

**MINUTES OF THE
TOWN BOARD MEETING
FEBRUARY 11, 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

Guests: Dale Davis, Tom Loll,

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

Zoom Guests: Bob McIntosh, Jim Boria, Karen Engstrom, Rob Galbraith, Kathy Galbraith, John Hamels, Lew Barnes, Dorothy Barnes, Keith Hagenbauch, Melissa Fisher, Roy Fisher, Mark Smith, Jamestown Post Journal newspaper reporter. Isaac Phillips; ConnectGen, and Jim Moscato; ConnectGen Attorney

APPROVAL OF MINUTES

The minutes of the Organizational Meeting dated January 14, 2021 were approved. Councilman Rowe moved and Councilman Chimera seconded. This was carried unanimously.

APPROVAL OF ABSTRACTS

Warrant No. 2 in the amount of \$22,223.18 drawn on the General Acct. Was presented and audited by the Board Members.

Warrant No. 2 in the amount of \$6,420.93 drawn on the Highway Acct. Was presented and audited by the Board Members.

Warrant No. 2 in the amount of \$1,281.92 drawn on the St. Light Acct. Was presented and audited by the Board Members.

Warrant No.2 in the amount of \$5,569.35 drawn on the Sewer Acct. Was presented and audited by the Board Members.

Warrant No. 2 in the amount of \$1,960.03 drawn on the Water Acct. Was presented and audited by the Board Members.

Warrant No.2 in the amount of \$70,028.73 drawn on the Capital Acct. Was presented and audited by the Board Members.

Warrant No. 2 in the amount of \$260,355.00 drawn on the Fire District 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 40 through 130. This was seconded by Councilman Chimera and carried unanimously.

APPROVAL OF THE JANUARY 2021 FINANCIAL STATEMENT

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

CORRESPONDENCE

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

*Memorandum from LaBella’s Environmental Analyst, regarding Section 94-c Local Agency consultations Meeting.

ACT ON MODIFIED SITE PLAN AND SPECIAL USE PERMIT LOVES TRAVEL CENTER

RESOLUTION 55-2021

TOWN OF RIPLEY TOWN BOARD

Resolution Authorizing Town Supervisor to Sign Site Plans for the Redevelopment of 6151 Shortman Road by Love’s Travel Stops & Country Stores, Inc.

February 11, 2021

WHEREAS, on April 9, 2020, the Town of Ripley Town Board (the “Town Board”) approved Resolution 71-2020 granting special use permit and site plan approval (the “Approval”) to Love’s Travel Stops and Country Stores, Inc. (“Love’s”) to redevelop the former Colonial Squire Motel and Restaurant located at 6151 Shortman Road in the Town of Ripley, Chautauqua County, New York (SBL ## 240.00-3-1 and portion of 240.00-3-2) (the “Site”) into a modern, state-of-the-art, travel center (the “Project”); and

WHEREAS, the Approval was issued subject to Love’s satisfying a number of conditions before the Town Supervisor would be authorized to sign the site plans for the Project. Signing the site plans will authorize the Town’s zoning officer/code enforcement officer to issue any zoning permits, building permits or any other permits/approvals necessary to allow construction of the Project to proceed; and

WHEREAS, in a letter dated January 29, 2021, Love’s submitted documentation to the Town Board demonstrating that it has satisfied and fulfilled the conditions of the Approval and requested that the Town Supervisor sign the site plans for the Project, as

updated on January 18, 2021, so that Love's may seek building approvals for the Project's construction; and

WHEREAS, as noted in Love's letter, the site plans have been updated with minor changes necessary to comply with New York State and Town of Ripley requirements, and to improve on-site pedestrian and vehicle circulation and the services provided by the travel center; and

WHEREAS, the Town Board has reviewed the minor changes to the updated site plans and has determined that they are consistent with the prior Approval and Zoning Law § 1101, and specifically with the prior findings made by the Board pursuant to Zoning Law § 1101(B)(2)(b) and Zoning Law § 1101(B)(2)(b)(3) and that the Project, as designed, optimizes the physical, social, environmental, aesthetic, and economic effects on the community; and

WHEREAS, the Town Board has reviewed the minor changes to the updated site plans and determined that they will not result in any new or additional environmental impacts and will not materially or significantly change any environmental impacts previously evaluated by the Board under SEQRA and, therefore, are consistent with and covered by the Town Board's prior SEQRA Negative Declaration (dated April 9, 2020) which concluded that the Project will not have a significant adverse impact on the environment; and

WHEREAS, based on Love's satisfaction and fulfillment of the conditions required by the Approval, the Town Supervisor is authorized to sign the updated site plans for the Project, dated January 18, 2021, so that Love's may seek necessary building approvals to construct the Project.

NOW, THEREFORE, BE IT RESOLVED, that Love's has satisfied and fulfilled the conditions of the Approval; and

BE IT FURTHER RESOLVED, that the minor changes included in the Project's updated site plans dated January 18, 2021 are consistent with the prior Approval and the Zoning Law; and

BE IT FURTHER RESOLVED, that no additional SEQRA review of the updated site plans is required; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to sign the Project's updated site plans dated January 18, 2021; and

BE IT FURTHER RESOLVED, that upon such signing the plans, the Town's zoning officer/code enforcement officer may issue any zoning permits, building permits or any other permits/approvals necessary to allow Love's construction of the Project to proceed; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion by: Supervisor Douglas Bowen

Seconded by Councilman Michael Rowe

The foregoing resolution was voted upon with all members voting and signing as follows:

Douglas Bowen, Supervisor	Yes	No	Abstain	Absent - YES
Michael Rowe	Yes	No	Abstain	Absent - YES
Patricia Hathaway	Yes	No	Abstain	Absent- ABSENT
John Treveline	Yes	No	Abstain	Absent - YES
Phillip Chimera	Yes	No	Abstain	Absent - YES

ACT ON LOVES TRAVEL CENTER COMMUNITY HOST AGREEMENT

RESOLUTION 56-2021

TOWN OF RIPLEY

**APPROVING HOST COMMUNITY AGREEMENT LOVE'S TRAVEL STOPS
AND COUNTRY STORES, INC.**

WHEREAS, the Town has previously approved a special use permit for the development of a Love's Travel Stop and related facilities to be located within the Town along Shortman Road, and

WHEREAS, as part of the project, Love's has applied for financial assistance from the County of Chautauqua Industrial Development Agency, which among other benefits provides tax relief for the project for a specific period following the start of project operations, and

WHEREAS, also as part of the project consideration attention is given to the impact of such facilities on the local public infrastructure, specifically the Town's water and sewer facilities that would serve the project, and

WHEREAS, given said impact it is necessary to provide for an agreement between the Town and Love's which will provide annual payments from Love's to the Town as a consequence of said impacts, and

WHEREAS, a Host Community Agreement has been proposed between the Town and Love's which is also a component of the conditions for Love's Application for financial assistance with the County of Chautauqua Industrial Agency which is now pending,

NOW THEREFORE IT IS RESOLVED THAT, the Town Board having received the proposed Host Community Agreement which is attached hereto and made a part hereof, finds as follows:

I. That the proposed agreement properly deals with the issue of project impacts that are likely to result as a consequence of the Love's Project.

2. That the proposed schedule of annual payments made by Love's to the Town will be allocated as needed to the Town Districts as specified and as determined by the Town Board.

AND BE IT FURTHERED RESOLVED, that the Town Board approves the Host Community Agreement as set forth herein, and

BE IT FINALLY RESOLVED, that the Town Supervisor is authorized and directed to execute the Host Community Agreement on behalf of the Town.

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

ACT ON RESOLUTION DENIAL OF LEVEL 3 APPLICATION FOR REFUNDS/CREDIT OF REAL PROPERTY TAXES

Resolution 57-2021 was introduced by Supervisor Bowen, seconded by Councilman Rowe: ROLL CALL VOTE: Mr. Chimera YES, Mr. Trevelline YES, Mr. Rowe YES, Mrs. Hathaway ABSENT, Mr. Bowen YES. Carried.

(see Resolution 57 -2021 attached)

AMENDMENT TO WATER #5 ENGINEERING AGREEMENT

**RESOLUTION 58-2021
TOWN OF RIPLEY
OWNER-ENGINEER AGREEMENT**

BE IT RESOLVED, That the Town Board approve the Amendment to Water District #5, Owner Engineer Agreement. See Attached Amendment No. 1.

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

HIGHWAY EMPLOYEE JAMES TOLBERT PROBATIONARY STATUS

On the Recommendation letter from Superintendent Jim Spacht:
Supervisor Bowen made the motion to remove James Tolbert, Town of Ripley Highway Employee from the probationary Status. 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 Unanimously.

DISCUSSION ON HISTORICAL MARKERS GRANT

Mr. Hamels discussed with the Town Board his hopes to apply for a Grant to place Historical Markers through out the Town possibly starting with the B. F. Goodrich Memorial and Hamilton birth site.

Councilman Chimera made the motion to approve Town Historian, Dr. John Hamels to apply for the William G. Pomeroy Foundation Grant on behalf of the Town of Ripley. 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 Unanimously.

ACTION ON LABELLA'S MEMORANDUM

Supervisor Bowen made the motion to direct Benjamin Wisniewski, Esq, Counsel for the South Ripley Solar Project, to forward Labella's request as stated in the attached Memorandum for additional information to ConnectGen. 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 Unanimously.

SET SPECIAL TOWN BOARD MEETING

Supervisor Bowen made the motion to set a Special Town Board Meeting for 7:30 p.m. Thursday, February 18, 2021. This meeting will be for the purpose of introducing proposed solar law. This was seconded by Councilman Rowe and carried unanimously.

DEPARTMENT HEAD REPORTS

WATER/SEWER REPORT

Supervisor Bowen presented Superintendent Strine's Water/Sewer report as attached.

HIGHWAY REPORT

Councilman Rowe presented Superintendent Spacht's Highway report as attached.

PLANNING BOARD REPORT

Chairman Shelly Spacht reported that the Planning Board had completed their proposal for the solar law update. They will be holding an additional work session to complete the Battery Storage law on February 25, 2021.

ASSESSOR

Councilman Rowe presented Jason Jones, Assessor's report as attached.

CODE OFFICER

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

PRIVILEGE OF THE FLOOR

Isaac Phillips, ConnetGen stated that ConnetGen held their virtual informational meeting on the South Ripley Solar Project with about 75 people in attendance online.

Tom Loll, East Lake Road requested that the Town Board place their Town Board meeting minutes on the new Town Website when it is up and running.

Jim Moscato, ConnectGen Attorney voiced his concerns on the proposed solar local law updates.

Melissa Fisher, West Side Hill Road and property owner in the Water#5 Sewer #2 area presented question regarding the Host Community Agreement made with Loves Travel Center.

Bob McIntosh, East Lake Road, thanked the Planning Board for their work on the proposed new solar law.

Councilman Chimera moved to adjourn. This was seconded by Councilman Rowe and carried unanimously. 8:38 p.m.

Respectively submitted,
Rebecca Rowe Carvallo
Town Clerk