

**Present: Christopher C. Gerwitz, Supervisor**  
**Charles E. Davis, Councilman, Deputy Supervisor**  
**John A. Pfeffer, Councilman**  
**Beverly R. Hess, Councilwoman**  
**William J. Heim, Councilman**  
**Patricia R. Dashnaw, Town Clerk**  
**Tim Engels, Highway Superintendent**  
**Gary Perkins, Code Enforcement Officer**

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

**RESOLUTION 22-2015**

**APPROVAL OF MINUTES**

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

ADOPTED      Ayes    5            Gerwitz, Davis, Pfeffer, Hess, Heim  
                     Nays    0

Resolved the minutes of March 11<sup>th</sup> be approved as submitted and

Further Resolved the minutes of March 24<sup>th</sup> be approved as submitted.

Office of the State Comptroller has acknowledged receipt of the order of the town board dated January 21, 2015 establishing the West Valley Water District. The order was filed with New York State Comptrollers Office on January 26, 2015.

Daniel Spitzer, Attorney Hodgson Russ presented to the Town Board a packet regarding the West Valley Water District. Included in the packet is information regarding improvements to the current system and acquisition of the assets of the West Valley Crystal Water Company.

**RESOLUTION 23-2015**

**ISSUING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR ACQUISITION OF THE ASSETS OF THE WEST VALLEY CRYSTAL WATER COMPANY, INC.**

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

ADOPTED      Ayes    5            Gerwitz, Davis, Pfeffer, Hess, Heim  
                     Nays    0

**WHEREAS**, the Town Board of the Town of Ashford has established the West Valley Water District to provide water service to the West Valley area of the Town; and

**WHEREAS**, the West Valley Crystal Water Company, Inc. (the "Company") currently serves that area and the Town wishes to acquire the assets of the Company (the "Assets") and Company wishes to transfer its Assets to the Town; and

**WHEREAS**, the Company and the Town will carry out the transfer of the Assets by entering into 1) a lease by which the Town will lease the Assets from the Company while improvements are being constructed, 2) a contract under which the Town will purchase those Assets the Town needs to provide water service after the improvements are completed, and 3) submitting a Joint Petition to the Public Service Commission ("PSC") for approval of the transfer of Assets (the lease, the contract for sale, and the approval of the PSC are herein collectively referred to as the "Acquisition"); and

**WHEREAS**, the Acquisition is an Unlisted Action, and the Town Board is conducting an uncoordinated review of the Acquisition pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town Board of the Town of Ashford has duly considered the Short Environmental Assessment Form, the proposed Acquisition in its entirety, and the criteria for determining significance set forth in 6 N.Y.C.R.R. Section 617.7(c) of the SEQRA regulations, 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 as follows:

1. The Town Board declares that the proposed Acquisition will not result in any large and important impacts, and therefore, the approval of the Acquisition does not include the potential for any significant adverse environmental impacts. Accordingly, the Town Board issues the attached negative declaration under SEQRA for the Acquisition.
2. The reasons for the decision are stated in the negative declaration also attached to these minutes.
3. This resolution shall be effective immediately.

**RESOLUTION 24-2015**

**AUTHORIZE A REQUEST FOR PROPOSALS TO OPERATE THE WEST VALLEY WATER DISTRICT PROJECT**

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

ADOPTED Ayes 5 Gerwitz, Davis, Pfeffer, Hess, Heim  
Nays 0

**WHEREAS**, the Town Board of the Town of Ashford has established the West Valley Water District to provide water service to the West Valley area of the Town; and

**WHEREAS**, the Town Board intends to hire licensed companies to operate the water supply system and has therefore ordered the preparation of a Request for Proposal for such services.

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Ashford as follows:

1. The Town Board hereby authorize the issuance of the Request for Proposal for the operation of the West Valley Water District, with proposals to be publicly opened May 1, 2015 at 3pm in the office of the Town Clerk.
2. The Town Board hereby authorizes Clark Patterson Lee and the Town Clerk to take all steps necessary to issue and properly publish the Request for Proposal.
3. This resolution shall be effective immediately.

**RESOLUTION 25-2015**

**AUTHORIZE THE FILING OF AN APPLICATION TO OBTAIN A WATER SUPPLY PERMIT FOR THE WEST VALLEY WATER DISTRICT**

On motion of Councilwoman Hess seconded by Councilman Pfeffer the following resolution was

ADOPTED Ayes 5 Gerwitz, Davis, Pfeffer, Hess, Heim  
Nays 0

**WHEREAS**, the Town Board of the Town of Ashford has established the West Valley Water District to provide water service to the West Valley area of the Town; and

**WHEREAS**, the Town is required to obtain from the New York State Department of Environmental Conservation a water supply permit to operate the water supply system.

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Ashford as follows:

1. The Town Board hereby authorizes Clark Patterson Lee to file for a water supply permit and the Town Supervisor to execute any required permit documents and pay any required fees for the water supply permit.
2. This resolution shall be effective immediately.

**RESOLUTION 26-2015**

**AUTHORIZE A LEASE AND CONTRACT FOR SALE OF THE WEST VALLEY CYRSTAL WATER COMPANY, INC.'S ASSETS TO THE TOWN**

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

ADOPTED Ayes 5 Gerwitz, Davis, Pfeffer, Hess, Heim  
Nays 0

**WHEREAS**, the Town Board of the Town of Ashford has established the West Valley Water District to provide water service to the West Valley area of the Town; and

**WHEREAS**, the West Valley Crystal Water Company, Inc. (the "Company") currently serves that area and the Town wishes to acquire the assets of the Company (the "Assets") and Company wishes to transfer its Assets to the Town: and

**WHEREAS**, the Company and the Town will carry out the transfer of the Assets by entering into 1) a lease by which the Town will lease the Assets from the Company while improvements are being constructed (the "Lease"), 2) a contract under which the Town will purchase those Assets the Town needs to provide water service after the improvements are completed (the "Contract for Sale"), and 3) submitting a Joint Petition to the Public Service Commission ("PSC") for approval of the transfer of Assets (the lease, the contract for sale, and the approval of the PSC are herein collectively referred to as the "Acquisition"); and

**WHEREAS**, the Town Board has conducted an uncoordinated review of the Acquisition pursuant to the State Environmental Quality Review Act (SEQRA) and issued a Negative Declaration; and

**WHEREAS**, the Town Board and the Company wish to enter into the Lease and Contract for Sale

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Ashford as follows:

1. The Town Board has considered the proposed Lease and Contract for Sale and considers it to be in the public interest to complete the proposed transfer of assets.
2. The Town Board hereby authorizes the Town Supervisor to execute the Lease and Contract for Sale and for the Town Attorney and Town Special Counsel to take all steps necessary to record and complete the Lease and Contract for Sale.
3. This resolution shall be effective immediately.

**RESOLUTION 27-2015**

**AWARD A CONTRACT ENGINEERING SERVICES FOR THE DESIGN PHASE OF THE WEST VALLEY WATER DISTRICT PROJECT**

On motion of Councilman Pfeffer seconded by Councilwoman Hess the following resolution was

ADOPTED Ayes 5 Gerwitz, Davis, Pfeffer, Hess, Heim  
Nays 0

WHEREAS, the Town Board of the Town of Ashford has established the West Valley Water District to provide water service to the West Valley area of the Town; and

WHEREAS, the Town Board has approved the Map, Plan, and Report for the District now wishes to have definite plans and specifications for the improvement prepared; and

WHEREAS, the Town Board has reviewed two proposals for the design phase of said work and wishes to award a contract for said work.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Ashford as follows:

1. The Town Board hereby awards the design phase work for the West Valley Water District to Clark Patterson Lee pursuant to the proposal attached to these minutes, for up to \$96,640.00.
2. The Town Board hereby authorizes the Town Supervisor to execute the contract for the Design Phase Work and for the Town Attorney and Town Special Counsel to take all steps necessary to complete the awarding of the contract.
3. Clark Patterson Lee is further authorized to subcontract for surveying work in an amount not to exceed \$34,000 and geotechnical work in an amount not to exceed \$30,000. Clark Patterson Lee is to use its best efforts to utilize the surveying and geotechnical materials prepared by West Valley Water Company to avoid duplication of effort. Clark Patterson Lee shall work with Municipal Solutions to ensure all subcontracting complies with EFC requirements. The Town Supervisor, Town Attorney, and Town Special Counsel are authorized to assist and approve agreements as necessary.,
4. This resolution shall be effective immediately.

**RESOLUTION 28-2015**

**AUTHORIZE THE SUBMISSION OF A JOINT PETITION TO THE PUBLIC SERVICE COMMISSION BY THE TOWN OF ASHFORD AND WEST VALLEY CRYSTAL WATER COMPANY, INC. FOR APPROVAL OF THE TOWN'S ACQUISITION OF THE ASSETS OF THE WEST VALLEY CRYSTAL WATER COMPANY, INC.**

On motion of Councilwoman Hess seconded by Councilman Pfeffer the following resolution is

ADOPTED Ayes 5 Gerwitz, Davis, Pfeffer, Hess, Heim  
Nays 0

WHEREAS, the Town Board of the Town of Ashford has established the West Valley Water District to provide water service to the West Valley area of the Town; and

WHEREAS, the West Valley Crystal Water Company, Inc. (the "Company") currently serves the area and the Town wishes to acquire the assets of the Company (the "Assets") and Company wishes to transfer its Assets to the Town; and

WHEREAS, the Company and the Town will carry out the transfer of the Assets by entering into 1) a lease by which the Town will lease the Assets from the Company while improvements are being constructed, 2) a contract under which the Town will purchase those Assets the Town needs to provide water service after the improvements are completed, and 3) submitting a Joint Petition to the Public Service Commission ("PSC") for approval of the transfer of Assets (the lease, the contract for sale, and the approval of the PSC are herein collectively referred to as the "Acquisition"); and

WHEREAS, the Town Board has conducted an uncoordinated review of the Acquisition pursuant to the State Environmental Quality Review Act (SEQRA) and issued a Negative Declaration; and

WHEREAS, the Town Board and the Company wish to file the Joint Petition ("PSC") for approval of the transfer of Assets.

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Ashford as follows:

1. The Town Board has considered the proposed Acquisition and considers it to be in the public interest to complete the proposed transfer of assets.
2. The Town Board hereby authorizes the Town Supervisor to execute the Joint Petition and for the Town Special Counsel to submit the Joint Petition to the PSC
3. This resolution shall be effective immediately.

Phil Moyer and Lisa Carpenter, Weast Insurance Agency, were in attendance to discuss insurance issues with the West Valley Water District and Youth Programs. Coverage occurs quickly after request. As far as youth organizations football would require extra charges. The way the insurance is set up, the family policy is the primary insurance and any costs not covered by said policy would be covered by the town policy.

Trident Insurance is asking all municipalities to adopt a 24-hour notice policy. A municipality needs to be notified of issues requiring attention and has 24 hours to rectify the problem. If the municipality does not comply within the 24 hours, there is liability. Pursuant to New York State Law, if notice has not been given, the municipality cannot be held liable.

**Correspondence:**

1. **Justice Court Fund**-Ashford share of March, 2015 fines is \$8,675.50.
2. **Catt Co DPW**-request for correspondence regarding the transfer of ownership of the West Valley Water District as the Hazard Mitigation project on Depot Street moves forward
3. **Catt Co DPW**-notice of deck replacement on Ashford Bridge N. 26 Watson Road
4. **Assemblyman Joseph M. Giglio**-CHIPS allocation for the Town of Ashford can be expected in the amount of \$163,897.19 which included the CHIPS Aid, Winter Recovery Aid, and Aid & Incentives.
5. **Community Revitalization Fund**-Cattaraugus County has implemented a matching grant to Town's spending money on beautification. This will be discussed at the Future's Meeting at the WVCS on May 7<sup>th</sup>.

Clerk Dashnaw has been working with Sarah Phearsdorf of Southern Tier West on the Ashford Website. Dashnaw presented the work in progress with the Board members. Board members are pleased with the progress. The intent of the website is to be a useful tool for communication. This will be a work in progress for several weeks but will go live by the end of the week. Any and all contributions to the website are welcomed and subject to approval.

There is no start date yet for Fox Valley Road. A preconstruction meeting was held and contracts were signed. Contracts state the project to be completed by June 1, 2015. FEMA has approved the scope of work in the amount of \$47,406.00.

The board reviewed the March reports for:

- Town Clerk
- Animal Control(inc Dec, Jan, Feb)
- Constabulary
- Highway Fuel & Expense Reports

**RESOLUTION 29-2015**  
**SUPERVISOR'S MONTHLY FINANCIAL REPORT**

On motion of Councilman Pfeffer, seconded by Councilwoman Hess, the following resolution was ADOPTED Ayes 5 Gerwitz, Davis, Pfeffer, Hess, Heim  
Nays 0

Resolved the Supervisors Monthly financial report for March, 2015 is accepted as submitted.

**RESOLUTION 30-2015**  
**AUDIT OF CLAIMS**

On a motion of Councilman Pfeffer seconded by Councilman Heim, the following resolution was ADOPTED Ayes 5 Gerwitz, Davis, Pfeffer, Hess, Heim  
Nays 0

Resolved the bills contained Abstract #4 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 56 through 84	\$48,919.26
Highway Fund	No. 43 through 57	\$51,999.22
Light District	No. 4	\$976.17
Trust & Agency	No. 23 through 34	\$11,936.18

A motion was made by Davis seconded by Heim and carried that the meeting be adjourned at 9:10 pm. (All Aye)