

Bennington Town Board

May 13, 2026

FINAL

Workshop Session 6:00 p.m.

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

In attendance: Supervisor Mark Prior, Council Members Deborah Anstett, Bernard Frounick, Joyce Mohun, Maria Prior, Clerk Joanne Rosenthal

Regular Board Meeting 7:30 p.m.

Call Meeting to Order by Supervisor Prior at 7:30 pm.

Pledge of allegiance led by Council Member D. Anstett

Set Agenda – no changes

Conflict of Interest - none

Oath of Office for Councilwoman Deborah Anstett

Reminder that the Public Hearing on Local Law #1 (Guidelines for dog kennels) Draft #7 is still open.

A Special Session will be held on Wednesday, May 20, 2026 at 2:00 pm at the Bennington Town Hall for a Public Hearing on the Local Law Extending the Wind Moratorium.

There will be a June 2, 2026 Workshop Session at 6:00 pm to draft final documents of kennel and dog law. If time allows final vote on June 10, 2026 regular board meeting; with July being the final date.

Financial Matters Approve Eagle Systems annual contract (4/19/2026-4/18/2027) for the copier in the Clerk's office. (\$552.50)

Motion by Maria Prior, seconded by D. Anstett to approve renewal of contract with Eagle Systems.

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

General Fund vouchers	#474 to #492.	\$ 12,293.25.
Highway Fund vouchers	#307 to #321.	\$ 68,016.76.
Cowlesville Water vouchers	# 36 to # 40.	\$ 3,952.77.
Cowlesville Light vouchers	# 4.	\$ 414.73.

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

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

Financial Reports Supervisor Report presented by Supervisor Prior.

Motion by J. Mohun, seconded by Maria Prior to approve the Financial Reports ending April 30, 2026.

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

Request by J. Mohun that Supervisor Prior review and confirm Niagara Solar balance.

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Resolution #2026-5-01

ADOPTING RULES OF PROCEDURE AND PUBLIC CONDUCT FOR TOWN BOARD MEETINGS

WHEREAS, the Town Board of the Town of Bennington is committed to conducting its meetings in an orderly, fair, and efficient manner that promotes transparency and public confidence in local government; and

WHEREAS, New York Public Officers Law Article 7 (“Open Meetings Law”) guarantees the public’s right to attend meetings of public bodies, and authorizes such bodies to adopt reasonable rules to maintain order and ensure the efficient conduct of public business; and

WHEREAS, the New York State Committee on Open Government has advised that public bodies may adopt content-neutral rules governing public participation, recording, and meeting decorum, provided such rules are reasonable and do not interfere with the public’s right to attend and observe; and

WHEREAS, the Town Board finds it necessary and appropriate to adopt written Rules of Procedure and Public Conduct to guide the conduct of Town Board meetings and to ensure that all participants are treated fairly and respectfully;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bennington hereby adopts the following **Rules of Procedure and Public Conduct** for all Town Board meetings:

RULES OF PROCEDURE & PUBLIC CONDUCT

1. Open Meetings & Public Access

- A meeting occurs whenever a quorum of the Town Board gathers to discuss public business, and such meetings shall be open to the public except as permitted for executive sessions.
- Members of the public may attend and observe the meeting.
- Recording and photography are permitted, provided equipment is quiet, stationary, and does not disrupt the meeting or obstruct visibility.

2. Public Participation

A. General Rule The public has the right to attend Town Board meetings. Public comment is not required by law but is provided voluntarily by the Board under these rules.

B. Public Comment Period (Agenda Items Only)

- Public comment is limited to items appearing on the agenda of that meeting.
- Each speaker may speak **once** during the public comment period.
- Each speaker is allotted **up to two (2) minutes**.

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**Resolution #2026-5-01
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**ADOPTING RULES OF PROCEDURE AND PUBLIC CONDUCT FOR
TOWN BOARD MEETINGS**

- Speakers must:
 - Raise their hand and be recognized by the Supervisor or presiding officer
 - State their name, if they are a resident of the Town of Bennington and, if applicable, any organization they represent.
 - Address their remarks **solely to the Board, and not to individual members**
- Comments must be civil, orderly, and relevant to agenda items.
- The presiding officer may end a speaker's time or rule a speaker out of order if comments become off-topic, disruptive, obscene, threatening, slanderous, or needlessly repetitive.

C. Public Hearings

- Comments must relate only to the subject of the hearing.
- The Board may set reasonable time limits to ensure all viewpoints are heard.

3. Conduct of the Meeting

- The Supervisor or presiding officer is responsible for maintaining order.
- Disruptive behavior includes interrupting speakers, speaking without recognition, shouting, creating noise that prevents others from hearing, obstructing views, or refusing to yield the floor.
- The presiding officer may issue warnings and may direct the removal of individuals who disrupt the meeting.

4. Executive Sessions

The Board may enter executive session only after a motion made in open session identifying the general subject area and approved by majority vote, and only for purposes permitted under Public Officers Law §105.

5. Minutes

Minutes shall record motions, votes, and actions taken, and shall be made available in accordance with the Open Meetings Law.

6. Enforcement

The presiding officer may warn any person violating these rules. Continued violations may result in removal from the meeting room and/or temporary suspension of speaking privileges.

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**Resolution #2026-5-01
(continued from Page 3)**

**ADOPTING RULES OF PROCEDURE AND PUBLIC CONDUCT FOR
TOWN BOARD MEETINGS**

BE IT FURTHER RESOLVED, that these Rules of Procedure and Public Conduct shall take effect immediately upon adoption and shall remain in force unless amended or repealed by resolution of the Town Board.

Motion: Maria Prior. Second: D. Anstett.

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

Petitions and public concerns

M. George - Concerned the Board is not allowing sufficient time to speak.

D. Mally - Has objections to how meetings are handled.

T. Schrems – Robert Rules of Order not being followed; suggests amendment be made to Resolution #2026-5-01.

J. Kirsch – Why dictate rules if not enforced.

A. Baran – It feels like residents are being silenced by limiting community members to speak.

John – Tinkham Rd. – When will new business be addressed

C. Craig – Can concerns be brought to meeting agendas. Prefers public comments at end of meetings.

M. Perl – Regarding decorum in a meeting; does this apply to Board members?

Garrett – Church Rd. – How was public comment for speakers decided on for two minutes; a disregard for public opinion.

J. Jergie – A filibuster, draconian rules, allow residents to speak their peace before interruptions.

Resolution #2026-5-02

**Inter-municipal Agreement for Countywide Zoning
Enforcement Services**

Be it Resolved, that the Town Board of the Town of Bennington, hereby, authorizes and directs the Supervisor to sign an agreement with the County of Wyoming for the provision of Zoning Law Enforcement for the Town of Bennington for the period of January 1, 2026 through December 31, 2026 in an amount not to exceed \$19,784.96.

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

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

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Resolution #2026-5-03

Agreement to Spend Town Highway Funds

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvements of highways, and received from the State for the repair and improvements of highways, shall be expended as follows for General Repairs, Improvements and Benefits:

1. General Repairs. The sum of \$965,262.00 may be expended for general repairs upon 65.58 miles of town highways, including sluices, culverts and bridges having a span less than five feet and boardwalks or the renewals thereof.
2. Improvements. The following sums shall be set aside to be expended for the improvements of town highways. Road work to be determined by the Highway Superintendent and Town Board.

No moneys set aside for such improvements shall be expended, nor shall any work be undertaken on such improvements until the Town Board approves the plans, specifications and estimates for such construction.

This agreement shall take effect when it is approved by the Town Board executed in duplicate this 13th day of May, 2026

Motion: Maria Prior. Second: D. Anstett.

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

Unfinished Business

Resolution #2026-5-04

Audit of 2025 Financial Records

Whereas, the 2025 Financial Records of the Town Justice Court, Town Supervisor, Town Clerk/Collector and Cowlesville Water District Clerk have been presented and audited by Municipal Auditor Don Pryzybl; and

Whereas, following the said audit, a written report was presented to each Town Board Member for review and comment;

Now, Therefore, Be it Resolved, that the Town Board hereby accepts the findings of the audit of the 2025 financial records of the Town, and authorizes the submission of said report to any applicable state agency.

Motion: Maria Prior. Second: D. Anstett.

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

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New Business

Resolution #2026-5-05

Set dates & times for Zoning Update Meetings

Whereas, members of the Town Board, Town Planning Board and Town Zoning Board of Appeals have been working on various additions and changes to the Town Zoning Law and find it necessary to hold additional meetings outside of their regularly scheduled and advertised Board Meetings in order to continue the required work; now, therefore,

Be it Resolved, that the various Boards of the Town involved in developing new zoning regulations shall meet at the following dates and times: May 26, 2026, June 2, 2026 at 6:00 p.m. at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY, and

Be it Further Resolved, that the Town Clerk shall post the meeting dates, time, location and purpose in the legal newspaper of this town.

Motion: J. Mohun. Second: D. Anstett.

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

Minutes of Previous Meetings – accepted as presented by Clerk.

Town Board meeting of April 8, 2026.

Special Session meeting of April 15, 2026.

Communications

Departments

Highway – no report.

Town Clerk

1. Presented Certificates of Liability Insurance – KCM Customer Built Garages 4/18/26 – 4/18/27.
2. Presented Certificate of Liability & NYS Worker's Compensation Insurance – Four Winds Masonry & Chimney 4/7/26 – 4/7/27.
3. Presented Town Clerk's report ending April 30, 2026.
4. Vital Statistics YTD: Births: 0. Deaths: 1. Marriage license permits issued: 2.

Assessor

1. Discussed assessment process. NYS suggests a three-year cycle to maintain a 100% assessment of properties.
2. The Town Board dictates if assessment should be done.
3. Lower equalization means a higher tax rate.
4. Yearly assessment maintains a uniform percentage of value.
5. Higher assessment of a property does not mean higher taxes. Look at equalization rate.

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Assessor (continued from page 6)

6. Final decisions on small claims hearings are made at a judicial level. Unwarranted tax burden is passed on to all other residents.
7. Grievance Day is May 28, 2026. Time: 4:00 – 8:00 pm. Call Jim Kirsch to schedule an appointment.

Zoning/Planning

1. M. George to assign a ZBA secretary.

Recreation/Park

1. Pine Tree Park is very wet from the spring rains. Mowing has not been done yet this year.
2. Concerts in the Park schedule to be announced.
3. Swim Program at Bryncliff Resort to be announced.

Water District – no report.

Historical Society

1. Memorial Day Observance to be held on Monday, May 25, 2026.

Supervisor Town Address & Newsletter

1. Website traffic increase.
2. Website is working and being updated weekly.
3. New emails to be released next week to Board members.
4. 100+ signups for the newsletter.
5. Direct deposits for employees pay checks.
6. On-line payments of vendor invoices.
7. Supervisor hours of availability to be announced.
8. Separate cell phone number to call for urgent road issues only to soon be available
9. 2025 audit report from D. Przybyl.

Any other Business to Come before the Board/County Matters

1. County Comprehensive Plan Survey – available on the back table for residents.
2. Wyomoco Park Grant/Purchase Plan – Wyoming County has submitted for grant monies.
If the grant funds are not received, the park will not be purchased.
3. Speedy COW – June 2026 anticipated service.

Adjourned. Time: 9:30 pm

Motion by Maria Prior

Attendance # 46