

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 31-2015

APPROVAL OF MINUTES

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

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

Resolved the minutes of April 15th be approved as submitted and

Town Attorney Charles Harrigan, Jr. presented the Proposed Local Law #1-2015 providing for the written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Ashford. The purpose of the Proposed Local Law is to hold down liability for the Town and result in fewer insurance claims.

Councilman Heim made a motion to pursue adoption of said Local Law #1-2015. Councilman Pfeffer seconded the motion. (All aye)

RESOLUTION 32-2015

APPROVE BOND COUNSEL SERVICES AND BILLING ARRANGEMENTS

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 Town of Ashford contract with Hodgson Russ for Bond Counsel Services relating to water improvement projects within the West Valley Water District, fees being an approximate aggregate amount of \$17,500.

RESOLUTION 33-2015

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

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 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)
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 Crystal Water Company to avoid duplication or 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 34-2015

AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT IN THE WEST VALLEY WATER DISTRICT IN THE TOWN OF ASHFORD AND THE CONSTRUCTION OF IMPROVEMENTS THEREIN, AT AN ESTIMATED MAXIMUM COST OF \$3,204,400 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,206,400 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR

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, Cattaraugus County, New York (the "Town"), pursuant to Article 12A of the Town Law, created a water district designated and known as the West Valley Water District in the Town (the "Water District"); and

WHEREAS, the Town Board desires to undertake a water system capital improvement project generally consisting of the installation of the infrastructure for the Water District; and

WHEREAS, by Resolutions the Town Board took the following actions with respect to such project: (a) prepared maps, plans, and boundaries for the Water District and such project, (b) held a public hearing with respect to such project, (c) determined that the project would not have a significant effect on the environment under Article 8 of the Environmental Conservation Law, and (d) determined that the requirements of Article 12A of the Town Law had been satisfied with respect to such project and further determined to undertake such project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance a portion of the costs of such project;

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

SECTION 1. The specific purpose (hereinafter referred to as ("purpose") to be financed pursuant to this resolution is a certain capital improvements project consisting of the installation of approximately 21,000 linear feet of 8-inch water main along various roads in the Town including, but not limited to, NYS Route 240, Ashford Hollow Road, Dole Avenue, White Street, School Street, Depot Street, Pinecliff Drive, Felton Hill Road, Williams Avenue and Hillview Drive, and the installation of a new storage tank, well to service the entire area, fire hydrants, shut-off valves, water meters, water treatment equipment and facilities, as well as other such improvements as more fully identified in such map, plan and report prepared in connection with the project, including all related right-of-way costs, new service installation, site work and other ancillary work, preliminary costs and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"). The estimated maximum cost of said purpose is \$3,206,400.

SECTION 2. The Town Board plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$3,206,400 of said Town, said amount to be offset by any federal, state, county and/or local funds received and unless paid from other sources or charges, the cost of the project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, the cost of the project will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the Town Supervisor, the Deputy Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 14. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
2. Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 16. This resolution is effective immediately

There have been no proposals submitted for the Water Operator as of the present time. If there are no proposals submitted, the Town of Ashford may hire a contractor on a month to month basis to attend to the needs of the Water District.

Bryan Bower, DOE, was present and gave a report to the Ashford Town Board on projects currently in progress at the West Valley Demonstration Project. He updated the Board members of the support WVDP has received from Senators and Congressman. The National Tank Waste Corporation Board will have its annual meeting at the WVDP. This is a great opportunity to meet with officials.

Dan Martonis, Cattaraugus County Director of Real Property Service, was in attendance to answer questions regarding an assessment revaluation. The last revaluation in the Town of Ashford was 2000 and the current valuation is 59%. Dan emphasizes the benefit to revaluation is to ensure the property owners are paying their fair share of taxes. Some will go up, some will stay the same and some will decrease. One concern is the high cost of conducting a revaluation especially in the wake of maintaining tax caps as required by New York State.

Correspondence:

1. **Previty's Auto Wrecking**-Ashford sale of scrap totaled \$2,188.45
2. **Robert Lennartz-Scenic Byway**-Resolution of endorsement of the Scenic Byway by NYSDOT
3. **Final Railroad Ceiling**-\$79,597.00
4. **Notice of Sale**-There will be a public sale of the property at 9360 Route 240 on 6/11/15 at the Cattaraugus County Building.

The Planning Board is putting the final updates on the Comprehensive Plan and will make available to the residents soon.

Fox Valley Project is still continuing.

NYS Office of the State Comptroller has met with Supervisor Gerwitz, Clerk Dashnaw, and Bookkeeper Sue Feldman regarding an upcoming audit of financial controls in the Town of Ashford.

RESOLUTION 35-2015
AUTHORIZE DEPUTY COURT CLERK

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

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

Resolved that Mary Kay Williams be appointed as Deputy Court Clerk for the remainder of 2015.

Constables are in need of bullet proof vests and a Standard Operating Procedure.

Tim Engels researched the posting of "Children at Play" signage. It is discouraged for many reasons. Children are not to be given "permission" to play in the streets and it is also hard to determine which areas are most in need of such signs.

RESOLUTION 36- 2015
REQUEST FOR TRAFFIC STUDY

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

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

Resolved the Town Board requests for a traffic study to be completed on Ahrens Road and Heinz Road in the Town of Ashford to establish a lower maximum speed at which vehicles may proceed and that the Town Clerk complete and submit the Form TE 9a to the County Commissioner of Public Works.

RESOLUTION 37-2015
AUTHORIZE INCLUSION OF THE WEST VALLEY VOLUNTEER HOSE COMPANY ACTIVE MEMBERS FOR CATTARAUGUS COUNTY WORKERS COMPENSATION POLICY

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

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

Resolved the Town Board authorizes to continue to include with the Towns payment to the Cattaraugus County Workers Compensation Insurance Policy, the active members of the West Valley Volunteer Hose Company. All claims must comply with the Insurance regulations. This authorization shall be reviewed annually.

RESOLUTION 38-2015
AUTHORIZE INCLUSION OF THE ASHFORD HISTORICAL BUILDING FOR INSURANCE PURPOSES

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

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

WHEREAS, Town Law 64, 17-A authorizes Towns to provide for the preservation and protection of historic places and the Town has for some years included the Historic Building with the Town's General Liability Policy and;

NOW THEREFORE BE IT RESOLVED; the Town Board, upon annual review, will continue to include the said Historical Building's General Liability as part of the Town of Ashford's General Liability Insurance Policy. The Town's total cost for the policy will include this added expense paid by the Town.

RESOLUTION 39-2015

AUTHORIZE INCLUSION OF THE WEST VALLEY FOOD PANTRY FOR INSURANCE PURPOSES

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

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

Resolved to include the West Valley Food Pantry storage and distribution area located in the Ashford Highway Building 5640 Fox Valley Road, West Valley, NY as part of the Town of Ashford's General Liability.

The board reviewed the April reports for:

- Town Clerk
- Building Permits

RESOLUTION 40-2015

BUDGET AMENDMENT

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

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

Resolved the following budget amendment be approved for the General Account:

From **A1670.4** Printing and Mailing to **A1989.0** Other General Government Support in the amount of **\$38.49**

RESOLUTION 41-2015

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 April, 2015 is accepted as submitted.

RESOLUTION 42-2015

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. 85 through 97 | \$24,234.13 |
| Highway Fund | No. 58 through 71 | \$33,149.22 |
| Light District | No. 5 | \$1,020.55 |
| Trust & Agency | No. 35 through 46 | \$11,874.41 |

RESOLUTION 43-2015

AUTHORIZE TOWN CLERK TO ADVERTISE FOR PUBLIC HEARING LOCAL LAW #1-2015

On a motion of Councilman Pfeffer seconded by Councilman Davis the following resolution was

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

Resolved the Town Clerk advertise in the Ashford official paper, the Springville Journal, to schedule a public hearing at the regularly scheduled meeting at Ashford Community Center, 9377 Route 240, West Valley, on Wednesday, June 10, 2015 at 7:45pm on Local Law #1-2015 providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Ashford.

A motion was made by Pfeffer seconded by Davis and carried that the meeting be adjourned at 9:50pm. (All Aye)

Patricia R. Dashnaw—Town Clerk