

A regular meeting was called to order with the Pledge of Allegiance to the United State Flag at the Ashford Community Center at 7:30pm with John A. Pfeffer Town Supervisor presiding.

- Present: John A. Pfeffer, Supervisor**
Charles E. Davis, III Councilman, Deputy Supervisor
William J. Heim, Councilman
Jean M. Bond, Councilwoman
Angela Ghani, Councilwoman
Patricia R. Dashnaw, Town Clerk
Tim Engels, Highway Superintendent
Larry Feldman, Code Enforcement Officer

Others present: Joseph Pillittere, Max Borsuk, Jim Boberg, Bryan Bower, Susan Feldman, Pastor Candy Scarem

A regular meeting was called to order with the Pledge of Allegiance to the United States Flag at the Ashford Community Center at 7:30pm with John A. Pfeffer Town Supervisor presiding. A moment of silence was held in honor of all veterans

RESOLUTION 96-2020
APPROVAL OF AGENDA

On motion of Councilwoman Bond seconded by Councilman Heim the following resolution was

ADOPTED Ayes 4 Pfeffer, Heim, Bond, Davis
Nays 0

Resolved the Town Board of the Town of Ashford hereby approve the agenda as presented with the addition of appointment to fill vacant council seat.

Resignation has been received from Councilman Richard Bernstein and given to the Town Clerk.

RESOLUTION 97-2020
APPOINTMENT OF BOARD MEMBER TO FILL VACANCY

On motion of Councilman Davis seconded by Councilwoman Bond the following resolution was

ADOPTED Ayes 4 Pfeffer, Heim, Bond, Davis
Nays 0

Resolved the Town Board of the Town of Ashford hereby appoint Angela Ghani to the vacant Councilperson position through 2021.

Bryan Bower was in attendance and reported there are several employees affected by the quarantine requirements. As a result current activities are outside and all social distancing necessary to comply are being practiced. Once employees are able to return, regular work can resume.

RESOLUTION 98-2020
APPROVAL OF CONENSUS ITEMS

On motion of Councilman Davis seconded by Councilman Heim the following resolution was

ADOPTED Ayes 5 Pfeffer, Heim, Bond, Davis, Ghani
Nays 0

Resolved hearing no objections, Agenda Item F1 through F6 be and are approved by the Town Board of the Town of Ashford, and shall be listed individually as follows in the minutes of this meeting:

- | | | | |
|---|-----------------------------|---------------------|-------------|
| 1. October Assessors Report | 6. August Audit the Claims: | | |
| 2. October Code Enforcement Report | General Fund | No. 251 through 277 | \$27,008.78 |
| 3. October 14, 2020 minutes | Highway Fund | No. 140 through 154 | \$29,252.66 |
| 4. October Town Clerk Report | Light District | No. 11 | \$1,146.64 |
| 5. October Supervisors Financial Report | Trust & Agency | No. 90 through 96 | \$8,219.69 |
| | Water District | No. 80 through 92 | \$5,279.43 |

SUPERVISORS MANAGEMENT REPORT:

- Cattaraugus County has submitted an application for CARES Act Funding to increase the community access to fast internet access.
- NYS is requiring all municipalities to have a disaster plan regarding future health emergencies involving a communicable disease. This policy will need to be adopted by April 1, 2021.
- The check has been received from NYMIR to cover costs in relation to the School Well damage for the Town of Ashford West Valley Water.
- Armstrong and Frontier are in the process of running fiber optic lines for customers to have internet and phone service.
- Miller Road Light Project will move forward once easements are in place.
- NYMIR is offering the harassment training for all Ashford employees.
- Supervisor Pfeffer contacted Principal Amodeo at the WVCS regarding the Town Brand/Seal. The students will be informed of the project and asked to participate
- The American Legion in West Valley is seeking to add to the membership and ways to increase funding.
- A company is in the process of revisiting the flood maps in Western New York and updating information to reflect changes that have occurred since the last study decades ago.

Highway Superintendent Engels would like to start the process of the purchase of a new truck for 2022. Engels reported he has submitted his resignation as of 12/31/2020 to the Town Clerk. Engels also reported he hired an employee full time.

A new judge has been elected to begin January 1. Training will start soon.

Meetings will be held with Supervisor Pfeffer, Councilman Heim, and property owners affected by Spittler Road to determine the best course of abandonment.

RESOLUTION 99-2020

APPROVAL OF DECOMMISSIONING SECURITY FOR THE BQ ENERGY WEST VALLEY SOLAR PROJECT

On motion of Councilman Davis seconded by Councilman Heim the following resolution was

ADOPTED Ayes 5 Pfeffer, Heim, Bond, Davis, Ghani
Nays 0

Project Name: BQ Energy West Valley Solar Project (“**Project**”)

Location: 5684 County Highway 86-2, Town of Ashford, NY (“**Site**”)

WHEREAS, West Valley Solar LLC (“**West Valley**”) seeks to construct and operate a solar photovoltaic facility, consisting of two 5 megawatt (“**MW**”) projects, on an approximately 54 acre parcel of land on either side of Buttermilk Road at the Western New York Nuclear Service Center (“**Center**”) in the Town of Ashford (“**Town**”), Cattaraugus County, which entails the installation of solar panels, ancillary support equipment, fencing, a transformer, buried electrical line, access roads, and related improvements; and

WHEREAS, the Center, including the Site, is owned by the New York Research Development Agency (“**NYSERDA**”); and

WHEREAS, in order to facilitate the Project, the Town leases the Site from NYSERDA and sub-leases the Site to West Valley Solar LLC; and

WHEREAS, the sub-lease entered into between the Town and West Valley Solar, LLC (“**Sub-Lease**”) requires West Valley Solar, LLC to furnish a form of surety through escrow account, bond or other means to cover the cost of decommissioning and removal of the Project in the event that the Town must remove the Project and remediate the Site; and

WHEREAS, the Sub-Lease requires the Town to approve the amount and form of the surety; and

WHEREAS, NYSERDA has published the Solar Guidebook for Local Governments, which provides information to local governments and landowners on decommissioning large-scale solar panel systems; and

WHEREAS, West Valley, by letter dated November 2, 2020, in order to fulfill its obligation to provide a surety pursuant to the terms of the Sub-Lease, has proposed a surety, based on an estimate of decommissioning costs prepared by a licensed professional engineer, in the amount of \$293,900, payable as a bond (“**Proposed Surety**”);

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ASHFORD AS FOLLOWS:

Section 1. Based upon a review of the Proposed Surety and analysis prepared by West Valley’s consultant, the Town Board hereby, on behalf of the Town, finds that the Proposed Surety is consistent with the guidance provided by NYSERDA in the Solar Guidebook for Local Governments and is appropriate for the decommissioning of the Project.

Section 2. Based upon a review and examination of the Project and the Proposed Surety, the Town Board hereby, on behalf of the Town, approves a surety bond as the form of security and \$293,900 as the amount of the bond, both initially and for any renewals.

Section 3. Approval of the Proposed Surety as provided herein is subject to the condition that West Valley or its assignee, in fulfillment of its obligations under the Sub-Lease and pursuant to this Resolution and prior to obtaining any building permit or commencing any construction, shall provide the Town Attorney or Special Counsel 15 days to review the bond, for purposes of confirming its compliance with this Resolution. In conjunction with the review of the bond, the Town Attorney or Special Counsel may request that the bond contain commercially reasonable bond terms that are agreeable to all parties. Consent to the bond shall not be unreasonably withheld by West Valley or the Town Attorney or Special Counsel.

Section 4. Any bond purchased by West Valley or its assignee in fulfillment of its obligations under the Sub-Lease and pursuant to this Resolution shall be renewed no less than 60 days prior to the termination of the bond and, upon renewal, West Valley or its assignee shall provide the Town with a copy of the continuation certificate demonstrating renewal of the bond. In the event that West Valley or its assignee fails to provide such continuation certificate to the Town, the Town may, at its discretion, make a claim against the bond, with a copy of the claim provided to West Valley or its assignee, provided that nothing herein shall prevent West Valley or its assignee from curing the failure to renew prior to the termination of the bond, in which case the Town shall withdraw any such claim against the bond. Failure to renew the bond in accordance with the procedures stated herein shall constitute a breach of the Sub-Lease entitling the Town to commence the decommissioning process.

Section 5. The Town Supervisor is hereby authorized to execute any documents and the Town Clerk and other Town officials are hereby authorized and directed to take any such actions as may be necessary to implement the provisions of this Resolution.

Section 6. This Resolution is effective immediately.

Discussion took place regarding receipt of the grant and implementing the best possible options for its use.

RESOLUTION 100-2020

SOLAR FARM MORATORIUM

On motion of Councilman Davis seconded by Councilman Heim the following resolution was

ADOPTED Ayes 5 Pfeffer, Heim, Bond, Davis, Ghani
Nays 0

WHEREAS: A solar energy system is defined as components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System

WHEREAS: a Tier 1 Solar Energy Systems includes Roof-Mounted Solar Energy Systems or Building-Integrated Solar Energy Systems

WHEREAS: a Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems that generate up to [110] % of the electricity consumed on the site over the previous [12] months, either capacity-based with system capacity up to 25 kW AC or physical-size based with a total surface area of all solar panels on the lot of up to 4,000 square feet.

WHEREAS: a Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

NOW THEREFORE BE IT RESOLVED the Ashford Town Board authorize a 6 month moratorium on Tier 3 solar Energy panel installations

Cattaraugus County DPW has approved the TE9 for the speed study on Route 219 and submitted the forms to NYSDOT to proceed.

Jim Boberg was in attendance and asked for the agenda and correspondence items prior to meetings to familiarize himself with the current issues before he takes office January 1.

Joe Pillittere will be organizing the food deliveries to the local pantries.

RESOLUTION 101-2020

EXECUTIVE SESSION

On motion of Councilwoman Bond seconded by Councilman Heim the following resolution was

ADOPTED Ayes 5 Pfeffer, Heim, Bond, Davis, Ghani
Nays 0

Resolved the board move into executive session at 8:25pm Public Officers Law Article 7 § 105 for purposes of contract negotiations.

RESOLUTION 102-2020

RETURN TO REGULAR SESSION

On motion of Councilwoman Bond seconded by Councilman Davis the following resolution was

ADOPTED Ayes 5 Pfeffer, Heim, Bond, Davis, Ghani
Nays 0

Resolved the Board return to regular session at 8:35pm with no action taken in Executive Session.

RESOLUTION 103-2020

RECOGNITION OF HIGHWAY MEO REPRESENTATION OF TEAMSTERS LOCAL 264

On motion of Councilwoman Ghani seconded by Councilman Davis the following resolution was

ADOPTED Ayes 5 Pfeffer, Heim, Bond, Davis, Ghani
Nays 0

Resolved The Town Board agrees for voluntary recognition of the Town of Ashford Highway Department Mechanical Equipment Operators, (MEO's) to be represented by the Teamsters Local 264.

RESOLUTION 104-2020

AUTHORIZE SUPERVISOR AS CHIEF NEGOTIATOR

On motion of Councilman Davis seconded by Councilman Heim the following resolution was

ADOPTED Ayes 5 Pfeffer, Heim, Bond, Davis, Ghani
Nays 0

Resolved the town board authorizes the supervisor to act as chief negotiator and hire appropriate counsel as needed.

A motion was made by Bond seconded by Davis and carried that the meeting be adjourned at 8:38pm.

(All aye)

Patricia R. Dashnaw—Town Clerk