

**2022 Organizational Meeting
And Regular January Town Board Meeting
January 5, 2022 – Town Hall**

Work session began at 6:40pm. All Board members were present and audited the vouchers. Discussion held on the successful online auction of a grader for the Town Highway department. The Town Clerk had Brandon Bryman, Chris Domes, Ellen Grant and herself Carolyn Busch sign the Oath of Office book. Discussion on Zoning Books for the new Board members.

Supervisor Grant called the meeting to Order at 7:41pm; She asked Councilman Frounick to lead the Pledge of Allegiance.

Acknowledgment of Oaths of Office by Board Members & Elected Officials

A. Salaries, Fees & Financial Matters:

2022 Town Salaries:

Supervisor	\$	5,400.00
Town Councilmen 4 @		1,950.00
Town Justice 2 @		7,000.00
Highway Superintendent		70,000.00
Town Clerk/Collector/Registrar		16,000.00
Dep. Town Clerk		15.00/hr
Budget Director		600.00
Town Assessor (sole)		25,944.00
Assessor Revaluation stipend		15,000.00
Office Clerk		13.50/hr
Planning Bd/Zoning Bd of Appeals member		25.00/mtng.
Planning Bd/ZBA Chair		30.00/mtng
Planning Bd/ZBA/Assess. Review Secretary		13.50/hr.
Bd of Assessment Review Members		15.00/hr.
Court Clerk		8,000.00
Town Bookkeeper		5,000.00
Town Custodian		2,100.00
Town Historian		350.00
Attorney for the Town of Bennington		as per voucher
Town Park Maintenance Person		5,400.00
Prosecutor		4,000.00
Motor Equip. Oper. w/CDL (PT/Seasonal)		20.00/hr.
Highway Laborer (PT Seasonal)		13.20/hr
Water System Operator		17.75/hr.
Asst. Water Syst. Operator		16.50/hr
WSO/Assist WSO Emerg. Call Out		3.00/hr premium
Water Clerk		600.00
Swim Instructors		15.00/hr

Lifeguards	15.00/hr
Youth Recreation Coordinator	500.00

Fees:

Driveway Pipe Installation (initial)	\$300.00
Sale of Zoning Books	50.00
Tower Special Use Permit Fee	\$2,000.00
Building Permit fee for Towers	
First 100 feet	\$1,000.00
Next 100 feet (or part thereof)	600.00
Each 100 feet thereafter or part thereof	400.00
Co-location Application fee	\$1,000.00
Co-location Building Permit fee	\$1,000.00
Park Rental	50.00
Park Security Deposit	50.00
Copies of official documents	.25 per page

Official rate for Mileage while on Town Business: .45 per mile

Banking Accounts:

General Fund Checking	Five Star Bank
Highway Fund Checking	Five Star Bank
Trust & Agency Account	Five Star Bank
Town Clerk Account	Alden State Bank
Tax Collector Account	Five Star Bank
Justice Court Funds	Five Star Bank
Cowlesville Water District	Five Star Bank
Certificates of Deposit	Banks with the best interest rate

Authorized Personnel to Maintain Banking Accounts:

General Fund/Highway Fund/Cowlesville Water Fund/Trust & Agency Account – Ellen Grant and Bernard Frounick, authorized signers; Ellen Grant and June Spencer authorized electronic/wire transfers.

Town Clerk and Tax Collector Accounts – Carolyn Busch, authorized signer
Justice Court Funds – Mark Linsey and James Wawrzyniak, authorized signers

B. Notice of Meeting Dates, Times, Locations, and other legal notices

Official Meeting Dates:

Town Board	Second Wednesday 7:30 pm at Town Hall, with workshop session beginning at 6:30 pm
Planning Board	Third Wednesday, 7:00 pm, Town Hall
Zoning Board of Appeals	First Tuesday, 7:00 pm, Town Hall, as needed
Official Election Places	District #1, 2, and 3 – Bennington Town Hall

Official Newspaper for Legal and Official Notices – The Daily News, Batavia NY

Official Bulletin Board for posting of Town Notices – Town Clerk’s, Town Hall,
Bennington Center, NY

C. Appointments:

Appointments:

Attorney for the Town	DiMatteo & Roach
Deputy Town Clerk	Deanna Nikiel
Historian	Lesa Van Son
Registrar	Carolyn Busch
Bookkeeper	June Spencer
Budget Director	Ellen Grant
Town Prosecutor	Chelsie Hamilton
Court Clerk	Christa Dake
Planning Board Chairman	Robert Gadd
Secretary, Planning Board	Donna Hummel
Town Hall Custodian	Carolyn Mruzcek
Office for the Aging Representative	Faith McQueen
Town Park Custodian	John Perl
County Planning Board Represent.	Robert Gadd
Assessor	James Kirsch
Water System Operator	Mark Pruitt
Deputy WSO	Keith Borden
Water Clerk	Judith Brown
Deputy Supervisor	Chris Domes

- Motion to approve A, B & C made by Mohun, Seconded by Frounick.
Ayes: 5 Noes: 0 Abstain:0 Absent:0

January Town Board Meeting Agenda

Financial Matters

General Fund vouchers #1 to #13 \$55,810.16

Highway Fund vouchers #1 \$7,960.40

Cowlesville Water vouchers #1 to #2 \$207.69

Cowlesville Light vouchers # None \$ _____

Motion by Frounick, seconded by Mohun to approve the vouchers for payment.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Financial Reports

Councilman Mohun had a question on the water accounts; Supervisor Grant explained.

Motion by Mohun, second by Frounick to approve the following transfer

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Motion by Bryman seconded by Domes to approve the Financial Reports ending Dec 30, 2021.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Minutes of previous Town Board Meeting

Motion to approve minutes for December Regular meeting made by Mohun, Seconded by Bryman.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Correspondence: The Town Clerk received the monthly testing report from BioTrax for December. The Town Clerk read correspondence received from The Association of Towns regarding annual training school and meeting February 20-22, 2022. The Town Clerk already returned the Certificate of Designation in December. Annual Membership dues of \$900 was approved in the vouchers for payment.

Hear Public Concerns & Petitions: None

Departments:

Clerk – Tax collection has begun.

Assessor – Discussion held, but Resolution was not necessary as Assessor has already done this by mailing/calling qualified residents.

Resolution #2022-1-1 Authorizing Town Assessor to Grant Exemptions

Whereas Governor Kathleen Hochul has issued Executive Order 11.1 on the 26th day of December 2021 pertaining to measures to be taken regarding curtailing the spread of the COVID-19 virus and its variations; and

Whereas, said Executive Order 11.1 authorizes governing bodies of assessing units such as the Town Board of the Town of Bennington to direct the Town Assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who receive that exemption on the 2021 roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for Assessors to mail renewal applications to such persons; and

Whereas the Town Board may require procedures by which the Assessor may require a renewal application to be filed when he has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died;

Now, Therefore, Be it Resolved, that the Bennington Town Board hereby authorizes the Town Assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who receive that exemption on the 2021 roll, thereby dispensing with the need for renewal applications from such persons. The

Assessor is hereby directed to contact in writing such individuals as received said exemptions notifying them of the same, providing the information that new application must be submitted to the Assessor no later than March 31, 2022 in the event that the property owner may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died.

Motion by _____; seconded by _____
Ayes: _____ Noes: _____ Abstain: _____ Absent: _____

Highway – Grader auction/purchase. The Town won an auction through Auctions International for a grader for the Highway Department use. We will use Municipal Solutions to handle the loan, should be a 4-year loan and rates are low right now.

Park/Recreation – nothing to report

Water District – nothing to report

Old Business:

New Business:

Resolution #2022-1-2 Authorize Audit of 2021 Financial Records

Be It Resolved that the Bennington Town Board is hereby authorized to contract with Don Pryzbyl for the purpose of conducting an audit of the 2021 financial records of the Town Supervisor, Town Clerk/Collector, Water Clerk and Town Justice Court, and to present any and all findings to this Board.

Motion by Mohun; seconded by Frounick
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Resolution #2022-1-4 Agreement with Hodgson Russ as Bond Counsel

RESOLVED, that Hodgson Russ LLP is hereby appointed Bond Counsel for the Town pursuant to the terms set forth in the engagement letter as presented.

Motion by Frounick; seconded by Bryman
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Hodgson Ross would like to be our Bond Counsel for the Town. Their fee would be billed at an hourly rate of \$140/hr.

Resolution #2022-1-5 Bond Resolution for Grader Purchase

A BOND RESOLUTION, DATED JANUARY 5, 2022, OF THE TOWN BOARD OF THE TOWN OF BENNINGTON, WYOMING COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF A

MAINTENANCE VEHICLE AND APPARATUS FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$245,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$245,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board has identified a need for the acquisition of a maintenance vehicle and apparatus (grader with plow) for use by the Town.

BE IT RESOLVED, by the Town Board of the Town of Bennington, in Wyoming County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire a maintenance vehicle and apparatus for use by the Town including, but not limited to, a grader with plow, including all preliminary costs and necessary equipment, warranties and other such costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$245,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$245,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such Purpose is to be paid by the levy and collection of taxes on all real property in the Town to pay the principal of such bonds and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes

authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was motioned by Bryman and seconded by Mohun and duly put to vote on a roll call, which resulted as follows:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0

The foregoing resolution was thereupon declared duly adopted.

Discussion by Board members on transporter services to bring the grader here to the Town.

Any other Business to Come before the Board/County Matters:

Councilman Mohun made a motion to Adjourn at 8:22 pm.

Respectfully Submitted,
Carolyn Busch
Town Clerk

Bennington Town Board
February 9, 2022
Regular Board Meeting 7:30 p.m.
Meeting Agenda

Work session began at 6:30pm with the all of the Board members in attendance. The Board members audited the bills. Discussion held regarding a resident that wants to bring a dangerous dog into the Town of Bennington from New Jersey. The Supervisor and the Town Clerk have been in touch with the County Dog Control Officer and the Town Attorney regarding this matter. Lisa Aures from the County Zoning presented the Board members with two zoning permit applications. One from James Moscicki that wants to operate an auto repair shop on Geise Rd. The other application is from Dave Smith who wants to operate a vehicle repair shop specializing in installation of interlock devices on Schoellkopf Rd.

Supervisor Grant called the Meeting to Order at 7:40pm; She asked Councilman Mohun to lead the pledge of allegiance.

Financial Matters:

Approval of renewal contract with WLB for Accounting & Budget software support
Motion by Mohun, seconded by Frounick to approve the 2022 Accounting & Budgeting Software Support Contract with Williamson Law Book.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

General Fund vouchers #14 to #43 \$31,808.99
Highway Fund vouchers #2to #23 \$112,302.27
Cowlesville Water vouchers #3 to #6 \$3,082.28
Cowlesville Light vouchers # 1 to #2 \$359.28
Bennington Fire #1 \$30,000

Motion by Bryman, seconded by Mohun to approve the vouchers for payment.

Ayes: 5 Noes: 0 Abstain: 0 Absent:0

Financial Reports

Motion by Mohun, seconded by Bryman to approve the Financial Reports ending Dec 31, 2021 and January 2022.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Communications :

The Town Clerk received two complaints from residents. One regarding plowing on Schad Road and one Schad Rd for a tree falling into the roadway. A letter was received by Reserve Gas regarding emergency contact information. Wyoming County Soil and Water Conservation send a letter regarding the Wyoming County Road Ditch Hydro seeding initiative. All Board members have received packets from the Association of Towns on the broadband survey encouraging residents to participate.

Minutes of Previous Meetings:

Motion by Mohun, seconded by Bryman to approve minutes for January 2022 Organizational Meeting & Regular Session

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Petitions and public concerns:

Departments:

Town Clerk/Tax Collector – Clerk Busch gave updates on Tax collection, handed out the 2021 Full year Town Clerk report and the January 2022 monthly report. Tax receipts have totaled just over \$4 million so far. The Tax Collector has made payments to the Supervisor and will be paying them complete this week. She will also send a payment to the County towards the final bill due in April.

Highway – Superintendent Koch was not in attendance this evening. Grader has been received and will be put to work right away. Discussion on adopting a mailbox policy.

Resolution #2022-2-1 Adoption of Mailbox Policy

Be it Resolved, that the Bennington Town Board hereby adopts a mailbox policy to address damages to result of snow removal to resident's mailboxes as a result of snow removal operations, and Be it Further **Tabled – Frounick & Mohun** Resolved, that said policy shall be effective February 10, 2022 and shall be made available on the Town's website and at the Town Hall and Highway Department.

Motion by _____, second by _____
Ayes: _____ Noes: _____ Abstain: _____ Absent: _____

Discussion held on the driveway pipe policy. Resident to provide the drainage pipe, Town to provide labor to dig along with stone to install at an estimated cost not to exceed \$300. These were some ideas, is it for new builds and replacements?

Resolution #2022-2-2 Adoption of Driveway Pipe Policy

Be it Resolved, that the Bennington Town Board hereby adopts a policy for the installation of driveway pipes within the Town, and Be it Further **Tabled – Frounick & Mohun** Resolved, that said policy shall be effective January 1, 2022 and shall be made available on the Town's website and at the Town Hall and Highway Department.

Motion by _____, second by _____
Ayes: _____ Noes: _____ Abstain: _____ Absent: _____

Assessor – Public meetings on reassessment process; aged income exemptions
Zoning/Planning – Special use Permit presentation by Lisa Aures from County Zoning Department.
First application is from James Moscicki on Geise Road asking to open an Auto Repair Shop out of his home in an existing attached garage. Mr. Moscicki was in attendance to answer questions. John Hassett and two other neighbors know about the project.
Councilman Mohun asked about the number of cars that would be on the property at any given time. Ms. Aures stated that a limit can be put onto the number of vehicles that are

allowed to be on the property at any given time; possibly no more than 6. Read through the Short form SEQR and all were answered little to no impact.

Motion to approve Zoning permit presented by James Moscicki by Frounick and seconded by Bryman. All ayes; approved.

The second application is a Special Use Permit from Dave Smith on Schoellkopf Road so that the State can approve him to install interlock devices on vehicles. Application was also for an auto repair shop. Board will not address that and only look to review the installation of the interlocks as they consider that a separate application that would need to be looked at. Mr. Smith was not in attendance, but called to give his phone number. The Board contacted him by phone as they had questions. No neighbors had been contacted to get feedback prior to the application process.

Councilman Mohun made a motion to table the decision till next month second by Domes; voting all ayes carried.

Gave update on trash cans that WM will give out in the Spring.

Assessment – Jim Kirsch joined the meeting. Supervisor Grant asked about the Senior Citizen exemption. Currently resident has to be 65 or older with a \$10,000 income level. No Bennington resident qualifies at this level.

Water District –

Court –

Park/Recreation –

Old Business:

Use of ARPA Funds; Received notification regarding the guidelines on the use of funds and they now can be used for whatever projects best benefit the Town. Supervisor Grant had a list of ideas that she gave the Board members that would divide up funds to roads, park projects, generator and lighting repairs at the Town hall, electronics recycling event, unpaid water bills. (The water bills would be put back into the Town funds once repaid) In this way the funds would benefit all.

Contractors coming in to look at the lighting and generator projects being done at the Town.

Motion to go into Executive Session at 9:35pm by Frounick and second by Bryman. The Town Clerk and all attendees were asked to leave at that time.

New Business:

Resolution #2022-2-3 Amendment of the 2018-2022 Teamsters Agreement

Be it Resolved, that the 2018-2022 Agreement between the Town of Bennington and Teamster's Local #264 is hereby amended as follows:

Appendix B Wage Rates: Effective 1/1/22 Full Time Employees Motor Equipment \$23.08/hour, and be it

Further Resolved, that a one-time lump-sum payment will be granted to all full-time members of the bargaining unit and to the Highway Superintendent in the amount of \$500.00, less any and all applicable deductions and taxes. These increases are made without precedent and shall not be pointed to at any point in the future as requiring any such similar payment to employees.

Motion by Bryman, second by Domes

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Motion was made by Councilman Mohun to adjourn at 9:57pm. Voting all ayes; carried.

Respectfully submitted,
Carolyn Busch
Town Clerk

Bennington Town Board
March 9, 2022
Workshop Session 6:30 p.m. Regular Board Meeting 7:30 p.m.

Call Meeting to Order; pledge of allegiance.

Approval of renewal contract with Williamson law software contracts for Town Clerk and Utility Billing.

Motion by Frounick, seconded by Domes to approve the 2022 Town Clerk and Utility Billing Software Support Contracts with Williamson Law Book.

Ayes: 5 Noes: Abstain: Absent:

Financial Matters:

General Fund vouchers #45 to #61 \$19,798.15

Highway Fund vouchers #24 to # 36 \$53,024.74

Cowlesville Water vouchers #7 to #11 \$ 4,050.98

Cowlesville Light vouchers # -

Fire District vouchers totaling \$ 198,150.56

Motion by Mohun, seconded by Bryman to approve the vouchers for payment.

Ayes: 5 Noes: Abstain: Absent:

Financial Reports - Prior to CD's

Motion by Mohun seconded Frounick to approve the Financial Reports ending February 28, 2022.

Ayes: 5 Noes: Abstain: Absent:

Authorize repayment of Hwy Fund Due to General Fund

Motion by Mohun, seconded by Domes to authorize the payment of \$100,000 from Highway Fund to General Fund to close out a Due To/Due From established in 2021.

Ayes: 5 Noes: Abstain: Absent:

Zoning/Planning –

Special use Permit David Smith on Schoellkopf Rd. Needs a license with the state to provide services for Draeger. Wyoming County has a need for an installer to work with Draeger to provide services in the County. Neighbors were contacted & receipt was provided by Mr. Smith as proof. This would not be a full-time business at this time. Read statement from Draeger – application will not be approved without zoning from Town of Bennington. Confusion on work being provided.

Supervisor Grant explained the zoning for auto shops. Need a Special use permit as he provided. Explained we need to hear from neighbors and assess the concerns and the board place restrictions on the business as needed. One year permit will be issued for trial to be sure it works out. If all works out a 3 year will be issued.

Board concerns:

Narrow road for vehicles backing out of the driveway. Possible resolution: restriction of the number of vehicles. Smith explained possible repair shop in the future. For now, he just needs

the license to be able to work with Draeger. Installation will be mobile not in house. Most often he will be installing off site no signage showing he is open to the public.

Neighbor Allen & Lavina Schuessler – worried it will morph into something more. Not opposed. Was told to bring concerns as soon as they have them and do not wait.

Domes – parking space limit? Usage? Hours of operation?

Smith – Welcomes a detailed restrictive permit.

Mohun – concerns of unregistered vehicles sitting in the parking area. Limit vehicles that do not belong at residence.

Supervisor Grant – Hours: 3 days a week 9-5? Agreed. Offsite? Unlimited.

Mohun – If the application with Dragger is denied you will be required to come tell the Board and the Special Use Permit will be pulled. Smith Agreed. No build-up of scrap.

Neighbor; Linda Pilc - Great reviews on Smith as a neighbor. In full support.

Support of the Board with underlined restrictions. Review of Environmental assessment form, no issues only concern is it might change level of traffic. No significant environmental impact is the Boards decision.

Motion to approve Application Special Use Permit with restrictions by Bryman and seconded by Frounck. All ayes; approved.

Supervisor Grant will have letter ready by noon Saturday.

Communications:

Town Clerk:

Cert of insurance from CIR Electric.

Notice from Department of State re: Local Law #1 of 2022 banning the sale of cannabis on file. Notification from Tompkins showing compliance of regulation 87. Bond issuance for the purchase of the grader. Justice Court Reports for the month of February 2022. Folsomdale Snowmobile letter thanking for the use of the trail through park. No problems this year. Classes available WYCO EMS – Tier 3 EMT 4/13/22 9-12 in Warsaw. DEC Posting a brush burn ban 3/16/22 – 5/14/22

Minutes of Previous Meetings:

No additions / Corrections

Motion by Mohun, seconded by Domes to approve minutes for February 2022 Regular Session

Ayes: 5 Noes: Abstain: Absent:

Petitions and public concerns:

Dustin George: Burrough Rd. between Tooley Rd and Bear Rd. 8-inch pot holes no fire trucks will make it down. It's a safety concern. The road is dirt with no stone left. In the past no response from Highway Superintendent. Needs to be fixed. The ditch on the west side needs to be done. Can salt be applied from other end because the road can't handle it.

Mohun agreed the Highway Superintendent needed to be notified. The fabric is that was placed years ago is no longer there. UPS truck driver saying the road is hardly passable. Supervisor Grant explained we purchased a new grader and the plan is to grade the stone back on the road. Mr. George explained the town didn't even plow the road because the snow plow didn't make it. Domes would like a timeline for work from Andy. Supervisor Grant will speak with Highway Superintendent about issue tomorrow. The fire department is worried about damaging their equipment.

Departments:

Town Clerk/Tax Collector – Nothing

Highway – Work on dirt road, plowing and cleaning ditches. First time installation fee \$300 town labor equipment and build materials with signoff from the town. Owner provides pipe but town provides everything else.

Resolution #2022-3-1 Adoption of Driveway Pipe Policy

Be it Resolved, that the Bennington Town Board hereby adopts a policy for the installation of driveway pipes within the Town, and

Be it Further Resolved, that said policy shall be effective January 1, 2022 and shall be made available on the Town's website and at the Town Hall and Highway Department.

Motion by Mohun, second by Frounick

Ayes: 5 Noes: Abstain: Absent:

Cold storage facility will need advertising, bidding (approx. \$28 / sq ft) ARPA funds. \$60-\$75K for just the building. No utilities. All equipment will be in shelter and no lease of offsite storage will be needed. Approved Clerk to advertise. 3/26/22 opening of bids – Monday 3/28/22 evening special session and award bid.

Resolution #2022-3-2 Cold Storage Facility

Be it Resolved, that the Town Board hereby authorizes the Highway Superintendent to develop bid specifications for a cold storage facility to be constructed adjacent to the existing highway garage; and

Be it Further Resolved, that the Town Clerk is hereby authorized to advertise for bids for the construction of a cold storage facility for the Highway Department, said bids to be opened on March 26, 2022 at 9:30 a.m. at the Bennington Town Hall; and

Be it Further Resolved, that the Town Board shall meet in a special session on March 28, 2022 at 6:30 p.m. at the Town Hall for the purpose of awarding bid for construction to the lowest responsible bidder; and

Be it Further Resolved, that the Town Board reserves the right to decline any and all bids.

Motion by Mohun, second by Frounick

Ayes: 5 Noes: Abstain: Absent:

Assessor – Going better than expected (response). 100 people so far with communication.

Explanation of value. Most are accepting – its fair and reasonable. A number of Ag Exemptions. Grievance applications for May: He will know which are going before the meeting. Last 3-4 months were difficult.

Communication: Supervisor Grant liked the year-to-year comparison. It's a state report. Rate is driven by the municipal budget.

Zoning and Planning – First application renewal is Gary Arcese Renewal of Special Use application for 1046 Getman for a firearms dealer. In operation since 1987. Second application Arrow Portable signs at 76 Kern Rd sale and rental of portable signs. It was requested the yard be cleaned up. Improve storage area. 3-year approval with amendment to Arrow Portable sign to improve area.

Motion to approve Application Special Use Permit with amendment by Frounick and seconded by Domes. 4 ayes; 1 noes; approved.

Water District – Steve Perkins will attend April board meeting to talk about updating meters.

Will ask Judy and meter reader to attend. Past due water bills: One payment came in remaining outstanding bills can now shut off water. Over \$400 in arrears bills will be asked to pay current and 20% - 25% of past due to get caught up. Next billing cycle.

Court – Nothing to report.

Park/Recreation – Easter Egg Hunt.

Old Business: Audit of 2021 Town Financial Records
Resolution #2022-3-3 **Audit of 2021 Financial Records**

Whereas, the Bennington Town Board, by law is required to audit the fiscal records of all the towns financial record yearly, and

Whereas, the Bennington Town Board retained an independent audit to be performed by a retired municipal accountant on the financial records of the Town Supervisor, Town Clerk, Tax Collector, Town Court and Water Collector's records for 2021;

Now, Therefore, Be It Resolved, that the Bennington Town Board, at a duly held meeting on March 9, 2022, accepted Donald E. Pryzbyl's audit report, which concludes all of the Town's records to be in compliance; and

Be it Further Resolved that said audit shall be filed with the NYS Unified Court System upon approval.

Motion by Frounick, second by Domes

Ayes: 5 Noes: Abstain: Absent:

New Business: Post-Issuance Tax Compliance Procedures
Resolution #2022-3-4 **Adopting Post-Issuance Tax Compliance Procedures**

WHEREAS, the Internal Revenue Service has issued regulations requiring issuers of tax-exempt obligations to certify on various forms that they actively monitor compliance with federal tax rules following the issuance of such obligations; and

WHEREAS, the Town is a periodic issuer of tax-exempt obligations and thus is subject to the aforementioned compliance requirements which are critical for the preservation of the preferential tax status of those obligations; and

WHEREAS, it is therefore in the best interest of the Town to adopt formal written procedures to ensure such compliance and to designate an official responsible for ensuring that such procedures are followed; and

WHEREAS, Hodgson Russ LLP, as bond counsel to the Town, has prepared (and has recommended that the Town adopt) post-issuance tax compliance procedures;

NOW THEREFORE, BE IT RESOLVED, that the Town hereby adopts the post-issuance tax compliance procedures that are attached hereto as "Schedule A" and resolves to be governed thereby; and be it further

RESOLVED, that the below Schedule A will be placed in its entirety in the official records, files and minutes of the Town and adhered to going forward; and be it further

RESOLVED, that this resolution shall take effect immediately upon its adoption.

Schedule A

**TOWN OF BENNINGTON,
WYOMING COUNTY, NEW YORK
Post-Issuance Tax Compliance Procedures
for Tax-Exempt Bonds and Notes**

Statement of Purpose

These Post-Issuance Tax Compliance Procedures (the "Procedures") set forth specific procedures of the **Town of Bennington, Wyoming County, New York** (the "Issuer") designed to monitor, and ensure compliance with, certain requirements of the Internal Revenue Code of 1986, as amended (the "Code") and the related Treasury regulations promulgated thereunder (the "Treasury Regulations") in connection with the Issuer's issuance of tax-exempt bonds and notes ("Obligations").

These Procedures describe various systems designed to identify, on a timely basis, facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations to ensure that the interest on such Obligations is eligible for exclusion from gross income for federal income tax purposes. The federal tax law requirements applicable to the Obligations will be described in the tax questionnaire and/or tax certificate prepared by bond counsel and signed by officials of the Issuer. These Procedures establish a permanent, ongoing structure of practices that will facilitate compliance with the requirements for individual borrowings.

To ensure compliance with applicable federal tax requirements, the Issuer must monitor the various direct and indirect uses of proceeds of the obligation and the investment of such proceeds, including but not limited to:

- (1) Monitoring the use of financed property over the life of the obligation.
- (2) Determining the sources of debt service payments and security for the obligation.
- (3) Calculating the percentage of any nonqualified use of the financed property.
- (4) Calculating the yield on investments of proceeds.
- (5) Determining appropriate restrictions on investments.
- (6) Determining the amount of any arbitrage on the investments.
- (7) Calculating any arbitrage rebate payments that must be paid to the U.S. Treasury.

The Issuer recognizes that compliance with the pertinent law is an on-going process, necessary during the entire term of the Obligations. Accordingly, the implementation of the Procedures will require on-going monitoring and consultation with bond counsel and the Issuer's accountants and municipal advisor.

General Procedures

The following procedures relate to monitoring post-issuance tax compliance generally.

- A. **The Town Supervisor, currently Ellen Grant (the "Compliance Officer"),** shall be responsible for monitoring post-issuance tax compliance issues.
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations must be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable Internal Revenue Service ("IRS") requirements, such as those contained in Revenue Procedure 97-22 (see the reference materials presented herewith, referred to herein as "Reference Materials").
- D. The Compliance Officer shall be aware of remedial actions under Section 1.141-12 of the Treasury Regulations (see Reference Materials) and the Treasury's Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance tax compliance procedures and systems on a periodic basis, but not less than annually.
- F. The Compliance Officer will be responsible for training any designated officer or employee who is delegated any responsibility for monitoring compliance pursuant to this procedure. To the extent the Compliance Officer needs training or has any questions with respect to any item in this procedure, he or she should contact bond counsel and/or Issuer's accountants and advisors. The IRS recognizes that the Compliance Officer and any delegated individual are not expected to act as lawyers who know the proper response to all compliance situations that may arise, but they should be familiar enough with federal tax issues that they know when to ask for legal or other compliance advice.

Issuance of Obligations: Documents and Records

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the "Transcript").
- B. Confirm that the applicable information reports (e.g., Form 8038 series) for such issue are filed timely with the IRS. Issuer should consult with their accountants and/or bond counsel with questions regarding the filing of such forms.

- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations.

Arbitrage

The following procedures relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
- B. Confirm that a computation of the yield on such issue from the Issuer's municipal advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations (see Reference Materials).
- F. Monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.

- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.
- M. Arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

Private Activity: Use of Proceeds

The following procedures relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records for determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
 - 1. Sale of the facilities, including sale of capacity rights;
 - 2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
 - 3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
 - 4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
 - 5. Joint-ventures, limited liability companies or partnership arrangements;

6. Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
7. Development agreements which provide for guaranteed payments or property values from a developer;
8. Grants or loans made to private entities, including special assessment agreements; and
9. Naming rights arrangements.

Monitoring of private use should include the following:

1. Procedures to review the amount of existing private use on a periodic basis but not less than annually; and
2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt debt, the Compliance Officer will consult with bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

Reissuance

The following procedures relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

Record Retention

The following procedures relate to retention of records relating to the Obligations issued.

The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.

- C. Coordinate with staff to generally maintain the following:
1. The Transcript relating to the transaction (including any arbitrage or other tax questionnaire, tax regulatory agreement, and the bond counsel opinion);
 2. Documentation evidencing expenditure of proceeds of the issue;
 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation;
 4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
 5. Documentation evidencing all sources of payment or security for the issue; and
 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

Motion by Mohun, seconded by Frounick

Ayes: 5

Noes:

Abstain:

Absent:

Any other Business to Come before the Board/County Matters:

Garbage – Domes: If we have a 5 bag contract does it change with new containers? Volume doesn't match contract must review. 3 large items each month and Recycle items every other week. New schedule is Friday pickup.

Motion was made by Councilman Mohun, second by Councilman Domes to adjourn at 9:23pm.
Voting all ayes; carried

Respectfully submitted,

Deanna Nikiel
Deputy Town Clerk

Bennington Town Board
April 13, 2022
Workshop Session 6:30 p.m. Regular Board Meeting 7:30 p.m.
Meeting Agenda

Workshop session was attended by Supervisor Grant, Councilmen Frounick, Mohun, Bryman and Domes and Deputy Clerk Nikiel. Deputy Highway Superintendent Paul Schroeder reported on on-going activities and current plans for the next several weeks. The crew has been working on cold patching and maintenance on the dirt roads. Not a lot of work can be done until the frost and moisture leave the roads. One truck is out for repairs and won't be back until mid or late May. He has 2 part-time workers assisting the regular work crew. Some of the work done last year on Sierk and Graff need further attention. Pricing has been obtained on paving Schoellkopf from the bridge to Folsomdale and Board approved going ahead with that project in conjunction with the bridge project. He was asked by a neighbor on the other side about paving from the bridge to his residence, with the project paid by the property owner. This has been referred to our attorney to set parameters such as insurance, specifications and standards. He will be on vacation in a few weeks and will ask another crew member to assume responsibility as Deputy.

Supervisor Grant called the meeting to order at 7:39pm. She asked Councilman to lead the Pledge of Allegiance

Financial Matters:

Authorize Supervisor to sign WLB Software Support Agreement for Payroll.
Motion by Mohun, seconded by Frounick to approve the 2022 Payroll Software Support Contracts with Williamson Law Book.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

General Fund vouchers #65 to #81 \$11,651.34
Highway Fund vouchers #37 to #54 \$60,006.13
Cowlesville Water vouchers # 12 to #15 \$2,592.48
Cowlesville Light vouchers # 3-4 \$ 238.90

Motion by Bryman, seconded by Frounick to approve the vouchers for payment.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Financial Reports – REPORTS & EXPENDITURES.

Large decrease in Highway and General Funds is converting cash to certificate of Deposits.

Motion by Mohun, seconded by Bryman to approve the Financial Reports ending March 31, 2022.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Authorize payment of interest on Water District Bond due at the end of the month.

Motion by Mohun, seconded by Frounick to authorize the payment of interest due on Water District Bond in the amount of \$7,646.88 to Chase Bank.

Ayes: 5 Noes: 0 Abstain: 0 Absent :0

Communications:

Annual report for Regional Solid Waste Management Committee.

Certification of membership Association of Towns

Justice Court report Feb & March 2022.

Attorney correspondence re: dangerous dogs/pets. Draft of a letter to be sent to owner along with regulations.

Delaware River Solar – looking to create solar farm on Church Rd. Town Attorney has been given information to review.

Notice on spring programs at Letchworth Park.

The Town Clerk distributed the March Monthly report of the Town Clerk to all Board members. Biotrax certificate of analysis for the water district. Notice of file for local Law #1 from Department of State. NYS Real Property assessment review member list.

Minutes of Previous Meetings:

Motion by Mohan, seconded by Bryman to approve minutes for March 2022 Regular & Special Session

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Petitions and public concerns:

A resident Ron Janish asked without a superintendent what is happening with roads? Supervisor Grant responded; Paul Schroder has offered to fill in until a permanent replacement is found. Only maintenance at this time. Ditches & cold patch as needed. Still really wet. We developed ideas for this year's schedule – dependent on who and when a replacement is found. We are down manpower. Advertising for the position will take place. Hope to have more information by next meeting. Machine issues, man power and weather is holding up progress with the roads. Expecting more money from the state to help.

Question from resident: Why did he quit

Supervisor Grant: Two-fold, frustrated with job and was approached about another position for significant increase in pay. Was not looking for another position.

Question from resident: Two concerns: assessments – grossly unfair to all property owners to the town. Does the town board have any plans to reassess regularly?

Supervisor Grant: Plan is to keep assessment at 100%

Question from resident: Waste Management: gentleman lives on 77 on the west side of the rd. It's very windy. Lost trash cans: if my tote is blown across the road and a car hits hit – who's responsible? For the tote? For the accident?

Supervisor Grant: I don't know the answer. Will reach out for clarification.

Resident: They delivered totes on 77 and missed my house. Was on the phone for 15 minutes with Waste Management who told the resident to call the Wyoming County Planning Department. Wyoming County Planning Department told him to call Waste Management. Larry Johnson from Rt. 77 still doesn't have totes.

With waste managements efficiencies will we see a rate reduction? No

Who negotiates the rates for the garbage? Wyoming county sends requests for bid/proposal every three years.

Worried about losing the totes in the wind.

Supervisor Grant explained recycle vs garbage timing.
Board meeting minutes on the website. Need to update website.

Departments:

Town Clerk/Tax Collector – Town Clerk Busch resigned, Deputy Clerk Nikiel is filling in and hours may be reduced. Will be advertising for the position. Balancing and closing out with Treasurer this week for Tax Collection.

Highway – Projects & work activity;

Deputy Schroeder: Cold patching and dirt rd maintenance. Jay Hoy is working part time to help with manpower shortage. One truck is down until mid-May waiting on parts.

Schoellkopf Rd: received quotes for bridge to Folsomdale. Quotes from county line stone for this: \$56,095.37 materials. \$9,751.39 labor/hauling. Using county annual bid for rates. Not grant money – state aid (Chips)

Extra traffic will require a speed study. Current limit is 55mph. Form will be filled out and sent to traffic safety board. DOT & state police will come do assessment. They decide appropriate speed limit.

Motion by Mohun, seconded by Domes to move ahead with repairs and speed control study on Schoellkopf Rd.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Superintendent Koch would have filled this out – prioritize work, miles of roadway, paving vs oil & stone. Need time to talk with Deputy Schroeder on the 5 year plan. Motion by Frounick, seconded by Bryman table Agreement to spend Town Highway funds to next month.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Property owner on Schoellkopf Rd offered to pay for road improvement. Has been referred to the Town Attorney for review. Liabilities / specs / need to be cleared. Agreements to be drawn up. Work to be done later in the summer.

Assessor –

Date of the BOA review? Last Thursday in May. Grievance is set as the 4th Thursday in May (May 26th). Expecting a higher turnout than most years. As of now 1 committing, expecting 10-20. Overall, mostly questions with explanation and they understand the outcome. Encouragement to keep the town at 100% assessment. Will wrap up everything at the end of next week. Between May 1st and grievance day they can ask for more information but no changes will be made. State tentatively approves us at 100%. Scout camp sale? Hasn't been filed yet. Property would be taxable as of March 1st next year. Payment of taxes for prorated will be added to next years taxes.

Zoning/Planning – Special use Permit/Home Occup. Renewals
Monthly report – open projects & various permits.

Special Use Permit Renewals:

McCabe Trucking – Trucks not running but would like to kept permit active.

Brier Hill (77 const) – Special Use Permit

Pat McCracken – Special Use Permit

Home Occupation Permits:

Mark Dusen – L Dusen Marketing

Brian Pfeiffer – Design a tea
Ed Duda – Duda Wood Works LLC
Merlyn Bissel – M.E. Bissell Lawyer
Ed Lautenschlager – D&L Toy Trains
Stacey Acquard – Acquard’s Dog Grooming
Deb Buckley – The Bettinoll Company
John Brandon – Aerie Design Services
Tom Hudson – Sunset Printing
Joe Ciulla – Rispoli’s Bakery Inc

Motion by Frounick, seconded by Mohun to approve the 2022 renewals of Special Use and Home Occupation Permits as reviewed by the Board.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Water District –

Meeting with the County in several weeks to review grant project for replacing water meters & equipment. Still waiting on state paperwork. 6-8 water districts in the county participating.

Court – Nothing to report

Park/Recreation – Egg Hunt went well. Parking lot; Highway department using old pole for barrier to keep people from driving on the lawn. Bathrooms will be open in the next couple weeks.

Old Business: Advertising for vacant positions

Motion by Mohun, seconded by Frounick to approve the Advertising for vacant positions within the Town.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Resolution #2022-4-1 Advertising for vacant positions within the Town

Be it Resolved, that the Town Clerk is hereby authorized and directed to advertise for applications of interested parties for the positions of Town Highway Superintendent and of Town Clerk, said applications and letters of interest to be directed to the Bennington Town Board.

New Business: Iron wood golf course in process of being sold. Waiting for paperwork & applying for liquor license. New owners doing banquets.

Any other Business to Come before the Board/County Matters:

Adjourn at 8:42pm by Councilwoman Mohun

Respectfully Submitted,

Deanna Nikiel – Deputy Town Clerk

Bennington Town Board
May 11, 2022

Workshop session: Supervisor Grant met with all Council members at 6:30 p.m. to audit vouchers for payment; members reviewed job applications for Highway Superintendent and discussed Highway Dept. activities with Dep. Supt. Paul Schroeder including Schoellkopf Rd paving & possible additional paving. David DiMatteo, Attorney for the Town, met with Board members on several confidential matters in attorney/client status. Mr. DiMatteo also distributed information to those present on solar projects and the implications of PILOT agreements and assessment practices.

Supervisor Grant called the meeting to order at 8:00 p.m. with all Board members present. Councilman Domes led those present in the Pledge of Allegiance.

Financial Matters: General Fund vouchers #82 to #92 \$ 5,663.92
Highway Fund vouchers #55 to #70 \$46,061.72
Cowlesville Water vouchers #16 to #21 \$10,440.42

Motion by Bryman, seconded by Mohun to approve the vouchers for payment.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Financial Reports – Monthly Report of the Supervisor for April and Detail of Expenditures for General, Highway and Water Funds were distributed.

Motion by Mohun, seconded by Frounck to approve the Financial Reports ending April 30, 2022.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Communications: April court activity report of Justice Linsey; solar farm information from D. DiMatteo; Gravel pit permit copy from NYS DEC for Kissell; Charter Communications franchise fee payment for 2022.

Minutes of Previous Meetings: March Special Session & April Regular Session

Motion by Mohun, seconded by Domes to table approval of the above minutes until June meeting.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Petitions and public concerns: Town Hall Janitor Carolyn Mruczak asked permission to purchase a replacement for the lawn mower. Motion was made by Domes; seconded by Mohun to approve said purchase. All ayes; carried.

Departments: Town Clerk/Tax Collector – Hours are limited due to the availability of Deputy Clerk's time. Monday evenings for the month of May the office will be open as well as by appointment.

Highway – Projects & work activity were reviewed by Dep. Superintendent Schroeder, including recent paving on Schoellkopf, equipment repairs, grading & ditching and hauling.

Assessor – Grievance Day will be Thurs. May 26. So far 4 appointments have been set, but the Assessor anticipates between 10 and 30 will attend. He will be filing his final assessment numbers during June. Attorney DiMatteo spoke regarding changes to assessment practices on solar projects, which is pertinent as the Town has received a

notice from Delaware River Solar regarding a potential project on Church Road. DRS is requesting a decision by the Town Board on whether we would require a PILOT agreement or opt out. Assessor Kirsch also explained the benefits of negotiating a PILOT. Companies may not continue pursuing a project if there's an opt out as they do not know the long term financial costs of the project. Based on the more certainty of an established PILOT vs. changeable assessments, the Board presented the following for adoption.

Resolution #2022-5-1 Resolution of the Town Board of the Town of Bennington Requiring that Delaware River Solar Enter into a PILOT Agreement

The Town Board of the Town of Bennington met at a regular board meeting at the Town Hall located at 905 Old Alleghany Road Attica NY 14011 on the 11th day of May, 2022 commencing at 7:30 p.m. at which time and place the following members were:

Supervisor Ellen Grant

Councilman Bernard Frounick

Councilman Joyce Mohun

Councilman Brandon Bryman

Councilman Chris Domes

WHEREAS All Board Members, having due notice of said meeting, and that pursuant to Article 7 S 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 of the Town of Bennington has received notice dated April 5, 2022 from Delaware River Solar which expresses the intent to construct a solar project on Church Road and offers the Town sixty (60) days to respond with the Town's intent to require a contract for payments in lieu of taxes (PILOT), or whether the Town is opting out of the exemption pursuant to Real Property Tax Law (RPTL) 487; and

WHEREAS, The Town Board of the Town of Bennington believes it to be in the best interest of the Town of Bennington to require that Delaware River Solar enter into a PILOT agreement with the Town of Bennington.

NOW, on a motion of Councilman Domes which has been duly seconded by Councilman Bryman, be it

RESOLVED, the Town Board of the Town of Bennington hereby requires that Delaware River Solar enter into a PILOT Agreement with the Town of Bennington; and be it further

RESOLVED, THE Town Board of the Town of Bennington shall provide written notice to Delaware River Solar before June 1, 2022 which suggests that Delaware River Solar is required to enter into a PILOT agreement with the Town; and be it further

RESOLVED, this resolution shall be provided to Delaware River Solar, and filed with the New York State Energy Research and Development Authority (NYSERDA) and the New York State Division of Tax and Finance.

Ayes: 5

Nays: 0

Absent/Abstain: 0

Zoning/Planning – Nothing to Report

Water District – County still waiting for paperwork from the state on the grant

Court – Nothing to report

Park/Recreation – Highway has started the pump for the restrooms, which will open later this week.

Old Business: A formal resolution is needed to proceed with the application for a speed limit review:

Resolution #2022-5-2 Request Speed Limit Assessment on Schoellkopf Rd.

Be It Resolved, that the Bennington Town Board hereby requests the NYS Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on Schoellkopf Road, a Town roadway, between Folsomdale Road and Burrough Road within the Town of Bennington; and

Be It Further Resolved, that upon receipt of the notice that the regulation herein requested has been established, the Town of Bennington will provide, install and maintain signs in accordance with the Vehicle and Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

Motion by: Mohun Seconded by: Bryman
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Resolution #2022-5-3 Create Position of Deputy Clerk & Appoint

Be It Resolved, that the Bennington Town Board hereby creates the position of Deputy Town Clerk/Registrar (2nd) at a salary of \$15.00 per hour effective May 1, 2022; and

Be It Further Resolved that Carolyn Busch, 251 Sargent Street, Cowlesville NY is hereby appointed to the position of Deputy Town Clerk/Registrar, effective May 1, 2022.

Motion by: Bryman second by: Frounick
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Resolution #2022-5-4 Create Position of Acting Highway Superintendent & Appoint

Be It Resolved, that the Bennington Town Board hereby creates the position of Acting Highway Superintendent at an annual salary of \$70,000 with all benefits received by the Highway Superintendent, for a term of May 16, 2022 through December 31, 2022; and

Be It Further Resolved, that Jacob Jensen, 3446 Stroh Road, Attica NY is hereby appointed to the position of Acting Highway Superintendent, effective May 16, 2022, contingent upon meeting all the Town requirements of employment.

Motion by: Mohun second by: Frounick
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Garbage Collection: Councilman Domes inquired about the contract with the County for trash collection – terms, period, etc. He expressed concern with the total amount of

the contract and whether alternative town-wide service would be more cost effective. Assessor Kirsch provided him with the total number of residential parcels in the program. He will continue to study this for a possible separate bid process when the agreement expires.

New Business: Memorial Day Observance – the Historical Society is planning on returning to the regular observance at 11 a.m. with the Attica Marching Band parading from the park to Cowlesville Cemetery, readings, roll call of deceased veterans and music and following that, the band will proceed to the museum for additional music and a hot dog lunch will be held. Veterans will receive a free lunch. Those present at the meeting were asked to notify the Supervisor or Deputy Clerk if they knew of any veterans from the Town who passed away during the past several years so the roll call list can be updated.

Deputy Highway Superintendent Paul Schroeder was thanked for assuming those responsibilities during the Superintendent vacancy.

There being no further business, a motion was made by Councilman Domes to adjourn. Meeting adjourned.

Ellen Grant, Supervisor

Bennington Town Board
June 8, 2022
Workshop Session 6:30 p.m. Regular Board Meeting 7:30 p.m.
Meeting Agenda

Workshop session was attended by Supervisor Grant, Councilmen Frounick, Mohun, Bryman and Domes and Deputy Clerk Nikiel. Highway Superintendent Jensen reported on ongoing activities.

Attorney David Dimatteo joined the meeting. He presented paperwork to set the public hearings for Local Law #2 & #3 regarding expanding the allowable residency for Highway Superintendent and hold a referendum on having the Superintendent be an appointed position. Against All Odds – submitted answer to letter. Arguing against corporation inconsistencies. Received a letter from an attorney not representing the party. Penberthy letter was read by Dimatteo. Assessor Kirsch explained some details. Discussed the value of the dog shelters on property and whether a portion of the dog shelter and use areas could be exempt.

Supervisor Grant called the meeting to order at 7:48pm. She asked Councilman Frounick to lead the Pledge of Allegiance.

Financial Matters:

General Fund vouchers # 93 to # 111 \$ 9,130.65
Highway Fund vouchers # 55 to # 59 \$ 74,220.52
Cowlesville Water vouchers # 22 to # 26 \$ 2,929.38
Cowlesville Light vouchers # 5 - 6 \$ 240.70

Motion by Mohun, seconded by Bryman to approve the vouchers for payment.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Financial Reports. Supervisors Monthly Report & Detailed expenditures provided:
Motion by Mohun, seconded by Frounick to approve the Financial Reports ending May 31, 2022.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Appropriations:

Motion to approve the appropriation of funds to the Highway Department in the amount of \$271,364.89:

To DA5112.4 Permanent Improvements	\$271,364.89
From: Federal ARPA Funds	\$175,000.0
State Aid/CHIPS/EWR/PAVENY	\$ 96,364.89

Motion by Domes, seconded by Bryman to approve the appropriation to the Highway Department.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Communications:

You Dig would like to update contact information.

Board of Elections provided primary election dates 6/28 & 8/23 at the Bennington Town Hall.

Driven Contracting notice of insurance.

Notification that a new business agent has been issued by Teamsters Local 264 - Nick Dorren will represent the Teamsters Unit.

Petitions and public concerns:

Two residents commented that roads in Bennington are impassable. No more excuses roads need to be fixed. We want to see results. Supervisor Grant went over work that has been completed along with planned projects for 2022. Asked about grants for road work. Councilwoman Mohun agreed to contact the Labella contact provided by a resident who is the sister-in-law of a Wyoming County Highway employee. Explained we needed to get to 100% equalization to get funding for roads. We just reassessed to position that would help us to obtain funding through borrowing. Assessor James Kirsch entered the meeting to help explain re-assessment to a resident.

Departments:

Highway – Projects & work activity; Agreement to Spend Funds; Equipment repairs. Parts came in for the down truck. Working on Ortner and south Burrough doing ditches and driveway pipes.

Some improvements planned for 2022: Burrough Rd.- Getman to Clinton- 1.5 mi

Bear Rd from Folsomdale to Burrough Rd bridge - 1.5 mi

Schoelkopf from Folsomdale to the Bridge - .6

Poland Hill Rd from Hoover to Rt 77 - 1.8 miles. Will be starting these projects as soon as possible, depending on vendor & partnering towns schedules.

Resolution #2022-6-1 Agreement to Spend Highway Funds

Be It Resolved, that the Bennington Town Board hereby approves the 2022 Plan and Agreement to Spend Highway Funds on Permanent Improvements and General Repairs in the amount of \$896,126.

Motion by Mohun, seconded by Domes - Agreement signed.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Town Clerk/Tax Collector – nothing to report

Assessor – Grievance Day - July last day to report. Quite a few people came in.

Supervisor Ellen received email from NYS stating equalization is at 100% 1986 was the last year at 100%. Resident requested the names of people on grievance board. Assessor Kirsh will be teaching a class on assessment third week in July – and will be able to attend the conference at no cost to the town.

Resolution #2022-6-2 Inter-municipal Agreement with Town of Orangeville

Be it Resolved, that the Town Board hereby authorizes the Town Supervisor to enter into an agreement with the Town of Orangeville to provide Board of Assessment Review (BAR) Grievance Hearing for any and all applications that are deemed a conflict of interest or scheduling with the Bennington BAR for 2022 and the Town of Bennington will reimburse the Town of Orangeville for any/all costs associated with such cases.

Motion by Mohun, seconded by Frounick.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Zoning/Planning – Renewal of Home Occupation Permits

Resolution #2022-6-3 Renewal of Home Occupation Permits

Be it Resolved, that the Town Board hereby approves the one-year renewal of the following Home Occupation Permits:

Cynthia Ciupek – C*Shore Design	M & T. Wildey -Wildey Hair Salon
Gary Arcese – G. Arcese Enterprise (fire arms)	Allen Linsey – Precision Cylinder
Paul Dersam – Alden Real Estate Group	Head
James Voglmayr – Premier Kitchen	

Motion by Frounick, seconded by Bryman.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Zoning recap. Question the size of the lean to – not identified.

Water District – Water resource agency. Grant is being processed and should start work in the next month.

Park/Recreation – Swimming contract with Byrncliff; spray at park. Sign up on the website. Park is open.

Resolution #2022-6-4 Youth Recreation Contract with Byrncliff

Be It Resolved, that the Town Board hereby approves the 2022 agreement between the Town and Byrncliff Resort & Conference Center for the summer youth recreation swimming and craft program for the period July 12, 2022 through August 18, 2022 in an amount not to exceed \$2,112.

Motion by Bryman, seconded by Domes

Ayes: 6 Noes: 0 Abstain: 0 Absent: 0

Court – nothing to report

Old Business: Waste Management contract. Need a plan for escalation and 5 years in the future.

New Business: Electronics collection. County site will be in Batavia this year. Bennington fire department has offered their site for a Town collection. Sign up ahead of time with proof of residency. Request for expected items. Possible ask for donation. No date yet.

Resolution #2022-6-6 Electronic Collection and Disposal

Be it Resolved, that the Town of Bennington will hereby conduct a collection of used/obsolete electronic equipment including television sets, computer CPUs, monitors, servers and other electronics as acceptable for such collection under the guidance of the NYS Department of Environmental Conservation and the GLOW Solid Waste; and

Be it Further Resolved, that the Supervisor shall be authorized to enter into agreements with Sunnking for the proper disposal of such items and with the Bennington Vol. Fire Company for the collection of materials to occur at their fire hall.

Motion by Mohun, seconded by Frounick.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Minutes of Previous Meetings: May Regular Meeting

Motion by Bryman, seconded by Domes to approve minutes for April Special Session and May Regular Session

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Any other Business to Come before the Board/County Matters:

Motion to enter into executive session to discuss a legal matter 8:53pm.

Motion by Mohun, seconded by Frounick.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Motion by Mohun, seconded by Bryman to close Executive Session. All ayes; carried. Regular Session resumed at 9:39 p.m.

Resolution #2022-6-7 RESOLUTION TO SET A PUBLIC HEARING REGARDING PROPOSED LOCAL LAW NO. 2 OF 2022, "ESTABLISHING THE RESIDENCY REQUIREMENTS FOR THE OFFICE OF HIGHWAY SUPERINTENDENT 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 Alleghany Road, Bennington, New York 14011 on the 8th day of June, 2022, commencing at 7:30 p.m. at which time and place the following members were:

Present: Supervisor Ellen Grant; Councilman Bernard Frounick; Councilman Joyce Mohun; Councilman Brandon Bryman and Councilman Christin Domes.

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 is considering adopting a proposed local law, entitled "Establishing the Residency Requirements for the Office of Highway Superintendent in the Town of Bennington," which would set the residency requirements for the Superintendent of Highways in the Town of Bennington; and

WHEREAS, the Town Board of the Town of Bennington finds it in the best interest of the Town of Bennington to hold a public hearing to consider the adoption of said local law; and

NOW ON MOTION OF Mohun which has been duly seconded by Domes, be it

RESOLVED, by the Town Board of the Town of Bennington will hold a public hearing on the proposed adoption of said local law, "Establishing the Residency Requirements for the Office of Highway Superintendent in the Town of Bennington" on the 13th day of July 2022 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5 Nays: 0 Absent/Abstain: 0__

**Resolution #2022-6-8 RESOLUTION TO SET A PUBLIC HEARING
REGARDING PROPOSED LOCAL LAW NO. 3 OF 2022,
"CHANGE THE OFFICE OF HIGHWAY SUPERINTENDENT FROM AN
ELECTED OFFICE TO AN APPOINTED OFFICE",
SUBJECT TO MANDATORY REFERENDUM**

WHEREAS, the Town Board of the Town of Bennington held a regular meeting on the 8th day of June, 2022, commencing at 7:30 p.m. at which time and place the following members were Present: Supervisor Ellen Grant; Councilman Bernard Frounick; Councilman Joyce Mohun; Councilman Brandon Bryman and Councilman Christin Domes.

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 is considering a proposed local law, entitled "Change the Office of Highway Superintendent from an Elected Office to an Appointed Office," which would abolish the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways in the Town of Bennington; and

WHEREAS, the Town Board of the Town of Bennington finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

NOW ON MOTION OF Domes which has been duly seconded by Bryman, be it

RESOLVED, by the Town Board of the Town of Bennington will hold a public hearing on the proposed adoption of said local law on the 13th day of July 2022 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5 Nays: 0 Absent/Abstain: 0

Motion was made by Councilman Mohun to adjourn. Carried. Meeting adjourned 9:50 p.m.

Deanna Nikiel,
Deputy Clerk

Bennington Town Board
July 13, 2022

Workshop Session was opened at 6:30 p.m. with Supervisor Grant, Councilmen Frounick, Mohun, Domes & Bryman in attendance. Members audited vouchers for the month. Supv. Grant reviewed the work the Highway Department had recently completed on East Bear and a portion of Burrough Roads. They will be starting on paving Poland Hill Road, and following that will be working on North Burrough and a portion of Schad Road. Discussed repairs being made on highway equipment. The Attorney for the Town David DiMatteo joined the meeting to discuss the proposed Local Laws on the agenda, possible rezoning of a parcel on Clinton Street, as well as confidential legal issues.

Regular Board Meeting

Supervisor Grant called the meeting to order at 7:35 p.m., with Councilman Bryman leading the Pledge of Allegiance. All Board Members were in attendance.

Public Hearing on Local Laws #2 and #3, Year 2022 was opened at 7:39 p.m.

Financial Matters: General Fund vouchers #112 to #131 \$9450.79
Highway Fund vouchers #60 to #68 \$70084.79
Cowlesville Water vouchers #27 to #32 \$2787.52
Cowlesville Light vouchers # 7 \$119.90

Motion was made by Bryman, seconded by Frounick to approve vouchers for payment.
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

The Financial Reports for the month ending June 30, 2022 were reviewed. A motion was made by Mohun and seconded by Bryman to approve the reports as submitted.
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Communications: Supervisor's Communications – Notice from NYS Div. of Budget of the second ARPA payment in the amount of \$165,178.98; Certificates of Insurance for County of Wyoming & NY Electrical Inspection Agency; Justice Court reports for May (Wawrzyniak) and June (Linsey); newsletters from Sheldon Historical Society and covered bridge associations. A FOIL request for information on Town employees, titles & contact information was received from SmartProcure and a response sent. Councilman Mohun - an email regarding LaBella engineering on the question on grant funding for road repairs. Mr. Flynn told her there was no funding for road repairs other than what we are already receiving from the state.

Minutes of Previous Meetings: Motion by Domes, seconded by Mohun to approve the June Regular Meeting minutes.
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Petitions and public concerns: Russ and Camille Haentges attended to present the Board with a petition signed by 17 residents of Urf Road requesting the speed limit on the road be reduced from 55 mph to 45 mph due to blind spots (hills, curves) and horseback riders. The process for speed limit reductions was reviewed.

Motion to accept the petition and further the request to the appropriate parties was made by Mohun and seconded by Bryman.

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Hear Comments on Local Law #2 and #3 – the Board reviewed the proposed Local Laws, with copies available for the public. Motion was made by Mohun, seconded by Frounick to close the public hearing at 8:03 p.m.

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Departments: Highway – Road projects that were discussed in the workshop session were reviewed. One truck has been repaired after several months waiting for a part and another will need extensive work done on the emissions system. Supervisor Grant informed members that the open period to negotiate the labor agreement has started. She would like to explore options for health insurance for possible savings. Members requested a copy of the current agreement to review.

Town Clerk/Tax Collector – Nothing to report. Have not recently received any resumes for advertised opening.

Assessor – Nothing to report.

Zoning/Planning – Home Occupation renewal MJ Graphics – Motion was made by Mohun, seconded by Frounick to grant a one year renewal. Ayes: 5 Noes: 0
Absent: 0 Abstain: 0. Members reviewed the copy of the Zoning report for June. A possible rezone may be requested for property on Clinton Street near Maxon Road for a commercial use.

Water District – Water will be discussed later in the agenda.

Court – Nothing to report.

Park/Recreation – Nothing to report other than summer concerts this month.

Old Business:

Resolution #2022-7-1 LOCAL LAW NO. 2 OF 2022
A LOCAL LAW ENTITLED “ESTABLISHING THE RESIDENCY
REQUIREMENTS FOR THE OFFICE OF HIGHWAY SUPERINTENDENT IN
THE TOWN OF BENNINGTON”

BE IT ENACTED by the Town Board of the Town of Bennington as follows:

SECTION I. TITLE

This local law shall be entitled “Establishing the Residency Requirements for the Office of Highway Superintendent”.

SECTION II. AUTHORITY

New York State Election Law § 1-104(2) defines the term “residence” as “a place where a person maintains a fixed, permanent and principal home and to which he, wherever temporarily located, always intends to return.”

This local law is adopted pursuant to Municipal Home Rule Law §§ 10(1)(i) and 10(1)(ii)(a)(1) which grants to local governments the authority to enact local laws pertaining to the qualifications of local officers.

Moreover, the Town Board recognizes that the State Legislature has, on various occasions, for various offices, including that of a Town Superintendent of Highways, in various municipalities, has amended Town Law § 23 and passed special provisions under

Public Officers Law § 3 so as to create exceptions to the general residency requirements as set forth in those statutes, thereby rendering said statutes to be special laws, rather than general laws, insofar as the office of a Town Superintendent of Highways is concerned. Accordingly, this Town Board may supersede and amend Town Law §23, and adopt provisions consistent with the special provisions in Public Officers Law § 3, specifically those provisions made in Public Officers Law §§ 3(16) regarding the Town of New Castle, Westchester County, in regards the residency requirements for the office of Superintendent of Highways of the Town of Bennington.

SECTION III. PURPOSE

The purpose of this local law is to amend the residency requirements of the position of Superintendent of Highways in the Town of Bennington.

SECTION IV. RESIDENCY REQUIREMENTS FOR HIGHWAY SUPERINTENDENT

The provisions of Town Law § 23 and Public Officers Law § 3 requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he shall be chosen or within which his official functions are required to be exercised, shall not prevent a person from holding the office of Town Superintendent of Highways of the Town of Bennington, provided that such person resides in the county in which such town is located or an adjoining county within the state of New York or such town provides by resolution that such person need not be a resident of such town, but must be a resident of New York state.

SECTION V. SUPERSESSION

This local law shall supersede the residency requirements set forth in Town of Bennington Local Law No. 1 of 2019 and Town Law §23 in regard to their application to the office of Superintendent of Highways of the Town of Bennington. This local law does not supersede the general provisions of Public Officers Law § 3, but rather incorporates the special provisions provided under §§ 3(16) thereof.

SECTION VI. SEPARABILITY

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provision hereof shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION VII. EFFECTIVE DATE

This local law shall take effect upon filing in the office of the New York State Secretary of State.

Motion by Domes, seconded by Mohun to approve.

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Resolution #2022-7-2 LOCAL LAW NO. 3 OF 2022
A LOCAL LAW ENTITLED, "CHANGE THE OFFICE OF HIGHWAY SUPER-
INTENDENT FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE"

BE IT ENACTED by the Town Board of the Town of Bennington as follows:

SECTION I. TITLE

This local law shall be entitled "Change the Office of Highway Superintendent from an Elected Office to an Appointed Office".

SECTION II. AUTHORITY

This local law is enacted under the authority of Municipal Home Rule Law §§ 10, 22 and 23. The Town hereby expressly states its intention that this local law shall supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law § 20.

SECTION III. PURPOSE

The purpose of this local law is to abolish the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways in the Town of Bennington.

SECTION IV. ABOLITION OF ELECTED POSITION; CREATION OF APPOINTED POSITION

The elected position of the Superintendent of Highways in the Town of Bennington is hereby abolished, effective December 31, 2022. The appointed position of the Superintendent of Highways in the Town of Bennington is hereby created, effective January 1, 2023.

SECTION V. TRANSFER OF DUTIES

Except as set forth in Section VII, all duties, authority and power previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of Highways.

SECTION VI. RESIDENCY REQUIREMENTS

The person holding the office of Superintendent of Highways in the Town of Bennington, need not be a resident nor an elector of the Town of Bennington, provided, however, that such person shall reside in Wyoming County or in an adjoining county within the State of New York.

SECTION VII. AUTHORITY OF SUPERINTENDENT; APPOINTING AUTHORITY

(a) The appointed Superintendent of Highways shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board may determine not inconsistent with law. Any references contained in the Code of the Town of Bennington to the Superintendent of Highways shall be construed as applying to the duly appointed Superintendent of Highways.

(b) The Town Board shall be the appointing authority for all employees of the Town of Bennington Highway Department.

SECTION VIII. TERM OF OFFICE AND FILLING VACANCY

The appointed Superintendent of Highways of the Town of Bennington shall serve for a term of four (4) years, upon the terms and conditions determined by the Town Board, unless sooner removed by the Town Board in the manner provided for in this local law. A vacancy in the Office of Superintendent of Highways shall be filled by the Town Board for the unexpired term in the manner provided by law.

SECTION IX. SALARY AND REMOVAL OF HIGHWAY SUPERINTENDENT

(a) The salary of the Highway Superintendent shall be fixed by the Town Board and shall be payable in such installments and at such intervals as the Town Board shall determine, which may be modified by resolution of the Town Board from time to time.

(b) The Town Board may remove the Highway Superintendent for malfeasance or misfeasance in office upon written charges presented to the Town Board in the form of one or more affidavits. The Highway Superintendent shall have an opportunity to appear before the Town Board and be heard. Copies of any such charges shall be served upon the Highway Superintendent accused thereby at least ten (10) days before his/her appearance before the Town Board.

SECTION X. MANDATORY REFERENDUM

This local law shall be subject to a mandatory referendum to be held at the next regularly scheduled General Election on November 8, 2022.

SECTION XI. SEPARABILITY

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provision hereof shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION XII. EFFECTIVE DATE

This local law shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at such General Election on November 8, 2022, and the filing with the Office of the Secretary of State in accordance with the applicable provisions of law, on January 1, 2023.

Motion by Mohun, seconded by Bryman to approve.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

New Business: Water Resources Grant: Steve Perkins from the Wyoming County Water Resource Agency spoke to the Board members, public, Water System Operator Mark Pruitt and Water Clerk Judy Brown regarding the NYS grant received for multiple towns to upgrade their water meters and reading systems. He reviewed the grant process and stated what details he would need on our system and will require some spot checks to verify information. This will also help with doing an inventory of any lead pipes being used within the system. Cowlesville will be the first system to get the upgrades. There are some issues involving prices and supplies and he anticipates an eight week lag period for orders. Everything should be approved in August and the work would be done in the fourth quarter of this year. The actual replacement work could be bid out or done in house. The estimated cost to do our system is \$40,000 and we would need to contribute 10 percent or \$4,000. The Clerk will likely need to do two more billings.

Any other Business to Come before the Board/County Matters:

Motion was made by Mohun, seconded by Bryman to change the authorized signer on the Bennington Town Baseball Account to be changed to that of the Town Supervisor.

Ayes: 5 Noes: 0 Absent: 0 Abstain: 5

Meeting was adjourned at 8:45 p.m. on a motion of Councilman Mohun.

Bennington Town Board
August 10, 2022

Workshop Session began at 6:30 p.m. with all Board members in attendance, as well as Highway Supt. Jensen and Deputy Clerk Nikiel. Members audited claims for the month of July. Supt. Jensen reviewed road work being done and equipment repairs. Discussion was held on purchasing equipment on auction sites. Members then reviewed the agenda items, discussed the Sugarbush Armory Special Use Permit application, and the 8/24 visit to Against All Oddz.

Supervisor Ellen Grant called the August Town Board Meeting to order at 7:30 p.m. with Councilmen Frounick, Mohun, Domes & Bryman in attendance. Councilman Domes led the pledge of allegiance to the flag.

Financial Matters: General Fund vouchers #132 to #155 \$11,924.75; Highway Fund vouchers #69 to #89 \$417,535.83; Cowlesville Water vouchers #33 to #38 \$2,814.99; and Cowlesville Light voucher # 8 \$119.00 were presented for payment. Motion made by Mohun, seconded by Bryman to approve payment of the bills as audited.
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Financial Reports for the month of July 2022 were presented for approval. Motion by Mohun, second by Frounick to approve the financial reports.
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Inter fund transfer: Motion by Domes, seconded by Bryman to approve an interfund transfer of \$300,000 from General Fund to Highway Fund, and establish a Due To/Due From record of such transfer, to be repaid prior to 12/30/22 upon receipt of State Aid Claim Quarter #3 payment.
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Communications: Historical Society Program 8/23 at Town Hall – Roaring 20's; Property maintenance complaint 2230 Church Rd; Justice Wawrzyniak Court Reports – June & July; DiMatteo – AAOAA property visit 8/15; County Historians summer program; Certif. of Ins. Brier Hill Contracting; NYS Ag & Markets – annual inspection reports for Animal Shelter & Dog Control Officer; CWD water billing summary; Wyo Co Soil & Water: Workshop in invasive species 9/8 in Warsaw; Assoc of Towns webinar on town budgets 9/1 – Dee will be participating; NYS DOT acknowledgement of speed limit review request.

Minutes of Previous Meetings: Motion made by Mohun, second by Domes to approve the July Regular Meeting minutes.
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Bennington Fire Company: President J. Zymowski, Chief K. Brandon and several members of the Fire Company were present to provide the Board with information regarding new state legislation *EMS Recovery Act* that will result in fire companies being billed for Advance Life Support services when provided by outside ambulance companies such as Mercy and Monroe. The Fire Company has been discussing this and reviewing their history of the use of the ALS services and what the financial impact will

be on their organization. They are hesitant to bill individuals for the service to recoup the cost as they get financial support already from the people with tax dollars and fundraising donations. At the present they are looking at adding the amount to their annual town contract for next year and see what the use & expense will be. Councilman Mohun inquired about using some of the ARPA funding for a one time payment to create a fund and see how long the funding lasts. Other companies are exploring multiple options to cover the expense. Some will bill, some don't provide ambulance service. A billing service may cost \$6,000 to set up. The Fire Company will present their letter for the 2023 contract to the Board prior to the September Board meeting.

Petitions and public concerns: J. Dimick of Schoellkopf Road addressed the Board on concerns she has with the roadway in front of her home. She stated the neighbor across the street installed a stone fence/curb alongside the road that was constructed on the shoulder/right-of-way, so now road shoulders and travel lanes are encroaching further onto her property, with plows damaging the lawn. There had also been directional arrows at the intersection that have been removed. She was advised to get a copy of her survey to determine the location of the right-of-way and property line, as there was some question regarding the tree that was removed several years ago being on the right-of-way, giving some indication of the ROW location. The town will request the state to review the intersection and signage when they do the speed limit review, and will check with the County Highway Department about the missing directional arrows.

Departments: **Highway** – The Board presented a review of the recent and planned projects (East Bear from Folsomdale to Burrough Road bridge) north Burrough from Getman to Clinton, Poland Hill from Rt. 77 to Graff & Hoover, Schad Road hill and the north section of Tinkham. Additional work includes pipes, ditching, grading and tree removal.

Town Clerk/Tax Collector – A copy of the July activity report was included in Board packets.

Assessor – Memo from Real Property Tax on 2023 Final Roll Values

Zoning/Planning – Monthly Report from the Zoning Office for July.

Special Permit Renewal DMR Towing on Bear Road. Motion by Frounick, second by Bryman to approve the 3 year renewal of the DMR Special Use Permit.

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Prior to the adoption of the following Resolution, Supervisor Grant read a letter from Attorney DiMatteo advising the Town on zoning procedure for this application.

RESOLUTION #2022-8-1 SPECIAL USE PERMIT REFERRALS AND LEAD AGENCY DESIGNATION

Whereas the Bennington Town Board is in receipt of an application for a Special Use Permit by Kimo Brandon, dba Sugarbush Armory for property located at 2065 Clinton Street, Attica NY 14011 to operate a retail store for sporting goods and possible future indoor shooting range; and

Whereas, the Town of Bennington Zoning Law requires a minimum of 100 acres for operation of gun clubs in an Agriculture/Residential District; and

Whereas the Attorney for the Town of Bennington has advised that the designation of the proposed action best meets the description of "gun club", and

Whereas the applicant has submitted required documents to the Town Zoning Officer to proceed with this action; now, therefore,

Be it Resolved, that the Town of Bennington hereby refers this application to the Wyoming County Planning Board, the Town of Bennington Planning Board and to the Town of Bennington Zoning Board of Appeals for an area variance review; and

Be it Further Resolved, that the Bennington Town Board hereby declares itself as Lead Agency for the purposes of SEQR review and hereby sets a date for a Public Hearing on said application of September 14, 2022 at 7:30 p.m. at the Town Hall and authorizes the advertisement of the same.

Motion by Mohun, second by Bryman to approve.

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Water District – Steve Perkins is awaiting some final pricing on equipment/supplies before we proceed with the meter upgrades.

Court – Nothing to report

Park/Recreation – Summer concerts are complete; may have a fall baseball league.

Old Business: Discussion with Bennington Fire Company on hosting an electronics collection at the fire hall with the Town organizing and paying for the materials and disposal. President Zymowski provided information on dates in October when other events are planned, and it was decided to work on October 8th for the collection.

New Business: None

Any other Business to Come before the Board/County Matters: None

Motion was made by Domes, seconded by Mohun to enter into executive session to discuss union contract negotiations. Motion unanimously carried at 8:55 pm.

Motion was made by Frounck and seconded by Bryman to exit from executive session at 9:27 p.m. Motion was unanimously carried.

Motion to adjourn by Domes at 9:28 pm was unanimously approved. Meeting adjourned.

Bennington Town Board
September 14, 2022
Workshop Session 6:30 p.m.

Supervisor Grant opened the workshop session at 6:30 p.m. with all Councilmen present. Members conducted the review and audit of claims presented for payment and discussed legal issues related to the Town. They were joined by Highway Superintendent Jensen and a discussion was held on equipment repairs, completed work, potential purchase of a new tractor and accessories in 2023 and scheduled road paving for the balance of this year. Mr. Jensen would like permission to pave a small portion of Schad Road north of the bridge. Due to budget constraints, funding would need to be appropriated from the Reserve Funds, and other than small patching and paving, this would be the last project for the year. Board members felt the condition of the road and sight lines on the hill warrant the appropriation/-expenditure and Mr. Jensen was instructed to schedule the work. This will push work on Tinkham Road (north) off to next year.

Regular Board Meeting 7:30 p.m.

Supervisor Grant called the Regular Session to order at 7:35 p.m. with all Board members in attendance. Councilman Domes led the pledge of allegiance to the flag.

Public Hearing on a Special Use Application by Kimo Brandon, Sugarbush Armory was opened at 7:35 p.m.

Financial Matters: General Fund vouchers #156 to #171 \$3,384.36
Highway Fund vouchers #90 to #109 \$268,087.91
Cowlesville Water vouchers #39 to #42 \$2,826.34
Cowlesville Light vouchers # 9 \$119.90

Motion was made by Mohun and seconded by Frounick to approve the vouchers for payment. Ayes: 5 Noes: 0 Abstain: 0 Absent: 0 Carried

Motion by Domes, seconded by Bryman to approve the Financial Reports ending August 30, 2022. Ayes: 5 Noes: 0 Abstain: 0 Absent: 0 Carried

Communications: Supervisor received July 2022 Court Activity report from Justice Linsey and the Sept 1, 2022 HRA account balance report for Highway workers.

Minutes of Previous Meetings: August Regular Meeting minutes were approved on a motion from Mohun, seconded by Bryman. Ayes: 5 Noes: 0 Abstain: 0 Absent: 0 Motion carried.

Hear Comments on Special Use Permit on Sugarbush Armory: The floor was opened for comments and questions regarding the permit to move the operation of Sugarbush Armory from Maxon Road to 2065 Clinton Street. Mr. Brandon was present to answer questions. Mr. & Mrs. Darren White, 2057 Clinton, whose property borders 2065 Clinton, had several questions and comments relating to any outdoor range, odors emitted from the building (sulfur), soundproofing, etc. They further stated that they are very supportive of the project as long as their concerns are addressed. It was explained that the previous evening the Zoning Board of Appeals met and granted a variance to allow the project on less than the required 100 acres for a gun club, with the stipulation

that there was no outdoor shooting with the exception of private, licensed hunting by the owner. Mr. Brandon then explained that there will be soundproofing in the indoor range and the installation of air purification systems so any air emitted will be clean and odorless. The range will be part of an addition and likely not operable for another year or two. The first year will be spent making building and site modifications, which will include berms and vegetation around the perimeter to provide neighbors with screening for privacy, lights from vehicles, any traffic noises, etc. He provided an engineered drawing of the site and proposed additions, landscaping, drainage, etc. for the Board members and the neighbors to review. A new septic system and well are being installed and the driveway will be widened by a few feet. The neighbors were encouraged to contact the Town at any point if they are experiencing difficulties or have notified violations of the permit or variance, so they can be addressed prior to any renewal process. The SUP initially will be for one year with three-year renewals after that. Mr. Brandon briefly discussed some of the regulations and agencies that he must comply with for the business and that there have been no issued with the current operation.

Motion was made by Frounick, seconded by Bryman to close the Public Hearing.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

SEQR application was reviewed and finalized by the Town Board members, including conditions.

RESOLUTION #2022-9-1 Special Use Permit for Handgun Headquarters d/b/a Sugar Bush Armory

Be it Resolved, that the Town Board hereby approves the application for a Special Use Permit by Sugar Bush Armory for a new location at 2065 Clinton Street, Attica NY for a one year period with the following conditions:

- 1) Indoor shooting range only allowed with the retail store operations; no outdoor shooting.
- 2) Personal/non-commercial hunting by the owner is allowed on the property.
- 3) Applicant will comply with all regulations regarding ventilation, soundproofing, lighting and property berms.
- 4) Allowed hours of operation will be 9 a.m. to 9 p.m.

Said approval shall be conditional upon the Town, as Lead Agency in the SEQR process, not receiving any notices of concern from any related agency prior to October 1, 2022.

Motion by Domes, seconded by Bryman to approve.

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Petitions and Public Concerns:

Departments: Highway – Projects & work activity – Board members reviewed the work that had been discussed in the workshop session. Motion was made and seconded (Domes/Mohun) to appropriate \$65,000 from unappropriated funds to Highway Fund #DA5110.4 for paving of Schad Road. Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Town Clerk/Tax Collector –August activity report

Assessor -- Complaints regarding assessments have been received since the school tax bills have gone out. The Assessor is meeting with individuals to review information and advise on any pertinent exemptions they could apply for.

Zoning/Planning – Activity report
Water District

RESOLUTION #2022-9-1 Participation in Wyoming County/NYSDOS LGE Water Meter Replacement Grant

Be it Resolved, that the Bennington Town Board hereby confirms its intentions to be a participant in the New York State Department of State Local Government Efficiency Water Meter Replacement Grant, committing to a ten percent share of the expenditures involved in replacing one hundred (100) meters within the Cowlesville Water District; and

Be it Further Resolved that the Bennington Town Board hereby commits to participating in the water meter reading and billing service provided by the Wyoming County Water Resource Agency at an amount not to exceed \$1,226.32 for 2023.

Motion: Bryman, seconded by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Old Business: Electronics collection – Bennington Fire Co. grounds will be the site and the date/time will be Sat. October 8th from 9 a.m. to Noon. Supv. Grant will contact Sunnking to arrange delivery of the materials needed. Residents will be asked to show proof of residency (driver's license/tax bill, etc.) and a limit will be placed on the number of large CRT's. Event will be advertised in the Pennysaver and on the website & Facebook.

New Business:

RESOLUTION #2022-9-2 Set Date of Public Hearing on Bennington Fire Company 2023 Contract

Whereas, the Town Board of the Town of Bennington has received a proposed 2023 contract amount from the Bennington Fire Company of \$124,000 for fire and rescue services within their district;

Be It Resolved that the Town Board hereby sets the date of October 12, 2022 at 7:30 p.m. at the Bennington Town Hall for the purpose of a public hearing on the Bennington Fire Company Contract between the Town and the Bennington Fire Company;

And Be it Further Resolved, that the Town Clerk is hereby authorized and directed to advertise the same in the legal publication of this Town.

Motion by Domes, second by Mohun

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

RESOLUTION #2022-9-3 Set date of 2023 Town Budget Workshop Session

Be it Resolved, that the Town Board hereby sets the date of the 2023 Town Budget Workshop Session as the 18th day of October, 2022 at 6:30 p.m. at the Bennington Town Hall, and hereby authorizes and directs the Town Clerk to advertise the same in the legal publication of this town.

Motion by Domes, Second by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Petitions and public concerns: None

Any other Business to Come before the Board/County Matters:

Councilman Domes would like to hold a discussion on broadband at the November Board meeting.

Motion was made by Mohun, seconded by Frounick to go into Executive Session to discuss litigation. All ayes; carried.

The Board entered into Executive Session at 9:27 p.m. and the public was excused from the meeting room.

Motion was made and seconded (Mohun/Frounick) to close Executive Session. All Ayes; carried.

Meeting resumed at 9:44 p.m. Motion was made by Councilman Mohun to adjourn. Meeting adjourned at 9:45 p.m.

Bennington Town Board
October 12, 2022
Workshop Session 6:30 p.m.

Supervisor Ellen Grant, Councilmen Brandon Bryman, Joyce Mohun and Bernard Frounick, and Deputy Clerk Deanna Nikiel met at 6:30 p.m. and Board members audited vouchers as prepared by the Deputy Clerk. A discussion was held on road projects completed and planned for the remainder of the year and highway equipment needs. Acting Superintendent Jensen has been obtaining quotes on replacing the current tractor with mower and broom attachments. Any orders would be approximately six months to be filled. Discussion was also held on the 2023 contract with Bennington Fire Company and the impact of the new state legislation on their budget.

Regular Board Meeting 7:30 p.m.

The October Meeting was called to order by Supv. Grant with Councilmen Frounick, Mohun and Bryman in attendance. Councilman Bryman led the pledge of allegiance to the flag.

Motion was made and seconded (Mohun/Frounick) to Open the Public Hearing on 2023 Contract with Bennington Vol. Fire Co. Ayes: 4 Noes: 0 Abstain: 0
Absent: 1 – Domes Carried.

Financial Matters: General Fund vouchers #172 to #186 totaling \$15,949.24
Highway Fund vouchers # 110 to #128 totaling \$259,147.94
Cowlesville Water vouchers #43 to #46 totaling \$5,321.10
Cowlesville Light vouchers # 10 for \$119.00

Motion by Bryman, seconded by Mohun to approve vouchers for payment.
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes

Motion by Mohun, seconded by Frounick to approve the Financial Reports ending Sept 30, 2022.
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 – Domes

Transfers within General Fund Accounts:

From:	A1990.4 Contingency	\$20,000.00	
	A3510.4 Control of Dogs Cont.	1,500.00	
	A7110.2 Parks Equipment	2,000.00	
	A7270.4 Band Concerts Cont.	500.00	
	A7310.4 Youth Programs Cont.	2,000.00	
	A9060.8 Hospital & Med. Ins.	10,000.00	\$36,000.00
To:	A1620.4 Buildings Contractual	13,500.00	
	A1420.4 Law Cont.	12,000.00	
	A1910.4 Unallocated Insurance	2,400.00	
	A5010.4 Highway Admin Cont.	3,200.00	
	A5132.4 Garage Contr.	4,340.00	
	A9010.8 State Retirement	386.00	
	A9050.8 Unemploy. Ins.	174.00	\$36,000.00

Motion by Bryman, seconded by Mohun to approve the above transfers.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 – Domes

Motion by Mohun, seconded by Frounick to approve a transfer of funds from General Fund to Highway Fund in the amount of \$230,000 and establish a Due to/Due from record, to be repaid no later than January 31, 2023.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 – Domes

Communications: Email from Sen. George Borello on a zoom meeting with local elected officials 10/25; Thank you from Folsom Trailblazers snowmobile club for allowing access to Pine Tree Park; Justice Court reports from the Justices for August; Certificates of Liability Insurance – WNY Plumbing & Frayne Brothers; flyer on social media scams & virus; Memo from Tobacco-Free Gen/Wyo/Orl on tobacco use in parks.

Motion by Bryman, seconded by Frounick to approve minutes for September 2022 Regular Session.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes

Hear Comments on 2023 Bennington Vol. Fire Company Contract w/Town; close Public Hearing:

Supervisor Grant read the letter from Bennington Fire Co., outlining the potential charges they will face with the new legislation enacted on charges for EMS services. The law went into effect in July 2022, but the Fire Company hasn't received any bills yet from Monroe Ambulance for Advance Life Support/transport service, and do not have a contract or rate yet from MA. The new law allows ambulance companies to bill fire companies for ALS services, instead of them billing the patient. The fire company is now in the position of paying this new cost or billing the patient's insurance themselves. As they are already limited in the number of volunteers they have handling EMS, they do not want the added burden of the additional paperwork involved with billing. Outside billers are available, but would still require paperflow from the fire companies. There are many unknowns, depending on the number of calls in a given year, what rates are negotiated with the ALS provider, and whether the individual would have insurance or not. The Board expressed concerns to BFC President Jamie Zymowski on the additional funds – levy impact on tax cap, who holds the money, etc. The original request was for \$20,000 for the new charges; this may be reduced to \$6,000 to \$10,000 and see what the future brings.

Motion to close the Public Hearing made by Mohun, seconded by Bryman at 8:15 p.m.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes

Departments: Highway – The town will be wrapping up road work with the paving of a short section of Schad Road this month. Additional work planned will need to be rescheduled for 2023. The crews have been prepping trucks for snow plow equipment and stockpiling salt and sand. The Superintending has been pricing tractor/mower/broom for possible purchase. Anything purchased would likely take 5 to 6 months to arrive.

Town Clerk/Tax Collector – Monthly report for September

Assessor – Has attended a conference and provided training on farm assessments, so conference costs were waived. Working with individuals on possible exemptions/assessment reductions for the future.

Zoning/Planning – Activity report for September; information for the Board on 2023 rates.

Water District – Lead and copper testing results sent to homeowners; water rate increase will be adopted for 2023.

Court – Nothing to report

Park/Recreation – Restrooms will be winterized; pump pulled and portajohn discontinued at month end.

Old Business:

RESOLUTION #2022-10-1 Bennington Fire Protection District Contract

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2023 Contract between the Town and the Bennington Fire Company for the Bennington Fire Protection District on this 12th day of October, 2022 at the Bennington Town Hall;

Now, Therefore, Be It Resolved, that following consideration of any and all comments regarding said Contract, the Town Board hereby approves said 2023 Contract in the amount of \$124,000 for fire and rescue services within said district, with provision for water for training purposes, said amount to be levied upon the 2023 Town and County tax bills for parcels located within said District.

Motion by Bryman, seconded by Mohun to TABLE for one month.

Ayes: 4 Noes 0 Abstain 0 Absent: 1 - Domes

Electronics collection was held at the Bennington Fire Hall on Sat., October 8th from 9 a.m. to Noon. Supervisor Grant, Councilman Bryman and four Bennington firemen ran the collection. Approx. 55 households participated with 13 pallets filled. A report will be available at the October meeting with the volume of items by Sunning. People were very appreciative.

New Business:

RESOLUTION #2022-10-2 Authorize the Clerk to advertise Seasonal Maintenance Roads within the Town and Seasonal/Winter Parking Restrictions on Town Roads

Be it Resolved, that the Bennington Town Clerk is hereby authorized and directed to advertise in local publications that certain roads (namely Geise Road between Clinton and Stedman, Hodge Road and Graff Road between Poland Hill and Hodge) within the Town of Bennington are designated seasonal maintenance during the months of November 1 through April 30, as posted; and be it

Further Resolved, that the Bennington Town Clerk is hereby authorized and directed to advertise in local publications that there is a legal parking restriction on all roads in the Town of Bennington during winter months November 1 through April 30, from 2:00 a.m. to 7:00 a.m. as per Local Law No. 1, Year 1978.

Motion by: Frounick seconded by Mohun

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes

RESOLUTION # 2022-10-3 Set Date and Times for Trick or Treating in the Town

Be it Resolved that the Bennington Town Board hereby declares that the times for Halloween Trick or Treating throughout the town shall be Saturday October 31, 2023 from 5:00 pm to 8:00 pm and that the Town Clerk is directed to advertise the same.

Motion by Mohun, seconded by Bryman

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes

RESOLUTION #2022 -10-4 Set date of 2023 Town Budget Public Hearing

Be it Resolved, that the Town Board hereby sets the date of the 2023 Town Budget Public Hearing as the 9th day of November, 2022 at 7:30 p.m. at the Bennington Town Hall, and hereby authorizes and directs the Town Clerk to advertise the same in the legal publication of this town.

Motion by: Mohun seconded by Frounick

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes

RESOLUTION #2022-10-5 Set salary of Part-time Seasonal Highway MEO

Be it Resolved, that the Town Board hereby sets the salary of part-time, seasonal Motor Equipment Operators (with valid Commercial Driver's License) within the Highway Department at a rate of \$23.08 per hour, effective October 16, 2022.

Motion by Mohun seconded by Bryman

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes

Petitions and public concerns: Dave Smith of Schoellkopf Road expressed an interest in serving on the Zoning Board of Appeals.

Any other Business to Come before the Board/County Matters: Supervisor Grant mentioned possible state legislation that would require cemeteries to have engineers oversee any digging, grave opennings, etc., which could be costly and result in cemetery associations disbanding and turning operations over to towns.

Motion by Mohun, seconded by Bryman to enter into Executive Session to discuss labor contract negotiations. Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes
Board entered into Executive Session at 8:50 p.m.

Motion made by Mohun, seconded by Bryman to close Executive Session at 9:52 p.m.
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Domes

Motion was made by Mohun to adjourn the meeting at 9:52 p.m. with no further business transacted.

Bennington Town Board
November 9, 2022
Workshop Session 6:30 p.m.

Board members met with Highway Superintendent Jensen to discuss work projects and a proposal to purchase a used paver from a local contractor. Members audited claims for the month and briefly discussed the contract with Bennington Fire Company for 2023. The agenda for the Regular meeting was reviewed.

Regular Board Meeting 7:30 p.m.

Jamie Zymowski & Macey Brown from Bennington Fire Company in attendance.

Supervisor Grant called the meeting to order; pledge of allegiance was led by Councilman Bryman.

Motion by Bryman, second by Frounick to open Public Hearing on 2023 Town Budget.

Ayes: 5 Noes: Abstain: Absent:

Public Hearing opened on 2023 Town Budget at 7:43 pm

Financial Matters:

General Fund vouchers # 187 to # 202 \$7,525.85

Highway Fund vouchers # 129 to # 146 \$59,044.91

Cowlesville Water vouchers # 47 to #52 \$4,953.39

Cowlesville Light vouchers # 11 \$119.90

Motion by Mohun, seconded by Domes to approve vouchers for payment.

Ayes: 5 Noes: 0 Abstain: Absent:

Financial Reports

Motion by Mohun, seconded by Domes to approve the Financial Reports ending Oct 31, 2022.

Ayes: 5 Noes: 0 Abstain: Absent:

Communications: NYS Parks and Historic Preservation – 2022 State Historic preservation award to Schoellkopf Rd. Awards Ceremony Thurs Dec 8th in Albany
Select Insurance policy renewals for 2023. Wyoming County Public Health – Lead reporting. Email NYS Assoc of Towns training for town accountants.

Minutes of Previous Meetings: October Regular Meeting

Motion by Bryman, seconded by Mohun to approve minutes for Oct. Regular Session

Ayes: 5 Noes: 0 Abstain: Absent:

Hear Comments on 2023 Town Budget;

Varysburg Fire did not provide budget to the Town of Bennington despite several attempts to get amounts from them. We are using same budget numbers as last year. Cemetery exemption discussion. Questioned which of the local cemeteries is an association vs. privately owned – ask Jim Kirsch about exemptions.

Motion by Mohun, second by Frounick to close Public Hearing.

Ayes: 5 Noes: 0 Abstain: Absent:
Public Hearing closed at 8:02pm

Departments:

Highway: Supt Jensen provided information during the workshop session on work being done getting ready for the snow removal season. They have finished road improvements for the year other than general maintenance and fixing wash-outs. State claim claims have been submitted for CHIPS, PaveNY, POP and EWR. A discussion was held on equipment purchase/disposition. Repairs have been made to the truck radios to help improve communication.

RESOLUTION #2022-11-1 Authorize the Purchase of 1 Used Paver

Be it Resolved that the Highway Superintendent is hereby authorized to expend an amount not to exceed \$15,000 for the purchase of a used paver for use by the Highway Department.

Motion by Bryman seconded by Frounick

Ayes: 5 Noes: 0 Abstain: Absent:

RESOLUTION #2022-11-2 Authorize the disposition of used tractor, mower and broom

Be it Resolved that the Town Board hereby declares the 2012 Kubota Tractor, with mower and broom attachments as surplus equipment and that the Highway Superintendent is hereby authorized to dispose of said equipment by means of sale or trade in value.

Motion by Mohun seconded by Frounick

Ayes: 5 Noes: 0 Abstain: Absent:

RESOLUTION #2022-11-3 Authorize the Purchase of a new Tractor with Mower and Broom Attachments through Bid process for the Highway Department

Be it Resolved, that the Highway Superintendent is hereby authorized and directed to prepare and advertise for bids for the purchase of a tractor with mower and broom attachments for use by the Highway Department; and

Be it Further Resolved, that bids for said equipment shall be received by the Town Clerk no later than 6:00 p.m. on the 28th day of November, 2022 and opened by the Clerk at 6:30 p.m. on November 28, 2022; and

Be it Further Resolved, that the Bennington Town Board shall meet at 6:30 p.m. on the 28th day of November, 2022 for the purpose of awarding bid for the purchase of highway equipment and another other business as may come before the Board at that time, and

Be it Further Resolved, that the Town Clerk is hereby authorized and directed to advertise the above meeting in the legal newspaper of this Town.

Motion by Mohun seconded by Bryman

Ayes: 5 Noes: 0 Abstain: Absent:

Town Clerk/Tax Collector: review of revenue from hunting and dog licenses.

Zoning/Planning:

RESOLUTION #2022-11-4 Verizon Wireless Communication Tower – Sierk Road

Whereas, the Town has received a complete application from Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless for a Special Use Permit for the installation of wireless communications signal equipment at property located at 1363 Sierk Road, Attica NY, Tax Map #44-1-56, within the Town of Bennington, now, therefore, Be it Resolved, that the Town Board hereby declares itself as Lead Agency for the purposes of SEQR review and approval of said applications for a Special Use Permit; and

Be it Further Resolved, that the Town Board will hold a Public Hearing on said application to construct and operate said wireless communications signal equipment on the 14th day of December at 7:30 p.m. at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY, and hereby authorizes and directs the Town Clerk to advertise the same in the legal publication of this Town.

Motion by Frounick seconded by Domes

Ayes: 5 Noes: 0 Abstain: Absent:

Water District:

RESOLUTION #2022-11-5 Re-levy of Unpaid Cowlesville Water District Bills

Whereas, the Cowlesville Water District Clerk has prepared a statement of unpaid water bills in arrears that have not been paid after billing the responsible owner/user; now

Therefore, Be it Resolved, that the Town of Bennington Town Board hereby authorizes the re-levy of unpaid bills payable to the Cowlesville Water District onto the 2023 Town and County Tax Bills; and

Be it Further Resolved, that the Clerk will forward a copy of this resolution and listing of the property owners, property tax number and amount due to the Wyoming County Real Property Tax Services Office in Warsaw, NY.

Motion by Domes Seconded by Mohun

Ayes: 5 Noes: 0 Abstain: Absent

RESOLUTION #2022-11-6 Set Public Hearing Regarding Modifying Cowlesville Water District Rates and Fees Schedule

Whereas it is deemed in the best interests of the Cowlesville Water District to modify certain rates and fees charged in association with the use of services from said District,

Now, Therefore, Be It Resolved, that the Bennington Town Board will hold a public hearing on the 14th day of December 2023 at 7:30 p.m. at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY, regarding said modifications, and

Be it Further Resolved, that the Clerk of this Board shall advertise the same in the legal newspaper of this Town.

Motion by: Mohun seconded by Bryman

Ayes: 5 Noes: Abstain: Absent:

Assessor: Board will ask him about cemetery exemptions on the taxes – how do they qualify.

Old Business: Bennington Fire Co. 2023 Contract. They will start receiving billing November 17 2022. Monroe to bill \$295 Mercy to bill \$395. Monthly updates on activity and quarterly documentation will be submitted to the Town from the Company to update the Town on the impact of the billing issue.

RESOLUTION # 2022-11-7 Bennington Fire Protection District Contract

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2023 Contract between the Town and the Bennington Fire Company for the Bennington Fire Protection District on the 12th day of October, 2022 at the Bennington Town Hall;

Now, Therefore, Be It Resolved, that following consideration of any and all comments regarding said Contract, the Town Board hereby approves said 2023 Contract in the amount of \$110,000 for fire and rescue services within said district, with provision for water for training purposes, said amount to be levied upon the 2023 Town and County tax bills for parcels located within said District.

Motion by Bryman seconded by Domes

Ayes: 5 Noes: 0 Abstain: Absent:

Electronics collection: 7194 lbs collected were collected at our recent event located at the Bennington Fire Company grounds. Thank you to the firemen and Board for their work that day to make it a success.

New Business:

RESOLUTION #2022 -11-8 Adopt 2023 Town Budget

Be it Resolved, that, following a duly advertised Public Hearing held on the 9th day of November 2022, the Bennington Town Board hereby adopts the Proposed 2023 Town of Bennington Budget with a total levy of \$1,406,813.28 and authorizes the amounts therein to be levied upon the real property within the Town of Bennington on the 2023 Town and County tax bills.

Motion by Mohun seconded by Bryman

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

RESOLUTION #2022-11-9 Authorize attendance at Association of Towns Annual Meeting and Delegate to Annual Business Meeting

Whereas the 2023 Annual Association of Towns Conference will be held February 19-22, 2023 in New York City, at which time the Annual Business Meeting of the organization will take place;

Now Therefore, Be it Resolved, that Ellen Grant, Supervisor is hereby authorized to attend said Conference and serve as the Town's delegate and voting representative to the Annual Business Meeting.

Motion by Mohun seconded by Bryman

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Cemetery - proposed state legislation. Municipalities are in opposition as it adds additional regulations such as extra liability insurance & excavating will require a licensed engineer. The financial burden may cause cemetery associations to close and turn the responsibility over to Towns. The Supervisor will rewrite the resolution adopted by the County resolution and present at next meeting.

RESOLUTION #2022-11-10 Waiver of 30 Day Municipality Notification

Be it Resolved, that the Town Board hereby waives the 30 day notification for the intent to file for an On Premise Liquor License Class Change to serve Wine, Beer and Cide in a Hotel as requested by River Spring Lodge LLC at 1961A Church Rd, Darien

Center NY 14040.

Motion by Mohun seconded by Frounick

Ayes: 5 Noes: 0 Abstain: Absent:

Traffic Safety Board – Joe Heller not interested in continuing as our representative and former Highway Supt. Rick Jensen is also a no. Looking for a representative and approaching those with law enforcement background if they are interested in serving.

Discussion on broadband – Discussed whether there was grant funding for a proposal – with \$45k from Spectrum’s franchise fees.. Jim Bragg, Sr. Planner for the County has been working on Broadband. The Supervisor will contact him to attend a meeting.

Petitions and public concerns:

Any other Business to Come before the Board/County Matters:

Motion by Mohun to adjourn the meeting at 8:50 p.m. Carried.

Town of Bennington
Special Town Board Meeting
November 28, 2022
6:30 p.m.

Supervisor Ellen Grant called the meeting to order with the following Board members in attendance: Frounick, Mohun, Bryman and Domes.

Highway Equipment Bid – Tractor with mower and broom attachments

The Deputy Clerk reported that only one bid was received for the tractor. Java Farm Supply submitted a bid of \$114,200 for tractor, mower and broom. Less the trade-in on our old tractor/mower/broom of \$37,000, the final amount would be \$77,200. A non-collusive bid certificate was included with the bid. The Board reviewed the bid materials and the specifications. Discussion was held on only receiving one bid, what quotes had been obtained earlier this fall, what level of attachments would be preferred. Acting Superintendent Jensen provided additional information regarding the specs and discussions he has had with vendors and the uses for the equipment. Motion was made and seconded (Mohun/Domes) to table awarding the bid until the next Town Board meeting. All ayes; carried.

RESOLUTION #2022-11-12 Office Equipment Disposition

Be it Resolved, that the Town Board hereby authorizes the disposition of 2 metal storage cabinets and 1 desk located at the upper level of the Town Hall as no further use to Town Offices at the Town Hall.

Motion: Mohun second: Domes

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

RESOLUTION #2022-11-13 Temporary Transfer of Funds

Be it Resolved, that the Town Board hereby approves the temporary transfer of \$70,000 from the Town General Fund to the Town Highway Fund, establishing a Due to/Due From transaction, to be repaid no later than January 30, 2023.

Motion: Mohun second: Bryman

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Update on November storm and FEMA claim – Supervisor Grant stated that a preliminary claim has been submitted for snow storm related expenses of approximately \$40,000.

Board members provided direction to the Supervisor regarding ongoing labor contract negotiations.

Motion for adjournment was made by Councilman Mohun. All ayes; carried.

Bennington Town Board
December 14, 2022
Workshop Session 6:30 p.m.
Regular Board Meeting 7:30 p.m.
Meeting Agenda

Workshop Session – Four Board members present, completing audit of vouchers for December, met with Highway Supt. Jensen to discuss work and equipment purchase, mail box policy. Members reviewed the agenda for the Regular Session.

Supervisor Ellen Grant called the Regular meeting to order with the pledge of allegiance.

Motion by Bryman, second by Domes to open Public Hearing on Special Use Permit application – Bell Atlantic, and Water Rate Change for Cowlesville Water District
Ayes – 4 Noes: 0 Abstain: 0 Absent – 1, Frounick
Public Hearing opened at 7:32 pm.

Financial Reports

Motion by Mohun, seconded by Bryman to approve Financial Reports ending Nov 30, 2022.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

Floor was opened at 7:45 PM to hear comments on the Public Hearing Special Use Permit – Bell Atlantic – and Water Rate Change for Cowlesville Water District

Jared Lusk and Phil Colantonio from Bell Atlantic and Verizon in attendance to answer questions. Site will provide direct cell coverage and will reduce traffic volume on surrounding towers. The Board asked for a plan for future towers. Construction will not start until fiber is laid. Working with Jenna Marley from Wyoming County to re-adopt after the SEQR is approved.

Water rate change. Rates are increasing to \$7.00/1,000 gallons, and the basic meter rate increased to \$300, the first increase since 2017. No one appeared to comment on the change and none were filed with the Clerk's Office.

Motion by Mohun, second by Domes to close Public Hearings on SUP Application and Water Rate Change. Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 - Frounick
Hearing closed at 8:07 p.m.

RESOLUTION #2022-12-7 Bell Atlantic dba Verizon Wireless Communication Tower – Sierk Road

Whereas, the Town has received a complete application from Bell Atlantic Mobile Systems, LLC d/b/a Verizon Wireless for a Special Use Permit for the installation of wireless communications signal equipment at property located at 1363 Sierk Road, Attica NY, Tax Map #44-1-56, within the Town of Bennington, and

Whereas, the Town Board hereby declared itself as Lead Agency for the purposes of SEQR review and approval of said applications for a Special Use Permit; now, therefore,

Be it Resolved, that the Town Board, following declaration of Lead Agency for the purpose of completion of SEQR on November 9, 2022 and in issuing a negative declaration on the proposal, hereby approves the Bell Atlantic Mobile, dba Verizon application for a cellular service tower at 1363 Sierk Road, Attica (Town of Bennington) New York conditional upon the applicant obtaining all required state and federal permits and approval prior to construction/installation, including but not limited to those of the NYS Department of Environmental Conservation, NYS Department of Transportation and the Federal Communications Commission.

Motion by Bryman seconded by Domes

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

Financial Matters:

General Fund vouchers # 203 to #221 \$4,201.78

Highway Fund vouchers # 147 to # 163 \$55,928.21

Cowlesville Water vouchers # 53 to # 5 \$1,844.21

Cowlesville Light vouchers # 12 \$119.90

Motion by Mohun, seconded by Bryman to approve vouchers for payment.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

Communications: Planning Board meeting information, Dig Safe information and Certificate of Liability from WNY Plumbing. Frontier Communication emergency contact report, and NYS Comptroller on preparing Year End documents. Empire Center for Public Policy; campaign to raise awareness to Union Members. Will be shared with the Highway Superintendent. GFLC has training available.

Minutes of Previous Meetings: November Regular Meeting & special Town Board Meeting.

Motion by Mohun, seconded by Bryman to approve minutes for November 2022 Sessions.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

Departments:

Highway – Board members discussed work the crew is doing with equipment, plowing and road maintenance. Discussed the purchase of the tractor and consensus was to delay purchasing any extended warranty until the 2year warranty is up.

RESOLUTION #2022-12-1 Award Bid the Purchase of a new Tractor with Mower and Broom Attachments

Whereas, the Highway Superintendent received a bid for the purchase of a tractor with mower and broom attachments for use by the Highway Department from Java Farm Supply which met all specifications as well as inclusion of a non-collusive bid certificate; and

Whereas the bid was opened by the Deputy Clerk on November 28, 2022 and reviewed by the Town Board and Highway Superintendent and deemed in the best interests of the Town to accept; therefore

Be it Resolved, that the bid of Java Farm Supply in the amount of \$77,200 (inclusive of trade in allowance) is hereby approved, and

Be it Further Resolved, that the Bennington Town Board hereby approves the trade in value of \$37,000 and disposes ownership of used Kubota M110X tractor, mower and broom to Java Farm Supply.

Motion by Bryman seconded by Domes.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

RESOLUTION #2022-12-2 Annual Snow and Ice Control Agreement

Be it Resolved, that the Town Board hereby instructs the Town Supervisor to sign the 2023-2024 Snow and Ice Control Contract with Wyoming County for \$7,192.00 per centerline mile for 14.44 miles of County roads within the Town of Bennington for a total expenditure of \$103,852.48; and

Be it Further Resolved, that said contract may be adjusted due to varying intensity and severity of the winter season, utilizing the New York State Department of Transportation's index factor for Wyoming County, with a minimum of at least a .69 index factor.

Motion: Mohun Second: Bryman

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

RESOLUTION #2022-12-3 Town of Bennington Mailbox Replacement Policy

Be it Resolved, the Town of Bennington hereby adopts the attached policy regarding mailboxes damaged or destroyed during winter snow and ice removal on Town and County roadways, effective January 1, 2023.

Motion: Mohun Second: Bryman

Ayes: 4 Noes: Abstain: 0 Absent: 1, Frounick

TOWN OF BENNINGTON MAILBOX POLICY

The Highway Superintendent and the State of New York have a duty to keep roadways available for public use. Snow removal and snow storage are incident to that use. When the necessity of keeping the highway open for vehicles conflicts with the individual's receipt of mail, the latter must stand aside. The owner might even be compelled to remove the box under Highway Law Section 319.

The owner has no right to interfere with the speedy and efficient removal of snow by placing a mailbox in such a position as to cause this result, and no liability on the part of the public official charged with the duty of snow removal if such box is so placed that it may be injured by proper highway maintenance. (Informed opinion, Attorney General 2/28/66)

If your mailbox has been damaged by our plows during a storm, please call our office. We will send the Superintendent out to inspect the damage, and if he finds the damage to be caused by one of our plows physically striking the mailbox, we will repair or replace it

Motion by: Mohun seconded by Bryman
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

**WATER RATE AND FEE SCHEDULE
FOR THE
TOWN OF BENNINGTON/COWLESVILLE WATER DISTRICT
December 14, 2023**

- A. Minimum Quarterly Charge: \$10 plus the cost of water
- B. Water Rate: \$7.00/1,000 gallons
Out of District Customer Rate: One hundred and fifty percent (150%) of the water rate for in district customers.

- C. Water Meter Charges:
- | Meter Size | Amount |
|-------------|--|
| 5/8" x 3/4" | \$300.00 plus \$125 inspection fee |
| 1" x larger | Actual Cost of Meter plus \$125 inspection fee |

*all of the above meter charges include the required remote reading system

- D. Street opening permit fee shall be in accordance with Town Code

- E. Water Service Tapping Fees:
- | Tap Size | Fee |
|-------------------------|--|
| 3/4", 1", 1 1/2" and 2" | \$150 plus actual cost; \$350 deposit required |

*A water service tapping fee will not be charged for water services installed as part of a water main improvement project. Cost includes corporation stop, copper tubing, curb stop and box for both short side and long side services.

- F. Water service resumption fee to restore service after discontinuance at the customer's request, for non-payment or for violation of rules: \$35 during normal working hours (8:30 a.m. to 4:30 p.m. Monday through Friday); \$55.00 outside of normal business hours Monday through Friday, and \$70 on weekends or on the following holidays: New Year's Day, Dr. Martin Luther King Jr. Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Eve and Christmas Day.

- G. Meter reinstallation fee: \$20

- H. Meter repair:
- | | |
|-----------------------|------|
| Replace frost bottom: | \$50 |
| Resealing a meter: | \$35 |

- I. Meter Setter/Pit: \$550.00. Setter/Pit fee, plus inspection fee of \$125 and meter fee of \$275, for a total of \$950.00 unless meter size is 1" or larger.

- J. Meter Accuracy Test: \$20 deposit. \$10 will be returned for over registering meters. The entire deposit will be retained for under registering or correct reading meters.
- K. Penalty for Delinquency: 10% of water bill added after 30 days.
- L. Water Service Turn Off/Turn On: \$50 each.
- M. Temporary Disconnection of Service: \$50 (Includes turn off/turn on, meter removal and meter reinstallation).
- N. Hydrant Relocation fee: \$1,200.00
- O. Temporary Water Service:
 - 1. Monthly charge for hydrant use \$50
 - 2. Hydrant nozzle deposit fee \$55
 - 3. Hydrant meter deposit fee \$400
 - 4. Hydrant wrench deposit fee \$10
 - 5. RPZ backflow prevention device deposit \$600

*Cost of water is not included.

Board members discussed the proposed state legislation adding additional costs to cemetery corporations and the potential impact it would have on them financially and potentially to the Towns if they need to take over ownership & maintenance. Wyoming County Board of Supervisors has also adopted a resolution in opposition.

RESOLUTION #2022-12-8 OPPOSING SENATE BILL S.9517 AND ASSEMBLY BILL A.10644 IN RELATION TO CERTAIN DUTIES AND RESPONSIBILITIES OF CEMETERY CORPORATIONS AS TOO FINANCIALLY BURDENSOME

Whereas, Senate Bill S.9517 and Assembly Bill A.10644 propose another layer of rules and regulations on cemetery corporations under the Not-for-Profit Corporation Law, and

Whereas, this legislation would require cemetery associations to carry liability insurance to cover claims filed if someone is injured or is killed by the collapse of any cemetery monument or marker; it would also require a cemetery corporation to carry liability insurance for monuments and other embellishments on a plot or, and

Whereas, activities like excavating a grave, setting concrete vaults, excavating foundations, concrete pouring, monument installation, maintenance and use of heavy machinery would require guidance from a licensed engineer, and

Whereas, cemeteries would also be required to remain available for grave openings and interments outside of normal business hours in the case of persons belonging to a religious and/or ethnic tradition that requires burial or interment prior to sunset on the date of the person's death, and

Whereas, those cemetery corporations that maintain and designate a burial section for persons of a particular religious belief or ethnic tradition would be required to appoint an inspector to ensure cemetery is in compliance with the applicable rules and regulations

governing those religious beliefs or ethnic traditions with respect to burials; inspectors would be appointed in consultation with local religious leaders, and

Whereas, the legislation also requires the cemetery corporation to disclose to a person purchasing a plot in the cemetery the condition of the soil under such lot, plot or part thereof, including but not limited to the existence of groundwater or any other defects or past disturbances which may substantially impair or alter the natural condition of the soil, and

Whereas, the legislation would create a huge financial burden upon the small rural cemetery corporations in the Town of Bennington by requiring them to hire a licensed engineer or excavating company to perform excavation work in the cemetery, purchase additional liability insurance to insure monuments and other embellishments belonging to individual plot owners hire a religious inspector, and compensate cemetery employees to keep the premises open after normal business hours for grave openings and interments outside of normal business hours, and

Whereas, this legislation would also require the cemetery corporation to contract for services to determine the soil conditions creating an additional financial burden on them, and

Whereas, the rural cemetery corporations of the Town of Bennington do not have adequate funds to support the additional financial burden this legislation would impose on them, now, therefore, be it

Resolved, That the Town of Bennington hereby opposes Senate Bill S.9517 and Assembly Bill A.10644 and the amendments to the Not-for-Profit Corporation Law contained therein as creating an enormous financial burden upon the rural cemetery corporations in the Town of Bennington, and be it further

Resolved, that the Clerk of the Town of Bennington is hereby directed to forward copies of this resolution to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ort, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, Senators Patrick Gallivan and George Borello and Assemblymembers David DiPietro and Marjorie Byrnes.

Motion: Domes Second: Mohun
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

RESOLUTION #2022-12-9 Set Dates/Times of 2022 Year End Meeting and 2023 Organizational Meeting

Be it Resolved, that the annual Year-end Meeting of the Town Board shall be held on December 31, 2022 at 8:00 a.m. for the purpose of payment of 2022 accounts payables and any other business as may come before the Board; and

Be it Further Resolved, that the 2023 Organizational Meeting of the Bennington Town Board shall be held on January 4, 2023 at 6:30 p.m.

Motion: Mohun Second: Bryman
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

Petitions and public concerns: None

Any other Business to Come before the Board/County Matters:

Fire department resolution next month, to express our concerns with the financial and recordkeeping burden on volunteer fire companies regarding billing for ALS services and the need to permit EMS/ALS private providers to be able to do their own billing for expenses.

Supervisor Grant presented the cost summary for the AOT training in February that she has been approved to attend. She will be paying one half of the \$1,466 amount, with the Town paying the other half.

Members requested that a with the Zoning Department be set up to discuss services.

At 8:53 pm a motion to enter into an executive session to discuss labor negotiations was made.

Motion: Domes Second: Bryman

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1, Frounick

Executive Session was closed at 9:25 p.m.

On a motion by Councilwoman Mohun, the meeting was adjourned at 9:26 pm.

Town of Bennington
Year-End Special Session
Bennington Town Hall
December 31, 2022
8:00 a.m.

Supervisor Grant called the meeting to order with Councilmen Bryman, Domes & Mohun and Superintendent Jensen in attendance. Councilman Bryman led the pledge of allegiance to the flag.

Board members conducted the audit of final 2022 invoices received for payment

Approval of vouchers: General Fund # 222 to #227 \$1,069.02

Highway Fund #164 to #172 \$ 38,750.25

Cowlesville Water #57 to # 58 \$ 7,199.82

Motion by Bryman, second by Mohun to approve the above vouchers for payment.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 0

Planning Session for 2023 projects: The Board reviewed a variety of topics for attention in the next year.

Highway – Cold Storage building: reviewed a cost proposal, discussed needs, size and location; LED lighting proposal from NYSEG to replace the lights in the garage; Darien Highway will have a Peterbilt truck to sell toward the end of 2023, possibly \$70K - \$100K; We have 4 everyday trucks and 2 spares and one truck needs repairs; We would like to break out repair expenses by vehicle to get a better understanding on the costs to operate a specific piece of equipment; new tractor will be available mid-January; Texas Brine would like to donate a used 1959 Oshkosh to us – value \$5K. Our attorney has been asked to write up an acknowledgement of the donation; shelter/roof needed over the fuel tanks; priority road work for 2023 is Tinkham then Hoover, with others to follow, depending on budget, time, conditions; general building repairs; new radios are working better to help communications from the Supt to the crew.

Town Buildings – Painting in the Town Hall; mortar at the retaining wall by TH parking lot; outside light replacements.

Zoning – Updates to the zoning map and to the zoning law to address: kennels & numbers of dogs allowed, Ag/Recreational zone, Hamlet zone, Home Occupation permits/requirements, storage pods, property maintenance, future of zoning enforcement through the County Zoning Office. Supervisor needs to set up a meeting with the ZO & possibly Don Roberts to discuss these projects and what future action we take. Need to undertake a review of the Comp Plan for updating.

Waste – Hold collection days for tires and for electronics; town-wide collection – what is our volume?

Broadband – Supv. Provided information from the Sr. Planner on activities to address the broadband need in our county.; we need to review our map from Spectrum on the areas not served as well as the report from the engineers on the numbers not served and compare to the number of residences in those areas for a more current county; validate the FCC map from that.

Training – The Highway Dept will have a one day training in the Spring on OSHA/PESH safety issues and practices and we may invite some other highway departments to join in. The trainer will also prepare a safety manual for the shop and make recommendations for the department. Training for Zoning and Planning Board members are needed, possibly through the County or we could set up with an outside agency. There is on-line training available for our Board members and Ellen will share that information. Need to update harassment training for our employees.

Water – The Water Resource Agency grant has been approved and new meters are on back order, expecting to come in late winter. They are going to bid for the installation process. Bennington will be the first town served with the replacements.

Recreation – Discussed youth programs at the park and the need to engage volunteers. Programs could include kickball, soccer, t-ball, softball, disc golf. Could post on pennysaver, Facebook and website to see if there is an interest and get a planning group together. Currently we have the Easter Egg Hunt and summer swimming/crafts program. Possibly doing an exercise program for adults, seniors like chair yoga.

Fire Departments – Brief discussion on the issue with billing fire companies for ALS services provided by outside agencies such as Monroe, Mercy. Other towns will be asked what their departments are going to do. Both Bennington and Cowlesville have received bills for services in 2022.

Supv Grant provided a status on the Teamsters negotiation.

There being no further business, Councilman Mohun moved to adjourn. Carried.
Meeting adjourned at 10:15 a.m.