

**TOWN BOARD MEETING  
Town of Westfield  
February 1<sup>st</sup>, 2017**

The regular meeting of the Town Board of the Town of Westfield was called to order at 7:34pm in Eason Hall, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Bonnie Rae Strickland	Janet Nass	Tonja Dodd
Dep Supervisor:	David Brown	David Babcock	William Bauer	Jack Gulvin
Councilmen:	Raymond Schuster	Joel Seachrist	Randy McNeal	Eric Weis
	James Herbert	Tom Tarpley	Nancy Walker	Theresa Cochran
	David Spann	Don Eno	David Walker	Marion Eno
			Steve Rudnicki	

**Pledge of Allegiance**

*Councilman Raymond Schuster made the motion to waive the reading of the January 11<sup>th</sup>, 2017 minutes inasmuch as all members received a copy thereof and the minutes be accepted. Deputy Supervisor David Brown seconded the motion. The motion was carried unanimously.*

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The Town Clerk's report together with a check in the amount of \$2,719.96 representing fees for the month of January 2017 was turned over to the Supervisor. State and County agencies received checks totaling \$52.50.

The Supervisor's report is as of December 2016 follows:

<u>Fund</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Checking Balance</u>	<u>MM Balance</u>
Gen. A	\$692,124.72	\$661,591.06	\$15,687.81	761,976.00
Gen B	77,279.56	98,668.24	75.18	34,407.23
Hwy DA	382,349.84	474,647.71	385.59	337,352.63
Hwy DB	445,847.42	428,235.44	737.64	243,749.52
FP SS1	23,630.43	24,181.58	-0-	3,702.30
FP SW1	15,629.66	16,777.07	-0-	43,983.03
EWSW2	78.90	-0-	-0-	53,537.43
SHSW3	5.72	59.84	-0-	3,851.83
ER20SW4	1,960.00	-0-	-0-	6,783.99
BSW5	50,966.37	41,391.74	-0-	19,638.66
Wfd. Fire	54,073.73	54,000.00	-0-	672.64
Sherm. Fire	9,860.08	9,788.27	-0-	180.05
Totals:	\$1,743,946.35	\$1,809,340.95	\$16,886.22	\$1,509,835.31

The Dog Warden's report for January 2017 was received and placed on file.

The Fire Department Report for January 2017 was received and placed on file.

The Historian's report for January 2017 has not been received.

The Town Court report for January 2017 was received and placed on file

**Highway:**

Highway Superintendent highlighted on current projects which included working on the ceiling in front of shop, picnic tables for the Pier and also highlighted on the gas and fuel usage.

**Code Enforcement:**

The Code Enforcement Officer submitted a written report for January 2017 highlighting 4 permits issued in the Town. Inspections of projects and building projects as required have been performed.

- Attended Energy Code Enforcement Training and field inspection of new construction project.
- Received Special Use Permit Application, for 7803 N. Portage St, Julie Travis.

**Barcelona Harbor:**

- Supervisor Martha Bills, Deputy Supervisor David Brown, Councilman James Herbert, Councilman David Spann and Attorney Joel Seachrist attended a briefing with the Army Corps of Engineers on Wednesday, February 8, 2017 on a proposed course of action for repairing the breakwall.
- Councilman James Herbert addressed that this is a concern, if the breakwall is not fixed in a timely manner more rocks and debris will pile up and make it impossible to allow boats to enter or exit the Harbor.

**Public Comment:** none

**Announcements:**

3/1/2017 is the deadline for submission of tax exemptions  
2/7/2017 is the last day to receive Town and County Tax payments penalty free  
2/8/17-2/28/17- 1.00% on original  
3/1/17-4/3/17-2.00 % on original

Eric Wies, Principal Associate with Clark Patterson Lee (the Town’s engineering firm) discussed the process, cost, and timeframes to property owners about the possibility of bringing municipal water to the area.

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**New Business:**

***Supervisor Martha Bills offered the following resolution and moved for its adoption***

**Resolution No. 12 of 2017**

Audit of 2016 Financial Records

**RESOLVED**, that on January 24th, 2017 the Westfield Town Board met for the purpose of auditing the 2016 Town financial records. All records examined were found to be in order.

**BE IT FURTHER RESOLVED**, that on January 24th, 2017 Town Departments submitted their records for examination.

**BE IT FURTHER RESOLVED** Westfield Town Justices submitted for examination of 2016 court dockets and records. All fines and fees that were collected by the Town Court have been turned over to the proper officials. A report has been prepared using the comptroller’s suggested “Checklist for Initial Review of Justice Court Records”.

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

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*Councilman Raymond Schuster offered the following resolution and moved for its adoption*

**Resolution No. 13 of 2017  
Annual Review of Shared Services Highway Agreement w/County**

**RESOLVED**, that the Town Board of Westfield after thorough review of the County's *Shared Highway Services Agreement* agrees to keep the document in place for the next year.

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

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*Deputy Supervisor David Brown offered the following resolution and moved for its adoption*

**Resolution No. 14 of 2017  
Authorize the Supervisor to sign a modification water supply agreement with the Village of Westfield, Town of Ripley to reflect the USDA requirements**

**RESOLVED**, that the Supervisor is authorized to sign a modification to the water supply agreement with the Village of Westfield to reflect the USDA requirement that terms of the agreement cover the 38 year repayment period for Rural Development loans and include the language that in the event of water shortages, all users are treated equally.

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

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*Councilman David Spann offered the following resolution and moved for its adoption*

**Resolution No. 15 of 2017  
Authorize the Supervisor to attend the 2017 Training School and Annual Meeting of the Association of Towns**

**RESOLVED**, that the Supervisor is authorized to attend the 2017 Training School and Annual Meeting of the Association of Towns, February 19-22, 2017 in New York City and not to exceed \$1000.00.

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

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*Councilman David Spann offered the following resolution and moved for its adoption*

**Resolution No. 16 of 2017**  
**Authorize the Town of Westfield to adopt USDA form 1780-27, Loan Resolution**

A Resolution of the **Town Board** of the **Town of Westfield** Authorizing and PROVIDING FOR THE INCURRENCE OF INDEBTNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND OR EXTENDING ITS **Water system improvements** FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

**WHEREAS**, it is necessary for the Town of Westfield (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of pursuant to the provisions of NEW YORK STATE MUNICIPAL FINANCE LAW; and

**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.

6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental

impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed \$549,000.00 under the terms by the Government; that the Town Supervisor and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of section 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

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

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***Deputy Supervisor David Brown offered the following resolution and moved for its adoption***

**Budget Revision #4 for Budget Year 2016**

Revision Description	Increase Expenditures	Decrease Expenditures
B Funds (General Part Town)		
B3620.100 Safety Inspection-Personnel Services	4545	
B3620.110 Safety Inspection-Clerk Pers Serv		1012
B3620.400 Safety Inspection-Contractual	12	
B9030.800 Social Security	397	
B9035.800 Medicare	27	
B7510.401 Library/Historian-Contractual		993
B 1990.400 Contingent Account		<u>5000</u>
<b>TOTAL A FUND</b>	<u>5993</u>	<u>5993</u>
DA5130.100 Machinery-Personnel Services	480	
DA5142.100 Snow Removal-Personnel Services		<u>0</u> <u>480</u>
<b>TOTAL DA FUND</b>	<u>480</u>	<u>480</u>

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

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At 8:03pm Supervisor Bills moved and Raymond Schuster seconded a motion to audit the bills.

Warrants dated February 1, 2017 (voucher #'s 376-414) in the amount of \$68,705.64 were drawn on the following funds:

General	\$37,696.17	Shorehaven Water Project	\$4.19
General Part-Town	\$18,055.00	Forest Park Sewer	\$30.25
Highway	\$12,920.03		
Highway Part-Town	\$0.00		

Warrants dated February 1, 2017(voucher #'s 11-16) in the amount of \$5,608.38 (were drawn on the following funds:

Welch Building                      \$5,608.38

***These were presented and audited by the board members. Supervisor Martha Bills moved and Councilman Raymond Schuster seconded a motion that the Supervisor be directed to draw the necessary checks to cover the warrant as audited. Voting was as follows: Supervisor Martha Bills, aye; Councilman Raymond Schuster, aye; Deputy Supervisor David Brown, aye; Councilman David Spann, aye; Councilman James Herbert, aye.***

There being no further business, at 8:25pm Councilman David Spann moved and Councilman Raymond Schuster seconded a motion to move to executive session to discuss pending litigations. Unanimously carried.

At 8:57pm Councilman David Spann moved and Councilman James Herbert seconded a motion to return to regular session. Unanimously carried.

The next Town Board Meeting is scheduled for Wednesday, March 1, 2017 at 7:30pm  
Public hearing is scheduled for Wednesday, March 1, 2017 at 7:25pm for Special Use Permit, 7803 N. Portage, Julie Travis.

There being no further business, at 8:58pm. Supervisor Martha Bills moved and Councilman James Herbert seconded a motion to adjourn. Unanimously carried.

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