

PUBLIC HEARING
Town of Westfield
September 4th, 2013
(LL #4-2013 Authorization to Override the Tax Levy Limit FY 2014)

Supervisor Bills called the public hearing to order at 7:20pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	David Babcock	William Bauer
Councilmen:	Raymond Schuster	Joel Seachrist	Michael Dulmus
	David Brown	Claude Abbey	David O'Conner
	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 2014 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 Special District financial requirements (such as borrowing for the Barcelona Water Project) that were not in the 2013 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 7:29pm. This was unanimously approved.

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

**TOWN BOARD MEETING
Town of Westfield
September 4th, 2013**

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	David Babcock	William Bauer
Councilmen:	Raymond Schuster	Joel Seachrist	Michael Dulmus
	David Brown	Claude Abbey	David O'Conner
	David Spann		

Raymond Schuster moved and David Brown 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 \$4816.78 representing fees for the month of August 2013 was turned over to the Supervisor. State and County agencies received checks totaling \$3684.82.

The Supervisor's report is as follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>MM Balance</u>
Gen. A	\$490,152.00	\$419,076.00	\$794.22	\$789,361.29
Gen B	159,063.00	53,957.00	75.18	167,754.51
Hwy DA	290,786.00	210,234.00	515.84	317,119.26
Hwy DB	194,143.00	343,887.32	37.64	75,379.61
Sewer HO1	23,241.00	28,168.00	-0-	469.72
Water HO2	17,383.00	12,408.00	-0-	98,229.15
Wfd. Fire	46,356.00	-0-	-0-	54,015.75
Sherm. Fire	8,912.00	8,932.00	-0-	95.97
Totals:	\$1,230,036.00	\$1,076,662.32	\$1422.88	\$1,502,425.26

The Dog Warden's report for August 2013 was received and placed on file.

The Fire Department Report for August 2013 was received and placed on file.

The Historian's report for August 2013 was not received.

The Town Court report for August 2013 was received and placed on file.

The Westfield Police report for August 2013 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for August 2013 and highlighted black topping and ditching.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 7 permits were issued in the Town for August 2013 and also a final inspection for a new home at 7305 East Lake Road.

Barcelona Harbor.

- Pier operations will end for season by mid-month September (exact date is weather dependent).

Public Comment: None.

The Town Supervisor made the following announcements:

- Grape Discovery Center Grand Opening (Friday, September 13th, 1:30pm - 5:00pm)
- Chautauqua County Household Hazardous Waste Drop-Off (Saturday, September 14th, 2013 9am - 2pm) at the County Highway Garage 454 N. Work St. in Falconer
- Fall Clean-Up (Saturday, October 12th, 2013 @ 9:00am-1:00pm / Transfer Station)

Old Business:

Supervisor Bills stated that a grant was submitted for dredging the non-federal portion of our harbor. NYS DOS has accepted the application and is now doing the scoring. Also, the preliminary drawings for the Barcelona Water Project have been submitted to the Town and Village for review and are available in the Town Office.

New Business:

- A Special Meeting (2014 Budget Workshop #1) was set for 19 Sep 2013 @ 4:00pm.
- Martha Bills moved and David Brown seconded a motion to set dates for the following Public Hearings:
 - Sherman Fire District (7:20pm / 2 Oct 2013 in Eason Hall)
 - Westfield Fire District (7:25pm / 2 Oct 2013 in Eason Hall)

These were unanimously approved.

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- David Brown offered the following resolution and moved for its adoption:

Resolution #36 of 2013
Adoption of Local Law #4 of 2013
Authorization to Override Tax Levy Limit for FY 2014

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 4th, 2013 at 7:20pm 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 26th, 2013, and

WHEREAS, said public hearing was duly held on September 4th, 2013 at 7:20pm 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. 4 of 2013, 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 David Spann. Voting was as follows: Martha Bills, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

- David Brown offered the following resolution and moved for its adoption:

Resolution #37 of 2013
Authorization for Supervisor to Sign Non-Binding Letter of Intent

RESOLVED, that Supervisor Bills is hereby authorized to sign a non-binding letter of intent with Northington Holdings LLC with regard to the donation/purchase of the Welch's Building and related property to/by the Town of Westfield, upon approval of counsel as to final form.

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

- Raymond Schuster offered the following resolution and moved for its adoption:

**Resolution #38 of 2013
Authorizing the retention of Jeffrey G. Passafaro, Esq. as Outside Counsel for a
Tax Certiorari matter associated with property located at 26 Cass Street**

WHEREAS, a petition has been filed in Supreme Court, Chautauqua County, on behalf of petitioner, Cass Development, Inc., challenging the real property tax assessment on property located at 26 Cass Street; and

WHEREAS, Jeffrey G. Passafaro has provided quality services to the Town on such matters in the past and the Town has been satisfied with same; and

WHEREAS, the Town Attorney recommends Jeffrey G. Passafaro's retention as outside counsel with respect to the above matter;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Westfield hereby authorizes the Town Attorney to retain Jeffrey G. Passafaro, Esq. to serve as outside counsel with respect to the tax certiorari matter filed by petitioner Cass Development, Inc., for property located at 26 Cass Street.

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

- Michael Dulmus of Hawthorne Beach addressed the Board as to why he was not allowed to keep livestock and poultry on his property. The issued was addressed satisfactorily by the Town's Attorney.

Warrants dated September 4th, 2013 (voucher #'s 9690 - 9728), in the amount of \$126,945.96 drawn on the following funds: General \$17,864.72; General Part-Town \$45.00; Highway \$1774.09; Highway Part-Town \$106,500.40; Sewer Fund \$20.44; Shorehaven Water Project \$3.15; and Trust & Agency \$738.16 were presented and audited by the Board members. David Brown moved and David Spann seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; David Spann, aye.

At 8:16pm David Brown moved and Raymond Schuster seconded a motion to move to Executive Session to discuss current pending litigation and land acquisition. Unanimously carried.

At 9:05pm Supervisor Bills moved and David Brown seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, October 2nd, 2013 @ 7:30pm.

There being no further business, at 9:06pm. David Spann moved and David Brown seconded a motion to adjourn. Unanimously carried.

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