

**PUBLIC HEARING
Town of Westfield
July 1st, 2015
Shorehaven Benefit District Public Interest Order**

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 Bills	Marybelle Beigh	William Bauer
Councilmen:	David Brown	Joel Seachrist	Doug Steffan
	David Spann	Jim Pacanowski	Harold Nass
	James Herbert	Randy McNeal	Janet Nass
	Raymond Schuster	Cathy McNeal	Debra Puckhaber
		Doug Breon	Susan Breon

Supervisor Bills explained that the Public Hearing was being held to hear all persons in regard to proposed improvements to the Shorehaven internal water distribution system. Joel Seachrist discussed details and the necessity of publishing a Public Interest Order in order to begin the funding process.

There being no further questions or comments, Raymond Schuster moved and David Spann seconded the motion that the public hearing be closed at 7:30pm. This was unanimously approved.

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

TOWN BOARD MEETING
Town of Westfield
July 1st, 2015

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:31pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha Bills	Marybelle Beigh	William Bauer
Councilmen:	David Brown	Joel Seachrist	Doug Steffan
	David Spann	Jim Pacanowski	Harold Nass
	James Herbert	Randy McNeal	Janet Nass
	Raymond Schuster	Cathy McNeal	Debra Puckhaber
		Doug Breon	Susan Breon

David Brown moved and David Spann 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 \$6848.57 representing fees for the month of June 2015 was turned over to the Supervisor. State and County agencies received checks totaling \$372.43.

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	\$531,233.37	\$263,451.92	\$16,068.41	\$944,992.31
Gen B	101,941.85	41,874.14	75.18	122,638.87
Hwy DA	330,261.54	157,506.82	515.84	445,966.40
Hwy DB	107,040.56	213,687.75	37.64	271,311.15
Sewer HO1	22,607.79	18,787.72	-0-	6,091.47
Water HO2	15,837.86	11,997.50	-0-	102,280.67
T Funds	-0-	-0-	-0-	-0-
Wfd. Fire	54,024.94	-0-	-0-	54,550.76
Sherm. Fire	9,540.42	9,536.00	-0-	9,642.95
Totals:	\$1,172,488.33	\$716,841.85	\$16,697.07	\$1,957,474.58

The Dog Warden’s report for June 2015 was received and placed on file.

The Fire Department Report for June 2015 was received and placed on file.

The Historian’s report for June 2015 was received and placed on file.

The Town Court report for June 2015 was received and placed on file.

The WPD report for June 2015 was received and placed on file.

Highway:

- The Town Highway Superintendent submitted a written report on activities for June 2015 and highlighted fuel usage, road work, and work at the harbor.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that 10 permits were issued in the Town in addition to continuing construction on residential homes for June 2015.

Barcelona Harbor: The Southtowns' Walleye Tournament began on Saturday June 6th, 2015 for 10 days.

Public Comment: None

Announcements:

- First Friday (10 July 2015) Sponsored by the Chamber of Commerce (5-9pm)
- Alumnae Weekend & Firemen's Ox Roast (10 - 12 July 2015)
- Arts & Crafts 24-25 July 2015

Old Business:

- Supervisor Bills stated that the Barcelona Water Project closing process will begin August 7th, 2015. In addition, final construction projects for the Barcelona Hamlet Improvement Project are being determined.

New Business:

- David Spann moved and James Herbert seconded a motion to allow use of the Pier for the WACS Memorial Service on July 12th, 2015. Unanimously carried.

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

Resolution #35 of 2015

In the Matter of the Increase and Improvement of the
Facilities of the North Town Water District in the Town of
Westfield, Chautauqua County, New York

PUBLIC INTEREST ORDER

WHEREAS, the Town Board of the Town of Westfield, Chautauqua County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202b of the Town Law, relating to the increase and improvement of the facilities of the North Town Water District in the Town of Westfield, Chautauqua County, New York, consisting of the construction of water systems improvements as further described in said map, plan and report, for an area to be known as the Shorehaven Benefit District; and

WHEREAS, at a meeting of said Town Board duly called and held on June 17, 2015, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the North Town Water District in said Town, consisting of the construction of improvements to the water distribution system within the Shorehaven Allotment, at a maximum estimated cost of \$838,000, and related diminishment of the boundaries of the Shorehaven Benefit District, and to hear all persons interested in the subject thereof concerning the same at Eason Hall in Westfield, New York, in said Town, on July 1, 2015, at 7:20 o'clock P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Westfield, Chautauqua County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of the North Town Water District in the Town of Westfield, Chautauqua County, New York, consisting of the construction of water systems improvements as further described in the map, plan and report prepared in connection therewith, at a maximum estimated cost of \$838,000, and to diminish the boundaries of the current Shorehaven Benefit District to that area described and depicted in the map, plan, and report, which benefitted area shall continue to be known as the Shorehaven Benefit District.

Section 2. This order shall take effect immediately.

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

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

Resolution #36 of 2015

BOND RESOLUTION DATED JULY 1, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$838,000 SERIAL BONDS OF THE TOWN OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE NORTH TOWN WATER DISTRICT IN THE TOWN OF WESTFIELD, CHAUTAUQUA COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202b of the Town Law, and more particularly an order dated July 1, 2015, said Town Board has determined it to be in the public interest to increase and improve the facilities of the North Town Water District in the Town of Westfield, Chautauqua County, New York, at a maximum estimated cost of \$838,000; and

WHEREAS, it is now desired to provide funding for such capital project;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Westfield, Chautauqua County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the North Town Water District in the Town of Westfield, Chautauqua County, New York, consisting of the

construction of water systems improvements in the Shorehaven Allotment as further described in the map, plan and report prepared in connection therewith, there are hereby authorized to be issued \$838,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$838,000 and that the plan for the financing thereof is by the issuance of the \$838,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution; provided, however, that the amount of bonds to be issued shall be reduced by the receipt of any grants therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years.**

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Westfield, Chautauqua County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. The expected source of funds to be used initially to pay for some portion of the \$838,000 of the expenditures authorized by Section 1 of this resolution shall be from funds derived from the United State Department of Agriculture Rural Development funds expected to be awarded to the Town. The Town may use monies from various accounts of the Town to initially pay for some portion of the \$838,000 of the expenditures authorized by Section 1 in addition to the USDA funding. The Town then reasonably expects to reimburse such expenditure from local funds with the proceeds of the bonds or bond anticipation notes authorized by Section 1 of this resolution.

Section 6. All matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a longterm basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution which takes effect immediately shall be published in full in the Westfield Republican and Dunkirk Evening Observer, the official newspapers, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

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

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

Resolution #37 of 2015
Barcelona Water Project Supplemental Legal Services Agreement

RESOLVED, that the Town Board of the Town of Westfield agrees to modify the Form E Budget for the Barcelona Water District Project. The Bond Counsel Administrative Category A.2. will be increased from the contingency E.1. from \$10,000 to \$12,550. This increase is due to additional proceedings and the resulting increase in the Legal costs.

FURTHER RESOLVED, that the Town Board authorizes the Supervisor to sign the Supplemental Legal Services Agreement and Engagement Agreement whereas the revised estimated fees will not exceed \$12, 550.

- Warrants dated June 3rd, 2015 (voucher #'s 11020 - 11105) in the amount of \$183,128.95 were drawn on the following funds:

General	\$23,755.26	Shorehaven Water Project	\$3.26
General Part-Town	\$1,999.92	Sherman FD	\$0.00
Highway	\$2733.89	Trust & Agency	\$819.26
Highway Part-Town	\$137,378.61	Welch Building	\$7,799.26
Sewer Fund	\$169.09	Welch Building Plantrol	\$1,689.13
Welch Bldg Operating	\$21.12	Barcelona Water	\$6760.15

These were presented and audited by the Board members. David Spann moved and Martha Bills 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; James Herbert, aye; Raymond Schuster, aye; David Brown, aye; David Spann, aye.

- At 8:04pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss ongoing contract negotiations. Unanimously carried.

At 8:35pm David Spann moved and James Herbert seconded a motion to return to regular session. Unanimously carried.

- The next Town Meeting is scheduled for Wednesday, August 5th, 2015 @ 7:30pm.
- There being no further business, at 8:36pm. James Herbert moved and Martha Bills seconded a motion to adjourn. Unanimously carried.

Respectfully submitted,

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