				
B1990.400	Contingent Account DR		168.25	
B3620.400	Safety Inspection - Contractual Cr			168.25
Total B Fund			168.25	168.25
Revision Description			Decrease	Increase
To move \$2,500.00 from A fund A5010.200 Supt Of Highways Equipment to A fund A5132.200 Garage Equipment. Highway Superintendent purchased a portable generator.			Expenditures	Expenditures
Budget Journal				
A Fund (General Fund - Townwide)				
A 5010.200	Supt of Highways-Equipment DR		2,500.00	
A 5132.200	Garage - Equipment Cap Outlay CR			2,500.00
Total A Fund			2,500.00	2,500.00
Revision Description			Decrease	Increase
To move \$4,106.25 from fund balance to pay Clark Patterson Lee Architecture & Engineering Planning Invoice 88119 for \$4,106.25. This Other Water, Contr Expense Account has been set 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		4,106.25	
A 8389.400	Other Water, Contr Expend-Route 5 Water District 2 CR			4,106.25
Total A Fund			4,106.25	4,106.25
Revision Description			Decrease	Increase
To move \$6.00 from DA 9010.800 State Retirement to the expense account DA 5130.400			Expenditures	Expenditures
Machinery - Contractual. Expenses have exceeded the budget.				
Budget Journal				
DA Fund (Highway - Townwide Fund)				
DA 9010.800	State Retirement DR		6.00	
DA 5130.400	Machinery - Contractual CR			6.00
Total DA Fund			6.00	6.00
			Accepted	6/30/2023

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

Councilperson David Brown offered the following budget revision and moved for its adoption;

Subject:	Budget Revision #2 for Budget Year 2023		
Revision Description		Decrease	Increase
To move \$1,671.36 from fund balance to cover the expenditures for February 2023 expenses.		Expenditures	Expenditures
Budget Journal			
CM2 Fund (Welch Building)			
CM2 599	Appropriated Fund Balance DR	1,671.36	
CM2 1620.420	Building Expenditure Welch CR		1,671.36
Total CM2 Fund		1,671.36	1,671.36
Revision Description		Decrease	Increase
To move \$168.00 from fund balance to pay Seachrist Law Offices, P.C. Invoice 2951 for \$168.00		Expenditures	Expenditures
This Other Water, Contr Expense Account has been set up to record			
Route 5 Water District #2 expenses until the H Capital project fund is established and funded			
Budget Journal			
A Fund (General Fund - Townwide)			
A 599	Appropriated Fund Balance DR	168.00	
A 8389.400	Other Water, Contr Expend-Route 5 Water District 2 CR		168.00
Total A Fund		168.00	168.00

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

Supervisor Bills moved and Councilperson David Brown seconded a motion to audit the bills at 8:06pm

Warrants dated February 1, 2023 (voucher #'s 733-744) in the amount of \$12,448.27 were drawn on the following funds:

General	\$10,378.94
General-Part Town	\$ 511.60
Highway-Town	\$ 1,557.73

Warrants dated February 1, 2023 (voucher #'s 21-79) in the amount of \$71,735.23 were drawn on the following funds:

General	\$49,782.65
General-Part Town	\$ 7,065.37
Highway-Town	\$13,369.66
Highway-Part Town	\$ 1,484.81
Forest Park Sewer	\$ 29.54
Shorehaven	\$ 3.20

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Warrants dated February 1, 2023 (voucher #'s 61) in the amount of \$3,837.25 were drawn on the following funds:

Welch Bldg. \$3,837.25

Warrants dated February 1, 2023 (voucher #'s 4-6) in the amount of \$1,671.36 were drawn on the following funds:

Welch Bldg. \$1,671.36

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

At 8:30pm Supervisor Martha Bills moved and Councilperson David Brown seconded a motion to move to executive session to discuss sale of real property with the Town Attorney. Unanimously carried.

At 8:46pm Supervisor Martha Bills moved and Councilperson David Spann seconded a motion to return to regular session. Unanimously carried.

There being no further business at 8:46pm Supervisor Martha Bills moved and Councilperson Will Northrop seconded a motion to adjourn. Unanimously carried.

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