

**Present: Christopher C. Gerwitz, Supervisor**  
**Charles E. Davis, Councilman, Deputy Supervisor**  
**John A. Pfeffer, Councilman**  
**William J. Heim, Councilman**  
**Patricia R. Dashnaw, Town Clerk**  
**Charles M. Harrigan, Jr., Town Attorney**  
**Absent: Beverly R. Hess, Councilwoman**

The meeting was called to order at 7:30 P.M. with the pledge to the American Flag.

**Statement of Purpose** was made by Supervisor Gerwitz as follows: the purpose of the meeting is to conduct a public hearing on the matter of the establishment of a Water District in West Valley and that the boundaries of the proposed district generally include properties presently served by the West Valley Crystal Water Co., Inc. I will ask for the filing of certain documents to be sure that the documents required to show that the formalities of calling a public hearing have been complied with. Once that is done, I will open the public hearing. After listening to comments I will close the public hearing. And, assuming no serious objections to the establishment of the Water District, the Town Board will consider and act upon a Resolution approving and establishing the Water District.

#### **RESOLUTION 6-2015**

#### **PROPOSED NEW WATER DISTRICT STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

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

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

WHEREAS, the proposed new water district, an Unlisted Action for which the Town Board of the Town of Ashford is the only involved agency, will use either the existing system, or will put a new system in existing disturbed streets, and neither option will have any environmental impacts beyond the minor impacts during construction of the new system and/or infrastructure,

RESOLVED, the Town Board of the Town of Ashford hereby issues a negative declaration of environmental significance under the State Environmental Quality Review Act (SEQRA)

**Filing of Proofs:** The following dialogue took place:

**A.** Supervisor Gerwitz: Was the Town Board's Resolution and Order of December 29, 2014 setting forth the matters required by Section 209-d of the Town Law, particularly relating to a Notice of Hearing, published in the Springville Journal?

Clerk Dashnaw: **Affidavit of Publication of the Order of December 29, 2014:** The Order of the Town Board made December 29, 2014 directing that there will be a public hearing regarding the establishment of the West Valley Water District on January 21, 2015 was published in the Springville Journal January 3, 2015 and the first publication was not less than 10 nor more than 20 days before today, the hearing date, January 21, 2015. I hereby submit to the Town Board the Affidavit of Publication of the Springville Journal showing the publication of the Order.

**B.** Supervisor Gerwitz: Was the Town Board's Resolution and Order of December 29, 2014 posted on the sign-board of the Town of Ashford as required?

- Clerk Dashnaw: **Affidavit of Posting:** Pursuant to the Order of the Town Board of December 29, 2014, I posted on the sign board of the Town of Ashford on January 2, 2015, a copy of the Order, which posting was not less than 10 days nor more than 20 days before the designated hearing date of January 21, 2015. I submit herewith to the Town Board my Affidavit of Posting. The posting locations are sign board outside the Ashford Community Center, Town Clerks Office, and back bulletin board at the Ashford Community Center.

**C.** Supervisor Gerwitz: Was a copy of the Resolution and Order of December 29, 2014 mailed to all owners of taxable real property in the proposed District?

Clerk Dashnaw: **Affidavit of Mailing to Owners:** Pursuant to the Order of December 29, 2014, I mailed a copy of the Order of December 29, 2014 by first class mail to each owner of taxable real property in the proposed District. I mailed the copies of the Order on January 2, 2015 as shown by an Affidavit of Mailing which I am submitting herewith to the Town Board. Letters were mailed from the West Valley Post Office.

**D.** Supervisor Gerwitz: Was a certified copy of the Resolution and Order filed with the State Comptroller?

Clerk Dashnaw: **Affidavit of Filing with the State Comptroller:** Pursuant to Town Law Section 209-d(2), a certified copy of the Order of the Town Board of December 29, 2014 was mailed to the State Comptroller on January 6, 2015 as shown by an Affidavit of Mailing which I hereby submit to the Town Board.

Supervisor Gerwitz and Town Board members verified receipt of the aforementioned affidavits and directed the documents be filed with the Town Clerk.

Supervisor Gerwitz opened the public hearing at 7:36pm

Many residents were in attendance as well as advisors to the Town Board: Erie Weiss (Engineer, Clark Patterson Lee), John Alessi (Attorney, Hodgson Russ) who were available to answer any questions.

Sarah Hermann, representing Peter J. Sorgi, Esq with Hopkins & Sorgi PLLC for West Valley Crystal Water Company submitted a letter to the Ashford Town Board dated January 21, 2015 and will be filed with the Town Clerk.

With all questions answered and no objection to the proposed water district Supervisor Gerwitz closed the public hearing at 8:00pm.

**RESOLUTION 7-2015**

**APPROVAL OF THE ESTABLISHMENT OF THE WEST VALLEY WATER DISTRICT**

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

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

In the matter of the establishment of the West Valley Water District in the Town of Ashford, Cattaraugus County, State of New York, pursuant to Article 12-A of the Town Law.

**Whereas**, the Map, Plan and Report relating to the establishment of the proposed West Valley Water District prepared by Clark Patterson Lee, a competent engineer, duly licensed by the State of New York, in the manner and in such detail as has been determined by the Town Board of the Town of Ashford, has been duly filed with the Town Clerk of the Town of Ashford on December 10, 2014, in accordance with the requirements of Article 12-A of the Town Law, and

**Whereas**, an Order was duly adopted by the Town Board of the Town of Ashford on December 29, 2014, reciting the filing of said Map, Plan and Report, the improvements proposed, the boundaries of the proposed District, the estimated expense thereof, the proposed method of financing, the fact that the Map, Plan and Report describing the same are on file in the Town Clerk's office for public inspection and stating all other matters required by law to be stated and specifying January 21, 2015 at 7:30 p.m. on that day as the time and the Town of Ashford Community and Training Center as the place where the said Town Board would meet to consider said Map, Plan and Report and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as required or authorized by law, and

**Whereas**, such Order of December 29, 2014 was duly published in the Springville Journal on January 3, 2015 as shown by an Affidavit of Publication filed with the Town Clerk, and that said Order was posted as required by law as shown by an Affidavit of Posting filed with the Town Clerk, and that a copy of said Order was mailed by first class mail to each owner of taxable property in the proposed District on January 2, 2015 as shown by an Affidavit of Mailing filed with the Town Clerk, and that a certified copy of said Order was mailed to with the New York State Comptroller for filing on January 6, 2015 as shown by an Affidavit of Mailing filed with the Town Clerk; and

**Whereas**, a hearing on said matter was duly held by said Town Board on this 21<sup>st</sup> day of January, 2015, beginning at 7:30 p.m., on the day, at the Town of Ashford Community and Training Center, and full discussion of the matter having been had, and all persons desiring to be heard, having been heard,

**Resolved and Determined:**

(a) That a copy of said Order was mailed to all property owners within the proposed District area with the names and addresses being taken from the current tax rolls, that Notice of the hearing was published and posted as required by law and is otherwise sufficient, and that a certified copy of said Order was filed with the New York State Comptroller.

(b) That all property and property owners within the proposed District are benefitted thereby.

(c) That all the property and property owners' benefit are included within the limits of the proposed District.

(d) That it is in the public interest to establish said Water District.

**Further Resolved and Determined**, that the establishment of a Water District, as set forth in said Map, Plan and Report be approved; that the improvement therein mentioned be constructed, and the necessary easements and lands be acquired, upon the required funds being made available and provided for; and that such District shall be known and designated as the West Valley Water District in the Town of Ashford, and shall be bounded and described as follows:

**All That Tract Or Parcel Of Land**, situate in the Town of Ashford, Cattaraugus County, State of New York, being part of Lots 13, 14, 15, 21, 22, and 23 of the Holland Land Company's survey, bounded and described as follows:

Beginning at a point on the center line of N.Y.S. Route 240 (49.5 feet wide right-of-way) at the intersection of the northwesterly extension of the westerly line of tax account number 20.001-1-36;

(1) Thence southeasterly, along the westerly line of tax account number 20.001-1-36, through the lands of tax accounts numbers 20.004-1-66, 20.004-1-64.1, 20.004-1-36.6 and 29.001-2-18, a distance of 11,307 feet, more or less, to the southerly line of tax account number 29.002-1-16.4;

(2) Thence westerly, along the southerly line of tax account number 29.002-1-16.4, a distance of 1323 feet, more or less, to the northeasterly corner of tax account number 29.002-1-16.14;

(3) Thence southerly, along the easterly line of tax account numbers 29.002-1-16.14 and 29.002-1-16.15, a distance of 723 feet, more or less, to the southeasterly corner of tax account number 29.002-1-16.15;

(4) Thence westerly, along the southerly line of tax account number 29.002-1-16.15, a distance of 377 feet, more or less, to the northeasterly corner of tax account number 29.002-1-16.5;

(5) Thence southerly, along the easterly line of tax account number 29.002-1-16.5, a distance of 461 feet, more or less, to the southeasterly corner of said tax account number;

(6) Thence westerly, along the southerly line of tax account number 29.002-1-16.5 and the westerly extension of the southerly line of said tax account number, a distance of 805 feet, more or less, to the center line of N.Y.S. Route 240;

(7) Thence southerly, along the center line of N.Y.S. Route 240, a distance of 58 feet, more or less, to the easterly extension of the southerly line of tax account number 29.002-1-16.13;

(8) Thence westerly, along the easterly extension of the southerly line of tax account number 29.002-1-16.13 and the southerly lines of tax account numbers 29.002-1-16.13 and 29.002-1-16.8 a distance of 1067 feet, more or less, to the southwest corner of tax account number 29.002-1-16.8;

(9) Thence northerly, along the westerly line of tax account numbers 29.002-1-16.8, 29.002-1-16.7 and 29.002-1-28, a distance of 1981 feet, more or less, to a southeasterly corner of tax account number 29.001-2-9.1;

(10) Thence westerly, along the southerly line of tax account number 29.001-2-9.1, a distance of 250 feet, more or less, to a southwest corner of said tax account number;

(11) Thence northerly, along the westerly line of tax account number 29.001-2-9.1 and the northerly extension of the westerly line of said tax account number, a distance of 1094 feet, more or less, to the centerline of Ashford Hollow Road (49.5 feet wide right-of-way);

(12) Thence westerly, along the center line of Ashford Hollow Road, a distance of 141 feet, more or less, to the southerly extension of the westerly line of tax account number 29.011-1-20;

(13) Thence northerly, along the southerly extension of the westerly line of tax account number 29.011-1-20 and the westerly line of tax account number 29.011-1-20, a distance of 121 feet, more or less, to a southwest corner of said tax account number;

(14) Thence westerly, along a southerly line of tax account number 29.011-1-20, a distance of 62 feet, more or less, to the southwest corner of tax account number 29.011-1-19;

(15) Thence northerly, along the westerly line of tax account number 29.011-1-19 and the northerly extension of the westerly line of tax account number 29.011-1-19, through the lands of tax account number 29.001-1-14.1, and across Buttermilk Creek a distance of 905 feet, more or less, to the westerly line of tax account number 29.011-1-13 and the easterly line of Buttermilk Creek;

(16) Thence northwesterly and northerly, along easterly line of Buttermilk Creek, through the lands of tax account numbers 29.011-1-1, 29.007-3-19, 29.001-1-12.1, 29.001-1-12.2, 29.001-1-11.4, 29.007-3-2, 29.001-1-10, 29.001-1-9.1, 20.003-2-11.1, 20.003-2-9.1 and 20.003-2-7, a distance of 6899 feet, more or less, to the northerly line of tax account number 20.003-2-7;

(17) Thence northerly, along a line 1080 feet westerly of and parallel to the center line of N.Y.S. Route 240, through the lands of tax account number 20.003-2-5.1, a distance of 1545 feet, more or less, to the northerly line of tax account number 20.003-2-5.1;

(18) Thence easterly, along the northerly lines of tax account numbers 20.003-2-5.1 and 20.003-2-4.2, a distance of 689 feet, more or less, to the southwest corner of tax account number 20.003-2-3;

(19) Thence northeasterly, along the northerly line of tax account number 20.003-2-3 and the northeasterly extension of the northerly line of tax account number 20.003-2-3, a distance of 390 feet, more or less, to the center line of N.Y.S. Route 240;

(20) Thence northerly, along the center line of N.Y.S. Route 240, a distance of 265 feet, more or less, to the intersection of the northwesterly extension of the westerly line of tax account number 20.001-1-36 at the Point of Beginning.

The Town of Ashford West Valley Water District, as described above, contains approximately 580.17 acres of land.

All as shown on a map prepared by Clark Patterson Lee, "West Valley Water District – Water District Map", Drawing Number WD-01, dated November 12, 2014.

The boundaries described are intended to include all property within said boundaries and as shown on the map on file in the Town Clerk's office.

**Further Resolved**, the proposed improvement, including construction, cost, cost of acquisition of lands and easements, legal engineering fees, and all other expenses, be financed in such manner as made hereafter be determined by the Town Board of the Town of Ashford and that the costs be payable from assessments levied on benefitted real property in said District, and it is

**Further Resolved**, the maximum amount to be expended for the improvement will be \$3,206,400.00

**Further Resolved**, this Resolution is subject to a Permissive Referendum as provided for in Section 209-e of the Town Law, and it is

**Further Resolved**, within ten days after the adoption of this Resolution the Town Clerk shall post and publish a Notice which will set forth the date of the adoption of the Resolution and contain an abstract of such act or Resolution concisely stating the purpose and effect thereof. The Notice shall specify that such Resolution was adopted subject to a Permissive Referendum, and it is

**Further Resolved**, the Town Clerk shall cause to be prepared and have available for distribution proper forms for a Petition for a Referendum and shall distribute a supply to any person requesting same, and it is

**Further Resolved,** the Town Clerk, within ten days after the adoption of this Resolution and Order, shall cause a certified copy of same to be filed with the Cattaraugus County Clerk for recording, and it is

**Further Resolved,** a certified copy of this Resolution Order shall be filed in the office of the State Department of Audit and Control at Albany, New York and a certified copy shall be filed in the office of the State Comptroller at Albany, New York, and it is

**Further Resolved,** that if, after the expiration of the time for filing a Petition requesting that the matter be submitted to a Referendum of the property owners of the proposed District, no such Petition has been filed with the Town Clerk, the Town Clerk shall then file a Certificate stating such fact in the office of the County Clerk and shall also file said Certificate in the office of the New York State Department of Audit and Control at Albany, New York and in the office of the New York State Comptroller at Albany, New York.

A motion was made by Pfeffer seconded by Davis and carried that the meeting be adjourned at 8:10pm. (All aye)

Patricia R. Dashnaw—Town Clerk