

**MINUTES OF THE
TOWN BOARD MEETING
DECEMBER 9, 2021**

The regular meeting of the Town Board, Town of Ripley was called to order by Supervisor Bowen at 7:30 p.m., in the Ripley Town Hall with the Pledge of Allegiance. The following were present:

Supervisor: Douglas Bowen
Council: Patricia Hathaway - ABSENT
Michael Rowe
John Trevelline - ZOOM
Phil Chimera
Town Clerk: Rebecca Rowe Carvallo

Guests: Kathy Thompson, Joe Carvallo, Donald Henry,

As the Town Board continues safe COVID -19 pandemic procedures, this evenings meeting was held with social distancing practices and on “Zoom” for those who would rather participate from home.

Dept. Heads Zoom:
Attorney Ben Wisniewski and Jim Spacht, Highway Superintendent

Zoom Guests: Shelly Spacht, Jodi Hunt, Julie Rice, Lew Barnes, Dorothy Barnes, Mark Smith, Roy Fisher, Melissa Fisher, Steve Wilson, Catherine Schepp,

APPROVAL OF MINUTES

The minutes of the Regular Town Board Meeting dated November 9, 2021 were approved. Councilman Rowe moved and Councilman Chimera seconded. This was carried unanimously.

APPROVAL OF ABSTRACTS

Warrant No. 12 in the amount of \$10,920.03 drawn on the General Acct. Was presented and audited by the Board Members.

Warrant No. 12 in the amount of \$22,141.63 drawn on the Highway Acct. Was presented and audited by the Board Members.

Warrant No. 12 in the amount of \$1,306.43 drawn on the St. Light Acct. Was presented and audited by the Board Members.

Warrant No. 12 in the amount of \$7,072.38 drawn on the Sewer Acct. Was presented and audited by the Board Members.

Warrant No. 12 in the amount of \$3,324.86 drawn on the Water Acct. Was presented and audited by the Board Members.

Warrant No. 12 in the amount of \$119,675.22 drawn on the Capital Acct. Was presented and audited by the Board Members.

Councilman Rowe made the following motion: that the Supervisor be directed to draw the checks to cover the warrant as allowed for vouchers numbered 892 through 967. This was seconded by Councilman Chimera and carried unanimously.

APPROVAL OF THE NOVEMBER 2021 FINANCIAL STATEMENT

Councilman Rowe made the motion to approve the Supervisor's November 2021 Financial Statement. This was seconded by Councilman Chimera and carried unanimously.

CORRESPONDENCE

*Supervisor's Office received the monthly Time Warner Cable (Charter Communications) update.

*Trash Collection for Saturday December 25, 2021 has been changed to Monday, December 27, 2021 2:00 p.m. – 6:00 p.m.

BUDGET TRANSFERS

Supervisor Bowen moved the following Budget Transfers, seconded by Councilman Rowe and carried unanimously.

General Fund

\$ 200	FROM	A1990.4	Contingent Account
	TO	A5410.4	Sidewalk Contractual
\$ 300	FROM	A1990.4	Contingent Account
	TO	A6510.4	Veteran Services Contractual
\$ 2,000	FROM	A1990.4	Contingent Account
	TO	A9030.8	Employee Benefits Social Security
\$ 1,500	FROM	A8810.2	Cemetery Equipment
	TO	A8810.4	Cemetery Contractual

Highway Fund

\$ 30,000	FROM	DA9950.9	Transfer to Capital Projects
	TO	DA5110.4	General Repairs Contractual

**RESOLUTION 119-2021
TOWN OF RIPLEY
REJECTING BIDS FOR WASTERWATER TREATMENT IMPROVEMENTS**

Resolution 119-2021 Resolution Rejecting Waste Water Treatment Facility Improvements Bids

WHEREAS, the Town sought bids submissions for improvements at the Ripley Waste Water Treatment Plant which were received on September 30, 2021, and

WHEREAS, three bids were received at said bid opening, all of which were substantially over the amount committed to the project from New York State Environmental Facilities Corporation (NYSEFC), and

WHEREAS, an alternative approach must be devised to bring the project back within the funding limits but the Town must first deal with the matter of the outstanding bids,

NOW THEREFORE IT IS RESOLVED, that the bids of September 30, 2021 for Waste Water Treatment Facility Improvements are hereby rejected and that no award will be made herein.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Rowe and the vote was as follows: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

**RESOLUTION 120-2021
TOWN OF RIPLEY
WASTEWATER PLANT IMPROVEMENT BIDS**

Resolution 120-2021 Waste Water Plant Improvement Bid

WHEREAS, the Board has previously rejected the outstanding Bids submitted for improvements to the Waste Water Treatment Facility, and

WHEREAS, the Town's Engineers have revised the Project Scope to bring the expected costs of the Project to stay within the limits of the funding award of the New York State Environmental Facilities Corporation (NYSEFC),

NOW THEREFORE IT IS RESLOVED, that the Board hereby approves the revised plan for Plant Improvement and authorizes the bid solicitation as set forth in the attached engineering recommendation which is attached hereto and made a part hereof.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Rowe and the vote was as follows: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

**HEALTH INSURANCE BUY OUT OPTION TOWN CLERK
RESOLUTION 121- 2021
TOWN OF RIPLEY
TOWN CLERK HEALTH INSURANCE OPTIONS**

WHEREAS, the Town Clerk has for many years accepted the annual Insurance buyout from the Town rather than require the Town to expend thousands of additional dollars for her health insurance which the Town is otherwise obligated to provide, and

WHEREAS, the Clerk has requested confirmation from the Town Board regarding her insurance options per the Town's Personal Policy which sets such benefits for Officers and Employees of the Town as she contemplates her potential retirement over the next several years, and

WHEREAS, the Town Board has previously set forth such options for prior Officers and or Employees to aid in their individual retirement planning, and

WHEREAS, the Town Board wishes to continue to obtain the cost savings to the Town that are generated by the Clerk accepting the Insurance buyout,

NOW THEREFORE IT IS RESOLVED AS FOLLOWS:

1. The Town Clerk has served in her Office for nearly thirty (30) years and as such is entitled to the status afforded to those who were in Town service prior to August 22, 1996.
2. The Town Clerk would have the option to continue the Insurance buyout during her remaining years in office or during that period in retirement when she would otherwise be eligible for health coverage per the Town regulations but is able to continue on her husband's work health insurance coverage.
3. The Town Clerk and or her husband would have the option during the same time frame to obtain the Town coverage if needed and based on her work tenure prior to August 22, 1996, she would be covered at 100% Town cost and her husband at 60% Town cost per the Town regulations.
4. Either of the above options will control the Clerk's situation or that of her husband pending her and or her husband reaching Medicare eligibility at which time they would receive the Medicare supplemental policy coverage at 100% again per the provisions of the Town Personal Policy as it currently specifies benefits for employees and officers in service with the Town on August 22, 1996.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Trevelline and the vote was as follows: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

ARPA FUNDING EXPENDITURES

**RESOLUTION 122-2021
TOWN OF RIPLEY
ARPA FUNDING EXPENDITURES
EMPLOYEE REIMBURSEMENT FOR LOST REVENUE**

ARPA Funding Expenditure, Employee reimbursement for lost revenue.

Resolved that the Town will expend revenue loss ARPA funds to reimburse employees for lost revenue due to COVID as follows:

[illegible]

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Chimera and the vote was as follows: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

**RESOLUTION 123-2021
TOWN OF RIPLEY
ARPA FUNDING EXPENDITURE
ORTHOPHOSPHATE INJECTION SYSTEM**

ARPA Funding Expenditure, Orthophosphate injection system.

Resolved that the Town expend ARPA funds for equipment and installation of the Orthophosphate injection system at the water plant as required by the Chautauqua County Health Department. Amount not to exceed \$25,000.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Rowe and the vote was as follows: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

**RESOLUTION 124-2021
TOWN OF RIPLEY
ARPA FUNDING EXPENDITURE
METERS AND MONITORING SYSTEM**

ARPA Funding Expenditure, Meters and Monitoring System.

Resolved that the Town expend ARPA Funds to replace and upgrade water meters and monitoring system at the water plant as required by Chautauqua County Health Insurance. Amount not to exceed \$50,000.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Chimera and the vote was as follows: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

SET YEAR END MEETING

Supervisor Bowen made the motion to set the annual year end meeting for 1:00 p.m., December 30, 2021. This was seconded by Councilman Rowe

APPOINT VOTING DELEGATE FOR ASSOCIATION OF TOWNS ANNUAL MEETING

Supervisor Bowen moved to appoint Michael Rowe as Voting Delegate and in his absence, Douglas Bowen as Alternate Voting Delegate for the annual Association of Towns meeting of February 2022. This was seconded by Councilman Chimera. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

WATER/SEWER REGULATION UPDATE

Supervisor Bowen explained that Water/Sewer regulations are in the process of being revised. With the events of lost water during a recent business construction event, it has been brought to attention that revisions need to be made to current town policy.

UPDATE ON BATTERY ENERGY STORAGE LAW

Attorney Ben Wisniewski asked the board to hold a work session to review and discuss with him, his proposed revisions to the Planning Board's proposal for a Battery Energy Storage Law.

Mr. Bowen made the motion to set a work session for 7:30 p.m. Thursday, December 16, 2021. This was seconded by Mr. Rowe and carried unanimously.

CLEAN CHOICE ENERGY SPECIAL USE PERMIT

RESOLUTION 125-2021

CLEANCHOICE RESOLUTION #1: ADOPTION BY THE TOWN BOARD OF THE TOWN OF RIPLEY OF A RESOLUTION CLASSIFYING CONSIDERATION OF THE CLEAN CHOICE SOLAR ENERGY FACILITY APPLICATION A TYPE I ACTION UNDER SEQRA

WHEREAS, on or about September 15, 2021, CleanChoice Energy Community LLC, and Martin NY CSG LLC (collectively "CleanChoice") submitted a Special Use Permit and site Plan Application for a Tier 3 Community Solar Project proposed for 5246 Route 76 in the Town of Ripley, New York; and

WHEREAS, upon initial review of the application submission pursuant to Section 1508(A) of the Town of Ripley Zoning Law, on or about November 9, 2021, the Zoning Officer of the Town of Ripley provided deficiency notice to Clean Choice stating that the application was incomplete and deficient, and that additional application materials and submissions were required; and

WHEREAS, on or about November 24, 2021 Clean Choice responded to the deficiency notice with additional application materials and later provided the required professional services escrow agreement and deposit; and

WHEREAS, on or about December 8, 2021 the Zoning Officer of the Town of Ripley deemed the application complete pursuant to Section 1508(A) of the Town of Ripley Zoning Law, and

WHEREAS, the action of approving a special use permit would result in the physical alteration of more than 10 acres of land;

NOW, THEREFORE, the Town Board of the Town of Ripley designates itself as lead agency for the purposes of SEQRA review and hereby commences a coordinated SEQRA review.

AND THEREFORE, hereby finds that the review of the Clean Choice Special Use Permit and Site Plan Application qualifies as a Type I action under SEQRA because it would result in physical alteration of more than 10 acres of land pursuant to 6 NYCRR 617.4(b)(6).

AND THEREFORE, the Town Board of the Town of Ripley further resolves that the Proposed Action is classified as a Type I Action under SEQRA.

AND THEREFORE, the Town Board of the Town of Ripley will continue its SEQRA review of the CleanChoice application by reviewing the proposed long form EAF provided by CleanChoice, and preparing the town's own Full Environmental Assessment Form at a future board meeting.

AND THEREFORE, the Town Board of the Town of Ripley will review any relevant submissions and comments related to the Clean Choice Special Use Permit and Site Plan Application in order to make a determination of environmental significance under SEQRA, at a public hearing at a time to be determined.

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

The question of the foregoing resolution was duly put to a vote as follows:

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Rowe and the vote was as follows: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

RESOLUTION 126-2021

CLEANCHOICE RESOLUTION #2: ADOPTION BY THE TOWN BOARD OF THE TOWN OF RIPLEY OF A RESOLUTION AUTHORIZING AND REQUIRING REFERRAL OF THE CLEANCHOICE APPLICATION TO CHAUTAUQUA COUNTY AND TOWN OF RIPLEY PLANNING BOARDS

WHEREAS, on or about September 15, 2021, CleanChoice Energy Community LLC, and Martin NY CSG LLC (collectively "CleanChoice") submitted a Special Use Permit and site Plan Application for a Tier 3 Community Solar Project proposed for 5246 Route 76 in the Town of Ripley, New York (the "Application"); and

WHEREAS, on or about December 8, 2021 the Zoning Officer of the Town of Ripley deemed the application complete pursuant to Section 1508(A) of the Town of Ripley Zoning Law, and

WHEREAS, the provisions of General Municipal Law, Section 239m (GML 239) require local municipal bodies in Chautauqua County to submit certain planning and zoning actions to the Chautauqua County Planning Board for said Board's review and recommendation, and

WHEREAS, the Application is an action requiring to referral pursuant to GML §239-m; and

WHEREAS, Section 1508 of the Town of Ripley Zoning Law requires the Town of Ripley Planning Board to review the Application and make recommendations to the Town Board;

NOW, THEREFORE, the Town Board of the Town of Ripley hereby authorizes and requires referral of the proposed Application to Chautauqua County Planning Board as required by GML §239-m.

AND THEREFORE, the Town Board of the Town of Ripley hereby authorizes and requires referral of the proposed Application to the Town Planning Board for review and recommendations as required by Section 1508 of the Ripley Zoning Law, and to coordinate the Planning Board's review with Wisniewski Law PLLC and LaBella Associates, at the Planning Board's discretion;

AND THEREFORE, the Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

The question of the foregoing resolution was duly put to a vote as follows:

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Rowe and the vote was as follows: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

SOUTH RIPLEY SOLAR PROJECT UPDATE

Attorney Ben Wisniewski noted that the Town was still waiting for ConnectGen's supplemental application.

DEPARTMENT HEAD REPORTS

HIGHWAY

Mr. Chimera presented the Highway Superintendent's monthly report as attached.

ASSESSOR

Mr. Rowe presented the Assessor's monthly report as attached.

CODE OFFICER

Mr. Rowe presented the Code Officer's monthly report as attached.

WATER/SEWER

Mr. Rowe presented the Water/Sewer Superintendent's monthly report as attached.

PRIVILEGE OF THE FLOOR

There were no comments at this time.

EXECUTIVE SESSION

Supervisor Bowen made the motion that the board enter into executive session with Attorney Ben Wisniewski to discuss legal issues. This was seconded by Councilman Rowe. Carried unanimously. 8:20 p.m.

Supervisor Bowen moved to close the executive session and reopen the regular Town Board meeting. This was seconded by Councilman Chimera and carried unanimously. 9:41 p.m.

No action was taken as a result of the executive session.

Supervisor Bowen moved to adjourn the meeting. This was seconded by Councilman Chimera and carried unanimously. 9:42 p.m.

Respectfully submitted,
Rebecca Rowe Carvallo
Town Clerk