

Bennington Town Board

June 10, 2026

DRAFT #2

Workshop Session 6:00 p.m.

Audit of bills; Highway Dept report; review Board meeting agenda

In attendance: Supervisor Mark Prior, Council Members Deborah Anstett, Bernard Frounick, Maria Prior.

Absent from work session: Council Member Joyce Mohun

Regular Board Meeting 7:30 p.m.

Call Meeting to Order by Supervisor Prior at 7:31 pm.

Pledge of allegiance led by Council Member B. Frounick.

Set Agenda – Letter of resignation (effective immediately) submitted by Council Member J. Mohun; she did not participate in the meeting.

Conflict of Interest - none

Open Public Hearings

Local Law #2 Local Law Relating to the Control, Confining and Leashing of Dogs

Local Law #3 Guidelines for Dog Kennels

Special Use Permit – Maple Hill Site, Inc. 485 Clinton St.

Financial Matters:	<u>Fund</u>	<u>Voucher #</u>	<u>\$ Amount</u>
	General Fund	#493 to #510.	7,501.62.
	Highway Fund	#322 to #335.	34,167.81.
	Cowlesville Water	# 41 to # 42.	3,869.48.
	Cowlesville Light	# 5.	193.86.
	Financial Reports		

Motion by Maria Prior, seconded by B. Frounick to approve vouchers for payment.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Financial Reports Supervisor report as presented by Supervisor Prior.

Motion by D. Anstett, seconded by B. Frounick to approve the Financial Reports ending May 31, 2026.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Hear Comments on Local Law #2 Local Law Relating to the Control, Confining and Leashing of Dogs.

Comments heard.

Motion by Maria Prior. Second: D. Anstett to close the public hearing on Local Law #2.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1 (Mohun)

Unfinished Business

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Resolution #2026-6-1

Resolution to Adopt Local Law No. 2 of 2026 Entitled, “Local Law Relating to the Control, Confining and Leashing of Dogs”

Whereas, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices located at 905 Old Allegany Road, Attica, in the Town of Bennington, New York on the 10th day of June, 2026, commencing at 7:30 p.m., and thereafter a public hearing was held at 7:30 p.m. at which time and place the following members were present: Supervisor Prior, Councilmembers B. Frounack, D. Anstett and Maria Prior

Whereas, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

Whereas, the Town Board has been considering a proposed Local Law No.2 of 2026 entitled, “LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS” to provide for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, and animals from dog attacks and damage, in accordance with New York Agriculture and Markets Law Article 7; and

Whereas, pursuant to, and in accordance with the New York State Environmental Quality Review (SEQR) Regulations (6 NYCRR Part 617), the Town Board was not required to complete the SEQR process of such proposed Local Law due to lack of environmental impact and not requiring funding by such agency, as stated in Section 617.2 (b); and

Whereas, The Town Board of the Town of Town of Bennington Authorized a Public Hearing and scheduled such public hearing for June 10th, 2026 regarding said proposed local law, at which time all interested parties and citizens for or against the proposed local law would be heard; and

Whereas, the Town Clerk published Notice of Public Hearing in the Town’s Official Newspaper on or about June 4, 2026 and posted such Notice at the Town Hall; and

Whereas, the Town Board of the Town of Bennington held a public hearing on June 10th, 2026, 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, the Town Board of the Town of Bennington finds it to be in the best interest of said Town to adopt said local law; and

Now on a Motion of Maria Prior, which has been duly seconded by D. Anstett, now therefore be it

Resolved, that the Town Board of the Town of Bennington feels it is in the best interest of the Town of Bennington and hereby adopts Local Law No. 2 of 2026, entitled, “LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS”; and be it further

Resolution #2026-6-1

Resolution to Adopt Local Law No. 2 of 2026 Entitled, “Local

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(Cont'd from page 2)

Law Relating to the Control, Confining and Leashing of Dogs"

Resolved, that the Town Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting and to provide all necessary paperwork regarding the adoption of said Local Law to the Secretary of the State of New York.

Ayes: 0. Noes: 4. Abstain: 0. Absent: 0. Vacant: 1 (Mohun)

Hear Comments on Local Law #3 Entitled "A Local Law Establishing Zoning Guidelines for Kennels in the Town of Bennington.

Comments heard.

Motion by Maria Prior, seconded by: D. Anstett to close the public hearing on Local Law #3

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Resolution #2026-6-2

Resolution to Adopt Local Law No. 3 of 2026 Entitled, "A Local Law Establishing Zoning Guidelines for Kennels in the Town of Bennington.

Whereas, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices located at 905 Old Allegany Road, Attica, in the Town of Bennington, New York on the 10th day of June, 2026, commencing at 7:30 p.m., and thereafter a public hearing was held at 7:30 p.m. at which time and place the following members were present: Supervisor Prior, Councilmembers Frounick, Anstett and Prior

Whereas, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

Whereas, the Town Board has been considering a proposed Local Law No.3 of 2026 entitled, "LOCAL LAW ESTABLISHING ZONING GUIDELINES FOR KENNELS IN THE TOWN OF BENNINGTON" to provide for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, and animals from dog attacks and damage, in accordance with New York Agriculture and Markets Law Article 7; and

Whereas, pursuant to, and in accordance with the New York State Environmental Quality Review (SEQR) Regulations (6 NYCRR Part 617), the Town Board was not required to complete the SEQR process of such proposed Local Law due to lack of environmental impact and not requiring funding by such agency, as stated in Section 617.2 (b); and

Resolution #2026-6-2

Resolution to Adopt Local Law No. 3 of 2026 Entitled, "A Local

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Law Establishing Zoning Guidelines for Kennels in the Town of Bennington.

Whereas, The Town Board of the Town of Bennington Authorized a Public Hearing and scheduled such public hearing for June 10th, 2026 regarding said proposed local law, at which time all interested parties and citizens for or against the proposed local law would be heard; and

Whereas, the Town Board of the Town of Bennington held a public hearing on June 10th, 2026, 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, the Town Board of the Town of Bennington finds it to be in the best interest of said Town to adopt said local law; and

Now on a Motion of Maria Prior, which has been duly **seconded by D. Anstett,** now therefore be it

Resolved, that the Town Board of the Town of Bennington feels it is in the best interest of the Town of Bennington and hereby adopts Local Law No. 3 of 2026, entitled, "LOCAL LAW RELATING TO THE CONTROL, CONFINING AND LEASHING OF DOGS"; and be it further

Resolved, that the Town Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting and to provide all necessary paperwork regarding the adoption of said Local Law to the Secretary of the State of New York.

Ayes: 0. Noes: 4. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

New Business

**Hear Comments on Special Use Permit for Maple Hill Site Inc. relocation at 485 Clinton St.
(Tax Map 15.-1-72.11)**

Comments heard.

Motion by Maria Prior, seconded by B. Frounck to close the public hearing
Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Resolution #2026-6-3

Special Use Permit for Maple Hill Site, Inc. relocation at

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485 Clinton St. (Tax Map 15.-1-72.11)

Whereas, the Town of Bennington is in receipt of an application from Maple Hill Site Inc., 485 Clinton St., Cowlesville NY 14037 for a Special Use Permit. The proposed project consists of the relocation of Maple Hill Site, Inc. business operations into the existing site and structures at 485 Clinton St. Currently, no additions or exterior alterations to the buildings or site are proposed as part of this application. The intent is to utilize the property in its current condition to support the Company's operational needs. Maple is a site contractor.

Whereas, the applicant has notified neighboring property owners of said application and public hearing; and

Whereas, a public hearing for the said application was held on this 10th day of June, 2026, having been advertised in the legal newspaper of this Town and after hearing comments from the public regarding said application.

Whereas, the Town Board has reviewed said application and heard any and all comments regarding the proposed project; now, therefore,

Be it Resolved, that the Town Board, hereby, approves the Special Use Permit and site plan review application of Maple Hill Site, Inc. for relocation of its business operations to 485 Clinton St., Cowlesville NY 14037, for an initial period of one year, renewable upon continued compliance with any and all restrictions, conditions and laws governing the same as set by this Board.

Motion: B. Frounick. Second: Maria Prior.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Petitions and public concerns - none presented.

Resolution #2026-6-4 Approve Youth Recreation Contract with Byrncliff Resort

Be it Resolved, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Byrncliff Resort, Varysburg NY for use of facilities for the Youth Recreation Summer Swim and Craft Program for the period July 8, 2026 through August 14, 2026, a total of 66 hours, in an amount not to exceed \$2,475.

Motion: D. Anstett. Second: Maria Prior.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Resolution #2026-6-5 Appointment of Secretary to Zoning Board of Appeals

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Be it Resolved, that the Town Board hereby appoints Deb Nye, Reilein Road, Cowlesville New York as secretary to the Town of Bennington Zoning Board of Appeals. Effective immediately for a term to expire December 31st, 2028

Motion: Maria Prior. Second: B. Frounick.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Resolution #2026-6-6

Transition to Countywide Live Assessment Database

Whereas, the Town of Bennington maintains assessment records for the purpose of establishing the annual assessment roll in accordance with New York State Real Property Tax Law; and

Whereas, Wyoming County provides and maintains a centralized *Live Assessment Database* designed to ensure uniformity, accuracy, and consistency of assessment data across all municipalities within the county; and

Whereas, maintaining a separate, stand-alone assessment database at the town level creates unnecessary duplication of effort, increases the risk of data inconsistencies, and may result in inefficiencies in the assessment process; and

Whereas, the Town Board finds that transitioning to the Wyoming County Live Assessment Database will improve data integrity, streamline workflow, and enhance coordination between the Town Assessor and the Wyoming County Real Property Tax Services Office;

Now, Therefore, Be It Resolved, that the Town Board of the Town of Bennington hereby directs the Town Assessor to discontinue the maintenance of any separate or independent assessment database maintained by or for the Town; and

Be It Further Resolved, that the Town Assessor is hereby instructed to fully transition to, and exclusively utilize, the Wyoming County Live Assessment Database for all assessment-related work, including but not limited to property record maintenance, valuation updates, exemptions, and preparation of the tentative and final assessment rolls; and

Be It Further Resolved, that the Town Assessor shall complete this transition in accordance with provided request from Wyoming County's memorandum dated June 4th, 2026 and confirm full operational use of the Wyoming County Live Assessment Database in writing to the town board within **thirty (30) days** of the adoption of this Resolution; and

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Be It Further Resolved, that the Town Supervisor and Town Clerk are authorized to coordinate with the Wyoming County Real Property Tax Services Office to ensure a smooth transition and to provide any necessary administrative support.

Motion: *D. Anstett.* **Second:** *B. Frounick.*

Ayes: 4. **Noes:** 0. **Abstain:** 0. **Absent:** 0. **Vacant:** 1. (*Mohun*)

Resolution #2026-6-7

**Authorizing Fees and Charges for Emergency Medical Service
and Ambulance Service**

Whereas, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the “Law”) provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

Whereas, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

Whereas, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

Whereas, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

Whereas, the Law further provides that where an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

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and Ambulance Service**

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Whereas, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

Whereas, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Commissioner of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

Whereas, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

Whereas, the Town of Bennington ("Town") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Cowlesville Fire Company, Inc. ("Fire Company") to provide emergency medical services including basic life support ("BLS") ambulance services (hereinafter referred to as "ambulance services") within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and as otherwise permitted by law including mutual aid outside of its primary territory; and

Whereas, the Board of the Town of Bennington ("Board") after due deliberation, finds it in the best interest of the Town of Bennington to authorize fees and charges for emergency medical services and ambulance services by the Fire Company as authorized by Law and these Resolutions;

Now Therefore, it is hereby

Resolved, that the Town of Bennington hereby authorizes fees and charges for emergency medical services and ambulance services by the Fire Company as authorized by Law and as provided for by these Resolutions; and it is further

Resolved, that the fees and charges collected shall be collected and used by the Fire Company as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Town and the Fire Company for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

Resolution #2026-6-7

**Authorizing Fees and Charges for Emergency Medical Service
and Ambulance Service**

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Resolved, that the Board hereby directs that the Fire Company shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Fire Company for such purposes and under such terms and conditions as the Fire Company may in its discretion find appropriate; and it is further

Resolved, that the Board hereby directs that such revenue recovery by the Fire Company for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

Resolved, that the Board hereby determines that commencing at 12:01 a.m. on June 11, 2026 and until such time as a contract or contracts have been entered into with a provider or providers of advanced life support services for such advanced life support services or for ALS intercept services, the Board hereby sets the maximum reimbursement rate to be paid for any such ALS or ALS intercept services provided to the Town or its fire department shall be reimbursed at the lesser of the Medicaid or Medicare reimbursement rate(s) in effect at the time of such ALS intercept service, for

Resolved, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other Fire Company funds and used for the delivery of emergency medical and ambulance services as the Fire Company may properly determine in its sole discretion; and it is further

Resolved, that the Board hereby directs that it shall not, directly or indirectly, by Town personnel or its agents and employees, including the Town's billing service agency issue a bill for its services to any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e); and it is further

Resolved, that except as otherwise provided herein, these resolutions shall take effect immediately.

Council Member ***Maria Prior moved, Council Member D. Anstett seconded***, and the Town Board voted as follows:

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Minutes of Previous Meetings – accepted as presented by Clerk.

Communications

Clerk

1. Wyoming Co. Health Dept. anti rabies vaccination clinics for 2026. Copies on back table.
2. Clerk accepted the resignation (effective immediately) of Deputy Clerk Deanna Nikiel.

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Supervisor

1. Bennington Volunteer Fire Department request to post drills on Facebook for resident awareness.
2. Numerous inquiries regarding swim program and concerts in the park.
3. Numerous inquiries about bulk pickup.
4. Numerous inquiries about assessment grievance day.
5. Numerous inquiries about road brining, ditching and ditching material
6. Tree down blocking Coyle Rd.
7. Mattress discarded on Folsomdale Rd.
8. Numerous inquiries about dog laws.
9. Driveway apron issue from road work.
10. Multiple requests for culvert work.
11. Contacted and sent an assessor's handbook from the 1800's by a Dersam family relative.
12. Resident found maps of Bennington from 1867, which we are trying to acquire.
13. 60+ resident communications directly to Supervisor across texts, email, Facebook messenger and calls.
14. One invitation to dinner.

Departments

Highway

1. Highway Superintendent Jake Jensen is providing before and after pictures on work done by the Highway crews.
2. Statement from Jensen, read by Supervisor, regarding work accomplished in June.

Town Clerk/Tax Collector

1. Town Clerk monthly report for May 2026.
2. Vital statistics YTD. Births: 0. Deaths: 3. Marriage permits issued: 3.

Assessor - no report.

Zoning/Planning

1. Per the Town of Bennington Zoning Law of 2016, the following 2026 Special Use and Home Occupation permit applications for renewal and payments have been received and accepted by the Clerk. There are currently no complaints on file.

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Home Occupation Permits (renewal issued – yearly). Per Zoning Law Article VI, Section 2.17, Article II, Section 2.1.2, I, Article IV, Section 6.3.5.

Stacey Acquard – Acquard’s Professional Dog Grooming.

Gary Arcese – G. Arcese Enterprise.

Merlyn E. Bissell – Law Office

John B. Brandon – Aerie Design Services

Edward Duda – Duda Woodworks LLC

Edward Lautenschlager – D&L Toy Trains

Allan Linsey – Precision Cylinder Head Automotive Machine Shop

Stephen Perl – Sam’s Custom Meat Processing

J. Brian Pfeiffer – Design A Tea LLC

Special Use Permits – (renewal issued every three years). Per Zoning Law Article II, III, IV, V.

Joan Kissell – Kissell Gravel Pit

Motion by Maria Prior. Seconded: B. Frounck to grant renewals applications.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 0. Vacant: 1. (Mohun)

Departments

Recreation/Park

1. See Resolution #2026-6-4

Water District - no report.

Historical Society - no report.

Supervisors address – available on social media

Any other Business to Come before the Board

Comments heard.

Adjourn – Motion by Maria Prior

Time: 8:54 p.m.

Attendance: 34