

**TOWN BOARD MEETING
Town of Westfield
February 6th, 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	Jim Pacanowski	Jenna Loughlin	Michael Vandevelde
Councilmen:	Raymond Schuster	Marybelle Beigh	William Bauer	Janet Nass
	David Brown	David Babcock	Claude Abbey	Harold Nass
	James Herbert	Joel Seachrist	Dylan MacCubbin	Caleb Genthner
	David Spann	Andrew Robbins	Danny Demarco	Noah Mathews
		Cameron Wright		

Raymond Schuster 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 \$2413.35 representing fees for the month of February 2012 was turned over to the Supervisor. State and County agencies received checks totaling \$58.00.

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	\$4,399.00	\$42,480.00	\$645.89	\$697,668.39
Gen B	962.00	1,161.00	75.18	62,489.95
Hwy DA	268,141.00	30,681.00	98.62	481,582.22
Hwy DB		2,686.00	37.64	118,623.51
Sewer HO1	23,237.00	7019.00	-0-	9653.30
Water HO2	17,260.00	-0-	-0-	114,715.70
Wfd. Fire	46,292.00	-0-	-0-	53,951.93
Sherm. Fire	8,904.00	-0-	-0-	9,019.21
Totals:	\$369,195.00	\$86,027.00	\$857.33	\$1,547,704.21

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

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

The Historian's report for January 2013 was received and placed on file.

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

Highway:

- The Town Highway Superintendent submitted a written report on activities for February 2013 and highlighted obtaining a new Truck (from the tandem axel bid in October 2012), pier, offer to sell of older equipment (truck #36), and daily operations.

Code Enforcement:

- The Code Enforcement Officer submitted a written report highlighting that include 5 permits issued in the Town for January 2013, a Certificate of Occupancy issued (Belson Road), and the fact that construction continues on a new homes on Ogden Road, West Main & Hawley Street.

Barcelona Harbor: (Pier is closed for the season)

In Public Comment, Mr. William Bauer noted his dissatisfaction with the fact that site of the burnt down house on N. Portage Street is still not cleaned-up.

Announcements:

- 3/1/2013 is the deadline for submission of tax exemptions.

Old Business:

- Supervisor Bills discussed the fact that poles for pier lights have arrived and that on 3/1/2013 there is a phone conference headed by the Army Corps of Engineers for the 'Annual Great Lakes Shallow Draft harbor Meeting'.

New Business:

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- David Brown moved and David Spann seconded a motion to renew the Transfer Station contract with Cassella Waste Management for one year (1 April 2013 - 31 march 2014). Unanimously carried.

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- Martha Bills moved and James Herbert seconded a motion to hold two (2) Public Hearings on 6 March 2013 at 7:20pm & 7:25pm respectively for modifications to Cell Towers on Hardscrabble and Reid Roads. Unanimously carried.

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

Resolution No. 10 of 2013
Audit of 2012 Financial Records

RESOLVED, that on January 22nd, 2013 the Westfield Town Board met for the purpose of auditing the 2012 town financial records. All records examined were found to be in order.

BE IT FURTHER RESOLVED, that on January 22nd, 2013 Town Departments submitted their records for examination.

BE IT FURTHER RESOLVED Westfield Town Justices submitted for examination of 2012 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 David Spann. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

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

Resolution No. 11 of 2013
Annual Review of Shared Services Highway Agreement w/County

BE IT 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 James Herbert. Voting was as follows: Martha Bills, aye; James Herbert, aye; David Brown, aye; Raymond Schuster, aye; David Spann, aye.

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

Resolution No. 12 of 2013
Support for NYS Contact Information for Vacant Structures

RESOLVED to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Town of Westfield Town Board supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the town of Westfield hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents in the Town of Westfield support the passage of said Bills.

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

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

Resolution No. 13 of 2013
Loan Resolution for Barcelona Water Project

A RESOLUTION OF THE **Town Board**
OF THE **Town of Westfield**

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the **Town of Westfield**
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

THREE HUNDRED THIRTY FIVE THOUSAND AND XX / 100 DOLLARS (335,000.00)

pursuant to the provisions of **New York State Local 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 legally 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.
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 **\$ 750,000**

under the terms offered by the Government; that the **Town Supervisor** and **Deputy Town Supervisor**

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 grant 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 sections 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.

Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the **Town Board** of the **Town of Westfield** has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this _____, day of _____

Town of Westfield

(SEAL) By _____

Attest: Title _____

Timothy Smith

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

Warrants dated February 6, 2013 (voucher #'s 9280 - 9340), in the amount of \$184,088.93` drawn on the following funds: \$36,746.98 General; \$18,464.99 General Part-Town; \$116,430.72 Highway; \$4685.54 Highway Part-Town; 7019.28 Sewer Fund; \$3.26 Shorehaven Water Project; and 738.16 Trust & Agency were presented and audited by the Board members. David Brown moved and 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: Martha Bills, aye; Raymond Schuster, aye; David Brown, aye; James Herbert, aye; David Spann, aye.

At 8:21pm Supervisor Bills moved and David Brown seconded a motion to move to Executive Session to discuss a particular employment history and current litigation. Unanimously carried.

At 9:30pm Supervisor Bills moved and James Herbert seconded a motion to return to regular session. Unanimously carried.

The next Town Meeting is scheduled for Wednesday, March 6th, 2013 @ 7:30pm.

There being no further business, at 9:12pm. James Herbert moved and David Spann seconded a motion to adjourn. Unanimously carried.

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