TOWN BOARD MEETING
Town of Westfield
September 2, 2026

PUBLIC HEARING
Town of Westfield
Special Use Permit Application for a Commercial Storage Building at 7880 Persons Street

Supervisor Bills called the public hearing to order at 7:25pm in Eason Hall North Room, 23 Elm Street, Westfield, NY, with the following members and guests present:

Supervisor:	Martha R. Bills	Guests:	Mark Johnson	Mary Gross
Councilmember:	David Brown		Ed Slate	Gail Gray
	David Spann		Andrew Thompson	
			Nicholas Myers, MDA	
Absent:	William Northrop		Dave Nicholas	
	James Herbert		Tom Herr	
			Judy Einach	
			Elisa Dennis	

Code Officer: Kenneth Shearer
Assessor: Kenneth Shearer
Highway Superintendent: David Babcock
Town Attorney: Joel Seachrist
Town Clerk: Andrea L. Babcock

Supervisor Bills opened the public hearing to discuss the special use application. The applicant was not present; Code Enforcement Officer Shearer gave an overview of the application. It is an additional storage unit, and this building will be on the thruway side of the property. The proposed hours are 8am-6pm seven days a week year-round.

The Legal notice was posted in the Dunkirk Observer, and Town Clerks sign wall of the Public Hearing.

Supervisor Bills received a letter from the Town Planning Board for Town Board approval and had no concerns.

No comments from the public.

Councilmember David Spann made the motion to move that the public hearing be closed at 7:28pm. Councilmember David Brown seconded the motion. Motion carried.

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

Accepted 10/07/2026

TOWN BOARD MEETING
Town of Westfield
September 2, 2026

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:

Supervisor:	Martha R. Bills	Guests:	Mark Johnson	Mary Gross
Councilmember:	David Brown		Ed Slate	Gail Gray
	David Spann		Andrew Thompson	
			Nicholas Myers, MDA	
Absent:	William Northrop		Dave Nicholas	
	James Herbert		Tom Herr	
			Judy Einach	
			Elisa Dennis	

Code Officer: Kenneth Shearer
Assessor: Kenneth Shearer
Highway Superintendent: David Babcock
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Supervisor Bills introduced Nicholas Myers from MDA Consulting Engineers, PLLC and gave a summary on a field visual evaluation completed on the Schultz Drive sewer pump station. The completed field visual evaluation report summarizes deficiencies and Engineer Myers presented alternatives for remediation with corresponding preliminary estimates of probable cost.

Pledge of Allegiance

Councilmember David Brown made the motion to waive the reading of August 5, 2026, minutes inasmuch as all members received a copy thereof and the minutes be accepted. Councilmember David Spann seconded the motion. The motion was carried unanimously.

Reports:

The Supervisor's August monthly report was distributed and accepted as submitted including up to date spending and revenues on all accounts. All board members have received a copy, and the monthly report is always available in the Supervisor's office for anyone to view. The Town received the Temporary Municipal Assistance Aid (TMA) of $3525.00. The Supervisor's office is working on the 2027 preliminary budget, and a 2025 audit is being conducted for East Route 5 Water Benefit District No. 2 by Doeren Mayhew.

The Town Clerk's report together with a check in the amount of $15,763.55 representing fees for the month of August 2026 is turned over to the Supervisor. A check for $90.00 representing fees for the month of August to NYS Department of Health for Marriage Licenses. The amount of $46.00 has been turned over to NYS Department of Agriculture and Markets.
NYS Decals licenses in the amount of $2,431.45 will be withdrawn on the 13th. The Town's commission from the August sales of decals transactions was $142.55.

- The Dog Warden's report for the month of August 2026 was received and placed on file in the Town Clerk's office.

- The Town Historian report for the month of August 2026 was received and placed on file in the Town Clerk's office.
- Westfield Fire Department report for the month of August 2026 was received and placed on file in the Town Clerk's office. Chief David Walker gave an overview of the report.
- The Town Court report for August 2026 was received and placed on file in the Town Clerk's office.
- The WPD report for August 2026 was received and placed on file in the Town Clerk's office. Patrol Sgt. Joseph Villafrank gave an overview of the report.

Highway:
Highway Superintendent's August 2026 report was received and placed on file in the Town Clerk's office.

Code Enforcement/Assessor:
The Code Enforcement Officer's August 2026 report was received and placed on file in the Town Clerk's office. The report highlighted the permits issued and daily tasks, continuous ongoing education for code enforcement and assessor training, working with property owners, attending meetings and webinars.

- Code Officer Shearer received a Special Use Permit application for a carport for RV storage at 8584 Pigeon Road and asked the board to refer it to the Town Planning Board and to the Town Board and to set a public hearing. Supervisor Bills made a motion to refer the special use permit application to the Town Planning Board and set a public hearing for Wednesday, October 7, 2026, at 7:25pm. Seconded by Councilmember David Brown and carried unanimously.

Barcelona Harbor:

- Harbor Committee members met with the harbor staff to discuss end of season. The closing date is September 30th, 2026, weather dependent.
- Discussed allowing the Westfield Police Department and Westfield Fire Department access to the handicap chair lift for the 2027 season. Handicap chair lift appointments are to be made with The Highway Superintendent until further notice.

Public Comment:

- Barcelona Town resident addressed the board with suggestions for the proposed plans for the Barcelona Beach Waterfront Park Project.
- Taylor Road, Town resident addressed the board with a formal written statement.
- East Main St. Village resident addressed the board with a Code of Ethics concern.

Announcements:

- School Tax Collection starts Tuesday, September 1, 2026, from 8:00am-1:00pm at the Town Bookkeepers window.
- Grape and Wine Festival at Moore Park and Grape Discovery Center, September 18th and 19th, 2026.
- Cemetery walk at the Westfield Cemetery will be held September 25th and 26th.

Project Updates:

- East Route Water Benefit District No. 2. water main has been installed and pressure testing on NYS Route 5, McKinley and Hawthorne. NYSDOH approval has been received. The chlorine building has been installed and powered up. Water main health samples will be completed in the next couple of weeks. Residents will be notified of water hookups by mail. Monthly progress meetings are held.
- Engineer Clark Patterson Lee and USDA continue looking into feasible options for West Route 20 water.
- The Town Highway department will work on the sidewalks for the Barcelona Gateway project.
- Barcelona Beach Waterfront Park Project public discussions for 2027 grant were held prior to the August Town Board meeting and discussed the proposed plans revised with public feedback.
- Welch Building, IDA meeting with developer to discuss status and documentation needed for USDA for financing.

New Business:

Councilmember David Spann offered the following resolution and moved for its adoption

Resolution No. 66 of 2026
TOWN OF WESTFIELD
Neg Dec-20' x 100' Commercial Storage Building at 7880 Persons Rd

WHEREAS, the Town Board of the Town of Westfield is considering the application of Jeffrey Fortner to modify an existing Special Use Permit to allow him to construct a new 20' x 100' self-storage building at 7880 Persons Road, which is designated as tax map Section 193.00, Block 1, Lot 46.1, and

WHEREAS, the use has been subject to environmental review pursuant to Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act), including the preparation and review of a short Environmental Assessment Form, and

WHEREAS, Part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act requires this Board to determine and give notice of the environmental impact of the use, and

WHEREAS, the Board has determined that proposed use will not have a significant environmental impact

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby issues the attached Notice of Determination of Non-Significance, also known as a Negative Declaration, for the application of Jeffrey Fortner.

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

Councilmember David Spann offered the following resolution and moved for its adoption

Resolution No. 67 of 2026
TOWN OF WESTFIELD
20' x 100' Commercial Storage Building at 7880 Persons Rd

WHEREAS, the Town Board of the Town of Westfield is considering the application of Jeffrey Fortner to modify an existing Special Use Permit to allow him to construct a new 20' x 100' commercial storage building at 7880 Persons Road, which is designated as tax map Section 193.00, Block 1, Lot 46.1, and

WHEREAS, Jeffrey Fortner (hereinafter, the "Applicant") has submitted an application pursuant to Section 185-24(J)(22) of the Town of Westfield Zoning Code requesting permission to construct and operate an additional commercial mini-storage building at 7880 Persons Road, Westfield, designated as tax map parcel Section 193.00, Block 1, Lot 46.1, in the Residential-Agricultural (R-A) District, and

WHEREAS, the issue of compliance with the State Environmental Quality Review Act has been addressed, and a Negative Declaration has been issued after examination of the record and public hearing, and

WHEREAS, the Town of Westfield Planning Board reviewed the application during a meeting held August 12, 2026 and recommended approval of the application with no concerns, and

WHEREAS, the Town board ("Board") has carefully considered the issue of compliance with the State Environmental Quality Review Act, and has issued a negative declaration after examination of the record and a public hearing, and

WHEREAS, the Board has considered all the facts and papers before it, and has heard those wishing to be heard at a public hearing held September 2, 2026 after publication of legal notice, and finds ample justification to approve the application subject to the qualifications hereinafter set forth, now

THEREFORE, BE IT RESOLVED, that the application to amend the special use permit to permit the construction of a new 20' x 100' mini-storage building at 7880 Persons Road (the "Facility"), be and hereby is authorized and approved subject to the conditions and requirements hereinafter set out:

1. The Applicant shall undertake the project in accordance with the plans and drawings submitted to the Town with the application, and agrees to be bound by the terms of the application and the conditions of this permit, including that the facility shall be operated as commercial self-storage only, with hours of operation limited to 8:00 a.m. to 6:00 p.m., seven days a week, year-round.

2. No items shall be kept or stored on or around the exterior of the mini-storage building.

3. If Applicant has any night-time exterior lighting of the Facility, it shall be directed and / or screened in such a manner so as to not cause a nuisance to adjacent and nearby properties or to passersby on Persons Road.

4. The Applicant shall commence operation of the Facility within one year of the issuance of this Permit. If operation has not begun within the prescribed time, this Special Use Permit shall be void and the applicant shall be required to apply for a new permit should he intend to continue the project.

5. The terms, conditions, and requirements of this permit bind and obligate the Applicant, their successors, and assigns. This permit shall not be assigned or transferred, in whole or in part, without the prior written consent of the Town.

6. Any failure or omission on the part of the Applicant to carry out any condition or requirement herein or in accordance with the terms or requirements of any statute, local law, ordinance or regulation, may be deemed a violation of the Town of Westfield Zoning Law and unless corrected in not more than 10 days following the service of written notice of such violation upon the Applicant, may subject them to the penalties therein. Continued violations after written notice may result in revocation of this Special Use Permit.

7. This Special Use Permit shall become effective after the Applicant approves each and every provision hereof and agrees to be bound by all of the terms herein contained in consideration of the granting of this Special Use Permit.

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

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

Resolution No. 68 of 2026
TOWN OF WESTFIELD
Re-Appointment Member to the Board of Assessment Review Board

BE IT RESOLVED, the Town Board of the Town of Westfield re-appoints Phil Baideme to the Board of Assessment Review Board with a term of 10/01/2026-09/30/2031.

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

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

Resolution No. 69 of 2026
TOWN OF WESTFIELD
Set Budget Workshop Date and Time

BE IT RESOLVED, the Town Board of the Town of Westfield hereby set a budget workshop meeting on Wednesday September 16, 2026, at 4:00pm in the Supervisors office to discuss the 2027 budget.

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

Councilmember David Spann offered the following resolution and moved for its adoption

Resolution No. 70 of 2026
TOWN OF WESTFIELD
Authorize Town Boards to Attend Annual Planning and Zoning Training

BE IT RESOLVED, the Town Board of the Town of Westfield hereby authorizes the Town Board to attend Southern Tier West Fall Planning & Zoning Training in October. The Town will pay a registration fee of $25.00 per attendee and mileage expense of .725 per mile.

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

Councilmember David Brown offered the following resolution and moved for its adoption

Resolution No. 71 of 2026
TOWN OF WESTFIELD
Authorize Payment Request No. 11 and Form E, No. 14 for East Route 5 Water Benefit District No.2

BE IT RESOLVED, The Town Board of the Town of Westfield hereby authorizes payment No. 11 and Form E No. 14 -Rural Development Budget / Cost Certification, tabulation sheets and project related services to date for East Route 5 Water Benefit District No.2.

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

Councilmember David Spann offered the following resolution and moved for its adoption

Resolution No. 72 of 2026
TOWN OF WESTFIELD
Justice Court Assistance Program

BE IT RESOLVED, The Board of the Town of Westfield authorizes the Westfield Town Court to apply for a JCAP grant in the 2026-27-grant cycle up to $30,000.00.

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

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Councilmember David Brown offered the following budget revision No 6 of 2026 and moved for its adoption

Subject: Budget Revision #6 for Budget Year 2026		
Revision Description	Decrease	Increase
To move $25.00 from SW1 fund balance SW1 599 to the expense account SW1 8389.400 Water Expenses Other-Contractual to cover a portion of the electric bills from the chlorination station that was put in from the	Expenditures	Expenditures
Route 5 Water District #2. This chloriation station will service all the water districts along the lake shore. There will be a monthly phone bill also for the new chlorinaton station. To cover expenses from August to December 2026		
Budget Journal		
SW1 Fund (Forest Park Water)		
SW1 599 Appropriated Fund Balance DR	25.00	
SS1-8389.400 Water Expenses Other Contractual CR		25.00
Total SW1 Fund	25.00	25.00
Revision Description	Decrease	Increase
To move $25.00 from SW2 fund balance SW2 599 to the expense account SW2 8389.400 Water Expenses Other-Contractual to cover a portion of the electric bills from the chlorination station that was put in from the	Expenditures	Expenditures
Route 5 Water District #2. This chloriation station will service all the water districts along the lake shore. There will be a monthly phone bill also for the new chlorinaton station. To cover expenses from August to December 2026		
Budget Journal		
SW2 Fund (Edge Water)		
SW2 599 Appropriated Fund Balance DR	25.00	
SW2-8389.400 Water Expenses Other Contractual CR		25.00
Total SW2 Fund	25.00	25.00
Revision Description	Decrease	Increase
To move $25.00 from SW9 fund balance SW2 599 to the expense account SW9 8389.400 Water Expenses Other-Contractual to cover a portion of the electric bills from the chlorination station that was put in from the	Expenditures	Expenditures
Route 5 Water District #2. This chloriation station will service all the water districts along the lake shore. There will be a monthly phone bill also for the new chlorinaton station. To cover expenses from August to December 2026		
Budget Journal		
SW9 Fund (Route 5 Water District #2)		
SW9 599 Appropriated Fund Balance DR	25.00	
SW9-8389.400 Water Expenses Other Contractual CR		25.00
Total SW9 Fund	25.00	25.00
Revision Description	Decrease	Increase
To move $46.70 from A fund A8160.400 Refuse & Garbage - Contractual Accout to A8160.100 Refuste & Garbage - Personnel Service For one Highway employee to cover the Casella Waste employee to attend	Expenditures	Expenditures
a Casella Waste party on Saturday August 22, 2026 So the Transfer Station could stay open to the taxpayers.		
Budget Journal		
A Fund (General Fund)		
A8160.400 Refuse & Garbage - Contratual DR	46.70	
A8160.100 Refuse & Garbage Personnel Serv CR		46.70
Total A Fund	46.70	46.70
Revision Description	Decrease	Increase
To move $5,000.00 from SS1 fund balance SS1 599 to the expense account SS1 8190.400 Other-Operations & Mainitence to cover MDA Consulting Engineers, PLLC Invoice 9767 for $4,506.00 and electric bills for	Expenditures	Expenditures
September, 2026-December 2026.and any more expenses incurred to repair the Schultz Drive Pump Station.		
Budget Journal		
SS1 (Forest Park Sewer)		
SS1 599 Appropriated Fund Balance DR	5,000.00	
SS1-8190.400 Other - Operations & Maintenance CR		5,000.00
Total SW1 Fund	5,000.00	5,000.00

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

Supervisor, Martha Bills made a motion to set a public hearing for the Sherman Fire Protection District for 7:20pm and the Westfield Fire Protection District for 7:20pm October 7, 2026, seconded by Councilmember David Brown and carried unanimously.

At 8:35pm Supervisor Bills moved and Councilmember David Brown seconded a motion to audit the bills.

Warrants dated September 2, 2026 (voucher #'s 501-567) in the amount of $77,254.95 drawn on the following funds:

General (A)	$	22,984.23
General (B)	$	183.12
Highway (DA)	$	4,970.70
Highway Part-Town (DB)	$	44,552.79
Forest Park Sewer (SS1)	$	4,556.14
Route 5 Water District Forest Park (SW1)	$	0.58
Route 5 Water District Edge Water (SW2)	$	0.58
North Town Water-Shorehaven (SW3)	$	4.46
North Town Water-Barcelona (SW5)	$	0.58
North Town Water-Shorehaven II (SW6)	$	0.58
East Route 5 District #1 (SW8)	$	0.58
East Route 5 District #2 (SW9)	$	0.61

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Warrants dated September 2, 2026 (voucher 26-28) in the amount of $309,073.24 drawn on the following funds:

Route 5 Water Benefit District-2 (H9) $309,073.24

These were presented and audited by the board members. Supervisor Martha Bills moved and Councilmember David Brown 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; Councilmember, David Brown, aye; Councilmember David Spann, aye.

At 8:45pm Supervisor Martha Bills moved, and Councilmember David Spann seconded a motion to move to executive session to discuss a particular personnel history and pending litigation with the Town Attorney. Unanimously carried.

At 9:20pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to return to regular session**.** Unanimously carried.

There being no further business at 9:20pm Supervisor Martha Bills moved, and Councilmember David Brown seconded a motion to adjourn. Unanimously carried.

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

Accepted 10/07/2026