

Present: Charles E. Davis, III, Supervisor
 John A. Pfeffer, Deputy Supervisor, Councilman
 William J. Heim, Councilman
 Jean M. Bond, Councilwoman
 Richard A. Bernstein, 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 71-2016

APPROVAL OF MINUTES

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

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

Resolved the minutes of July 13th be approved as submitted

The Town of Ashford has been approved to apply for a grant thru the "Restore NY Communities Initiative". All businesses throughout the Town of Ashford are eligible and encouraged to participate. The project must have at least 10% matching funds which can be cash and/or in-kind contributions. Projects could involve demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, condemned and surplus properties.

Paul Bembia, Director NYSERDA WVDP, reported to the Town Board

- Soil Sampling Program results will be presented to the public at a meeting August 24th. The sampling shows no health and safety concerns for any properties sampled.
- NYSERDA has been assisting Town of Ashford regarding the NYS solar energy opportunities. Support is available from NYS on Community Distributed Solar Generation Systems. Grants are available for these projects.
- WVDP update-115 high level waste canisters have been moved to date from the Main Plant to the pad.

Correspondence:

1. **Justice Court Fund**-Town of Ashford June revenues are \$8,708.00.
2. **NYSERDA**-comments to the DOE invitation for public comments for proposed Consent Based Siting process.
3. **Buffalo Business First**-article relating to West Valley Central School

RESOLUTION 72-2016

AUTHORIZE RETENTION OF OUTSIDE COUNSEL AND COMMENCEMENT OF LITIGATION AGAINST E&M ENGINEERS AND SURVEYORS, PC AND D&H EXCAVATING, INC.

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

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

WHEREAS, in August of 2009, severe thunderstorms and flooding caused the destruction of the Fox Valley Road Bridge and culvert, located within the Town of Ashford (the "Town");

WHEREAS, with the assistance of the Federal Emergency Management Agency, the Town set out to repair the damage to, and to replace, the Fox Valley Road Bridge and culvert (the "Project");

WHEREAS, the Town entered into a written contract with E&M Engineers and Surveyors, PC ("E&M"), which the Town hired as the engineer for the Project;

WHEREAS, the Town also entered into a written contract with D&H Excavating, Inc. ("D&H"), which the Town hired as the contractor for the Project;

WHEREAS, the Town has learned the Project included multiple structural design and/or construction errors (the "errors") involving the hillside supporting and surrounding the Project, as well as erosion of the bank of the creek and subsidence of the surrounding hillside of the Project;

WHEREAS, the Town has asked for these errors to be corrected, however E&M and D&H have failed to do so;

WHEREAS, the Town is concerned the errors will pose significant risk to public safety, if not corrected;

WHEREAS, the Town seeks to commence a legal action against E&M and D&H based on their errors;

WHEREAS, the Town desires to retain Hodgson Russ, LLP as outside counsel for the purpose of commencing this action on the Town's behalf and pursuing these claims. Now therefore be it

RESOLVED by the Town Board of the Town of Ashford as follows:

1. Commencement and prosecution of an action in State Supreme Court against E&M and D&H (an any other party determined to be liable) for the purpose of recovering damages for their errors on the Project is hereby authorized and approved.
2. The retention of Hodgson Russ, LLP as outside counsel is hereby authorized for the purpose of commencing and prosecuting this action.
3. This resolution shall be effective immediately.

RESOLUTION 73-2016

EXECUTIVE SESSION

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

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

Resolved the Board move into an Executive Session at 7:41pm to discuss litigation

RESOLUTION 74-2016

RETURN TO REGULAR SESSION

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

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

Resolved the Board return to regular session at 7:44pm no action taken.

Budget Officer, William King has submitted the Budget Calendar for the Town of Ashford.

RESOLUTION 75-2016

CHANGE TOWN BOARD MEETING IN SEPTEMBER

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

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

WHEREAS the 2016 National Cleanup Workshop concerning West Valley Demonstration Project takes place September 14-15

NOW THEREFORE BE IT RESOLVED the Town Board meeting scheduled for September 14th, 2016 7:30pm be rescheduled to Monday, September 12th, 2016 at the regular time and location

RESOLUTION 76-2016

AUTHORIZE NATIONAL CLEANUP WORKSHOP REGISTRATION FEES

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

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

Resolved the Ashford Town Board approve the registration fees of \$425 per person for two Board members to attend the National Cleanup Workshop in Alexandria, Virginia, September 14-15, 2016

RESOLUTION 77-2016

AUTHORIZE NATIONAL GRID PAYMENT FOR INTERCONNECTION STUDY

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

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

Resolved the Ashford Town Board approve a \$750 payment to National Grid for Interconnection study regarding proposed Town of Ashford Solar Farm.

RESOLUTION 78-2016

APPROVAL OF NYS RETIREMENT STANDARDS FOR TOWN EMPLOYEES

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

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

Resolved the information be provided to the NYS Retirement System 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 79-2016

OPPOSE PRIVATIZING COUNTY REGULATED NURSING FACILITES

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

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

WHEREAS, the Cattaraugus County Legislature is investigating the privatizing of the Cattaraugus County Nursing Homes in Machias and Olean, and

WHEREAS, this action would adversely affect county and town employees and residents. Now therefore be it

RESOLVED, the Town of Ashford Board opposes this action and any bill that would have this adverse effect on our residents.

RESOLUTION 80-2016

ADOPT POLICY FOR HIGHWAY PROJECT DESIGN AND CONSTRUCTION STANDARDS

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

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

WHEREAS, NYS requires all municipalities to adopt appropriate local standards for highway project design and construction, and

WHEREAS, all requirements or standards prescribed in the National Manual of Uniform Traffic Control Devices and NYS Supplement, Highway Law, Vehicle and Traffic Law and other applicable State and local laws, codes, and regulation must be followed, and

WHEREAS, The American Association of State Highway and Transportation Officials (AASHTO) standards for local streets and highways, NYSDOT highway standards, which are considered appropriate by the municipality, may be used for design of town roads. Now therefore be it

RESOLVED, the Town Board of the Town of Ashford adopts a policy to include the above mentioned requirements and standards for project design and construction on such town highways and streets as considered appropriate by this municipality.

RESOLUTION 81-2016

AWARD OF BID—NEW AND UNUSED PLOW EQUIPMENT AND DUMP BODY

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

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

Resolved, Valley Fab and Equipment by awarded the contract for the purchase of one New and Unused Plow Equipment and Dump Body for the low bid in the amount of \$89,925.00.

RESOLUTION 82-2016

AUTHORIZE TOWN JUSTICE APPLICATION FOR A JUSTICE COURT SYSTEM GRANT

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

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

Resolved the Town Board authorize the Town Justice to submit an application to the Unified Court System for a grant under the Justice Courts Assistance Program.

The Town Official Newspaper, is no longer in circulation. As a result there has been correspondence with other neighboring newspapers to solicit the Town of Ashford for business. At the present time the Town Board will designate advertising on a month to month basis until a decision is made regarding the town official paper.

RESOLUTION 83-2016

AUTHORIZE ADVERTISING IN OLEAN TIMES HERALD

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

ADOPTED Ayes 4 Davis, Pfeffer, Heim, Bond
Nays 1 Bernstein

Resolved the Town Board authorize advertising in the Olean Times Herald legal notices resulting from board actions taken at August 2016 meeting of the Ashford Town Board.

Youth Recreation Update: Councilwoman Bond will be meeting with Town of Machias and Ellicottville for purposes of expanding the current Town of Ashford recreation program. 2017 Youth Recreation schedule will be revised according to the needs of the participants.

Telecommunications Update: Councilman Pfeffer presented a Request for Proposal for Managed IT Services and Software Support to Board members.

RESOLUTION 84-2016

AUTHORIZE ADVERTISING FOR RFP MANAGED IT SERVICES AND SOFTWARE SUPPORT

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

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

Resolved the Ashford Town Board authorize the Town Clerk to advertise for Request for Proposal for Managed IT Services and Software Support to be submitted to the Town Clerk's office prior to October 30, 2016.

RESOLUTION 85-2016

BUDGET AMENDMENT

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

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

Resolved the following Budget Amendment is approved for the General Account:

From **A1990.4** Contingent to **A1010.4** Town Board Contractual in the amount of **\$750.00**

From **A1990.4** Contingent to **A1220.4** Supervisor Contractual in the amount of **\$425.00**

From **A1990.4** Contingent to **A1920.4** Municipal Association Dues in the amount of **\$2,500.00**

The board reviewed the July reports for:

- Town Clerk
- Building Permits
- Constabulary
- Highway Fuel & Exp Reports (inc June)

Code Enforcement Officer Gary Perkins presented a proposed update for the Building Permit and Fire Inspection Fee Schedule. Board members will review.

Southern Tier West will discuss at the next meeting consideration of a grant for residents in the Town of Ashford West Valley Water District to financially assist property owner water line installation. The grant will be based on need of the applicants.

Councilman Heim spoke in concern of overwhelming grant application for the Restore NY Communities Initiative. Supervisor Davis confirmed the Town of Ashford Planning Board could be of assistance.

Water Operator, Clifford Feldman, was in attendance and reported to the Ashford Town Board the water tank is registering a lower amount of water due to the rain and requests residents to be informed to conserve water.

RESOLUTION 86-2016
SUPERVISOR'S MONTHLY FINANCIAL REPORT

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

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

Resolved the Supervisors Monthly financial report for July, 2016 is accepted as submitted.

RESOLUTION 87-2016

AUDIT OF CLAIMS

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

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

Resolved the bills contained Abstract #8 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 179 through 207	\$23,215.32
Highway Fund	No. 110 through 124	\$36,505.44
Light District	No. 8	\$826.43
Trust & Agency	No. 68 through 76	\$10,919.52
Water District	No. 59 through 65, 71	\$7,789.11
Water District Capital	No. 57, 58, 66 through 70	\$512,556.40

A motion was made by Pfeffer seconded by Bernstein and carried that the meeting be adjourned at 8:32pm. (All aye)

Patricia R. Dashnaw—Town Clerk