

Present: John A Pfeffer, Supervisor
Charles E. Davis, III Councilman, Deputy Supervisor
William J. Heim, Councilman
Jean M. Bond, Councilwoman
Richard A. Bernstein, Councilman
Patricia R. Dashnaw, Town Clerk
Larry Feldman, Code Enforcement Officer

Others present: Susan Feldman, Max Borsuk, Paul Bembia, Joseph Mondo, Belladara Mondo

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.

RESOLUTION 28-2020
APPROVAL OF AGENDA

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

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

Resolved the Town Board of the Town of Ashford approve the agenda with the addition of Constable Fire Arm Training in New Business.

Paul Bembia, Director WVDP NYSERDA gave update on Proposed Solar Facility. The final step prior to implementing the building stage is to modify the ground lease regarding the wetlands. The update is currently being completed.

RESOLUTION 29-2020
APPROVAL OF CONENSUS ITEMS

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

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

Resolved hearing no objections, Agenda Item F1 through F7 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. February Assessors Report
2. February Code Enforcement Report
3. February Constabulary Report
4. February 8, 2020 Minutes
5. February Town Clerk Report
6. February Supervisors Financial Report
7. February Highway Expense & Fuel Report

RESOLUTION 30-2020
BUDGET AMENDMENT

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

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

Resolved the following Budget Amendment is approved for the General Account:
 From **A1990.4** Contingent to **A1010.4** Town Board Contractual in the amount of **\$6,000.00**

RESOLUTION 31-2020
AUDIT OF CLAMS

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

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

Resolved that the bills be paid on Abstract #3 in the following amounts:

General Fund	No. 51 through 71	\$71,532.80 (#59 WVFD \$184,500.00)
Highway Fund	No. 23 through 37	\$74,729.25
Light District	No. 3	\$1,169.76
Trust & Agency	No. 11 through 21	\$10,811.42
Water District	No. 17 through 22	\$3,386.15

SUPERVISORS MANAGEMENT REPORT:

- Town Branding/Seal: Supervisor Pfeffer contacted faculty and students in WVCS to discuss criteria for a town seal. Springville Griffith Institute will also be contacted as some Town of Ashford residents are in the Springville school district.
- Due to the delineation of the Proposed Solar Farm there are approximately 7 acres of trees to be removed. Supervisor Pfeffer has suggested trees be planted in the Town of Ashford to make up for the removed trees. Locations will be researched.
- National Grid has a delay in scheduling for the installation of test street lights for the street light conversion project. Delays will also affect the Miller Road Street light.
- Easements need to be completed to proceed with the street light at Miller Road.
- Verizon has contacted the Town of Ashford to install a Small Cell Project on the Ashford Community Center. The Town of Ashford would receive a small stipend for participating and the installation does not compromise the construction of the roof. Councilman Heim would like to inspect the construction of the project. Verizon is looking for other sites for similar projects.

RESOLUTION 32-2020
AUTHORIZE VERIZON SMALL CELL PROJECT

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

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

Resolved the Town of Ashford Board authorize construction of the Verizon Small Cell Project on the Ashford Community Center.

RESOLUTION 33-2020

APPROVAL OF LETTER ADDRESSING BAIL REFORM

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

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

Resolved Ashford Town Board Authorize Supervisor Pfeffer to send letter to Senator George Borello in support of local justices addressing the issue of setting bail.

RESOLUTION 34-2020

REQUESTING THE WITHDRAWAL OF THE STATE BUDGET'S ENERGY SITING AMENDMENT

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

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

WHEREAS: NYS is a Home Rule State, which basically means that any and all powers of the State emanate from the people.

WHEREAS: Per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community.

WHEREAS: On Feb 21, 2020, Governor Cuomo proposed a Budget Amendment "to dramatically speed up the permitting and construction of renewable energy projects."

WHEREAS: This amendment could be passed with the Budget by April 1st, replacing the current Article 10 process with a radically new method for siting renewable energy projects.

WHEREAS: The stated purpose of this proposed far-reaching change is to enhance the execution of the *Climate Leadership and Community Protection Act (CLCPA)*.

WHEREAS: Although the objectives of the CLCPA sound admirable, there is no empirical scientific proof that industrial wind energy (compared to Nuclear, Hydro or Gas) saves any consequential amount of Carbon Dioxide (CO2).

WHEREAS: Conversely, there is considerable scientific evidence that onshore industrial wind energy projects will likely be a *net economic liability* to NYS host communities. This will be particularly burdensome to social justice communities.

WHEREAS: There is extensive scientific evidence that onshore industrial wind energy projects will likely result in adverse health effects to some citizens of NYS host communities.

WHEREAS: There is substantial scientific evidence that industrial wind energy projects will likely cause extensive eco-system damage to onshore NYS host communities, or to marine locales where offshore wind projects are sited.

WHEREAS: This amendment will effectively remove any meaningful input from citizens, towns, counties, local environmental groups, and community businesses regarding the siting and regulation of renewable energy projects.

WHEREAS: The new process is structured such that scientific data, or testimony from qualified experts, will have little bearing regarding siting regulations and approval.

WHEREAS: Once an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is complete. If the ORES decision is **not** made in that time, the application is *automatically* deemed complete!

WHEREAS: Once an application is determined to be complete, ORES has 12 months to approve the project. If the ORES decision is **not** made in that time, the application is *automatically* approved! There is no provision for extending this time limit.

WHEREAS: The Governor's proposal also seems to indicate that the State might get into the ownership and/or operation of renewable energy generation. Such a profound change would also severely limit the ability of local communities to regulate such industrial projects.

WHEREAS: All of these proposed changes are not only in conflict with our Home Rule rights, but are also contrary to our obligation to protect the health, safety and welfare of our constituents.

RESOLVED: The Town of Ashford, Cattaraugus County formally requests that this Budget Amendment be withdrawn before the Budget is voted on. Additionally we petition the State to respect our Home Rules rights, and to defend our authority to regulate renewable energy projects as the citizens of our community see fit.

- Cattaraugus County Ag Planning and Grant information will be given to the Planning Board for review. The Town Board members request the Planning Board to revisit the Right to Farm in Ashford. Cattaraugus County already has a Right to Farm Law. For municipalities without zoning, a Right to Farm Law is difficult to enforce. A panel of municipal officials would have to be responsible for public hearings regarding violations.
- Supervisor Pfeffer will be attending Lobby Day in Albany to address issues on bail reform, Broadband, Medicare, etc.
- Cattaraugus County provided information on last year Shared Services.
- The Town of Ashford has an Emergency Operations Plan adopted in 2006. This Plan needs to be updated. Committee members will revisit and update this plan.

At 8:00pm Supervisor Pfeffer read the notice to bidders for the Town wide Trash pickup as it appeared in the Springville Journal. One bid was submitted as follows:

<u>Company</u>	<u>Bid</u>
1. MRC Disposal, Inc. 71 Nason Boulevard Springville, NY 14141	\$13,200.00

RESOLUTION 35-2020

AWARD OF BID—TOWN TRASH PICK UP

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

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

Resolved MRC Disposal, Inc. be awarded the contract for 2020 Town Trash Pickup for \$13,200.00.

Code Enforcement Officer Feldman reported notices will be put on the town website and in the local papers to give residents information on the permit process.

Councilman Bernstein suggests to read water meters more frequently to detect leaks. Undetected leaks result in elevated water bills to the customer. The policy has always been to charge the flat rate charge in the event a leak has been noticed. Water usage has been recorded for several years. The policy can be updated to charge based on a usage average.

RESOLUTION 36-2020

AUTHORIZE WATER BILLING CHARGES

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

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

Resolved water district customers be charged an average of water usage over 12 months prior in the event an elevated water usage is evident due to an undetected leak.

The Town Attorney is reviewing the RFP for a grant writer.

Gerwitz and McNeil Electric submitted an updated quote to replace the electric panel and quotes for generator and automatic switch for the highway barn. Alternative funding is being researched. The generator at the Ashford Community Center is not working and will need to be replaced as well.

RESOLUTION 37-2020

APPROVING AN AMENDMENT OF THE SUB-LEASE WITH WEST VALLEY SOLAR LLC AND THE LEASE WITH THE NEW YORK STATE ENERGY RESEARCH DEVELOPMENT AGENCY FOR THE WEST VALLEY SOLAR LLC PROJECT IN THE TOWN OF ASHFORD

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

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

WHEREAS, the Town Board of the Town of Ashford (the "Town Board") has previously approved a lease with the New York State Energy Research Development Agency ("NYSERDA") (the "Lease") and a sub-lease with West Valley Solar LLC, an affiliate of BQ Energy LLC (the "Sub-Lease") to enable a solar energy project at the Western New York Nuclear Service Center, West Valley, NY (the "Action"); and

WHEREAS, the Town Board identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and issued a Negative Declaration of Environmental Significance for the Project, including the Lease and Sub-Lease; and

WHEREAS the Town is now considering amendments to the Lease and Sub-Lease in order to avoid wetlands on the Project site.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ashford that:

1. The Town Board has reviewed the changes in the Project, including the changes in potential type of facility support, and the possible disturbance of ground areas, and finds that the changes do not present a potential significant adverse impact on the environment, and therefore the Board confirms the issuance of the Negative Declaration. The Board notes the amendments are made in part to limit impacts on wetlands, and impacts on the change in panel support structure will be mitigated by a requirement in the Lease to restore any ground damages, and any related additional construction impacts will be minor and temporary.

2. The Town Board hereby approves the Amendments to the Lease and Sub-Lease (which are attached hereto and incorporated herein) and authorizes the Town Supervisor to execute the Lease and Sub-Lease, including any TP-584 forms and Memorandum of Lease, and authorizes West Valley Solar, LLC to record any documents it deems necessary, once the agreements are finalized pursuant to this Resolution.

3. This resolution, as to the Sub-Lease, is subject to permissive referendum pursuant to New York Town Law §64(2), and shall not take effect until thirty days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the Town voting on such proposition, if within thirty days after its adoption there be filed with the Town Clerk a petition signed, and acknowledged or proved, or authenticated by electors of the Town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in the Town at the last general election held for the election of state officers.

4. Within ten days after the adoption this resolution, the Town Clerk, in the same manner as provided for notice of a special election, shall post and publish a notice which shall set forth the date of the adoption of the resolution containing an abstract of this resolution and that such resolution was adopted subject to a permissive referendum.

5. As to the Lease, this resolution is effective immediately.

RESOLUTION 38-2020

NEGATIVE DECLARATION FOR PROPOSED LEASE BETWEEN TOWN OF ASHFORD AND NYSERDA AND AN OPTION TO SUB-LEASE AND SUB-LEASE BETWEEN THE TOWN OF ASHFORD AND WEST VALLEY SOLAR, LLC

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

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

WHEREAS, the Town Board of the Town of Ashford (the "Town Board") is considering a lease with NYSERDA and an option to sub-lease with West Valley Solar, LLC, an affiliate of BQ Energy LLC, for a solar energy project at the Western New York Nuclear Service Center, West Valley, NY. (collectively the "Action"); and

WHEREAS, the Town Board determined that the Action is a "Type I" action under SEQRA and issued a notice of Intent to act as Lead Agency and adopted a Notice of Intent to act as Lead Agency; and

WHEREAS, the Town Board is the Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA"), as it is the only agency that has discretionary approval authority over this Action; and

WHEREAS, the Town Board has duly considered the Action, the full Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. §617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ashford that:

1. The Town Board hereby determines to act as Lead Agency.
2. Based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings relating to the Action, the Board finds that the Action will not have a significant adverse impact on the environment and that draft environmental impact statement will not be prepared.
3. The negative declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the negative declaration.

4. The Town Supervisor and/or Town personnel are hereby authorized and directed to distribute copies of the resolution as necessary and to publish the requisite notice in the ENB.
5. This resolution is effective immediately

A cooperative agreement between the Town of Ashford and Department of Energy (DOE) for Community and Regulatory support gives the Town Board the ability to research projects. These principles of the projects need to be clear when submitted for approval by the DOE. The funds cannot be used for previous projects. The projects need to be sustainable. Town board members discussed a variety of projects to be considered.

RESOLUTION 39-2020

AUTHORIZE PLANNING BOARD PROJECTS

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

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

Resolved the Ashford Town Board direct the Ashford Planning Board to develop a DRAFT Solar Law, comment on truck stop study, confirm usefulness of AG&MKTS grant for Comprehensive Plan, and assess the need for a Right to Farm for Town of Ashford.

Supervisor Pfeffer requests board members to review the truck stop study and email comments to him as soon as possible.

RESOLUTION 40-2020

AUDIT OF TOWN OFFICIALS

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

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

Resolved the records of the Town Clerk for 2019 having been duly examined and found all fees have been turned over to the proper officials; and the records of the Supervisor for 2019 having been duly examined with all monies disbursed properly; and the records of the Town Justice Stiles and Town Justice Mellon for 2019 having been duly examined and found all fees have been turned over to the proper officials. All said records and disbursements have been properly executed to the best of the boards' knowledge.

RESOLUTION 41-2020

AUTHORIZE PURCHASE OF IDENTIFICATION CARDS

On motion of Supervisor Pfeffer seconded by Councilman Bernstein the following resolution was

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

Resolved the Town of Ashford purchase identification cards from Cattaraugus County for Town of Ashford officials and employees.

RESOLUTION 42-2020

AUTHORIZE SUPERVISOR TO PARTICIPATE IN NYCLASS

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

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

Resolved the Town Board authorize the Supervisor to participate in NYCLASS as the decision making authority.

RESOLUTION 43-2020

AUTHORIZE RATE OF PAY FOR SUMMER RECREATION

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

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

Resolved the rate of pay for summer recreation employees be \$11.80 for 2020.

RESOLUTION 44-2020

AUTHORIZE FIRE ARMS COURSE FOR CONSTABLES

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

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

Resolved the Ashford Town Board authorize constables to complete the fire arms course to meet requirements of the position in the amount of \$250.00

Councilman Heim asked if there was any way for the community to get involved to assist the West Valley Inn to complete construction to open. An article was given to board members regarding a restaurant in the Town of Otto completed with the help of volunteers.

A motion was made by Davis seconded by Bernstein and carried that the meeting be adjourned at 9:00pm.

(All aye)