MINUTES

VILLAGE OF WESTFIELD

BOARD OF TRUSTEES

DATE: SEPTEMBER 18, 2023 TIME: 7pm

PLACE: North Room -Eason Hall

**MEMBERS PRESENT:** Denny Lutes, Mayor; Josh Freifeld, Judy Einach, Blake Maras, Johanna Kelley

**STAFF PRESENT**: Corbin Meleen, Andrew Thompson, Andrew Webster, Chris Reese, Bonnie Rae

Strickland, Vince Luce

**MEETING ATTENDEES:** William Christ, George Kurtz, Ann Kneer, Kathy Archer, Don McCord,

Richard Baideme

Mayor Denny Lutes called the meeting to order at 7pm sharp after the pledge of allegiance.

**MAYOR/BOARD ITEMS**

**MINUTES APPROVAL:** The minutes of the August 21, 2023, VB meeting were approved unanimously.

J. Freifeld/B. Maras.

**ALTERNATE PLANNING BOARD MEMBER**: The Board approved the Mayor’s Appointment of Chuck Mutch as an Alternate Member to the Zoning Board of Appeals (ZBA). This was approved unanimously,

J. Kelley, J. Einach.

The Board approved appointing Andrew Thompson, DPW Director as an accredited delegate to vote on behalf of the Village of Westfield at both the NYMPA and MEUA annual meetings unanimously.

J. Einach/J. Kelley.

**RESOLUTION #17-2023 NYMPA DELEGATE**

At a regular meeting of the Village Board of Trustees of Westfield, New York held on Monday, September 18, 2023, the following resolution was adopted on a motion made by Trustee Judith Einach, seconded by Trustee Johanna Kelley, and was carried unanimously.

WHEREAS, the Board of Trustees of the Village of Westfield, New York is a municipal member of the New York Municipal Power Agency, and

WHEREAS, the Annual Meeting of the Agency will be held on October 12, 2023, in Clayton, NY and

WHEREAS, in accordance with the bylaws of New York Municipal Power Agency, each municipal member may cast one vote on each transaction properly brought before this meeting.

NOW THEREFORE BE IT RESOLVED that Andrew W. Thompson be and is hereby designated as the accredited delegate of the Village of Westfield, New York.

On roll call: Affirmative: \_\_\_\_\_5\_\_\_\_\_\_ Negative: \_\_\_\_\_\_0\_\_\_\_\_\_

I certify that this resolution was adopted by the Village Board of Trustees of the Village of Westfield New York on the 18th day of September 2023.

**RESOLUTION #18-2023 MEUA DELEGATE**

At a regular meeting of the Board of Trustees of the Village of Westfield, New York, held on Monday, September 18, 2023, the following resolution was adopted:

WHEREAS, the Village of Westfield, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on October 10-12, 2023, to be held at the 1000 Islands Harbor Hotel in Clayton NY and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that DPW Director, Andrew Thompson, be and is hereby designated as the accredited delegate of the Village of Westfield, New York.

**BOND RESOLUTION #19-2023 $3.585M ELECTRIC SYSTEM CAPITAL IMPROVEMENTS SUBJECT TO PERMISSIVE REFERENDUM:**

The following resolution was offered by J. Freifeld and seconded by J. Einach

by to wit:

A BOND RESOLUTION, DATED SEPTEMBER 18, 2023, OF

THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE

OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK

(THE “VILLAGE”), AUTHORIZING AN ELECTRIC

SYSTEM CAPITAL IMPROVEMENTS PROJECT (2023),

AT AN ESTIMATED MAXIMUM COST OF $3,585,000 AND

AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN

AN AGGREGATE PRINCIPAL AMOUNT NOT TO

EXCEED $3,585,000 PURSUANT TO THE LOCAL

FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH

AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE,

COUNTY AND/OR LOCAL FUNDS RECEIVED, AND

DELEGATING THE POWER TO ISSUE BOND

ANTICIPATION NOTES IN ANTICIPATION OF THE

SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

WHEREAS, the Village Board of Trustees of the Village of Westfield, in the

County of Chautauqua, New York (the “Village”) desires to undertake a capital improvement project for the reconstruction of and construction of improvements to the Village Electric

System; and

NOW THEREFORE,

BE IT RESOLVED, by the Village Board of Trustees (by the favorable vote of

not less than two-thirds of all the members of the Board of Trustees) as follows:

SECTION 1. The Village is hereby authorized to undertake an electric system capital

improvements project in the Village, such work to generally consist of (but not be limited to)

improvements to the Bourne Street Substation including the replacement and installation of new

transformers, circuit switchers and multifunction digital relays, as well as other improvements as

more fully identified in (or contemplated by) an engineering report prepared by Power System

Engineering, Inc., and including all preliminary work and necessary equipment, materials, and

related site work and any preliminary costs and other improvements and costs incidental thereto

and in connection with the financing thereof (collectively, the “Purpose”). The estimated

maximum cost of the Purpose is $3,585,000.

SECTION 2. The Village Board of Trustees plans to finance the estimated

maximum cost of the Purpose by the issuance of serial bonds of the Village in an aggregate

principal amount not to exceed $3,585,000 hereby authorized to be issued therefor pursuant to

the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds

received. Unless paid from other sources or charges, the cost of such improvements is to be paid

by the levy and collection of taxes on all the taxable real property in the Village to pay the

principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or

purposes described in subdivision 5 of paragraph (a) of Section 11.00 of the Local Finance Law,

and that the period of probable usefulness of such Purpose is 30 years.

SECTION 4. Current funds are not required to be provided prior to the issuance

of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such

bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations

authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Village are hereby irrevocably pledged

for the payment of the principal of and interest on such bonds (and any bond anticipation notes

issued in anticipation of the sale of such bonds) as the same respectively become due and

payable. An annual appropriation will be made in each year sufficient to pay the principal of and

interest on such bonds or notes becoming due and payable in such year. Unless paid from other

sources or charges, there will annually be levied on all the taxable real property of the Village a

tax sufficient to pay the principal of and interest on such bonds or notes as the same become due

and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local

Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the

issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative

to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections

56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local

Finance Law, the powers and duties of the Village Board of Trustees pertaining or incidental to

the sale and issuance of the obligations herein authorized, including but not limited to

authorizing bond anticipation notes and prescribing the terms, form and contents and details as to

the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in

anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Village

Treasurer, the chief fiscal officer of the Village. Without in any way limiting the scope of the

foregoing delegation of powers, the Village Treasurer, to the extent permitted by Section

58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in

electronic format for any bonds or notes of the Village.

SECTION 8. The temporary use of available funds of the Village, not

immediately required for the purpose or purposes for which the same were borrowed, raised or

otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for

the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of

the Village’s “official intent” to reimburse the expenditures authorized in this resolution with the

proceeds of the bonds, notes or other obligations authorized herein, as required by United States

Treasury Regulations Section 1.150-2.

SECTION 10. The Village Treasurer is further authorized to take such actions and

execute such documents as may be necessary to ensure the continued status of the interest on the

bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable

from gross income for federal income tax purposes pursuant to Section 103 of the Internal

Revenue Code of 1986, as amended (the “Code”) and may designate the bonds authorized by this

resolution, and any notes issued in anticipation thereof, as “qualified tax-exempt bonds” in

accordance with Section 265(b)(3) of the Code.

SECTION 11. The Village Treasurer is further authorized to enter into a

continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by

this resolution, containing provisions which are satisfactory to such purchaser in compliance

with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission

pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Village Treasurer is further authorized to call in and redeem

any outstanding obligations that were authorized hereunder (at such times and in such amounts

and maturities as may be deemed appropriate after consultation with Village officials and the

Village’s municipal advisor), to approve any related notice of redemption, and to take such

actions and execute such documents as may be necessary to effectuate any such calls for

redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no

such call for redemption will be made unless such notice of redemption shall have first been filed

with the Village Clerk.

SECTION 13. The Village hereby determines that the Purpose is a Type II action

that will not have a significant effect on the environment and, therefore, no other determination

or procedures under the State Environmental Quality Review Act (“SEQRA”) are required.

SECTION 14. In the absence or unavailability of the Village Treasurer, the

Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the

Village Treasurer in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes

issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for

which the Village is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the

date of publication of this notice were not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the

date of such publication of this notice, or

2. such obligations were authorized in violation of the provisions of the

Constitution of New York.

SECTION 16. This Resolution is subject to permissive referendum pursuant to

Section 36.00 of the Local Finance Law. The Village Clerk is hereby authorized and directed to

publish (one time) and post (in at least six conspicuous public places within the Village and at

each polling place), this resolution, or a summary thereof, together with a notice of adoption of

this resolution subject to permissive referendum, within ten days after the date of adoption of this

resolution.

SECTION 17. If no petitions are filed in the permissive referendum period, the

Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof,

together with a notice in substantially the form provided by Section 81.00 of said Local Finance

Law, in a newspaper having a general circulation in the Village and hereby designated as the

official newspaper of the Village for such publication.

\* \* \* \* \* \* \* \* \* \*

The question of the adoption of the foregoing resolution was duly put to vote on a roll call,

which resulted as follows:

AYES: Dennis Lutes, Mayor; Josh Freifeld, Deputy Mayor; Judy Einach, Trustee; Blake Maras, Trustee; Johanna Kelley, Trustee

NOES: None

ABSENT: None

The foregoing resolution was thereupon declared duly adopted.

**RESOLUTION #20-2023 NYS FORWARD GRANT APPLICATION AUTHORIZATION**

The following Resolution was approved on a motion by J. Einach/ B. Maras and carried unanimously with all Board Members voting yes.

Resolution by Trustee Judith Einach Seconded by Trustee Blake Maras

WHEREAS, the Village of Westfield has expressed downtown revitalization in Westfield as a goal to spur local economic development; and

WHEREAS, the NY Forward program from the NYS Department of State may fund $4.5 million in grant funding to two communities; or $4.5 million to one community and $2.25 million to two communities in each of the ten (10) regions of NYS for a combination of public sector improvements and private sector projects that all have the specified aim of spurring economic development and job creation; and

WHEREAS, the Westfield NY Forward application will seek funding for a combination of public sector and private sector projects within the Village of Westfield; and

WHEREAS, the NY Forward program does not require a “local match” but instead scores applications based on the amount of public and private sector leveraging that can be provided to augment the $4.5 million in grant funding; and

NOW, THEREFORE, it be resolved that the governing board of the Village of Westfield hereby authorizes and supports the submission of a grant application for the Village of Westfield NY Forward program.

|  |  |  |
| --- | --- | --- |
| **Voting Record** | Aye | Nay |
| Village Mayor Dennis Lutes | X |  |
| Deputy Mayor/Trustee Joshua Freifeld | X |  |
| Trustee Judith Einach | X |  |
| Trustee Blake Maras | X |  |
| Trustee Johanna Kelley |  |  |

**PUBLIC HEARING FOR PROPOSED LOCAL LAW #5-2023 AMENDING THE VILLAGE OF WESTFIELD CURFEW LAW**

Mayor Lutes opened the public hearing at 7:15pm as advertised to take comment on the proposed local law amending the Village’s current Curfew Law. A few questions were asked regarding the proposed law by meeting attendees. Mayor Lutes kept the hearing open throughout the remainder of the meeting.

**POLICE DEPARTMENT**:

The Boad approved the August 2023 Police Department report as presented and submitted. J. Einach/J. Kelley.

The Board approved the resignation of Officer Scott Balon effective September 13, 2023. J. Einach/J. Freifeld.

Requested an Executive Session to discuss personnel.

**FIRE DEPARTMENT:**

Chief Chris Reese reported.

**RECREATION DEPARTMENT**:

The Board approved the August 2023 Recreation Department report as presented and submitted. J. Freifeld/J. Einach

Recreation Director Andrew Webster provided a brief overview of the pool issues and referenced the email sent by Wayne Harrington regarding a plan of action for the filter and heating systems. The Board was pleased by the details and asked about the timeline to move forward on the repairs. It was noted that the process should begin as soon as possible to have it ready by next spring.

Andrew also publicly thanked Wayne for all his assistance this summer, helping him keep the pool running so that it could be utilized as planned. As Andrew so aptly stated, we certainly all believe this was a Godsend and we are very thankful for that.

**CODE ENFORCEMENT:**

The Board approved the Code Enforcement Report as presented and submitted. J. Freifeld/B. Maras

**HISTORIAN REPORT:**

The Board approved the Historian Report as submitted. J. Einach/J. Kelley.

The Mayor noted that a lot of work was completed by the Historian and her assistants Pat and Bill Locke and thanked them for their efforts

**WATER & SEWER DEPARTMENT:**

DPW Director Andrew Thompson gave an update they are getting ready for processing season the water levels in the reservoir are good and that the sewer plant is ready. J. Kelley asked if the industrial meters are all working properly now. Andrew noted the processors do not have to comply at the level the municipality does but that everything seems to be in order now with the processor’s meters. J. Einach/J. Freifeld.

**ELECTRIC DEPARTMENT:**

DPW Director Andrew Thompson reported that they are reconductoring Pearl and English Streets noting they are doing a lot of the work deenergized to give the new guys experience. Contractual and Civil Service Safety restrictions prevent Helpers from working on energized systems. J. Freifeld/J. Kelley.

**TREASURER:**

The Board approved the Revenue & Expense Reports for August as submitted. J. Freifeld/J. Einach

The Board approved the following Warrants as submitted. J. Freifeld /J. Kelley

9/5/2023 Warrants Approved: Electric W#18 $42,218.03; General Fund W#17 $34,158.89; Sewer W#20 $12,439.11; Water Pump W#47,631.15; Water W#21 $5,983.25

9/18/2023 Warrants Approved: General Fund W#20 $3,563.90; Sewer W#22 $41,380.82; Water W#24 $29,652.76; General Fund W#19 $53,946.47; Electric W#20 $145,853.32

**CLERK:**

Requested an executive session to discuss personnel.

**VILLAGE BOARD ACTION ON PROPOSED LOCAL LAW #5-2023 AMENDING THE VILLAGE OF WESTFIELD CURFEW LAW**

On a motion by J. Freifeld seconded by J. Kelley and carried, the Board unanimously approved proposed Local Law #5-2023 as presented in its entirety.

**QUESTIONS AND COMMENTS FROM VISITORS:**

Town Resident Dick Baideme had two questions. The first was the types of drugs that are involved in the arrests in the monthly police department report? Chief Meleen reported basically everything including cocaine and methamphetamines. The second was about the Welch Field Pool system design requirements. He asked if the current design met state standards, which Recreation Director Andrew Webster noted that it does. The new system would also have to be approved.

There being no further questions, the Mayor noted that the public portion of the meeting was over and they will be going into executive session.

**ENTER EXECUTIVE SESSION:**

The Board entered executive session to discuss personnel matters on a motion by B. Maras, seconded by J. Freifeld and carried unanimously.

**EXIT EXECUTIVE SESSION:**

J. Freifeld motioned, J. Einach seconded and carried unanimously to exit Executive Session.

**ACTION TAKEN AS A RESULT OF EXECUTIVE SESSION:**

The Board approved an hourly rate adjustment for Part Time Employee Wayne Harrington from $16.83 per hour to $17.89 per hour. J. Einach/ J. Freifeld.

**ADJOURNMENT:**

The meeting was adjourned at approximately 8:24 pm Freifeld/J. Einach.

Respectfully Submitted by,

Vincent E. Luce

Village Clerk