

**Town of Bennington  
December 10, 2025  
DRAFT #1**

Workshop Session 6:30 p.m.  
Audit of bills; Highway Dept report; review Board meeting agenda

In attendance: Supervisor Ellen Grant, Council Members Jeff Burger, Chris Domes, Bernard Frounick, Joyce Mohun, Clerk Joanne Rosenthal.

Regular Board Meeting 7:30 p.m.

**Call Meeting to Order by Supervisor Grant at 7:33 pm.  
Pledge of allegiance led by Council Member Frounick.**

**Set Agenda - amend minutes for address change for Jason Conrad  
Conflict of Interest - none**

**Open Public Hearing on Proposed Local Law #7 Year 2025 Dog License Fee Law  
Open Public Hearing on Proposed Home Occupation Permits**

<b><u>Financial Matters</u></b>	General Fund vouchers	#649 to #669.	\$ 17,164.03.
	Highway Fund vouchers	#458 to #478.	\$ 20,526.74.
	Cowlesville Water vouchers	# 10 to # 12.	\$ 3,754.96.
	Cowlesville Light vouchers	# 10.	\$ 171.89.

**Motion by J. Mohun, seconded by B. Frounick to approve vouchers for payment.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Financial Report** Supervisor's Monthly Report for November 2025.

**Motion by J. Burger, seconded by C. Domes to approve Supervisor's Monthly Report  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Hear Comments on Local Law #7, Year 2025 Town of Bennington Dog License Fee Law**

This local law is in response to fee increases from Wyoming County Animal Control.  
Replaces Local Law #2, Year 1996, the last time there was a fee increase.  
New fees to become effective January 1, 2026.  
Spay/neutered dogs \$10. Unspayed/unneutered dogs \$21.

**Motion by J. Mohun, seconded by B. Frounick to close the public hearing.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Town of Bennington  
December 10, 2025  
DRAFT #1**

**Unfinished Business**

**Resolution #2025-12-1      Adopt Local Law #7, Year 2026 Town of Bennington Dog License Fee Law**

**Whereas**, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices located at 905 Old Allegany Road, Attica, in the Town of Bennington, New York on the 10<sup>th</sup> day of December, 2025, commencing at 7:30 p.m., and thereafter a public hearing was held at 7:30 p.m. at which time and place the following members were present: Supervisor Grant, Councilmembers Frounick, Mohun, Domes and Burger

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

**Whereas**, the Town Board has been considering a proposed Local Law No.7 of 2025 entitled, “**Town of Bennington Dog License Fees Law**” to provide for the licensing fees charged for dogs within the Town in accordance with Agriculture and Markets Law Article 110; and

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

**Whereas**, on November 12th, 2025 the Town Board of the Town of Bennington adopted a Resolution to Authorize Public Hearing and scheduled such public hearing for December 10<sup>th</sup>, 2025 regarding said proposed local law, at which time all interested parties and citizens for or against the proposed local law would be heard; and

**Whereas**, the Town Clerk published Notice of Public Hearing in the Town’s Official Newspaper on or about November 25, 2025 and posted such Notice at the Town Hall; and

**Whereas**, the Town Board of the Town of Bennington held a public hearing on December 10th, 2025, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

**Whereas**, the Town Board of the Town of Bennington finds it to be in the best interest of said Town to adopt said local law; and

**Now**, on a Motion of **J. Mohun**, which has been duly seconded by **J. Burger**, now therefore be it

**Resolved**, that the Town Board of the Town of Bennington feels it is in the best interest of the Town of Bennington and hereby adopts Local Law No. 7 of 2025, entitled, “TOWN OF BENNINGTON DOG LICENSE FEES”; and be it further

**Resolved**, that the Town Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting and to provide all necessary paperwork regarding the adoption of said Local Law to the Secretary of the State of New York. MAILED BY CLERK, CERTIFIED 12/15/25.

**Ayes: All (5).    Noes: 0.    Abstain: 0.    Absent: 0.**

**Town of Bennington  
December 10, 2025  
DRAFT #1**

**Open Public Hearing on Proposed Home Occupation Permits**

**Jason Conrad, 1103 Clinton St., Attica - Conrad IBA, dairy supply business.**

Delivery of one semi trailer per week to drop off supplies with another 5-6 deliveries per year. Anticipate one or two customer pickups per week. The majority (99%) of orders will be delivered by Mr. Conrad directly to his customers.  
No additional comments from the public.

**John Burek, 640 Alleghany Rd., Darien Center - John's Gun Repair.**

Per NYS, security cameras with 24 hour video surveillance have been installed on property. Mr. Burek has applied and received the necessary NYS licenses for gun dealership, renewed yearly with the State. The business will be open to the public in the future.  
Bennington Fire Dept. personnel R. Mruzcek inquired if flammable materials were on the property, Mr. Burek confirmed. Mruzcek suggested the areas be identified for the safety of the firefighters in case of a fire. Mr. Burek was encouraged/invited to come to the Bennington Fire Dept. on a Monday night to talk with the Chief and other firefighters regarding storage of flammable materials.  
No other comments from the public.

**Motion by J. Burger, seconded by B. Frounick to close the public hearing.**

**Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Resolution #2025-12-2 Approve Home Occupation Permit Applications**

**Whereas**, the Bennington Town Board held a duly advertised public hearing on the 10<sup>th</sup> day of December 2025 at the Bennington Town Hall to hear all persons regarding the following home occupations:

**Jason Conrad, 1103 Clinton St., Attica NY – Conrad IBA dairy supply business  
John Burek, 640 Alleghany Rd., Darien Center NY – John's Gun Repair  
Internet/sales & gun-smithing; and**

**Whereas**, the Town Board of the Town of Bennington held a public hearing on December 10th, 2025, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed home occupations;

**Whereas**, The Town Board finds no objection or adverse impact of said proposed home uses, now, therefore,

**Be It Resolved**, that the above applications are hereby approved for a one-year home occupation.

**Motion: J. Mohun. Second: B. Frounick.**

**Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

Clerk - send copies of resolution to applicants, contact Jenna Marley regarding fees due to the County. Email sent to J. Marley 12/13/25 draft #1 Board minutes and resolution approval.

**Town of Bennington  
December 10, 2025  
DRAFT #1**

**New Business**

**Resolution #2025-12-3 Set Dates of 2025 Year End and 2026 Organization Meetings**

**Be it Resolved**, that the Bennington Town Board will hold a Special Session on Tuesday, December 30, 2025 at 6:30 p.m. for the purpose of conducting year end business including, but not limited to, the payment of 2025 invoices, and

**Be it Further Resolved**, that the Town Board shall hold the 2026 Organizational Meeting on January 7, 2026 with workshop session to begin at 7:00 p.m. and Organizational and Board Meeting to begin at 7:30 p.m., and

**Be it Further Resolved**, that the above meetings shall be held at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY and that the Town Clerk is hereby authorized and directed to advertise the same in the legal newspaper of this Town. Legal ad placed 12/15/25 for placement in BDN 12/18/25 for Special Session on December 30, 2025. Confirm January meeting dates with M.Prior and Board before placing an ad.

Motion: J. Mohun. Second: B. Frounick.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.

**Resolution #2025-12-4 Reappointments to Zoning Board of Appeals**

**Be it Resolved**, that Peggy Wlostowski-Schmidt, 1006 Maxon Road, Attica NY is hereby reappointed to the Town of Bennington Zoning Board of Appeals for the period January 1, 2026 through December 31, 2029.

Motion: J. Burger. Second: J. Mohun.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.

**Resolution #2025-12-5 Authorize the disposition of surplus equipment**

**Be it Resolved**, that the Bennington Town Board hereby declares surplus and authorizes the disposition of the following items by auction: 1 – 2016 Ferris 61” Mower; and

**Be it Further Resolved**, that the Town Board reserves the right to reject any/all bids.

Motion: C. Domes. Second: B. Frounick.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.

**Town of Bennington  
December 10, 2025  
DRAFT #1**

**Resolution #2025-12-6                      Set date for Home Occupation Permit Public Hearing**

**Whereas**, the Town Board has received application for the following one-year home occupation permit:

J. Brian Pfeiffer, 415 Ortner Road, Darien Center NY – A Sculptor’s Soul art studio

**Now, Therefore, Be it Resolved**, that the Town Clerk is hereby authorized and directed to advertise a public hearing on said application for December 30, 2025 at 7:00 p.m. at the Bennington Town Hall, 905 Old Alleghany Road Attica NY, to hear any and all persons related to the above application.

**Motion: B. Frounick.    Second: J. Burger.**  
**Ayes: All (5).    Noes: 0.    Abstain: 0.    Absent: 0.**  
**Legal ad placed in BDN.**

**Resolution #2025-12-7 2026 Retainer Agreement with DiMatteo, Roach, & Kelly**

**Be it Resolved**, that the Town Supervisor is hereby authorized and directed to sign the 2026 Retainer Agreement with the law firm DiMatteo, Roach & Kelly, 87 North Main Street, Warsaw NY for the compensation for basic and additional services to the Town as structured in said agreement, for the period January 1, 2026 through December 31, 2026.

**Motion: J. Burger.    Second: C. Domes.**  
**Ayes: All (5).    Noes: 0.    Abstain: 0.    Absent: 0.**

**Resolution #2025-12-8 Agreement for Animal Control & Shelter Services**

**Be it Resolved**, that the Town Board hereby authorizes and directs the Supervisor to execute an agreement with the County of Wyoming for access to the services of the Animal Control Officer including services historically performed by New York State in connection with the monitoring, regulation and enforcement of Agriculture and Markets Law Article 7 and any related matters regarding dogs, said agreement shall be for a five year period commencing on January 1, 2026 and terminating on December 31, 2030.

**Motion: B. Frounick.    Second: J. Burger.**  
**Ayes: All (5).    Noes: 0.    Abstain: 0.    Absent: 0.**

**Resolution #2025-12-9    Set Date for Public Hearing Regarding Niagara Solar**

**Whereas**, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices of the Town of Bennington, located at 905 Old Alleghany Road, Attica, in the Town of Bennington, New York on the 10th day of December, 2025, commencing at 7:30 P.M., at which time and place the following members were present: Supervisor Grant, Council Members Frounick, Mohun, Domes and Burger, and

**Town of Bennington  
December 10, 2025  
DRAFT #1**

**Resolution #2025-12-9 Set Date for Public Hearing Regarding Niagara Solar**

**Whereas**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 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 a request from Niagara Solar NY, LLC for a further renewal and extension of time in which to obtain a building permit and commence construction under the Special Use Permit and Site Plan approval for the solar project known as “Niagara Solar Project,” with said request having been submitted to the Town Board on or about November 14, 2025; and

**Whereas**, The Town Board of the Town of Bennington had previously granted a waiver and extension of time, through December 29, 2025, for Niagara Solar NY, LLC to satisfy the conditions of the Project’s Special Use Permit and to obtain a building permit and commence construction; and

**Whereas**, due to ongoing supply chain issues, Niagara Solar NY, LLC has requested additional time to satisfy the remaining Special Use permit and Site Plan conditions and to finalize its panel procurement, which had been delayed; and

**Whereas**, Niagara Solar NY, LLC has now requested a further renewal and extension of time, through December 29, 2027, to obtain a building permit and commence construction under the Special Use Permit and Site Plan approval; 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 Niagara Solar NY, LLC’s request for such further renewal and extension of time; and

**Whereas**, the Town Board of the Town of Bennington **desires to set a date and time for** the public hearing on **21st day of January, 2026 at 7:30 PM.;**

**Now, Therefore, Be it Resolved**, that the Town Board of the Town of Bennington will hold a public hearing regarding the proposed Special Use Permit on the **21st day of January, 2026 at 7:30 P.M.**, at which time all interested parties and citizens for or against the request for further renewal and extension of time to obtain a building permit and commence construction under the Special Use Permit and Site Plan approval from Niagara Solar NY, LLC, will be heard; and be it

**Further Resolved**, by the Town Board of the Town of Bennington that the **Town Clerk is hereby directed to place the Notice of Public Hearing on the Town Notice Board, and is also directed to publish the Notice of Public Hearing in the Town of Bennington’s Official Newspaper. Confirm date of meeting with M. Prior and Board members before placing the ad.**

**Motion: J. Burger. Second: C. Domes.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Town of Bennington  
December 10, 2025  
DRAFT #1**

**Resolution 2025-12-10**

**Authorize Public Hearing to Consider the Adoption of #8 of  
2026 Local Law Entitled, "A Local Law Establishing Zoning  
Guidelines for Kennels in the Town of Bennington**

**Whereas**, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices located at 905 Old Alleghany Road, Attica, in the Town of Bennington, New York on the 10th day of December, 2025, commencing at 7:30 p.m., at which time and place the following members were present: Supervisor Ellen Grant, Councilmembers Jeff Burger, Chris Domes, Bernard Frounick, Joyce Mohun. Absent: 0.

**Whereas**, all Board members having due notice of said meeting, and that pursuant to Article 7, Section 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 deems it necessary to maintain an ongoing record of both commercial and noncommercial kennels and to ensure the healthy and humane treatment of dogs housed in such facilities; and

**Whereas**, the purpose of said local law is to amend the Zoning Law to establish regulations governing the establishment, maintenance, and operation of dog kennels and other dog boarding facilities and to protect the rights of Bennington residents to the peaceful enjoyment of their property; and

**Whereas**, the Town received a draft law from the Town Attorney on or about July 16, 2025, and accepted a further draft on December 8, 2025 of proposed Local Law #8 of 2025, entitled "Local Law Establishing Zoning Guidelines for Kennels in the Town of Bennington" and has since worked diligently with the Town Attorney in preparing revisions and multiple subsequent drafts of said proposed law; and

**Whereas**, that the Town Board of the Town of Bennington believes it is 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 a Motion of Joyce Mohun**, which has been duly **seconded by Jeff Burger**, therefore, be it

**Resolved**, that the Town Board of the Town of Bennington shall hold a public hearing on the proposed adoption of Local Law #8 of 2026, entitled "**Local Law Establishing Zoning Guidelines for Kennels in the Town of Bennington**" on the **7th day of January, 2026, at 7:30 p.m.**, at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

**Resolved**, that the Town Board of the Town of Bennington hereby directs the Town Clerk to publish a Notice of Public Hearing in the Town's Official Newspaper, and to post such Notice at the Town Hall, no more than twenty (20) days nor fewer than ten (10) days prior to the date of the public hearing Confirm date of meeting with M. Prior and Board before placing an ad.

**Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Town of Bennington  
December 10, 2025  
DRAFT #1**

**Resolution 2025-12-11**

**Authorizing Public Hearing to Consider the Adoption of #9 of  
2026 Local Law Entitled, “Local Law Relating to the Control,  
Confining, and Leashing of Dogs”**

**Whereas**, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices located at 905 Old Alleghany Road, Attica, in the Town of Bennington, New York on the 10th day of December, 2025, commencing at 7:30 p.m., at which time and place the following members were present: Supervisor Ellen Grant, Councilmembers Jeff Burger, Chris Domes, Bernard Frounick, Joyce Mohun. Absent: 0.

**Whereas**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 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 finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has created a risk of physical harm to persons, damage to property, and nuisances within the town; and

**Whereas**, the Town Board of the Town of Bennington deems it necessary to establish a local law to preserve the public peace and good order, protect the health, safety and well-being of persons and property and ensure the well-being of dogs and other animals by imposing reasonable restrictions on dog ownership and behavior, and

**Whereas**, the purpose of said local law is to provide for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, and animals from dog attacks and damage, in accordance with New York Agriculture and Markets Law Article 7; and

**Whereas**, the Town received a draft law from the Town Attorney and reviewed said draft at the July 16, 2025 Town Board Meeting, and accepted draft of proposed Local Law #9 of 2025, entitled “**Local Law Relating to the Control, Confining, and Leashing of Dogs**” and has since worked diligently with the Town Attorney in preparing revisions and multiple subsequent drafts of said proposed law, including revisions based on feedback from the public; and

**Whereas**, the Town Board of the Town of Bennington held a public hearing on the proposed local law on the 13th day of August, 2025 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed local law were heard; and

**Whereas**, the Town received various public comments at the August Public Hearing and held additional workshops on September 25th, October 16th, October 30th, November 6th, November 20th, 2025 to review and discuss the proposed law; and

**Whereas**, that the Town Board of the Town of Bennington believes it is in the best interest of the Town of Bennington to hold a public hearing to further discuss and consider the adoption of said local law; and

**Now on a Motion of Joyce Mohun**, which has been duly **seconded by Jeff Burger**, therefore be it

**Resolved**, that the Town Board of the Town of Bennington shall hold a public hearing on the proposed adoption of Local Law #9 of 2026, entitled “**Local Law Relating to the Control, Confining, and Leashing of Dogs**” on the **21st day of January, 2026, at 7:30 p.m.**, at which time all interested parties and citizens for or against the proposed local law will be heard; and be it further

**Town of Bennington**  
**December 10, 2025**  
**DRAFT #1**

**Resolution 2025-12-11**

**Authorizing Public Hearing to Consider the Adoption of #9 of  
2026 Local Law Entitled, "Local Law Relating to the Control,  
Confining, and Leashing of Dogs"**

**Resolved**, that the Town Board of the Town of Bennington hereby directs the Town Clerk to publish a Notice of Public Hearing in the Town's Official Newspaper, and to post such Notice at the Town Hall, no more than twenty (20) days nor fewer than ten (10) days prior to the date of the public hearing. Confirm date of meeting with M. Prior and Board before placing an ad.

**Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Minutes of Previous Meetings**

Final minutes from Town Board meetings accepted as presented by Clerk.  
November 5, 2024 Special Session  
November 12, 2025 Regular Board Meeting  
November 19, 2025 Special Session

**Communications**

**Clerk**

- presented certificate of liability insurance from Western New York Plumbing, Inc.

**Supervisor**

- Receipt of summary of court transactions as submitted by Bennington Justice Court for November 2025.
- Wyoming County Highway Dept. notice on opportunities for sidewalk, bikepath, and walking trails funding. A webinar is scheduled for March.

**Departments**

**Highway**

- December 10, 2025 bid opening for rebid of chassis components to fit 2027 Western Star plow truck. Will be forwarded to Highway Superintendent Jensen for review; Supervisor will submit a plan to NYSDOT for State Aid. If approved, an order will be placed for delivery in 2027.
- Plowing, sanding and salting of roads is a priority now that winter with snow accumulation has arrived.

**Town Clerk/Tax Collector**

- Presented Town Clerk monthly report for November 2025.
- Vital statistics YTD 2025: Births: 0. Marriage Permits Issued: 5. Death: 9.

**Assessor**

- Ag and Senior renewal exemptions will be mailed out next week; due March 1, 2026.
- Per NYS home values are trending with a 7% increase anticipated.

**Departments**

**Town of Bennington**  
**December 10, 2025**  
**DRAFT #1**

**Zoning/Planning**

- Wyoming County Zoning Department monthly report for November, 2025.

**Recreation/Park**

- Pine Tree Park is officially closed for the season; one gate remains open for snowmobile access.
- Senior Citizens Club annual report submitted to the Board. Cash balance \$432.64.
- Mike George requested authorization to repair fascia on two buildings up at the Town Park. If not repaired, continued weather damage will occur.

**Water District**

- Attica DPW is overseeing the water meter exchange/replacement in the Cowlesville Water District. Upon completion, this will conclude the grant project to replace all water meters in the Cowlesville Water District.
- Supervisor Grant will place an ad in the PennySaver for the position of Water System Operator for the CWD. Mark Pruitt has retired from the position.

**Historical Society**

- Town Historian Michael Mohun discussed ideas with the Wyoming County Historian regarding ways to celebrate the 250th anniversary of the founding of our Country; identifying Revolutionary War Soldiers from Wyoming County.
- The Wyoming County Historical Society applied for grant monies to place historical markers around the City of Warsaw. Mohun will contact the William G. Pomeroy Foundation for a grant application to place historical markers in Bennington.
- On December 9, 2025 at the Board of Supervisor's meeting in Warsaw, NY the Bennington Town Board presented Ellen Grant with a gift of appreciation for her 20 plus years of service as the Town of Bennington Supervisor. Mr. Mohun read the speech he shared with Ellen and the Warsaw Board of Supervisors and expressed his appreciation for all she has done for our Town.

**Petitions and public concerns**

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

The Supervisor reported on continued activities by the County to establish a broadband network throughout the county by the end of 2026. This included multiple agreements with utility companies to co-locate wire on their poles. Extension of the agreement with Waste Management continues to be worked out. The County Administrator and Board of Supervisors is looking into the acquisition of Camp WYOMOCO in Varysburg to create a County Park. Grant applications for planning and development are underway and a neighboring property owner is interested in donating 60 acres of land that adjoins the camp.

**Board entered into Executive Session for discussion of personnel matters.**

**The Board exited the Executive session at 9:38 pm.**

**Ayes: All (5). Noyes: 0. Abstain: 0. Absent: 0.**

**Motion to adjourn by J. Mohun**

**Attendance: 8**

**Town of Bennington  
December 10, 2025  
DRAFT #1**