

**PUBLIC HEARING  
Town of Westfield  
September 5<sup>th</sup>, 2012  
(LL #2-2012 Authorization to Override the Tax Levy Limit FY 2013)**

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  | David Babcock    | Jenna Loughlin | William Bauer |
| Councilmen: | Raymond Schuster | Joel Seachrist   | Harold Nass    | John Hemmer   |
|             | David Brown      | James Pacanowski | Janet Nass     |               |
|             | James Herbert    |                  | Claude Abbey   |               |
|             | David Spann      |                  |                |               |

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to passing a Local Law that would allow for an adopted budget for the fiscal year 2013 that has a tax levy in excess of limit specified in General Municipal Law § 3-c.

She explained that this Local Law is being considered simply as a safeguard. The enactment of the override law is a potential measure to compensate for new unfunded financial requirements (such as Workers Compensation) that were not in the 2012 Budget. There was some discussion as to why the Town should take this action. All issues were addressed

There being no further business, Raymond Schuster moved and David Spann seconded the motion that the public hearing be closed at 7:38pm. This was unanimously approved.

Respectfully submitted,  
*//original signed//*  
Timothy C. Smith, Town Clerk

**TOWN BOARD MEETING  
Town of Westfield  
September 5<sup>th</sup>, 2012**

The regular meeting of the Town Board of the Town of Westfield was called to order at 8:00pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

|             |                  |                  |                |               |
|-------------|------------------|------------------|----------------|---------------|
| Supervisor: | Martha R. Bills  | David Babcock    | Jenna Loughlin | William Bauer |
| Councilmen: | Raymond Schuster | Joel Seachrist   | Harold Nass    | John Hemmer   |
|             | David Brown      | James Pacanowski | Janet Nass     |               |
|             | James Herbert    |                  | Claude Abbey   |               |
|             | David Spann      |                  |                |               |

David Brown moved and James Herbert seconded a motion to waive the reading of the minutes inasmuch as all members received a copy thereof and that the minutes be approved. Unanimously carried.

The Town Clerk's report together with a check in the amount of \$5452.84 representing fees for the month of August 2012 was turned over to the Supervisor. State and County agencies received checks totaling \$4169.69.

The Supervisor's report is as follows:

| <u>Fund</u> | <u>Revenues</u> | <u>Expenditures</u> | <u>Checking Balance</u> | <u>HSBC - MM Balance</u> |
|-------------|-----------------|---------------------|-------------------------|--------------------------|
| Gen. A      | \$432,696.00    | \$323,164.00        | \$645.89                | \$901,862.56             |
| Gen B       | 114,046.00      | 53,787.00           | 75.18                   | 115,158.00               |
| Hwy DA      | 262,284.00      | 141,196.00          | 98.62                   | 326,905.94               |
| Hwy DB      | 205,078.00      | 366,498.00          | 37.64                   | 41,897.00                |
| Sewer HO1   | 25,117.00       | 21,651.00           | -0-                     | 5,443.14                 |
| Water HO2   | 18,772.00       | 12,613.00           | -0-                     | 97,409.77                |
| Wfd. Fire   | 69,988.00       | -0-                 | -0-                     | 70,328.75                |
| Sherm. Fire | 8,653.00        | 8,644.00            | -0-                     | 115.15                   |
| Totals:     | \$1,136,634.00  | \$927,553.00        | \$857.33                | \$1,559,120.31           |

The Dog Warden's report for August 2012 was received and placed on file.

The Fire Department Report for August 2012 was received and placed on file.

The Historian's report for August 2012 was received and placed on file.

The Town Court report for August 2012 was received and placed on file.

Highway:

- The Highway Superintendent submitted a written report on activities for August highlighting routine maintenance of shop and mowing.

- The Highway Superintendent recommended to the Town Board that the Town go out for bid for a new tandem axle truck. Raymond Schuster moved and David Spann seconded a motion to go out for this bid. This was unanimously approved.
- The Highway Superintendent recommended that the Town Board authorize him to trade in the Town's current loader plus \$6500 for a new loader. Raymond Schuster moved and David Brown seconded a motion to authorize the trade in. This was unanimously approved.

Code Enforcement:

- The Code Enforcement Officer submitted a report for August 2012 highlighting 9 Permits issued in the Town including 2 for residential storage buildings. He also noted construction continues on a new home on Ogden Road and construction should begin shortly on a new home on Belson Road.

Barcelona Harbor:

- Jim Herbert noted the pier is now closed for the season. He also expressed his concern again about the low water level within the harbor.

In Public Comment there were no speakers.

The Supervisor announced the following:

- Fall Clean-Up (Saturday, September 29<sup>th</sup>, 2012) at the Transfer Station
- An eWaste Turn-in (Saturday, October 6<sup>th</sup>, 2012, 9:00am-1:00pm) at the Town Barn

Old Business:

- Supervisor Bills provided a Project Update which included beginning the Archeological Survey for the Barcelona Water Project and Barcelona Harbor improvements.
- She also discussed the Barcelona Hamlet Improvement Grant.

New Business:

- Martha Bills moved and David Spann seconded a motion to set a Special Meeting of the Town Board for Budget Workshop #1 on 17 September 2012 @ 4:00pm. This was unanimously approved.
- Raymond Schuster moved and James Herbert seconded a motion to set the following Public Hearings:
  - SUP Amendment - American Tower 7:15pm
  - Sherman Fire District 7:20pm
  - Westfield Fire District 7:25pm

This was unanimously approved.

- David Spann moved and David Brown seconded a motion to accept the bid of \$60,000 for Pier lighting from Gottogo Electric (LeRoy, NY). This was unanimously approved.
- David Brown moved and Raymond Schuster seconded a motion to authorize the Historian to attend the WNY Historian Conference. This was unanimously approved.

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- David Spann offered the following resolution and moved its adoption:

**Resolution #44 of 2012**  
**Authorization to Sign Amendment to Services Agreement with Behan Planning**

**BE IT RESOLVED**, that Supervisor of the Town of Westfield is hereby authorized by the Town Board to sign an amendment to the existing Professional Services Agreement with Behan Planning Associates, LLC for additional services through the Town for implementation of the *Barcelona Hamlet Improvements* grant not to exceed \$35,000.

This was seconded by David Brown. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

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- James Herbert offered the following resolution and moved its adoption:

**Resolution #45 of 2012**  
**Adoption of Local Law #2 of 2012**  
**Authorization to Override Tax Levy Limit for FY 2013**

**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 September 5<sup>th</sup>, 2012 at 7:25pm at Eason Hall, 23 Elm Street, Westfield, New York to hear all interested parties on a proposed Local Law to amend Chapter 165 of the Town of Westfield Code, and

**WHEREAS**, notice of said public hearing was duly published in the Dunkirk Observer, the official newspaper of the Town, on August 27<sup>th</sup>, 2012, and

**WHEREAS**, said public hearing was duly held on September 5<sup>th</sup>, 2012 at 7:25pm at the said Eason Hall 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 Town Board of the Town of Westfield, after due deliberation, finds it in the best interest 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. 2 of 2012, a copy of which is attached hereto and made a part hereof, and the Town Clerk be and 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.

This was seconded by Raymond Schuster. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

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- Warrants dated September 5<sup>th</sup>, 2012 (voucher #'s 9000 - 9059), in the amount of \$55,278.41 drawn on the following funds: General \$30,701.91; General Part-Town \$125.00; Highway \$3,591.84; Highway Part-Town \$11,082.53; Sewer Fund \$4.11; Shorehaven Water Project \$0.00; and Trust & Agency \$773.02 were presented and audited by the Board members. David Spann moved and James Herbert seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited.

At 8:21pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss a potential property acquisition. Unanimously carried.

At 8:40pm James Herbert moved and David Brown seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, October 3<sup>rd</sup>, 2012 @ 7:30pm.

There being no further business, at 8:41pm David Spann moved and David Brown seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,  
*//original signed//*  
Timothy C. Smith, Town Clerk