

**MINUTES OF THE  
TOWN BOARD MEETING  
AUGUST 12, 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  
Michael Rowe  
John Trevelline  
Phil Chimera  
Town Clerk: Rebecca Rowe Carvallo

Guests: see sign in sheet.

Department Heads: Jim Spacht, Highway Superintendent; Shelly Spacht, Planning Board Chair.

As the Town Board continues safe COVID -19 pandemic options, this evenings meeting was also held on “Zoom” for those who would rather participate from home.

Zoom Guests: Kathern Schapp, Westfield Republican Newspaper reporter. Attorney Ben Wisniewski Esq.

**APPROVAL OF MINUTES**

The minutes of the Regular Town Board Meeting dated July 8, 2021 were approved. Councilman Rowe moved and Councilman Chimera seconded. This was carried unanimously.

The minutes of the Special Town Board Meeting dated July 12, 2021 were approved. Councilman Rowe moved, Councilman Chimera seconded. This was carried unanimously.

The minutes of the Special Town Board Meeting dated July 15, 2021 were approved. Councilman Rowe moved, Councilman Trevelline seconded. This was carried unanimously.

The minutes of the Special Town Board Meeting dated July 26, 2021 were approved. Councilman Rowe moved, Councilman Trevelline seconded. This was carried unanimously.

**APPROVAL OF ABSTRACTS**

Warrant No. 8 in the amount of \$24,760.84 drawn on the General Acct. Was presented and audited by the Board Members.

Warrant No. 8 in the amount of \$4,213.81 drawn on the Highway Acct. Was presented and audited by the Board Members.

Warrant No. 8 in the amount of \$2,332.16 drawn on the St. Light Acct. Was presented and audited by the Board Members.

Warrant No. 8 in the amount of \$5,993.25 drawn on the Sewer Acct. Was presented and audited by the Board Members.

Warrant No. 8 in the amount of \$3,496.18 drawn on the Water Acct. Was presented and audited by the Board Members.

Warrant No. 8 in the amount of \$394,325.02 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 547 through 649. This was seconded by Councilman Chimera and carried unanimously.

#### **APPROVAL OF THE JULY 2021 FINANCIAL STATEMENT**

Councilman Rowe made the motion to approve the Supervisor's July 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.

- \*Resignation of Aaron Gibbins as Dog Control Officer.

- \*Memo from Bahgat & Laurito-Bahgat America Rescue Plan Act.

- \*Ripley Central School Non-Signification (Negative Declaration) Capital Improvement Project.

#### **JUSTICE AUDIT**

#### **TOWN OF RIPLEY RESOLUTION 88-2021 Examination of 2020 Court Records**

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town justices annually provide court records and dockets to the town for the purpose of examination, and

WHEREAS, court records and dockets were made available to the Councilman Trevelline and Councilman Chimera for examination on July 15, 2021.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Ripley acknowledges that examination of Town of Ripley court records and dockets occurred on July 15, 2021.

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to provide a copy of the examination report and this resolution to the NYS Office of Court Administration, Director of Internal Audit.

Resolution 88-2021 was presented by Supervisor Bowen, seconded by Councilman Rowe. ROLL CALL VOTE: Mr. Chimera YES Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Carried unanimously.

#### **AWARDING WATER #4 CONTRACT**

##### **TOWN OF RIPLEY RESOLUTION 89-2021 Awarding Water 4 Contract**

**Whereas** the Town has previously advertised for suitable contractors to submit sealed bid proposals for the public work involving the construction and of certain facilities for the new Town Water District 4 which is to be funded by U.S.D.A. Rural Development, and

**Whereas** the Town received several bids from contractors, at the appointed time and date on which bids were due, and

**Whereas** the bids received were the subject of an option to reduce the amount of the bid prices, by potentially removing the property restoration element of the contract bid specifications to benefit the Town and Water District 1, and

**Whereas** the Town has requested authorization from U.S.D.A. Rural Development to award the Contract to St. George Enterprises, Inc. of Fredonia N.Y. as revised at the lower total project cost which subtracts the restoration element of \$38,000.00 from the St. George Bid, and

**Whereas** the Town has received said authorization from U.S.D.A. Rural Development,

**Now Therefore it is resolved** to award the contract to St. George Enterprises, Inc. of Fredonia, N.Y. in accordance with the bid proposal of \$1,010,155.00 minus the \$38,000.00 alternate deduction for a total of \$972,155.00 for the public work as specified in the revised description of the work prepared by the Town's engineers Clark, Patterson and Lee and the Supervisor is directed to execute the necessary contracts with St. George Enterprises, Inc. as prepared and approved by the Town's engineers Clark, Patterson and Lee.

The resolution was introduced by Supervisor Douglas Bowen and was seconded by Council Person, Michael 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. Resolution 89-2021 Carried.

#### **AUTHORIZING TO BID SEWER DISTRICT #1 SEWER PLANT**

##### **TOWN OF RIPLEY RESOLUTION 90-2021 Authorizing Sewer District 1 Sewer Plant Bids**

Whereas the Town Board has been presented with a proposal for the construction of a new Sewer Treatment Plant Facilities and Improvements by the Town Engineers, Clark, Patterson and Lee P.C.,

Now Therefore it is resolved that qualified bids for the construction of the Sewer Treatment Plant Facilities and Improvements are sought per the plans and specifications prepared by the Town Engineers which are incorporated herein, and

Be it Further Resolved that the Town shall publish the required Legal Notice soliciting interested Bidders in the Town's Official Newspaper with a return date for such bids to be at 11:15 a.m. September 10, 2021.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Chimera. **ROLL CALL VOTE:** Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway-ABSENT. Resolution 90-2021 Carried.

#### **AUTHORING TO BID SEWER #1 TRASMISSION LINE**

#### **TOWN OF RIPLEY RESOLUTION 91-2021 Authorizing Sewer District 1 Transmission Line Bids**

Whereas the Town Board has been presented with a proposal for the construction of a new Sewer Transmission Line along Main St. West from N. State St. to the junction with the Sewer District 2 facilities by the Town Engineers Clark, Patterson and Lee P.C.,

Now Therefore it is resolved that qualified bids for the construction of the Sewer Transmission line are sought per the plans and specifications prepared by the Town Engineers which are incorporated herein, and

Be it Further Resolved that the Town shall publish the required Legal Notice soliciting interested Bidders in the Town's Official Newspaper with a return date for such bids to be at 11:00 a.m. September 10, 2021.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Chimera. **ROLL CALL VOTE:** Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway-ABSENT. Resolution 91-2021 Carried.

#### **APPOINT ADMINISTRATIVE CONSULTANT SEWER 31 MAIN ST CDBG PROJECT**

#### **TOWN OF RIPLEY RESOLUTION 92-2021**

**Appointment of Administrative Consultant for the Ripley Sewer #1  
Main St. CDBG Project**

WHEREAS, the Town has sought a suitable Consultant to assist the Town in carrying out its responsibilities under the Community Development Block Grant Program which is funding the Main St. Sewer Main replacement project, and

WHEREAS, G&G Consulting of Spencerport, N.Y. is a consulting firm which has extensive experience in the administration of CDBG Projects such as the Main St. Sewer Project,

NOW THEREFORE IT IS RESOLVED that the Town hereby retains and hires G&G Consulting of Spencerport, N.Y. as the Town's Administrative Consultant for the Main St. Sewer Main Replacement Project as funded by the Community Development Block Grant Program. The Supervisor is directed to execute the necessary contract with G&G Consulting for the services herein.

The resolution was introduced by Supervisor Douglas Bowen and was seconded by Council Person, Michael 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. Resolution 92-2021 Carried.

**APPOITMENT FOR LEGAL CONSULTANT FOR THE 94-c SITING  
CONNECTGEN LLC SOLAR PROJECT**

**TOWN OF RIPLEY  
RESOLUTION 93-2021**

**Appointment of Legal Consultant for the Article 94-c Siting Proceedings of the  
ConnectGen LLC Solar Project**

WHEREAS, an application has been made previously by ConnectGen LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to construct the South Ripley Solar Project within the Town of Ripley, and

WHEREAS, the Company has now requested that its application be transferred for consideration under the revised Article 94-c siting procedure with the Office of Renewable Energy , and

WHEREAS, in order to protect the Public Interest it is necessary for the Town to engage suitable experts in the area of the 94-c Proceedings in order to advise and consult with the Town Board as regards issues that may arise throughout the 94-c process so as to ensure that the Public Interest of the Town and its residents is assured, and

WHEREAS, the Zoghlin Group ,PLL.C. of Rochester, N.Y. is a law firm which has extensive experience in such alternate energy proceedings including Solar projects,

NOW THEREFORE IT IS RESOLVED that the Town hereby retains and hires the Zoghlin Group PLLC, as the Town's Legal Consultant for the 94-c proceedings of the ConnectGen South Ripley Solar Project.

The resolution was introduced by Supervisor Douglas Bowen and was seconded by Council Person, Michael 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. Resolution 93-2021 Carried.

### **FALL LARGE TRASH**

Supervisor Bowen made the motion that the Town Board set Fall Large Trash Day for October 2, 2021 at the Highway Barns from 8 – Noon. This was seconded by Councilman Chimera. Carried unanimously.

### **REVIEW PROPOSED SOLAR LAW**

Supervisor Bowen moved to set the Town Board Work Session on the proposed Solar law for 7:00 p.m. August 26, 2021. This was seconded by Councilman Chimera and carried unanimously.

### **CONSULTANTS 94-c PROCEEDINGS**

Supervisor Bowen made the motion that he be authorized to sign the revised Agreement with LaBella for the 94-c proceeding of the ConnectGen South Ripley Solar Project. This was seconded by Councilman Rowe.

ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway-ABSENT. Carried.

Supervisor Bowen moved to allow Ben Wisniewski Esq. to appear on The Town of Ripley's behalf for the Article 94-c Proceeding of the ConnctGen South Ripley Solar Project. This was seconded by Councilman Chimera. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway-ABSENT.

### **DEPARTMENT HEAD REPORTS**

#### **ASSESSOR**

Mr. Rowe read the Assessor's Report as attached.

#### **CODE OFFICER**

Mr. Rowe read the Code Officer's Report as attached.

### **WATER/SEWER REPORT**

Mr. Bowen read the Water/Sewer Superintendent's report as attached.

### **HIGHWAY REPORT**

Superintendent Spacht read the monthly Highway report as attached.

### **PLANNING BOARD REPORT**

Shelly Spacht, Planning Board Chair, informed the Town Board that she filed the Planning Board's Comments on the proposed Solar Law with the Town Clerk's Office.

### **TOWN CLERK**

Mrs. Carvallo relayed a Thank you message to the Highway Department from Mrs. Ruth Blackman for their efforts in clearing the creek flow in back of her home off of N. State Street near Park Ave.

### **PRIVILEGE OF THE FLOOR**

Councilman John Trevelline discussed the Sewer pump maintenance. Mr. Bowen stated that the Town does own a Sewer Vac Truck in shared services with The Village of Westfield.

Leonard Waterman, East Main Road, asked about the status of the Ripley Beach Stairs at the end of Ripley Beach Road.

Councilman Rowe Stated that at this time the Beach is washed away at the end of Ripley Beach Road so the stair will not be put down this year. Mr. Rowe also stated that the Town is waiting on the contractor to build the pavilion.

Fire Chief, Mark Smith voiced concerns with residents on Bowers Lane blocking road way not allowing emergency vehicle to pass.

A discussion took place on liability concerns regarding those who jump off the Ripley Beach cliffs or gain access to the beach from Town property. Fire Chief Smith asked the Town Board to consult the Town's Legal Department.

Jim Spacht, NE-Sherman Road, voiced his concerns on property values when ConnetGen purchase property at a high rate per acre, would this effect neighboring property values?

Leonard Waterman, East Main Road, voiced his concerns with the used tires that are being stored across the street from his residents.

Shirley Dunlap, NE-Sherman Rd., asked the Board Members if any amount of money from the ConnectGen Project is worth the Health and Safety of the community.

Mark Davis, Attorney for the Fire Company, discussed his concerns regarding ConnetGen South Ripley Solar Project and the safety of their battery energy storage plan.

Mr. Davis also stated that ConnetGen has not been cooperative in meeting with the Fire Company and answering their questions and concerns.

Shelly Spacht, NE-Sherman Rd. asked why the Town has not yet moved forward with the Battery Energy Storage Law that the Town Planning Board presented to the Town Board.

Attorney Ben Wisniewski stated that there are other laws that they would have to comply with until the Town moves forward with Battery Storage Law.

Mrs. Spacht felt this was unacceptable.

Rob Galbraith, East Lake Road, felt that someone should have kept minutes from the meeting that was held with ConnetGen, Town Supervisor, and Town Consultants.

Kathy Thompson, North Road, stated she was disrespected by ConnetGen during that meeting.

Jim Spacht, suggested that battery storage be change to Green Energy and take the storage off the Grid.

Shelly Spacht, voiced her concern regarding evacuation procedure in the case of a fire and where would the fumes go afterwards if something were to go wrong with the battery storage facility.

Mr. Rowe moved to adjourn. This was seconded by Councilman Chimera and carried unanimously. 9:00 p.m.

Respectively submitted,  
Rebecca Rowe Carvallo  
Town Clerk