

**MINUTES OF THE
TOWN BOARD MEETING
MARCH 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
Michael Rowe
John Trevelline - ABSENT
Phil Chimera
Town Clerk: Rebecca Rowe Carvallo

Guests: Dale Davis, Donald Henry

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 Dept. Heads: James Spacht, Highway Superintendent; Vera Husted, Town Justice.

Zoom Guests: Bob McIntosh, Katherine Galbraith, Rob Galbraith, Mark Smith, Jim Boria, Melissa Fisher, Roy Fisher, Brian Hubener, Derek Riemer, Jim Mascato, Julie Rice, Lew Barnes, Dorothy Barnes, Keith Hagenbuch and Jamestown Post Journal reporters.

APPROVAL OF MINUTES

The minutes of the Regular Town Board Meeting dated February 11, 2021 were approved. Councilman Rowe moved and Councilman Chimera seconded. This was carried unanimously.

The minutes of the Special Town Board Meeting of February 18, 2021 were approved. Councilman Rowe moved and Councilman Chimera seconded. This was carried unanimously.

APPROVAL OF ABSTRACTS

Warrant No. 3 in the amount of \$19,742.49 drawn on the General Acct. Was presented and audited by the Board Members.

Warrant No. 3 in the amount of \$5,675.31 drawn on the Highway Acct. Was presented and audited by the Board Members.

Warrant No. 3 in the amount of \$5006.85 drawn on the St. Light Acct. Was presented and audited by the Board Members.

Warrant No. 3 in the amount of \$7,532.77 drawn on the Sewer Acct. Was presented and audited by the Board Members.

Warrant No. 3 in the amount of \$5,574.19 drawn on the Water Acct. Was presented and audited by the Board Members.

Warrant No. 3 in the amount of \$102,109.00 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 163 through 238. This was seconded by Councilman Chimera and carried unanimously.

APPROVAL OF THE FEBRUARY 2021 FINANCIAL STATEMENT

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

CORRESPONDENCE

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

*letter from Best Way Disposal attached

*letter of Interest from Robert McIntosh to serve on the Planning Board

*letter of Interest from Julie Rice to serve on the Planning Board

BID AWARD BELSON CREEK DAM RESTORATION CONTRACT

Resolution 61-2021

Town of Ripley

Awarding Belson Creek Dam Restoration Contract

Whereas the Town has previously advertised for suitable contactors to submit sealed bid proposals for the public work involving the reconstruction and restoration of certain facilities at the Town's Water Storage Reservoir and Dam which is to be funded by U.S.D.A. Rural Development, and

Whereas the Town received one bid from H&K Services Inc. of Leon, N.Y., at the appointed time and date on which bids were due, and

Whereas the bid received was thereafter the subject of negotiations to reduce the amount of the bid price, 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 H&K Services as revised at the lower total project cost, 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 H&K Services Inc. in accordance with the bid proposal of \$158,200.00 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 H&K Services Inc. as prepared and approved by the Town's engineers Clark, Patterson and Lee.

The resolution was introduced by Supervisor Bowen and was seconded by Council Person Rowe and the vote was as follows: ROLL CALLVOTE: Mr. Chimera YES, Mr. Rowe YES, Mrs. Hathaway YES, Mr. Bowen YES, Mr. Trevelline -ABSENT. Carried.

REVISED HOST COMMUNITY AGREEMENT LOVES TRAVEL STOP & COUNTRY STORE, INC.

**RESOLUTION 62-2021
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, and

WHEREAS, Love's counsel has requested certain changes to the original agreement which do not change the respective obligations of the Company nor benefits to the Town,

NOW THEREFORE IT IS RESOLVED THAT, the Town Board having received the proposed amended 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 Bowen and was seconded by Council Person Rowe and the vote was as follows: ROLL CALLVOTE: Mr. Chimera YES, Mr. Rowe YES, Mrs. Hathaway YES, Mr. Bowen YES, Mr. Trevelline -ABSENT. Carried.

REVISED SINGLE AUDIT PROCESS

Resolution 63-2021 Town of Ripley Approving Revised Single Audit Process

WHEREAS, the Town has previously authorized BWB to provide Audit services for it's Grant funded programs including U.S. D. A. Rural Development, the Community Development Block Grant, as well as funding from N.Y.S. Environmental Facilities Corporation, and

WHEREAS, additional Audit years will be required for 2021 and 2022,

NOW THEREFORE IT IS RESOLVED, that the revised proposal of BWB as set forth by the letter of James Alexander which is attached hereto and made a part hereof is approved and the Supervisor is directed to execute such revised authorizations for the Town.

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

APPROVAL TO GO OUT TO BID WATER/SEWER DUMP TRUCK & PLOW

Supervisor Bowen made the motion to approve the Bidders Specifications for a Water/Sewer Department Dump Truck with Plow package as recommended and presented by Andrew Strine, Water/Sewer Superintendent. This was seconded by Councilman Chimera. ROLL CALLVOTE: Mr. Chimera YES, Mr. Rowe YES, Mrs. Hathaway YES, Mr. Bowen YES, Mr. Trevelline -ABSENT. Carried.

Supervisor Bowen made the motion to authorize the Water/Sewer Department to advertise for Bids to purchase a 2021 or Newer Dump Truck with plow package. The Clerk shall post and advertise a Legal notice for all bids to be received by the Town Clerk's Office no later than 4:00 p.m. Thursday, April 15, 2021. Bids shall be opened and read allowed at that time. This was seconded by Councilwoman Hathaway. ROLL CALLVOTE: Mr. Chimera YES, Mr. Rowe YES, Mrs. Hathaway YES, Mr. Bowen YES, Mr. Trevelline -ABSENT. Carried.

REQUEST FOR REVISED VETERANS TAX EXEMPTION

Acting Assessor, Jason Jones, presented the Board with a proposal to update and revise the Town's current rates for the Veterans Tax Exemption. See attached proposal. Supervisor Bowen made the motion that he be authorized to request the Town Attorney to draft a proposed Veterans Tax Exemption Local with using the suggested rates. This was seconded by Councilman Chimera. ROLL CALLVOTE: Mr. Chimera YES, Mr. Rowe YES, Mrs. Hathaway YES, Mr. Bowen YES, Mr. Trevelline -ABSENT. Carried.

VETERANS CEMETERY

Robert McIntosh spoke on behalf of the ongoing Veterans Cemetery project. Mr. McIntosh requested the Town's continues support that he may apply to receive State funding available for the first State's Veterans Cemetery. If successful the state would own and upkeep the Cemetery site.

Supervisor Bowen made the motion that the Town Board continue their support as stated in the Town of Ripley, Town Board Resolution 61-2014. This was seconded by Councilman Chimera. ROLL CALLVOTE: Mr. Chimera YES, Mr. Rowe YES, Mrs. Hathaway YES, Mr. Bowen YES, Mr. Trevelline -ABSENT. Carried.

LARGE TRASH

Supervisor Bowen made the motion to approve the following Schedule for Spring Large Trash Days:

May 1, 2021	8:00 a.m. – Noon	Ross Street Highway Barns
May 8, 2021	8:00 a.m. – Noon	Ross Street Highway Barns
May 15, 2021	8:30 a.m. – 12:30 pm.	South Ripley Fire Hall

This was seconded by Councilwoman Hathaway and carried unanimously.

PLANNING BOARD VACANCY

RESOLUTION 64-2021

**Town of Ripley
Planning Board Vacancy**

Whereas the Planning Board has a vacancy and as Robert McIntosh has expressed an interest in serving,

Therefore, be it resolved, that the Town Board appoints Robert McIntosh to fill the Planning Board vacancy for a term ending – 12/31/2022.

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

HIGHWAY ROAD POSTING

Supervisor Bowen made the motion that the Town Board recognize the following Road Posting by Jim Spacht, Highway Superintendent. This was seconded by Councilman Rowe and carried unanimously.

**LEGAL NOTICE
TOWN OF RIPLEY**

PURSUANT to Section 660, Paragraph 11 of the VEHICLE & TRAFFIC LAW, and by the authority conferred on me by the Town Board, the following roads in the Town of Ripley will temporarily exclude such weights of vehicles as may injure the said highways. The maximum allowable load may not exceed eight (8) tons gross weight, such exclusion to take effect when posted and to continue in force until the signs on such road have been removed by the undersigned.

<u>ROAD</u>	<u>MILEAGE</u>	<u>FROM</u>	<u>TO</u>
Barden Rd.	.53	Route 20	End
Barnes Rd.	.63	Route 20	End
Belson Rd.	1.96	Welch Hill Rd	Town Line
Brockway Rd.	1.11	Rt. 20	Welch Hill Rd
Burton Ave.	.59	Route 76	Loomis St.
Carris Rd.	.41	Side Hill Rd.	End
Cemetery Rd.	1.79	Rt. 20	Belson Rd
Colton Rd.	.79	County Rd. 606	Stetson Rd
Forsythe Rd.	1.23	Rt. 20	Rt. 5
Goodrich St.	.40	Rt. 20	Lakeview
Greenbush Rd.	1.43	Rt. 76	End
Irish Rd.	1.70	County Rd. 606	End
Johnson Rd.	2.45	Rt. 76	Rt. 76
Klondike Rd.	1.02	Rt. 20	End
Hamilton	.62	Rt. 20	End
Lakeview Ave.	.80	Rt. 76	Loomis St
Lakeview Ave.	.21	Rt. 76	Shaver St
Lombard Rd.	1.50	Welch Hill Rd.	Town Line
Loomis St.	.91	Rt. 20	Side Hill Rd
Loomis St.	.39	Side Hill Rd.	End

Maple Ave.	.80	Rt. 20	Side Hill Rd
Mechanic St.	.20	Rt. 76	Shaver St
Meeder Rd.	.17	Rt. 76	Co. Rt. 6
Miller Rd.	.74	County Rd. 606	Town Line
Noble Rd.	1.78	Belson Rd.	Rt. 76
Old Route 20	1.00	Parker Road	End
Ottaway Rd.	1.09	County Rd. 64	End
Phillips Rd.	.74	Rt. 20	Side Hill Rd
Rater Rd.	.82	County Rd. 303	Town Line
Ross St.	.38	Rt. 20	Rt. 76
Side Hill Rd.	6.79	Rt. 20	Rt. 76
Shaver St.	.80	Rt. 20	Side Hill Rd
Shaver St.	.19	Rt. 76	Side Hill Rd
Sinden Rd.	.82	County Rd. 303	Town Line
Sprague Rd.	.77	Ottaway Rd.	Johnson Rd
Stetson Rd.	.71	Colton Rd.	Town Line
Sulphur Springs Rd.	1.19	County Rd. 303	Town Line
Welch Hill Road	1.97	Brockway Road	Rt. 76
Wiley Rd.	1.10	Rt. 20	Rt. 5

James Spacht, Highway Superintendent
Town of Ripley
Dated: March 1, 2021

HIGHWAY STUDENT INTERN

On the request of Highway Superintendent Spacht, Supervisor Bowen made the motion to recognize BOCES Student Intern & Ripley Resident, Hunter Harris as a Volunteer Intern with the Town of Ripley Highway Department for the afternoon during the months of May & June 2021. This was seconded by Councilwoman Hathaway and carried unanimously.

SOLAR UPDATE

Supervisor Bowen read the attached statement from Attorney Ben W regarding the South Ripley Solor Project, concerning Mandatory Section 94-C Pre-Application Municipal Conference.

PROPOSED SOLAR LAW COMMENTS

Supervisor Bowen reminded the public that the Town would be receiving written comments on the proposed Solor Law update through March 31, 2021.

Due to illness, Mr. Bowen excused himself at this point in the meeting.

DEPARTMENT HEAD REPORTS

WATER/SEWER

Supervisor Bowen presented the attached Water/Sewer Superintendent's Department Head monthly report.

HIGHWAY

Mr. Rowe presented the Highway Superintendent's Department Head monthly report as attached.

ASSESSOR

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

CODE OFFICER

Mr. Rowe presented Mrs. Eddy's monthly code officer monthly report as attached.

PLANNING BOARD REPORT

Shelly Spacht, Planning Board Chairman reported that the Planning Board has been working with EDR & Labella's regarding the Visual Impact Assessment (VIA) as it relates to Solor Projects.

PRIVILEGE OF FLOOR

Rob Galbraith, East Lake Road stated his concerns with the Town Boards appointment to the Planning Board vacancy.

Donald Henry, Miller Road, asked if the Planning Board had been in contact with the DEC regarding the South Ripley Solar Project as it relates to the Public Scoping Statement.

Katherine Galbraith, East Lake Road asked if the Board would post the date and time of the 94-c pre application local agency conference with ConnectGen that is set to be held the week of March 29, 2021.

Bob McIntosh, East Lake Road announced that on March 25, 2021 at noon, there would be a ceremony at the Veterans Monument for new Veterans of Valor names to be unveiled.

Mr. Chimera made the motion to adjourn. This was seconded by Councilwoman Hathaway and carried unanimously. 8:24 p.m.

Respectfully submitted,
Rebecca Rowe Carvalho
Town Clerk