

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**  
**Richard A. Bernstein, Councilman**  
**Patricia R. Dashnaw, Town Clerk**  
**Tim Engels, Highway Superintendent**

Others present: Joseph Pillittere (CHBWV), George Kivari (BQ Energy), Max Borsuk (Springville Journal), Paul Bembia (NYSERDA), Bryan Bower (DOE), Rev. Candy Scarem and remotely: Lori Cuervo (BQ Energy)

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 59-2020**  
**APPROVAL OF AGENDA**

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

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

Resolved the Town Board of the Town of Ashford hereby approve the agenda with the addition in new business: K6 Information be provided to New York State Retirement.

Councilman Davis introduced Rev. Candy Scarem, the new Pastor of St. Pauls United Methodist Church.

Bryan Bower, DOE, gave a presentation on current and upcoming Phase II Decommissioning projects. An increase in employees to complete the work is needed.

Joseph Pillittere will be introducing John Rendell CHBWV President and General Manager and Kelly Wooley, CHBWV Deputy General Manager to the Board members at the next town board meeting.

Paul Bembia reported continued maintenance and monitoring is taking place to make sure all areas at the West Valley Demonstration Project are safe and secure.

There were no bids dispersed for the construction of railings and guard devices on the newly completed sidewalk bridge. As a result there are no bids received to open.

**RESOLUTION 60-2020**  
**APPROVAL OF CONENSUS ITEMS**

On motion of Councilman Davis 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. June Assessors Report                | 7. December Audit the Claims:    |              |
| 2. June Code Enforcement Report         | General Fund No. 138 through 160 | \$17,466.20  |
| 3. June 10, 2020 minutes                | Highway Fund No. 76 through 90   | \$114,117.19 |
| 4. June Town Clerk Report               | Light District No. 7             | \$903.11     |
| 5. January Supervisors Financial Report | Trust & Agency No. 51 through 60 | \$9,161.62   |
| 6. June Highway Expense & Fuel Report   | Water District No. 46 through 51 | \$313.05     |

**SUPERVISORS MANAGEMENT REPORT:**

- Property owners surrounding Spittler Road are anxious to have the road abandoned officially. There is property at the end that would have no access should the abandonment go through. Board members want to make sure access is available to all property owners.
- The Salt Shed has been added to the Town Insurance Policy.
- Cattaraugus County needs to take the next steps to move forward with the Hazard Mitigation for the Triangle.
- Verizon is researching installing bigger towers resulting in extending the coverage area.
- Armstrong has been contacted and claiming there is a delay due to power pole issues. Supervisor Pfeffer will be contacting the NYS Governor office to see how to proceed with getting high speed internet into Ashford.
- The Code Enforcement Officer has sent letters on request of the Town Board to property owners regarding trash build up.
- There is a recurrence of trash dumping on private property on Beech Tree Road. A camera has recorded multiple offenders. Steps will be taken to prevent future dumping; however there is only a little the Town of Ashford can do as this is private property.
- The Supervisor is resolving many areas to participate in the DOE COOP Agreement. Some of them include: generators for Community Center and Highway Barn, Constable radio room, salt shed floor, grant writer, truck radios, and a Code Red System to allow for communication with the residents.

**COMMITTEE REPORTS:**

- Court is slowly starting up compliant with New York State requirements.
- NYMIR is conducting an audit of Town of Ashford next week.
- Planning board has confirmed Cattaraugus County has a Right To Farm Law Ashford residents comply to.
- Supervisor Pfeffer will be reviewing the Inter-Municipal Cooperation Agreement for Water Testing with the West Valley Central School.

The 7<sup>th</sup> Annual Rabies Clinic was a success. This year an effort was made to comply with CDC guidelines for physical distancing. A drive thru clinic was implemented with the assistance of constables, dog control officers, and volunteers and went smoothly. Feedback from participants was very positive. A report was provided to the board members listing the participants and the locations where they reside.

The Gooseneck Waterfowl Farm had litigated the exemption status. The court determination was the exemption to be set at 2/3 (66%).

**RESOLUTION 60-2020**

**NEGATIVE DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING THE DETERMINATION OF SIGNIFICANCE FOR THE BQ ENERGY WEST VALLEY SOLAR PROJECT**

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

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

Project Name: BQ Energy West Valley Solar Project (“**Project**”)  
Location: 5684 County Highway 86-2, Town of Ashford, NY (“**Site**”)  
SEQRA Status: Type I XX Unlisted \_\_\_\_

Determination of Significance: Negative Declaration XX Positive Declaration \_\_\_\_

**WHEREAS**, BQ Energy LLC and West Valley Solar LLC (collectively “**BQ**”) seek to construct and operate a 10 megawatt (“**MW**”) solar photovoltaic facility, consisting of two 5 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 Project requires BQ to make certain improvements to the existing infrastructure on the Site (“**Infrastructure Improvements**”), including, but not limited to, improvements to Buttermilk Road and improvements to the natural gas pipeline present on the Site; and

**WHEREAS**, in order to make such Infrastructure Improvements, BQ seeks to enter into an agreement regarding the Infrastructure Improvements (“**Infrastructure Improvement Agreement**”) with the New York State Energy Research Development Agency (“**NYSERDA**”), which owns the Center, and the Town; and

**WHEREAS**, BQ has submitted the Infrastructure Improvement Agreement to the Town Board for review; and

**WHEREAS**, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “**SEQR Act**”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the “**Regulations**”) and collectively with the SEQR Act, “**SEQRA**”), the Town Board must satisfy the requirements contained in SEQRA prior to making a final determination on whether to enter into the Infrastructure Improvement Agreement as required for the Project; and

**WHEREAS**, pursuant to SEQRA, to aid the Town Board in determining whether the Project may have a significant adverse impact upon the environment, the Town Board has completed, received and/or reviewed (1) Part I of the Environmental Assessment Form, with Addendum thereto, dated June 8, 2020; (2) the Infrastructure Improvement Agreement; and (3) a SWPPP, prepared and revised in accordance with commentary from the Town, dated May 2020 (collectively, 1, 2, and 3 and all accompanying information submitted therewith shall be referred to as the “**Environmental Information**”); and

**WHEREAS**, prior to making a recommendation about the potential environmental significance of the Project, the Town Board has reviewed the list of activities that constitute Type I Actions in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations; and

**WHEREAS**, based upon the Infrastructure Improvement Agreement and the Environmental Information, the Town Board has determined that the Project constitutes a Type I Action under SEQRA because, among other things, pursuant to 6 NYCRR 617.4(b)(6)(i) the Project involves the physical alteration of more than 10 acres; and

**WHEREAS**, a coordinated environmental review is mandatory for all Type I Actions, and the Town Board has identified the parties listed on **Exhibit A** attached hereto as potentially involved agencies under SEQRA (collectively “**Potentially Involved Agencies**”); and

**WHEREAS**, by Resolution, the Town Board accepted the Environmental Information, determined that the Project is a Type I action pursuant to SEQRA, and declared its intent to act as lead agency for review of the Project Pursuant to SEQRA; and

**WHEREAS**, in conjunction with its intention to act as lead agency, the Town Board, on June 8, 2020, caused to be delivered to the Potentially Involved Agencies copies of the Infrastructure Improvement Agreement and Environmental Information, together with notice of the Town Board’s intent to act as lead agency for review of the Project pursuant to SEQRA; and

**WHEREAS**, pursuant to SEQRA, as none of the Potentially Involved Agencies contested lead agency status, and the time period for Potentially Involved Agencies to object has expired, and

**WHEREAS**, the Town Board having taken a hard look at three potential environmental impacts, and a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts

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

**Section 1.** The Town Board hereby declares itself lead agency for purposes of a coordinated review of the Project pursuant to SEQRA.

**Section 2.** Based upon a thorough review and examination of the Environmental Information, including the prior reviews conducted on the Project, and upon the Town Board’s knowledge of the land and area surrounding the Site and such further investigation of the Project and its environmental effects as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Project:

- (1) The Project is a Type I Action pursuant to SEQRA;
- (2) The Town Board has undertaken a coordinated review of the Project in accordance with the requirements of SEQRA; and
- (3) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Town Board.

**Section 3.** Based upon the Town Board's review of the Environmental Information and investigations of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact indicated, and upon the Town Board's knowledge of the land and surrounding area and such further investigations of the Project as the Town Board has deemed appropriate, the Town Board has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land.

The Project entails the construction and operation of a 10MW solar photovoltaic facility, consisting of two, separate 5MW projects on an approximately 54 acre parcel of land at the Center, which has a long history as an energy related facility. Land in the surrounding area is mostly rural and rural residential, while the Center itself is a post-industrial property. The draft comprehensive plan does not identify a specific land use goal for the Site, but rather points to the Site's unique history as an impediment to development of the Site. In the 1950's and 1960's, the Center was used as a nuclear fuel reprocessing facility and, since the 1980s, remediation and decommissioning of the Center has been ongoing, which limits the ability of the land to be used productively. Evaluation of the Site by NYSERDA indicates that the Site itself has been non-impacted by radiological contamination; however, the Site is in close proximity to contaminated areas, including a radioactive waste landfill located approximately 0.4 miles west of the Site and a known area of cesium-137 deposition approximately 1700 feet from the Site. The Site is also in close proximity to five hydrofracture test wells and the Bulk Storage Warehouse, which was previously used to store plutonium, but has shown radiological results with background concentrations below levels that pose a risk to humans. The construction and operation of the Project will not impact on-going remedial activities at the Center because there are no remedial activities being conducted on the Site. It is noted that there has been some physical alteration of the Site to accommodate the Project, including the clearing of approximately 30 acres of trees. Although such tree clearing has impacted the Site, it was conducted in a way to reduce overall disturbance by employing a clearing process that involved the trees being removed from the area immediately after being cut, so they did not lay on and disturb soil or other vegetation at the Site. Additionally, such clearing was conducted during the winter months, to avoid habitat impacts to native wildlife. Moreover, while trees undoubtedly play an important role in removing carbon from the atmosphere, solar panels are increasingly important in preventing carbon from entering the atmosphere in the first place. Thus to the extent that the tree removal will have carbon sequestration impacts, such impacts will otherwise be offset by the addition of a clean, renewable energy source, which prevents carbonization of the atmosphere. Other such physical alteration at the Site is expected to be minimal because the Project was designed to avoid sensitive ecological areas at the site, such as the on-Site wetlands. Moreover, due to the unique racking technology that BQ uses to install its solar panels there will only be limited ground disturbance associated with the Project. At the end of the Project's useful life, the Site will be decommissioned and reseeded as necessary to restore native vegetation on the Site. Even with such clearing, the Project will not result in increased erosion because BQ is required to act in conformance with the State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) ("**General SPDES Permit**") and a Stormwater Pollution Prevention Plan ("**SWPPP**") with temporary and permanent control measures to minimize stormwater runoff during construction and operation of the Project. To the extent that there are some neighboring residential properties located near the Site, measures have been taken to mitigate any potential impacts to these residential properties. With regard to noise, BQ plans to conduct construction work during daylight hours, approximately 7:00 a.m. until 8:00 p.m., over an approximately 6-month period. Although noise above ambient levels is anticipated, such noise is not expected to significantly impact nearby residential properties given that the nearest residential property is approximately 1700 feet away. Similarly, certain low level operational noise will be generated by roughly four or five inverters required for the Project; however, such inverters will be placed in the center of the Site to reduce operational noise and maximize the space between nearby residential properties and the inverters, so that the noise will not travel beyond the property line. Furthermore, there are no visual impacts to the neighboring residential properties because the Site is well-screened, as it is surrounded by forested area. Overall, considering both the limited impacts to land identified herein and the Center's unusual history, the Project makes productive reuse of land that otherwise faces significant challenges for redevelopment. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.

2. Impact on Geological Features.

As indicated in the EAF, there are no unique geological features present on the Site. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to geological features.

3. Impact on Surface Water.

A wetland delineation was conducted in July, August and September 2019 on 82 acres of land at the Center that encompassed the Site ("**Wetland Delineation Area**"). The wetland delineation revealed the presence of 28 wetlands, totaling approximately 19.09 acres, a perennial stream, five intermittent drainage features, five ditches and two culverts within the Wetland Delineation Area. Approximately, 9.8 acres of the identified wetlands are located on the Site and are regulated by the United States Army Corps of Engineers ("**USACE**"). The Project has been carefully designed to avoid impacts to these wetlands to the greatest extent practicable and it is anticipated that the Project will result in temporary impacts to approximately .07 acres of wetland and permanent impacts to approximately .08 acres of wetland. BQ has applied for a permit from USACE and the Project will be conducted in accordance with that permit, including any mitigation required by USACE. The other water features present within the Wetland Delineation Area are not located on the Site and, therefore, the Project will not have any impacts on these water features. Furthermore, as stated in the SWPPP, BQ has specifically designed the Project to maintain existing drainage into Buttermilk Creek and the existing hydrology on the Site. BQ plans to accomplish this by minimizing grading on the Site, and using other green infrastructure practices, such as limiting the amount of impervious surface added at the Site. The Project does not include the construction of any traditional impervious areas such as buildings, substation pads, or parking areas, however, approximately 2.24 acres of impervious surface will be installed at the Site to facilitate an access road. Additionally, an approximately 1.04 acre driveway will be installed at the Site, but will be constructed using pervious material, which was specifically chosen to ensure that the Project does not alter existing drainage patterns. In conjunction with these measures, BQ also plans to implement green infrastructure practices to reduce water volume, peak flow, flow duration, promote infiltration and evapotranspiration, improve groundwater recharge, reduce downstream flooding, and protect water and wetlands, all of which will further serve to preserve the existing hydrology of the Site. With these measures in place, the drainage patterns and hydrology of the Site will remain largely unchanged in post-development conditions. Nevertheless, BQ will implement erosion and sediment control measures, which are identified in BQ's SWPPP. The SWPPP was prepared in accordance with an April 2018 memorandum issued by the New York State Department of Environmental Conservation ("**NYSDEC**"), which provides guidance applicable to certain solar projects, and details

temporary and permanent erosion and sediment control measures that are appropriate for the Project. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to surface water.

4. Impact on Groundwater.

As stated in the EAF, the Site is located over the Cattaraugus Creek Sole Source Aquifer and the average depth to the water table is between 0.5 and 2.75 feet. Although fence posts and posts for the solar panels will be driven into the ground at the Site and may encounter groundwater, these posts require only limited subsurface placement and the Project does not otherwise involve the types of activities or operations that are associated with any risks to groundwater. Furthermore, there is no bulk storage of petroleum or chemical products or any other activities which would entail any risk to ground water planned as a part of the Project. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to groundwater.

5. Impact on Flooding.

The Site is not located in a floodplain or floodway. The majority of the land is either well or moderately well drained. Although some soil at the Site is poorly drained, the Project incorporates significant measures to ensure that the post-development conditions are consistent with and appropriately mirror the pre-development conditions, such that the drainage and hydrology of the Site will largely remain unchanged. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to flooding.

6. Impact on Air.

The Project does not include a state or federally regulated air emission source and will not result in significant air emissions of contaminants or greenhouse gases. In fact, the Project will provide clean renewable energy, which will serve to reduce greenhouse gas emissions overall and contribute to New York State's ambitious climate change goals. Furthermore, there are no activities or operations associated with the Project that would create significant air emissions. To the extent that there will be a short-term impact from increased traffic to and from the Site during the construction phase of the Project, such traffic will occur during the six-month construction period only and, thus, any emissions from these construction vehicles will not be significant. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to air resources.

7. Impact on Plants and Animals.

As noted on the EAF, there are several animal species that occupy or use the area at and around the Site, including white-tailed deer, American crow, raccoon, wild turkey, turkey vulture, common sparrow, black bear, and American toad. Additionally, the federally endangered Northern long-eared bat (*Myotis septentrionalis*) may be present at the Site. Prior tree clearing at the Site was specifically planned and conducted, with input from USACE, to avoid adverse impacts to the federally threatened Northern long-eared bat. There are no known hibernacula within 0.25 miles of the Site that would prohibit tree clearing at the Site. The nearest hibernation site is more than 30 miles from the Site, but, in an abundance of caution, tree clearing was completed in accordance with State and Federal guidance to ensure no adverse impacts the Northern long-eared bat from tree clearing. With regard to impacts to plants, there are no federally endangered or threatened plant species present on the Site. Similarly, there are no plant species at the site that are listed by New York State as rare or of special concern. Any plantings will be pollinator friendly. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to plants, animals, natural communities or wildlife habitat.

8. Impact on Agricultural Resources.

The Site is not located within a New York State certified Agricultural District, but it is covered by the Cattaraugus County Agricultural and Farmland Protection Plan, a long term planning document that outlines policies intended to protect and promote farming and agriculture in Cattaraugus County. Solar projects are highly compatible with agricultural uses and decommissioning requirements make any diversion temporary. There are no highly productive soils present at the Site and the past use of the Center as a nuclear fuel reprocessing facility makes it poorly suited for farming or other agricultural pursuits. The Project provides an opportunity to make productive use of land that is otherwise largely unusable for most purposes because of nearby radiological contamination and the decommissioning activities that have been conducted at the Center since the 1980s. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to agricultural resources.

9. Impact on Aesthetic Resources.

The Site is located approximately 0.9 miles from the New York Southtowns Scenic Byway and approximately 2.0 miles from the North Country Scenic Trail, Conservation Trail branch. Notwithstanding the close proximity to these aesthetic resources, the Project will not be visible from either area. This lack of visibility is attributable to the fact that solar energy production is typically low-profile, the area surrounding the Site is mostly forested land and the Project incorporates screening to further reduce visibility. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to aesthetic resources.

10. Impact on Historic and Archeological Resources.

The Site does not contain and is not substantially contiguous to a registered National Natural Landmark. Similarly, the Site does not contain and is not substantially contiguous to a building, archaeological site, or district that is listed on or nominated for inclusion in the New York State or National Register of Historic Places. Moreover, in light of the Site's unique history as a nuclear fuel reprocessing facility it is unlikely that the Site would be appropriate for such designations. Although the Site is not located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office ("SHPO") archaeological site inventory, SHPO recommended that an archaeological survey be conducted at the Site to determine whether any archaeological resources would be impacted by the Project. Consistent with the recommendation of SHPO, BQ commissioned a detailed Phase IA/Phase IB Cultural Resource Investigation, which was conducted at the Site in June 2020. According to informal communications from the Project's Cultural Resources consultant, Deuel Archaeology and Cultural Resources Management ("Archaeology Consultant"), fieldwork conducted at the Site did not produce any prehistoric artifacts. A formal report from the Archaeology Consultant recommending that no further investigation is warranted and that no avoidance or mitigation is necessary will be forwarded to SHPO for concurrence. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to historic and archeological resources.

11. Impact on Open Space and Recreation.

The Site does not comprise public open space. It is used seasonally for deer hunting, but is otherwise not well suited for public recreation given the nature of the Site, its prior use as a nuclear reprocessing facility, and the ongoing remediation and decommissioning activities being conducted on the Site. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to open space or recreational resources.

12. Critical Environmental Areas (“CEAs”).

As noted in the EAF, the Site is not located in a Critical Environmental Area. In fact, there are no Critical Environmental Areas designated pursuant to 6 NYCRR Part 617.14(g) in Cattaraugus County. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to CEAs.

13. Impact on Transportation.

There will be de minimis traffic impacts associated with the six-month construction period for the Project. During this period, traffic is expected to peak during the morning hours and occur randomly during daylight hours. Aside from the moderate increase in traffic during the construction period, there are no activities or operations associated with the Project that would create a significant increase in traffic during the operational life of the Project. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to transportation.

14. Impact on Energy.

The Project will not generate new or additional demand for energy. In fact, the Project will generate 10 MW of clean, renewable energy, which will be interconnected to the power grid and made available to utility customers, and supports the State’s energy goals. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to energy.

15. Impact on Noise, Odor and Light.

During the six-month construction period, it is anticipated that intermittent noise and odor will be generated by construction vehicles at the Site. It is not anticipated that the noise and odor generated during the construction period will impact neighboring residential properties, however, because the nearest residential properties are approximately 1700 feet from the Site. Additionally, construction activities will take place during daylight hours when sensitivity to noise and odor is generally at its lowest point. There are no impacts to light expected during the six-month construction period because construction work will take place during daylight hours and no artificial light sources will be required. During the operational phase of the Project, there is no potential for odor as the Project does not involve activities or operations that tend to generate odor. It is anticipated that the Project will generate some noise during the operational phase, which is attributable to the four to five inverters that will be installed on the Site. To reduce impacts associated with inverter noise, the inverters will be installed at the center of the Site so as to maximize the distance between the inverters and the neighboring residential properties. In light of such efforts, it is anticipated that the noise will not travel beyond the Project boundaries. No impacts to light are expected in conjunction with the Project because of the Project’s low profile, its limited visibility, and lack of artificial light sources required for the construction or operation of the Project. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to noise, odor or light.

16. Impact on Human Health.

The Project has the potential for minor impacts to public health related to temporary construction activities and long-term Project operations at the Site. The Project will result in the generation of some solid waste as the result of shipping Project materials to the Site, which are contained in packaging, including cardboard boxes, plastic wrapping, banding and pallets. This packaging will be discarded, removed from the Site, and disposed of. While most of the packaging material will be recycled, some non-recyclable packaging material will be discarded as solid waste. No solid waste will be generated during the operational phase of the Project. During the operational phase of the Project, fencing will be erected around the Site to limit unauthorized access to the Site. More aptly, though, the Project offers an opportunity for transformative beneficial use of the Site. Given the Center’s historical use as a nuclear fuel reprocessing facility and documented contamination, options for redevelopment of land at the Center is otherwise limited. The Project will make productive use of the Site without adding to or exacerbating the existing contamination and will not impede ongoing remedial activities. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to human health. In fact, the Project allows for the creation of clean energy, which displaces fossil fuel-created energy, and reduces pollution. As such, the Project will have a positive impact on public health.

17. Impact on Community Plans/Community Character.

The Site is located in an area covered by the Cattaraugus County Agricultural and Farmland Protection Plan, which promotes and encourages agricultural use of land within Cattaraugus County. As noted above, agricultural use is not appropriate for the Site due to the past use of the Center as a nuclear fuel reprocessing facility due to its associated history of radiological contamination. Remediation and decommissioning activities have been ongoing at the Center for approximately 40 years in hopes of making productive use of the Center, but radiological contamination persists. Now, though, the Project offers an opportunity to make productive use of the Site, which has limited utility for other uses. The Town does not have a Zoning Code designating specific land uses for the Site; however, the Project is otherwise in line with the rural character of the community, is similar to the surrounding land uses and, except for some limited noise and odor impacts during the brief construction period, is generally an unobtrusive addition to the community as it is well-screened by the surrounding forest land such that there is limited to no visibility of the Project. Moreover, the Town’s draft Comprehensive Plan identifies the development of renewable energy sources, including solar, as an important goal for the Town, which is directly served by the Project. The Project will not require any changes in levels of service from community resources or facilities or adversely impact local public safety services, such as police and fire protection and will not result in a material increase in solid waste generation. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to the growth or character of the community.

18. Considering all of the above, the Project will not have a significant adverse impact upon the environment and a negative declaration pursuant to SEQRA is hereby issued.

**Section 4.**

The Town Board relied upon, as support for this Negative Declaration, the Environmental Information and such other information as the Town Board deemed appropriate, including its knowledge of the area surrounding the Land.

**Section 5.**

The Town Board hereby authorizes and directs appropriate personnel for the Town Board to distribute appropriate notice of this Resolution to all entities as specified in N.Y.C.R.R. 617.12 (b) as well as publish notice in connection with the same as set forth in N.Y.C.R.R. 617.12 (c).

**Section 6.**

This Resolution shall take effect immediately.

**RESOLUTION 61-2020**

**APPROVING CERTAIN INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE BQ ENERGY WEST VALLEY SOLAR PROJECT**

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

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

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

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

**WHEREAS**, BQ Energy LLC and West Valley Solar LLC (collectively “**BQ**”) seek to construct and operate a 10 megawatt (“**MW**”) solar photovoltaic facility, consisting of two 5 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**, certain improvements to the existing infrastructure at the Site, including, but not limited to, improvements to Buttermilk Road and improvements to the natural gas pipeline present on the Site (“**Infrastructure Improvements**”), are required for the Project; and

**WHEREAS**, in order to facilitate the Infrastructure Improvements, BQ, the Town, and NYSERDA need to enter into an agreement (“**Infrastructure Improvement Agreement**”) to allow BQ to make the Infrastructure Improvements; and

**WHEREAS**, the Town Board is authorized and empowered to enter into the Infrastructure Improvement Agreement on behalf of the Town; and

**WHEREAS**, BQ has submitted the Infrastructure Improvement Agreement to the Town Board for review; and

**WHEREAS**, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “**SEQR Act**”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the “**Regulations**” and collectively with the SEQR Act, “**SEQRA**”), the Town Board must satisfy the requirements contained in SEQRA prior to making a final determination on whether to enter into the Infrastructure Improvement Agreement; and

**WHEREAS**, pursuant to SEQRA, to aid the Town Board in determining whether the Project may have a significant adverse impact upon the environment, the Town Board has completed, received and/or reviewed (1) Part I of the Environmental Assessment Form, with Addendum thereto, dated June 8, 2020; (2) the Infrastructure Improvement Agreement; and (3) a SWPPP, prepared and revised in accordance with commentary from the Town, dated May 2020 (collectively, 1, 2, and 3 and all accompanying information submitted therewith shall be referred to as the “**Environmental Information**”); and

**WHEREAS**, the Town Board determined that the Project is a Type I Action such that coordinated review of the Project is required; and

**WHEREAS**, for purposes of conducting coordinated review of the Project, the Town Board declared its intent to act as lead agency, identified potentially involved agencies as that term is defined in SEQRA (“**Potentially Involved Agencies**”), and caused to be delivered to the Potentially Involved Agencies copies of the Infrastructure Improvement Agreement and Environmental Information, together with notice of the Town Board’s intent to act as lead agency for review of the Project pursuant to SEQRA; and

**WHEREAS**, pursuant to SEQRA, none of the Potentially Involved Agencies contested lead agency status before the time period for Potentially Involved Agencies to object expired; and

**WHEREAS**, by resolution dated July 8, 2020, the Town Board declared itself lead agency and thereafter acted as lead agency for purposes of coordinated review; and

**WHEREAS**, by resolution dated July 8, 2020, the Town Board, in its capacity as lead agency, issued a determination of significance for the Project, finding that the Project will not have a significant adverse impact upon the environment, and further issued a negative declaration for the Project; and

**WHEREAS**, the Town Board has retained Hodgson Russ LLP as special counsel and BQ has agreed to reimburse the Town for its legal expenses throughout the review of the Project in an amount not exceeding \$5500.

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

Section 1. Based upon a thorough review and examination of the Project and the Infrastructure Improvement Agreement, as well as the Town Board’s knowledge of the land and area surrounding the Site and such further investigation as the Town Board has deemed appropriate, the Town Board hereby approves the Infrastructure Improvement Agreement, agrees to the terms contained therein, and further agrees to and will enter into the Infrastructure Improvement Agreement on behalf of the Town.

Section 2. The Town Board is hereby issuing, on behalf of the Town, all approvals necessary for the Project as required by the Town, and the Town Board hereby ratifies all actions taken by the Town in support of the Project.

Section 3. The Town Supervisor is hereby authorized to execute any documents and the Town Clerk 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 4. This Resolution, is effective immediately.

Other documents submitted will need to be reviewed and resolved with NYSERDA.

**RESOLUTION 62-2020**

**AUTHORIZE SUPEVISOR TO EXECUTE MILLER STREET LIGHT DOCUMENTS**

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

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

Resolved the Ashford Town Board authorize Supervisor Pfeffer to execute documents received from the New York State Department of Transportation to move forward with the Miller Road Street Light.

**RESOLUTION 63-2020**

**APPROVAL OF NYS RETIREMENT STANDARDS FOR TOWN EMPLOYEES**

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 information be provided to the NYS Retirement Systems as approved at the Organizational meeting that establishes the standard work day for each office, specifies the expiration of each term, designates the number of days to be reported for each official (based on submitted logs) and certifies receipt of record of activities OR employer maintains a record of ACTUAL time worked.

**RESOLUTION 64-2020**

**APPROVAL TRANSFER STATION**

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

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

Resolved Town Board authorizes the construction of a transfer station in the Town of Ashford compliant with standards of Cattaraugus County and New York State Departments of Health.

A motion was made by Davis seconded by Bernstein and carried that the meeting be adjourned at 8:15pm. (All aye)

Patricia R. Dashnaw—Town Clerk