

**MINUTES OF THE
TOWN BOARD MEETING
NOVEMBER 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
Phil Chimera
Town Clerk: Rebecca Rowe Carvallo

Dept. Head: Jim Spacht, Highway Superintendent

Guests: Ryleigh Enterline, Karen Engstrom, Joe Carvallo, Lewin Martin, Ty Baccile, Shelly Spacht, and Kathy Thompson,

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

Zoom Guests: Attorney Ben Wisniewski, Bob McIntosh, Julie Rice, Katherine Galbraith, Debra Sack, and David Pernet, Reporter.

APPROVAL OF MINUTES

The minutes of the Regular Town Board Meeting dated October 14, 2021 were approved. Councilman Rowe moved and Councilman Chimera seconded. This was carried unanimously.

The minutes of the Budget Work Session was dated October 21, 2021 were approved. Councilman Rowe moved and Councilman Chimera seconded. This was carried unanimously.

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

The minutes of the Public Hearings dated November 4, 2021 on the 2022 Preliminary Budget, Cannabis Opt Out, Sr. Citizen Exemption, and Veterans Exemption were approved. Councilman Rowe moved and Councilman Trevelline seconded. This was carried unanimously.

APPROVAL OF ABSTRACTS

Warrant No. 11 in the amount of \$18,799.62 drawn on the General Acct. Was presented and audited by the Board Members.

Warrant No. 11 in the amount of \$18,906.00 drawn on the Highway Acct. Was presented and audited by the Board Members.

Warrant No. 11 in the amount of \$1,277.44 drawn on the St. Light Acct. Was presented and audited by the Board Members.

Warrant No. 11 in the amount of \$9,064.74 drawn on the Sewer Acct. Was presented and audited by the Board Members.

Warrant No. 11 in the amount of \$3,696.28 drawn on the Water Acct. Was presented and audited by the Board Members.

Warrant No. 11 in the amount of \$5,390.48 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 816 through 891. This was seconded by Councilman Chimera and carried unanimously.

APPROVAL OF THE OCTOBER 2021 FINANCIAL STATEMENT

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

CORRESPONDENCE

*Letter from Water/Sewer Superintendent regarding Employee License status

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

2022 BUDGET

Councilman Rowe moved to approve the proposed 2022 Preliminary Budget as the Final 2022 Budget. This was seconded by Councilman Trevelline. ROLL CALL VOTE: Mr. Chimera NO, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Carried 3 YES 1 NO. Councilwoman Hathaway – ABSENT

AWARD TRASH COLLECTION BID

Mr. Bowen made the motion to accept and approve the Trash Collection Bid from Casella Waste Systems through December 31, 2024, as attached. 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

CANNABIS OPT OUT

RESOLUTION 113-2021

Resolution Moving Proposed Local Law Cannabis Opt Out From the Table.

Supervisor Bowen moves Proposed Local Law Cannabis Opt Out from the table for further action. Council Person Rowe seconds the resolution. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway ABSENT. Carried.

RESOLUTION 114-2021

ADOPTION LOCAL LAW 4-2021

TOWN OF RIPLEY

WHEREAS, the Town Board previously introduced by resolution a Proposed Local Law Establishing a Cannadis Opt out for the year 2021 and set a Public Hearing on the same for November 4, 2021 at 6:30 p.m. at the Town offices 14 N. State St. Ripley N.Y. at which time the Board convened said Public Hearing to hear all interested persons on the Proposed Local Law regarding the Opt Out of the Licensing and Establishing of Retail Cannabis Dispensaries and/or On-site Cannabis Consumption Establishments within the Town of Ripley pursuant to Cannabis Law Section 131, and

WHEREAS, notice of said public hearing was duly advertised in the Jamestown Post Journal, the official newspaper of the Town, on October/16/2021, and posted on the Clerk's signboard on October 15, 2021 and

WHEREAS, said public hearing was duly held at the Town Offices at 6:30 p.m. on November 4, 2021, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQR"), it has been determined by the Town Board that adoption of the proposed Local Law does not constitute an action as defined and could be considered without further regard to SEQR, and

WHEREAS, the Town Board of Ripley, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board hereby adopts said Local Law as Local Law No. 4- 2021 entitled "A LOCAL LAW ADOPTED PURSUANT TO CANNABIS LAW SECTION 131 OPTING OUT OF LICENSING AND ESTABLISHING RETAIL CANNABIS DISPENSORIES AND/OR ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF RIPLEY," a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to file said Local Law and to give due notice of the adoption of said Local Law to the Secretary of State. This Local Law is subject to a Permissive Referendum and thus may not be filed with the Secretary of State until the applicable time has elapsed to file a Petition or a Referendum has been conducted approving this Local Law.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Rowe and the Roll Call Vote of the Board was as Follows: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway ABSENT. Carried.

The Town Board of the Town of Ripley, County of Chautauqua hereby opts-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating and operating within the boundaries of the Town of Ripley

SR. CITIZEN EXEMPTION

RESOLUTION 115-2021

Resolution Moving Proposed Local Law Sr. Citizen Exempt From the Table.

Supervisor Bowen moves Proposed Local Law Sr. Citizen Exemption from the table for further action. Council Person Rowe seconds the resolution. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway ABSENT. Carried.

RESOLUTION 116-2021

ADOPTION LOCAL LAW 2-2021

TOWN OF RIPLEY

WHEREAS, the Town Board previously introduced by resolution a Proposed Local Law Sr. Citizen's Tax Exemption for the year 2021 and set a Public Hearing on the same for November 4, 2021 at 6:45 p.m. at the Town offices 14 N. State St. Ripley N.Y. at which time the Board convened said Public Hearing to hear all interested persons on the Proposed Local Law regarding the increase of the income limits for Senior Citizens Tax Exemption within the Town of Ripley, and

WHEREAS, notice of said public hearing was duly advertised in the Jamestown Post Journal, the official newspaper of the Town, on October 16/2021, and posted on the Clerk's signboard on October 15, 2021 and

WHEREAS, said public hearing was duly held at the Town Offices at 6:45 p.m. on November 4, 2021, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQR"), it has been determined by the Town Board that adoption of the proposed Local Law does not constitute an action as defined and could be considered without further regard to SEQR, and

WHEREAS, the Town Board of Ripley, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board hereby adopts said Local Law as Local Law No. 2- 2021 entitled "A LOCAL LAW AMENDING LOCAL LAW 2- 2012," a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to file said Local Law and to give due notice of the adoption of said Local Law to the Secretary of State.

The Resolution was introduced by Supervisor Bowen and was seconded by Council Person Chimera and the Roll Call Vote of the Board was as Follows: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway ABSENT. Carried.

The Town of Ripley hereby increases maximum income limits for said Real Property Tax Exemption to \$26,000.00 to persons 65 years of age and older pursuant to the provisions of Section 467 of the NYS Real Property Tax Law.

RESOLUTION 117-2021

Resolution Moving Proposed Local Law Veteran's Exemption From the Table.

Supervisor Bowen moves Proposed Local Law Veteran's Exemption from the table for further action. Supervisor Bowen seconds the resolution. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway ABSENT. Carried.

RESOLUTION 118-2021

ADOPTION LOCAL LAW 3-2021

TOWN OF RIPLEY

WHEREAS, the Town Board previously introduced by resolution a Proposed Local Law Veteran's Tax Exemption for the year 2021 and set a Public Hearing on the same for November 4, 2021 at 7:00 p.m. at the Town offices 14 N. State St. Ripley N.Y. at which time the Board convened said Public Hearing to hear all interested persons on the Proposed Local Law regarding the increase of the Tax Exemption for Veterans within the Town of Ripley, and

WHEREAS, notice of said public hearing was duly advertised in the Jamestown Post Journal, the official newspaper of the Town, on October 16, 2021, and posted on the Clerk's signboard on October 15, 2021 and

WHEREAS, said public hearing was duly held at the Town Offices at 7:00 p.m. on November 4, 2021, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) ("SEQR"), it has been determined by the Town Board that adoption of the proposed Local Law does not constitute an action as defined and could be considered without further regard to SEQR, and

WHEREAS, the Town Board of Ripley, after due deliberation, finds it in the best interest of the Town to adopt said Local Law,

NOW, THEREFORE, the Town Board hereby adopts said Local Law as Local Law No. 3– 2021 entitled “A LOCAL LAW AMENDING LOCAL LAW 1- 2002,” a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to file said Local Law and to give due notice of the adoption of said Local Law to the Secretary of State.

The Resolution was introduced by Council Person Rowe and was seconded by Council Person Chimera and the Roll Call Vote of the Board was as Follows: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Mrs. Hathaway ABSENT. Carried.

The Town of Ripley hereby increases maximum said Real Property Tax Exemption as follows:

Section 458-a(2)(a) War Veteran \$9,000.00

Section 458-2(a)(b) Combat Zone Veteran \$6,000.00

Section 458-(a)(c) Disabled Veteran \$30,000.00

UPDATE EMPLOYMENT STATUS FOR TREVOR ENTERLINE

Mr. Bowen made the following motion: That Trevor Enterline has been issued both his New York State Dept. of Health Grade 11A Water Operator License and a New York State DEC/NYWEA Grade 2A Wastewater Operator License and that he be approved as Dual License Status with his payrate be set as established on the payrate schedule of the 2021 Organizational Meeting. Also, on the recommendation of the Water/Sewer Superintendent that he be appointed as Water and Sewer Deputy Superintendent. 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.

UPDATE ON SEWER LINE 1 REPLACEMENT

Supervisor Bowen stated that the contractors have begun to clear the land behind the properties to start the repair work to the sewer main on West Main Street.

UPDATE ON CLEAN CHOICE ENERGY SPECIAL USE PERMIT

Attorney Ben Wisniewski, reviewed the application for the Special Use Permit for a Solar project at 5246 Route 76. He explained that this project did not include a battery storage component. The following steps need to be taken before the board can consider:

1. The permit will be reviewed by the Town Zoning Code Officer.
2. The Code Officer will meet with Mary Steblein, of LaBella for engineer and environmental review of the application.

3. A Deposit of 1% of the cost shall be submitted to the Town.
4. A complete application will then be submitted to the Town Planning Board for their review and then to the Town Board for final review.

SOUTH RIPLEY SOLAR PROJECT UPDATE

Mr. Wisniewski stated that there has been no revised application made by ConnectGen in response to the deficiency letter.

Mr. Wisniewski stated that the Town Supervisor, The County IDA, and Ripley Fire Commissioner representatives met with ConnectGen to discuss a Community Host Agreement on the proposed South Ripley Solar Project.

BATTERY STORAGE LAW UPDATE

Mr. Wisniewski informed the board that he is working on the updates to the proposed Battery Storage Law. He reminded the Board the Battery Storage is not a permitted use in the Town's Zoning Law therefore will not be permitted until the new law is in place.

The Board Members had no questions for Attorney Wisniewski.

DEPARTMENT HEAD REPORTS

WATER/SEWER REPORT

Monthly report attached.

HIGHWAY

Monthly report attached.

Mr. Spacht, Highway Superintendent reported that his department worked the ditching and tiling at the Town "Hut" and Park area due to the flooding in that area.

ASSESSOR

Councilman Rowe presented Mr. Jones monthly Assessor's report as attached.

CODE OFFICER

Councilman Rowe presented Mrs. Eddy's monthly Code Officer's report as attached.

PRIVILEGE OF THE FLOOR

Jim & Shelly Spacht, NE-Sherman Road both asked why the firemen's Attorney was not allowed to be involved with the joint meeting discussing the proposed South Ripley Solar Project's Community Host Agreement.

Attorney Wisniewski stated that there was no Attorney representation by any agency at this meeting. Mr. Wisniewski stated he discussed this with the firemen's attorney himself, and Attorney Davis did not voice any concerns with that decision.

Jim & Shelly Spacht also voiced their concern that Jim Spacht, South Ripley Fireman Chief, was not invited to attend the Community Host Meeting.

Attorney Wisniewski informed them that a Fire Commissioner was invited to attend the meeting in question by Supervisor Bowen as a courtesy, as the Fire Company was not initially made part of this discussion with the County IDA.

Shelly Spacht, voiced her concern that the Budget Work Session was not posted on the Town of Ripley Website. Mr. Bowen stated that the Works Session was posted on the Town's official sign board.

EXECUTIVE SESSION

Supervisor Bowen made the motion that the Town Board Members move into executive session to discuss personnel. This was seconded by Councilman Rowe and carried unanimously. 8:05 p.m.

Supervisor Bowen made the motion to close the executive session and reopen the regular Town Board Meeting. 8:15 p.m.

AS A RESULT OF EXECUTIVE SESSION

Supervisor Bowen offered the following:

WHEREAS, the Board finds it necessary to retain legal counsel to provide advise and counsel regarding labor and employment law matters:

NOW, Therefore, be it resolved that the Board appoints Harris, Beach PLLC as special counsel to provide and counsel regarding labor and employment law matters;

BE it Further Resolved, that the Town Supervisor is authorized to execute the November 9, 2021 engagement letter with Harris Beach for such services.

This was seconded by councilman Chimera. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES. Carried.

Mr. Bowen moved to adjourn. This was seconded by Councilman Chimera and carried unanimously. 8: 17 p.m.

Respectfully submitted,
Rebecca Rowe Carvallo
Town Clerk