

TOWN BOARD MEETING

Town of Westfield

November 1, 2023

PUBLIC HEARING

Town of Westfield

Public Hearing, Special Use Permit 8516 West Lake Rd-Small Campground Development

Supervisor Bills called the public hearing to order at 7:15pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Jim Alexander	Pat Applebe
Councilmember:	David Brown		Don McCord	Jim Alexander
	David Spann		William Bauer	Carter Russo
	William Northrop		Nathan Radka	Mikail Lawrence
Absent:	James Herbert		TJ Bihler	Tanleigh Bestine
			Brynn Emewein	Wyatt Richard
			Casey Northrop	Tom Herr
			Simon Mueller	

Absent: David Babcock, Highway Superintendent

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Town Clerk: Andrea Babcock

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

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

A letter was received from the County Planning Board. The applicant has worked closely with the Town Code Officer and County Planning Board regarding the development.

The applicants were present. They spoke directly with neighbors. The neighbors were not opposed to the development. Discussed lot size, acres, neighboring properties, zoning, and longevity of the development.

The Town Planning Board has reviewed the application and recommended to the Town Board for their review and disposition on October 1, 2023.

At 7:33pm Councilmember David Brown made the motion to adjourn the public hearing. Councilmember William Northrop seconded the motion. Unanimously carried.

Respectfully submitted,

//original signed//

Andrea L. Babcock, Town Clerk

TOWN BOARD MEETING

Town of Westfield

November 1, 2023

PUBLIC HEARING

Town of Westfield

(Town of Westfield 2024 Preliminary budget)

Supervisor Bills called the public hearing to order at 7:33pm in Eason Hall North Room, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guest:	Jim Alexander	Pat Applebe
Councilmember:	David Brown		Don McCord	Jim Alexander
	David Spann		William Bauer	Carter Russo
	William Northrop		Nathan Radka	Mikail Lawrence
Absent:	James Herbert		TJ Bihler	Tanleigh Bestine
			Brynn Emewein	Wyatt Richard
			Casey Northrop	Tom Herr
			Simon Mueller	

Absent: David Babcock, Highway Superintendent

Code Officer: Bonnie Rae Strickland

Town Attorney: Joel Seachrist

Town Clerk: Andrea Babcock

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to the proposed 2024 Town Budget for the Town of Westfield. Supervisor Bills thanked all of the Department heads for containing costs. Costs are continuing to rise in all departments. The board met a few times to discuss the 2024 budget. The total proposed Tax Levy is \$967,422.08 (amount to be raised by taxes) and is under the State imposed 2 % tax cap. The tax rate for Town residents is \$2.99 and Village residents \$3.68 per \$1000 of assessed property value.

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

No comments were made.

At 7:38pm Supervisor Martha Bills made the motion to adjourn the public hearing. Councilmember David Brown seconded the motion. Unanimously carried.

Respectfully submitted,

//original signed//

Andrea L Babcock, Town Clerk

TOWN BOARD MEETING

Town of Westfield

November 1, 2023

PUBLIC HEARING

Town of Westfield

(Special Assessment Roll for Improved Districts)

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

Supervisor:	Martha R. Bills	Guest:	Jim Alexander	Pat Applebe
Councilmember:	David Brown		Don McCord	Jim Alexander
	David Spann		William Bauer	Carter Russo
	William Northrop		Nathan Radka	Mikail Lawrence
Absent:	James Herbert		TJ Bihler	Tanleigh Bestine
			Brynn Emewein	Wyatt Richard
			Casey Northrop	Tom Herr
			Simon Mueller	

Absent: David Babcock, Highway Superintendent

Code Officer: Bonnie Rae Strickland
Town Attorney: Joel Seachrist
Town Clerk: Andrea Babcock

Supervisor Bills opened the public hearing to discuss the proposed cost in 2024 for improvement districts including Operations & Maintenance accounts and the water or sewer charges for each district.

The Town board oversees all special districts. The Supervisor explained the amount needed for each district. Operations & Maintenance charges, water /sewer rates and rents for special improvement districts are levied and charged against those properties within Special Improvement Districts in the Town of Westfield Town and County tax bill.

The Town has one sewer district located in Forest Park and several water districts. Forest Park sewer district had a 38year bond and was paid off in 2020.

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

No comments were made.

At 7:33pm Councilmember David Brown made the motion to adjourn the public hearing. Councilmember William Northrop seconded the motion. Unanimously carried.

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

TOWN BOARD MEETING

Town of Westfield

November 1, 2023

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:pm in Eason Hall North Room, 23 Elm Street, Westfield, NY, with the following members and guests present.

Supervisor:	Martha R. Bills	Guest:	Jim Alexander	Pat Applebe
Councilmember:	David Brown		Don McCord	Jim Alexander
	David Spann		William Bauer	Carter Russo
	William Northrop		Nathan Radka	Mikail Lawrence
Absent:	James Herbert		TJ Bihler	Tanleigh Bestine
			Brynn Emewein	Wyatt Richard
			Casey Northrop	Tom Herr
			Simon Mueller	

Absent: David Babcock, Highway Superintendent

Code Officer: Bonnie Rae Strickland
Town Attorney: Joel Seachrist
Town Clerk: Andrea Babcock

Pledge of Allegiance

Councilmember David Brown made a motion to waive the reading of the October 4, 2023, and the October 23, 2023, minutes inasmuch as all members received a copy thereof and that the minutes be accepted. The motion was seconded by Councilmember David Spann and carried unanimously.

Reports:

Supervisor Bills presented the monthly report on the Town’s finances for the month of October 2023. All Board members have received a copy of the report for October 2023 and is accepted as submitted. The Town received fourth quarter 2023 sales tax revenue. Supervisor Bills mentioned that the town received \$26,000.00 from the County for reimbursement for Barcelona dredging.

The Town Clerk’s report together with a check in the amount of \$3,531.15 representing fees for the month of October 2023 will be turned over to the Town Supervisor. A check for \$112.00 representing fees to NYS Department of Health for Marriage Licenses issued in the month of October and a check in the amount of \$27.00 will be turned over to NYS Department of Agriculture and Markets. NYS Decals sales in the amount of \$469.62 will be withdrawn on the 13th.

The Dog Warden’s report for October 2023 was not received.
The Historian’s report for October 2023 was not received.
The Fire Department report was received and placed on file.
The Town Court report for October 2023 was received and placed on file.
The WPD report for October 2023 was not received.

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Town of Westfield
November 1, 2023**

Highway:

- The Town Highway Superintendent was not present and did not submit a written report on activities for October 2023.

Code Enforcement:

- The Code Enforcement Officer submitted a report for the months of September and October 2023. The report has been received and placed on file.
 - o Special Use Permit application was received for a 12 x 24 Amish built shed for storage at 8224 Woodlawn Ave. Councilmember David Spann made a motion to refer the application to the Planning Board and set a public hearing for 7:15pm prior to the December 6, 2023, Town Board meeting. Seconded by Councilmember David Brown and carried unanimously.
 - o Special Use Permit application was received for a 28 x 40 structure for storage at 8353 Hardscrabble Road. Councilmember William Northrop made a motion to refer the application to the Planning Board and set a public hearing for 7:20pm prior to the December 6, 2023, Town Board meeting. Seconded by Councilmember David Brown and carried unanimously.

Barcelona Harbor:

- The Pier is closed for the season.

Public Comment:

- Pat Applebe, Town of Chautauqua property owner presented to the Town Board a mined land use plan map of a potential mine expansion in the Town of Chautauqua that could cause issues within the Chautauqua Creek watershed.

Announcements:

- Christmas in the Village will be held November 17th -19th.
- McClurg Museum open house will be held on Saturday November 18th from 2:00pm-4:00pm.
- Chautauqua County Chamber of Commerce 2023 Holiday Window Decorating contest will be held November 17th-Decemeber 16th.

Project Updates:

- Received blueprints for the Welch Trail stairs. Village Street and Electric Department helped with preparation for the installation of the stairs.
- Engineers continue to work on the plans for the Route 5 East Lake Road Water Project No.2 along with revising easement agreements, maps and answering property owners' questions.

**TOWN BOARD MEETING
Town of Westfield
November 1, 2023**

**New Business:
Resolutions for 11/1/2023**

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

**Resolution No. 55 of 2023
Town of Westfield
Adoption of 2024 Town of Westfield Budget**

BE IT RESOLVED, the Town Board of the Town of Westfield hereby approves and adopts the 2024 Preliminary Budget as presented as the 2024 Town Budget.

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

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

**Resolution No. 56 of 2023
Town of Westfield
Approve the Special Improvement District Rolls**

WHEREAS, the Town Board of the Town of Westfield, Chautauqua County, has completed an assessment schedule in connection with the proposed capital budgets, operation and maintenance charges, rates and/or rents to be levied and charged against those properties within the Special Improvement Districts in the Town of Westfield during the calendar year 2023, and has filed the same with the Town Clerk, and

WHEREAS, the Town Board caused due notice of the completion of said assessment schedule and of the time and place wherein the Town Board would meet to hear and consider any objections to said assessment schedule, to be duly published according to law, and

WHEREAS, the Town Board did meet at Eason Hall, 23 Elm Street, Westfield, New York on November 1, 2023, the time and place specified in said notice and heard and considered all objections to said assessment schedule,

THEREFORE, BE IT RESOLVED, that the said assessment schedule for 2024 be and the same is hereby affirmed and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Westfield.

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

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Town of Westfield
November 1, 2023**

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

Resolution No.57 of 2023
Town of Westfield

Negative Dec, SEQR, 8516 West Lake Road to Operate a Campground Development Project.

WHEREAS, the Town Board of the Town of Westfield is considering the application of Jeffrey Mitchell and Rebecca Mitchell for a Special Use Permit allowing them to operate a campground at 8516 West Lake Road, which parcel is designated as tax map Section 192.00, Block 1, Lot 12.2, 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 Jeffrey Mitchell and Rebecca Mitchell.

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

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

Resolution No.58 of 2023
Town of Westfield

SPECIAL USE PERMIT 2023
Issuance of SUP for Campground / Jeffrey & Rebecca Mitchell

Action of the Board:

To consider the application of Jeffrey Mitchell and Rebecca Mitchell for a Special Use Permit under Section 185-19(D)(11) of the Town of Westfield Zoning Code allowing them to operate a campground on property designated as Section 192.06, Block 1, Lot 12, at 8516 West Lake Road.

WHEREAS, Jeffrey Mitchell and Rebecca Mitchell (hereinafter, the “Applicants”) have submitted an application for a Special Use Permit to operate a campground at 8324 West Lake Road, Westfield, designated as tax map parcel Section 192.06, Block 1, Lot 9.1, and

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WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and a public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held October 11, 2023 and unanimously recommended approval of the application with conditions, and

WHEREAS, the application was referred to the Chautauqua County Planning Department pursuant to Section 239-m of the General Municipal Law, and it advised by letter dated October 30, 2023 that the application is a matter of local concern, 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 November 1, 2023 and finds justification to approve the application subject to the qualifications hereinafter set out, now

THEREFORE, BE IT RESOLVED, that the Special Use Permit to operate a campground at 8516 West Lake Road (the "Use"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant is authorized to build and operate a campground to include no more than four (4) campsites of any combination of cabin, recreational vehicle site, and tent site, subject to any applicable regulations of the Chautauqua County Health Department.
2. The Applicants shall undertake the Use in accordance with the plans and map submitted to the Town with the application, except as hereinafter modified, and agree to be bound by the terms of the application and the conditions of this permit.
3. If construction of the Use has not commenced within one year of the issuance of this permit, this Special Use Permit shall become void and the Applicants shall be required to apply for a new permit should they intend to continue the project.
4. The terms, conditions, and requirements of this permit bind and obligate the Applicants, their successors and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.
5. Any failure or omission on the part of the Applicants to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicants, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.
6. This Special Use Permit shall become effective after the Applicants approve 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

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Town of Westfield

November 1, 2023

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

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

Resolution No. 59 of 2023

Town of Westfield

Set Public Hearing for Local Law No.2 of 2023

Permitting Certain Manufacturing Uses by Special Use Permits in the Commercial District

The Town Board of the Town of Westfield hereby sets a Public Hearing for Local Law NO. 2 of 2023, Permitting Certain Manufacturing Uses by Special Use Permit in the Commercial District at 7:25pm on Wednesday, December 6, 2023 in the North Room in Eason Hall prior to the Town Board meeting.

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

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

Resolution No.60 of 2023

Town of Westfield

Appoint Board of Assessment Review Board Member

The Town Board of the Town of Westfield hereby appoints Julie Fisher to the Board of Assessment Review Board.

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

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

Resolution No. 61 of 2023

Town of Westfield

Authorize the Supervisor to Sign Insurance Agreement

The Town Board of the Town of Westfield hereby authorizes the Town Supervisor to sign the Health Insurance agreement with the insurance broker for the 2024 calendar year.

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

TOWN BOARD MEETING
Town of Westfield
November 1, 2023

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

Subject: Budget Revision #11 for Budget Year 2023

Revision Description	Decrease	Increase
To move \$3,380.00 from fund balance to pay Erdman Anthony Invoice 66514 for preparing drawing for overlook layout and details.	Expenditures	Expenditures
Budget Journal		
A Fund (General Fund - Townwide)		
A 599 Appropriated Fund Balance DR	3,380.00	
A 7180.410 Parks & Recreation - Cort Welch Trail CR		3,380.00
Total A Fund	3,380.00	3,380.00
Revision Description	Decrease	Increase
To move \$211.45 from contingent account to cover the 3rd 2023 QTR NYS-45 Unemployment Insurance and Re-employment. The town has exceeded the 2023 budget line due to the town being unaware of the amount for 2023 that the state would assess the town for their portion of the (IAS) surcharge. The state assessed this to businesses to ensure the state has sufficient funds to pay back the federal government for money borrowed due to the unprecedented number of unemployment insurance claims due to the pandemic.	Expenditures	Expenditures
Budget Journal		
A Fund (General Fund - Townwide)		
A 1990.400 Contingent Account DR	211.45	
A 9050.800 Unemployment Insurance CR		211.45
Total A Fund	211.45	211.45
Revision Description	Decrease	Increase
To move \$37.71 from contingent account to cover the 3rd 2023 QTR NYS-45 Unemployment Insurance and Re-employment. The town has exceeded the 2023 budget line due to the town being unaware of the amount for 2023 that the state would assess the town for their portion of the (IAS) surcharge. The state assessed this to businesses to ensure the state has sufficient funds to pay back the federal government for money borrowed due to the unprecedented number of unemployment insurance claims due to the pandemic.	Expenditures	Expenditures
Budget Journal		
B Fund (General - Part Town)		
B 1990.400 Contingent Account DR	37.71	
B 9050.800 Unemployment Insurance CR		37.71
Total B Fund	37.71	37.71
Revision Description	Decrease	Increase
To move \$2,931.72 from machinery equipment account to cover the over spent machinery contractual account.	Expenditures	Expenditures
Budget Journal		
DA Fund (Highway - Townwide)		
DA 5130.200 Machinery Equipment Account DR	2,931.72	
DA 5130.400 Machinery Contractual Account CR		2,931.72
Total DA Fund	2,931.72	2,931.72

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

At 8:20pm Supervisor Bills moved and Councilman David Spann seconded a motion to audit the bills.

Warrants dated November 1, 2023 (voucher #557-623 in the amount of \$63,935.19 were drawn on the following funds:

General	\$27,777.40
General Part-Town	\$11,816.59
Highway	\$16,402.99
Highway Part-Town	\$7,909.38
Forest Park Sewer	\$26.08
North Town Water -Shorehaven	\$2.75

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 Brown, aye; Councilmember Spann, aye, Councilmember William Northrop, aye.

There being no further business at 8:45pm Supervisor Martha Bills moved and Councilmember David Brown seconded a motion to adjourn. Unanimously carried.

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