

**MINUTES OF THE YEAR END MEETING
TOWN BOARD
DECEMBER 30, 2021**

The Year End meeting of the Town Board, Town of Ripley was called to order by Supervisor Bowen at 1:00 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: Ryleigh Enterline, Deputy Town Clerk

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

Zoom Dept. Heads: Special Counsel Attorney Ben Wisniewski
Zoom Guests: Julie Rice, Kathy Thompson, Mark Davis, Mark Smith, Isaac Phillips, Lou Barnes, Dorothy Barnes,

APPROVAL OF ABSTRACTS

Warrant No. 13 in the amount of \$3,636.27 drawn on the General Acct. Was presented and audited by the Board Members.

Warrant No. 13 in the amount of \$91.86 drawn on the St. Light Acct. Was presented and audited by the Board Members.

Warrant No. 13 in the amount of \$1,552.08 drawn on the Sewer Acct. Was presented and audited by the Board Members.

Warrant No. 13 in the amount of \$155.51 drawn on the Water Acct. Was presented and audited by the Board Members.

Warrant No. 13 in the amount of \$15,105.50 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 968 through 990. This was seconded by Councilman Chimera and carried unanimously.

APPROVAL OF THE DECEMBER 30, 2021 FINANCIAL STATEMENT

Councilman Rowe made the motion to approve the Supervisor’s December 30, 2021 Financial Statement. This was seconded by Councilman Chimera and carried unanimously.

BUDGET TRANSFERS

Town of Ripley
Budget Transfers
12/30/21

General Fund

\$ 1	FROM	A1010.4	Town Board Contractual
	TO	A1010.1	Town Board Personal Services
\$ 1,600	FROM	A9060.8	Employee Benefits Hospital & Medical
	TO	A9030.8	Employee Benefits Social Security
\$ 700	FROM	A1910.4	Unallocated Insurance
	TO	A1920.4	Municipal Dues
\$ 960	FROM	A5132.4	Garage Contractual
	TO	A5010.2	Supt. Highway Equipment

\$ 500	FROM	A1990.4	Contingent Account	Transfers needed because of ARPA Premium Pay
	TO	A1620.1	Building Personal Services	
\$ 1,068	FROM	A1990.4	Contingent Account	
	TO	A1110.1	Justices Personal Services	
\$ 750	FROM	A1990.4	Contingent Account	
	TO	A1110.12	Justices Court Clerk	
\$ 500	FROM	A1990.4	Contingent Account	
	TO	A1110.13	Justices Court Officer	
\$ 1,880	FROM	A1990.4	Contingent Account	
	TO	A1410.1	Town Clerk Personal Services	
\$ 1,000	FROM	A1990.4	Contingent Account	
	TO	A1410.11	Town Clerk Deputy Personal Services	
\$ 1,000	FROM	A1990.4	Contingent Account	
	TO	A1420.1	Attorney Personal Services	
\$ 500	FROM	A1990.4	Contingent Account	
	TO	A3620.1	Safety Inspection Personal Services	
\$ 2,200	FROM	A1990.4	Contingent Account	
	TO	A5010.1	Supt. Highway Personal Services	
\$ 500	FROM	A1990.4	Contingent Account	
	TO	A8010.1	Zoning Personal Services	

Highway Fund

\$ 7,000	FROM	DA9060.8	Employee Benefits Hospital & Medical
	TO	DA5110.4	General Repairs Contractual
\$ 5,000	FROM	DA9060.8	Employee Benefits Hospital & Medical
	TO	DA5142.4	Snow Removal Contractual
\$ 8,000	FROM	DA5142.11	Snow Removal Overtime
	TO	DA5142.1	Snow Removal Personal Services

Supervisor Bowen moved to approve the Budget Transfers as presented. This was seconded by Councilman Chimera and Carried unanimously.

APPOINTMENT OF SOLE ASSESSOR

Supervisor Bowen moved the following:

That Jason Jones be appointed as the Town of Ripley's Sole Assessor for the Term beginning January 1, 2022 through September 30, 2025. This was seconded by Councilman Rowe. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

SET ORGANIZATIONAL MEETING

Supervisor Bowen made the motion that the 2022 Organizational meeting be set for 7:00 p.m., January 13, 2022. This was seconded by Councilman Chimera and carried unanimously.

2022 WATER/SEWER RATE INCREASES

Supervisor Bowen offered the following Resolution:

127-2021 TOWN OF RIPLEY INCREASE WATER RATES DISTRICT

That the Town of Ripley **Water District #1, Water District #2, and Water District #5 Increase Water Rates** from \$5.35 per 1000 gallons **to \$6.50 per 1000 gallons**. This shall take effect with water usage as of January 1, 2022.

This was seconded by Councilman Rowe. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

Supervisor Bowen offered the following Resolution:

128-2021 TOWN OF RIPLEY INCREASE SEWER RATES DISTRICT

That the Town of Ripley **Sewer District #1 and Sewer District #5 Increase Sewer Rates** from \$3.00 per 1000 gallons **To \$5.25 per 1000 gallons**. This shall take effect with usage as of January 1, 2022.

This was seconded by Councilman Rowe. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

Supervisor Bowen offered the following Resolution:

129-2021

TOWN OF RIPLEY

INCREASE WATER RATES FOR OUT OF DISTRICT USERS

That the Town of Ripley **Out of District Water users** from \$10.00 per 1000 gallons to **\$25.00 per 1000 gallons**. This shall take effect with usage as of January 1, 2022.

This was seconded by Rowe. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

WATER PLANT MONITORING AND METER REPLACEMENT

RESOLUTION 130-2021

TOWN OF RIPLEY

WATER PLANT MONITORING AND METER REPLACEMENT

Whereas: There have been multiple key monitoring system failures at the water plant that affect everyday operations. There is a 10-inch flow meter for raw water inlet that is no longer reading accurately and both totalizers that do not constantly account for flows into and out of the plant.

and Whereas: The water plant monitoring system is in need of upgrades.

and Whereas: The Chautauqua County Health Department has required these upgrades take place.

and whereas: Three quotes were secured for the forementioned systems from three companies.

and Whereas: The Town of Ripley Town Board has previously 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 for an amount not to exceed \$50,000.

Now Therefore Be It Resolved: That the Town of Ripley Town Board authorizes the purchase and installation of the necessary equipment from the lowest quote, Cold Spring Environmental, for the cost of \$40,365.80.

Supervisor Bowen moved to approve Resolution 130-2021, seconded by Councilman Chimera. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

2022 ENHANCED SHERIFF AGREEMENT

Supervisor Bowen made the motion to accept the 2022 Enhanced Sheriff's Agreement with the Town of Ripley and authorize the Town Supervisor to sign the agreement. This was seconded by Councilman Chimera. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

RURAL DEVELOPMENT LOAN RESOLUTION HIGHWAY GARAGE UPGRADE

RESOLUTION 131-2021 TOWN OF RIPLEY

USDA
Form RD 1942-47
(Rev. 12-97)

Position 5
LOAN RESOLUTION
(Public Bodies)

FORM APPROVED
OMB NO. 0575-0015

A RESOLUTION OF THE Town Board of Trustees

OF THE Town of Ripley

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Highway Garage Improvements

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the

Town of Ripley
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
300,000.00

pursuant to the provisions of New York State Local Finance Law

; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.
 Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 150,000

under the terms offered by the Government; that the Town clerk

and Town Supervisor of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

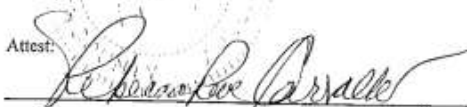
The vote was: Yes 4 Nays 0 Absent 1

IN WITNESS WHEREOF, the Town Board of Trustees of the

Town of Ripley has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this 30 day of December, 2022.

(SEAL)

Attest:



Rebecca Carvallo, Town Clerk

Title

By Douglas Bowen

Title Supervisor

Supervisor Bowen moved to approve the Loan Resolution 131-2021, seconded by Councilman Rowe. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

**APPROVAL TO SUBMIT GRANT APPLICATION TO RURAL DEVELOPMENT
FOR EXCAVATOR PURCHASE/BRUSH CHOPPER**

**RESOLUTION 132-2021
TOWN OF RIPLEY
FULL APPLICATION USDA RURAL DEVELOPMENT COMMUNITY
FACILITIES PROGRAM**

Whereas: It is the intent of the Town of Ripley Town Board to file a full application under the Rural Development Community Facilities Program for the purchase of street maintenance equipment.

Whereas: The Town of Ripley Highway Superintendent has stated the need to replace an existing excavator with attachments.

Whereas: The Town of Ripley Town Board stated that they are favorable in purchasing this equipment and is essential for the Highway Department to maintain Town highways.

Now Therefore Be It Resolved: That the Town Board authorizes the Town Supervisor and Town Clerk to sign any and all documents pertaining to the purchase of said excavator through the USDA Rural Development Community Facilities Program.

Resolution 132-2021 was offered by Supervisor Bowen, seconded by Councilman Chimera. ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, and Mr. Bowen YES. Mrs. Hathaway – ABSENT. Carried.

CONSIDERATION OF CONNECTGEN HOST COMMUNITY AGREEMENT

Ben Wisniewski, discussed the terms of the ConnectGen Host Community Agreement with the board and asked the board members if they had any additional questions. Mr. Wisniewski stated that this agreement is not approval of the project and does not require the Fire Department or Community Members to be locked into the South Ripley Solar Project, they may participate in the Office of Renewable Energy Siting (ORES) proceedings.

**RESOLUTION 133-2021
THE TOWN BOARD OF RIPLEY
FOR APPROVAL OF A HOST COMMUNITY
AGREEMENT FOR THE SOUTH RIPLEY SOLAR PROJECT**

WHEREAS, Connectgen Chautauqua County LLC, a limited liability company duly organized and validly existing under the laws of the State of Delaware and authorized to transact business in the State of New York (the “Company”) has submitted an application (the “94-c Application”) to the New York State Office of Renewable Energy Siting (“ORES”) pursuant to Section 94-c of the New York Executive Law and its implementing regulations (the “Section 94-c Process”) to obtain a permit (a “94-c

Permit”) to construct a solar-powered electric generating facility (the “Project”) on land located in the Town of Ripley; and

WHEREAS, the Town Board does not have the power to approve or deny the 94-c Permit, but intends to participate in the Section 94-c process to the extent permitted by ORES; and

WHEREAS, the Town understands that if ORES awards a 94-c Permit to the Company, the Company is required to provide a Host Community Benefit payment to the Town of Ripley pursuant to Rule 900-6.1(f) of the ORES regulations;

WHEREAS, the Company has provided a draft Host Community Agreement for the Town Board’s review, which is attached to this resolution in its entirety; and

WHEREAS, the draft Host Community Agreement would guarantee yearly payments to the Town of Ripley for 30 years after the Project commences operation, with such payments totaling \$36,870,374 over the life of the agreement; and

WHEREAS, in the first year of payments the Town is expected to receive from the Company a minimum revenue amount of \$1,000,000 and it is estimated that \$189,000 of the minimum revenue amount will be paid in special district taxes benefiting the Ripley Fire District; and

WHEREAS, The Town’s approval of the HCA does not approve the 94-c Application or provide the Company with the 94-c Permit required to construct and operate the Project, or prohibit the town from participating in the 94-c Process to the extent it is permitted by ORES; and

WHEREAS, The Town of Ripley and the Company desire to enter into a Host Community Agreement to mitigate some of the potential impacts on the Town that may result from the Construction, operation, and maintenance of the Project;

NOW, THEREFORE, it is resolved that the Town Board hereby authorizes and approves the Host Community Agreement, between the Company and the Town, that has been presented to the Town Board;

AND THEREFORE, the Town Supervisor is hereby authorized and directed to execute and deliver the Host Community Agreement, and to execute such other documents as may be reasonably necessary to give force and effect to that agreement;

AND THEREFORE, that this resolution shall take effect immediately.

Supervisor Bowen offered Resolution 133-2021, seconded by Councilman Rowe.

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

Town Board Member:	Yes	No	Abstain
<u>Town Supervisor Douglas Bowen</u>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Council Member Patricia Hathaway</u>	ABSENT		
<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"/>

Carried.

ASSOCIATION OF TOWNS TRAINING SCHOOL

Supervisor Bowen stated that anyone interested in attending the Association of Town's Training for February 20-23, 2022 should let him know.

Councilman Rowe moved to adjourn. This was seconded by Councilman Chimera and carried unanimously. 1:31 p.m.

Respectfully submitted,
Rebecca Rowe Carvallo
Town Clerk