

**MINUTES OF THE  
TOWN BOARD MEETING  
SEPTEMBER 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 - ZOOM  
Town Clerk: Rebecca Rowe Carvallo  
  
Dept. Heads: Jim Spacht, Highway Superintendent and Shelly Spacht, Planning Board Chair

Guests: SEE ATTACHED SIGN IN SHEET

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.

Zoom Guests: Attorney Ben Wisniewski Solar Project Consultant, John Hamels, Jim Mascato and Davis Pernet, Reporter.

**APPROVAL OF MINUTES**

The minutes of the Public Hearing dated August 12, 2021 were approved, Councilman Rowe moved and Councilman Trevelline seconded. This was carried unanimously.

The minutes of the Regular Town Board Meeting dated August 12, 2021 were approved. Councilman Rowe moved and Councilman Trevelline seconded. This was carried unanimously.

The minutes for the Board Work Sessions dated August 26 & 31, 2021 were approved. Councilman Rowe moved, seconded by Councilman Trevelline. This was carried unanimously.

**APPROVAL OF ABSTRACTS**

Warrant No. 9 in the amount of \$10,463.70 drawn on the General Acct. Was presented and audited by the Board Members.

Warrant No. 9 in the amount of \$6,803.43 drawn on the Highway Acct. Was presented and audited by the Board Members.

Warrant No. 9 in the amount of \$1,196.88 drawn on the St. Light Acct. Was presented and audited by the Board Members.

Warrant No. 9 in the amount of \$5,464.75 drawn on the Sewer Acct. Was presented and audited by the Board Members.

Warrant No. 9 in the amount of \$2,097.23 drawn on the Water Acct. Was presented and audited by the Board Members.

Warrant No. 9 in the amount of \$257,111.34 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 650 through 717. This was seconded by Councilman Chimera and carried unanimously.

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

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

#### **CORRESPONDENCE**

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

\*Chautauqua County Dept. of Public Facilities Rail Road crossing at Philips Road repair closing September 14-17.

Highway Superintendent reported that crossing through the Hamlet would also be closed. State Street Crossing would remain open.

\*Chautauqua County land bank.

#### **BUDGET TRANSFERS**

##### **GENERAL FUND**

\$16,000	FROM	A1355.4	Assessor Contractual
	TO	A1335.1	Assessor Personal Services
\$ 1,000.	FROM	A1990.4	Contingent Account
		A7510.4	Historian Contractual
\$ 1,200.	FROM	A1990.4	Contingent Account
	TO	A8810.4	Cemetery Contractual
\$ 4,000.	FROM	A1990.4	Contingent Account
	TO	A1430.4	Engineer Contractual

Supervisor Bowen moved to approve the proposed budget transfers. This was seconded by Councilman Rowe and carried unanimously.

#### **ENVIRONMENTAL & ENGINEERING CONSULTANT SOLAR PROJECT**

Supervisor Bowen moved to authorize the agreement with LaBella for Environmental & Engineering Assistance to the Town of Ripley South Ripley Solar Project and the 94-c proceedings. This was seconded by Councilman Rowe. **ROLL CALL VOTE:** Mr. Chimera **YES**, Mr. Trevelline **YES**, Mr. Rowe **YES**, and Bowen **YES**. Mrs. Hathaway **ABSENT**. Motion Carried.

## **PROPOSED SOLAR LAW**

### **RESOLUTION 94-2021**

#### **MOVING PROPOSED LOCAL LAW 1-2021 “TOWN OF RIPLEY SOLAR LAW AMENDING LOCAL LAW 1992-2 AS AMENDED, THE TOWN OF RIPLEY ZONING LAW”**

#### **FROM THE TABLE**

**WHEREAS**, the Town has previously introduced a proposed Local Law, **“TOWN OF RIPLEY SOLAR LAW AMENDING LOCAL LAW 1992-2 AS AMENDED, THE TOWN OF RIPLEY ZONING LAW”** upon which the Town has previously held one or more public hearings and the said proposed “Local Law” now sits on the table;

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby moves the proposed Local Law **“TOWN OF RIPLEY SOLAR LAW AMENDING LOCAL LAW 1992-2 AS AMENDED, THE TOWN OF RIPLEY ZONING LAW”** from the table.

Supervisor Bowen moved, Seconded by Councilman Chimera. **ROLL CALL VOTE:** Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES, Mrs. Hathaway Absent. Motion Carried.

## **SEQR**

Supervisor Bowen made the motion to accept the Full Environmental Assessment Form Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance Form as it relates to the proposed Solar Law. This was seconded by Councilman Rowe. **ROLL CALL VOTE:** Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES, Mrs. Hathaway Absent. Motion Carried.

### **RESOLUTION 95-2021**

#### **ADOPTION BY THE TOWN BOARD OF THE TOWN OF RIPLEY OF A RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE FOR THE PROPOSED SOLAR LAW UNDER SEQRA**

**WHEREAS**, the Town Board recognizes the emergence and growing use of solar energy as a renewable energy resource, and

**WHEREAS**, the Town of Ripley Zoning Law does not adequately meet the Town’s objectives, which include:

1. To create synergy between solar energy system development while protecting the historic and rural character of the Town, maintaining the rural style of life, retaining active farm production, developing business, and keeping Ripley an affordable place to live.
2. To maintain the rural character of the town;
3. To preserve the agricultural base of land and farm operations;
4. To avoid, or if avoidance is impossible, mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife, waterways, unique views and other protected resources;
5. To encourage sense of pride in the community and allow local residents, farms, businesses, and government to take advantage of the potential financial benefits of solar energy systems;
6. To increase employment and business development in the Town of Ripley by furthering the installation of appropriately sited Solar Energy Systems;
7. To diversify personal and community energy resources;
8. To decrease the use of fossil fuels to produce electricity, thereby reducing the carbon footprint of electricity produced in New York State;
9. To protect environmental resources such as agricultural lands, forests, wildlife and their habitats, waterways, wetlands, unique views and other protected resources from the potential for adverse impacts from Solar Energy Systems;
10. To advance state renewable energy policy by promoting community solar development of an appropriate scale, and providing substantive standards for large Solar Energy Facilities sited in Ripley by the New York State government, and

**WHEREAS**, on or about May 13, 2021, the Town Board of the Town of Ripley (the “Town Board”) introduced a proposed solar law by Resolution 73-2021, after considering input and recommendations from the Town Planning Board and the public, and

**WHEREAS**, adoption of the Proposed Solar Law would involve a change in allowable uses within at least one zoning district affecting 25 or more acres of the district, and

**WHEREAS**, on or about May 13, 2021, by Resolution 74-2021, the Town Board of the Town of Ripley found that the adoption of the current version of the proposed Solar Law would qualify as a Type I action under SEQRA, and

**WHEREAS**, on June 3, 2021 the Town Board of the Town of Ripley re- referred the Solar Law to the County Planning Board pursuant to GML §239-m, and

**WHEREAS**, on June 3, 2021, the Town Board completed Parts 1 and 2 of a Full Environmental Assessment Form to assess the potential for environmental impacts resulting from the solar law, and

**WHEREAS**, public hearings on the solar law were held on June 28, 2021, and then continued to August 12, 2021,

**WHEREAS**, written comments on the solar law were accepted until 4 pm on August 10, 2021, and

**WHEREAS**, the Town Board conducted work sessions on August 26, and August 31, 2021 to further consider public comments and potential changes to the proposed solar law, and

**WHEREAS**, the County Planning Board provided informal comments on the proposed Solar Law that did not require any changes, but that were considered by the Town Board during a meeting held on August 31, 2021, and

**WHEREAS**, The Town Bard has considered the content of the proposed Solar Law, communications from entities, and communications from the County Planning Board, and public comments, and determined that nor further changes ar required to Parts 1 and 2 of the FEAF, and

**WHEREAS**, The Town Board has considered any and all relevant public input, and

**WHEREAS**, The Town Board has completed Part 3 of a Full Environmental Assessment Form and identified the relevant areas of environmental concern discussed in the attached negative declaration of environmental significance, including potential impacts to agricultural resources; aesthetic resources; open space and recreation; and noise, odor, and light and

**WHEREAS**, the Town Board has thoroughly analyzed the relevant concerns discussed in the attached negative declaration of environmental significance, and has determined that no significant adverse environmental impacts will result from the proposed Solar Law, and

**WHEREAS**, the Town Board has provided a reasoned elaboration for why the environmental concerns that were identified and analyzed will not be significant, and

**AND THEREFORE**, the Town Board hereby finds that enactment of the proposed Solar Law will not have any significant adverse impacts on the environment.

**AND THEREFORE**, the Town Board further resolves to adopt a negative declaration of environmental significance with respect to the adoption of the proposed Solar Law.

**AND THEREFORE**, the Town Board hereby adopts the attached negative declaration of environmental significance and incorporates it herein.

**AND THEREFORE**, the Town Clerk is hereby directed to enter this resolution and the attached negative declaration of environmental significance in the minutes of this meeting.

**AND THEREFORE**, the Town Clerk is hereby directed to transmit this negative declaration and resolution to the appropriate agencies in accordance with the requirements of 6 NYCRR 617.12(b).

**AND THEREFORE**, the Town Clerk is hereby directed to transmit this negative declaration and resolution for publication in the Environmental Notice Bulletin ("ENB") as required under SEQRA, either by email at [ENB@DEC.NY.GOV](mailto:ENB@DEC.NY.GOV) or by regular mail to ENB, NYS Department of Environmental Conservation, 624 Broadway, 4th Floor, Albany, New York 12233-1750.

Resolution 95-2021 was introduced by Supervisor Bowen, seconded by Councilman Rowe. **ROLL CALL VOTE:**

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

<b>Town Board Member:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>
<u>Town Supervisor Douglas Bowen</u>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Council Member Patricia Hathaway</u>		<input type="checkbox"/>	X
<u>Council Member John Trevelline</u>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Council Member Michael Rowe</u>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Council Member Philip Chimera</u>	X	<input type="checkbox"/>	<input type="checkbox"/>

Dated: September 9, 2021

Ripley, New York

By order of the Town Board of the Town of Ripley, New York.

**RESOLUTION 96-2021**

**ADOPTION BY THE TOWN BOARD  
OF THE TOWN OF RIPLEY  
OF A RESOLUTION ADOPTING THE PROPOSED SOLAR  
LAW**

**WHEREAS**, on or about May 13, 2021, the Town Board of the Town of Ripley (the “Town Board”) introduced a proposed solar law, and

**WHEREAS**, the Town Board referred the proposed solar law to the County Planning Board, pursuant to GML §239-m, and

**WHEREAS**, the County Planning Board provided informal comments on the proposed solar law, which were considered by the Town, but ultimately did not result any modifications to the solar law law, and

**WHEREAS**, on or about May 13, 2021, by Resolution 74-2021, the Town Board of the Town of Ripley found that the adoption of the current version of the proposed Solar Law would qualify as a Type I action under SEQRA, and

**WHEREAS**, The Town Board prepared a Full Environmental Assessment Form, and

**WHEREAS**, The Town Board issued a Negative Declaration of Environmental Significance (a “Neg Dec”) and passed a resolution adopting said Neg Dec, and

**WHEREAS**, The Town Board has satisfied its obligation under the New York State Environmental Quality Review Act (“SEQRA”), and

**WHEREAS**, a final version of the proposed Solar Law was placed on the desks of all Town Board members at least eight days before prior to this date,

**NOW, THEREFORE**, it is resolved that the Town Board hereby approves and adopts Local Law 1 of 2021, the Town of Ripley Solar energy Zoning Law, as attached to this resolution.

**AND THEREFORE**, the Town Board hereby directs the Town Clerk to file the Solar Law with the New York State Secretary of State in Albany within five days. This must be done on the appropriate forms provided by the Secretary of State and in accordance with Municipal Home Rule Law §27. These must be completed in accordance with the Department of State's instructions (rules for filing local laws). When the form is complete, the Town Attorney is directed to certify it on the final page. One original copy must be mailed to the Secretary of State, Records and Law Bureau, Department of State, which is located in Albany, New York. After filing is complete, the Town will receive a post card from the Secretary of State verifying that the law was filed, which the Town Clerk is directed to file in the Town Clerk's office as proof of filing.

**AND THEREFORE**, the Town Board hereby directs the Town Clerk to publish the Solar Law, or a summary or abstract of the Solar Law, in a newspaper published in the Town, if any, or in a County newspaper having circulation in the Town.

**AND THEREFORE**, the Town Board hereby directs the Town Clerk to enter this resolution and the attached Solar Law in the minutes of this meeting.

Supervisor Bowen move to approve Resolution 96-2021. This was seconded by Councilman Rowe. ROLL CALL VOTE:

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

<b>Town Board Member:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>
<u>Town Supervisor Douglas Bowen</u>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Council Member Patricia Hathaway</u>		<input type="checkbox"/>	X
<u>Council Member John Trevelline</u>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Council Member Michael Rowe</u>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Council Member Philip Chimera</u>	X	<input type="checkbox"/>	<input type="checkbox"/>

Dated: \_\_\_\_\_, 2021



Ripley, New York

By order of the Town Board of the Town of Ripley, New York.

#### **DOG CONTROL OFFICER APPOINTMENT**

Councilman Rowe moved to appoint Gloria McCormick, Westfield, New York, as Town of Ripley Dog Control Officer. With a 1-year probationary period and pay set as approved in the 2021 Organizational Meeting. This was seconded by Councilman Rowe.

**ROLL CALL VOTE:** Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES, Mrs. Hathaway Absent. Motion Carried.

#### **APPROVAL TO POST HIGHWAY POSITION**

Supervisor Bowen made the motion to authorize the posting of a Permanent Full Time Highway Employee Motor Equipment Operator with a Class B CDL License or Class B Permit. All applications may be picked up at the Town Clerk's Office and returned to the Town Clerk's Office no later than 3:00 p.m. October 15, 2021. This was seconded by Councilman Trevelline and carried unanimously.

#### **PAYROLL DATE CHANGE**

Due to our local Community Bank changes their days and hours of operation, Supervisor Bowen made the motion that he be authorized to change the bi-weekly pay day from Friday to Thursday. This was seconded by Councilman Rowe. **ROLL CALL VOTE:** Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES, Mrs. Hathaway Absent. Motion Carried.

#### **TRASH COLLECTION CONTRACT**

Supervisor Bowen move to approve his Request for Proposals for the new Trash Collection Contract and authorize the Town Clerk to advertise for bids. All bids shall be received by the Town Clerk's Office no later than 3:00 p.m. October 12, 2021. This was seconded by Councilman Rowe. **ROLL CALL VOTE:** Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mr. Bowen YES, Mrs. Hathaway Absent. Motion Carried.

#### **BRUSH COLLECTION**

Supervisor Bowen discussed with Superintendent Spacht the residents need for a town wide brush collection. An agreement was made and Supervisor Bowen offered the following motion: That a brush collection date be set for the seconded Saturday of May 2022 from 8:00 a.m. – Noon. All residents wishing to discard their brush may drop it off at the Highway Barn location on Ross Street. This was seconded by Councilman Rowe and carried unanimously.

## **FALL LEAF COLLECTION**

Superintendent Spacht announced he would begin Leaf collection on Monday's Starting Monday, October 4<sup>th</sup>. All leaves should be at curbside. Leaves Only. No sticks, weeds or brush accepted.

## **FALL LARGE TRASH DAY REMINDER**

Mr. Bowen stated Fall Large Trash Day will be held on October 2, 2021 from 8:00 a.m. – Noon.

## **DEPARTMENT HEAD REPORTS**

### **ASSESSOR**

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

### **CODE OFFICER**

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

### **WATER/SEWER**

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

### **W/S LABORER EMPLOYEE**

On the recommendation of Superintendent Strine, Mr. Bowen offered the following motion: that as of September 2021, David Tackett has successfully completed his one-year probationary period as Water/Sewer laborer and is considered officially off probation. This was seconded by Councilman Rowe and carried unanimously.

### **HIGHWAY**

Highway Superintendent Spacht presented his monthly report as attached.

### **PLANNING BOARD**

Planning Board Chair, Mrs. Spacht stated there was no new Planning Board business to report at this time.

### **TOWN CLERK**

### **RESCHEDULED NOVEMBER MEETING**

On the recommendation of Mrs. Carvallo, Mr. Bowen made the motion to reschedule the November regular Town Board Meeting to Tuesday, November 9<sup>th</sup> at 7:30 p.m. do to the regular scheduled meeting of the 2<sup>nd</sup> Thursday of the month falling on Veterans Day.

### **TRICK OR TREAT HOURS**

Supervisor Bowen made the motion to set the 2021 Trick or Treat hours for October 31, 2021 from 6-8 p.m. This was seconded by Councilman Chimera and carried unanimously.

## **PRIVILEGE OF THE FLOOR**

Patricia Hersch, property owner Route 5, presented questions regarding the proposed South Ripley Project.

Melissa Fisher, property owner on West Main Road, inquired as to when will they be able to hook up and have Sewer #2 turned on to their property?

Mr. Bowen stated that he would instruct Andrew to reach out to her and others.

Jim Spacht, NE-Sherman Road spoke to the Board with his concerns regarding battery energy storage safety as it replaces to ConnectGen's proposed South Ripley Solar Project. He stated training for the Volunteer Fire Dept. is of the utmost importance.

Shelly Spacht, NE-Sherman Road asked for an update on the Love's Travel Center on Shortman Road.

It was mentioned they hoped to be set to go for the first of the year.

Mr. Trevelline moved to adjourn. This was seconded by Mr. Chimera and carried unanimously. 8:40 p.m.

Respectively submitted,

Rebecca Rowe Carvallo  
Town Clerk