

January 3, 2018

Work Session

7:00 PM

Supervisor Grant along with Council Members Mohun, Frounick, Waite and Gadd audited the Highway, General Fund and Special District claims.

Discussion was held on lowering the cost of tire disposal for 2018.

January 3, 2018

2018 Organizational Meeting

7:34pm

Supervisor Grant called the meeting to order and asked Council Member Frounick to lead the pledge to the flag.

Present were Council Members Mohun, Frounick, Waite and Gadd.

Supervisor Grant opened the 2018 Organizational meeting for the town at 7:35pm. The Supervisor read through the hourly wages and salaries for all employees of the town along with the schedule for Zoning fees, and other fees. There was a question on a Deputy Clerk signer for the Town Clerk and tax accounts. Will table a discussion for a 2<sup>nd</sup> signer till the February meeting. Discussion was held on making changes to the Park Rental and security deposit. Motion made by Frounick to increase the Security Deposit to \$50. Discussion was held on rate of pay for a PT seasonal Motor Equipment Operator. Councilman Frounick thought that was a little low to find a qualified candidate.

**A. Set Salaries, Fees & Financial Matters:**

**2018 Town Salaries as per the adopted 2018 budget:**

Supervisor	\$ 5,300.00/year
Town Council Members 4@	1,944.00/Year
Town Justice 2@	5,300.00/year
Highway Superintendent	48,475.00/Year
Town Clerk/Collector	14,000.00/Year
Dep. Town Clerk	13.25/hour
Budget Director	550.00/Year
Town Assessor (sole)	21,800.00/Year
Zoning Officer/Fair Housing Officer	15.00/hour
Dep. Zoning Officer	13.25/hour
Planning Bd/Zoning Bd of Appeals Members	15.25/Mtg.
Planning Bd/ZBA Chair	20.00/Mtg.
Planning Bd/ZBA Asses. Review Secretary	10.40/hour
Bd of Assessment Review Members	10.40/hour
Court Clerk	7,050.00/Year
Town Bookkeeper	4,700.00/Year
Town Custodian	1,850.00/year
Transfer Station Operator	5,000.00/Year

Town Historian	235.00/year
Attorney for the Town of Bennington	as per voucher
Town Park Maintenance Person	5,250.00/Year
Transfer Station Assistant	10.40/hour
Prosecutor	3,900.00/year
Dog Enumerator	1.50 per dog
Motor Equipment Operator (PT Seasonal)	12.00/hour
Water System Operator	16.00/hour
Asst. Water System Operator	14.25/hour
WSO/Assist WSO Emerg. Call Out	3.00/hr. premium
Water Clerk	600.00/year
Swim Instructors	11.50/hour
Lifeguards	10.40/hour

**Zoning Fees:**

Variance	\$125.00
Special Use Permit	\$125.00
Special Use Permit renewals	10.00/year
Special Use Permit for Meteorological Towers:	
Installation for a term not to exceed two (2) years	25.00
Each additional year thereafter	25.00
Zoning Permits under 400 sq. ft.	25.00
Zoning Permits over 400 sq. ft.	50.00
Zoning Permits – Ponds	25.00
Home Occupation Permits	50.00
Home Occupation Permits – yearly renewal	10.00
Sale of Zoning Books	25.00
Application to re-zone	500.00
Tower Special Use Permit Fee	\$2,000.00

**Building Permit Fees 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

**Other fees:**

Park Rental	50.00
Park Security Deposit	50.00
Copies of official documents	.25/page
Transfer Station Fees:	
Resident Stickers	15.00/1 <sup>st</sup> vehicle
Resident Stickers	5.00/2 <sup>nd</sup> vehicle



Planning Board	Third Wednesday, 7 PM
Zoning Board of Appeals	First Wednesday, 7 PM as needed
Official Election Places	District #1, 2 & 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 NY

Motion made by Frounick/Gadd to approve section B. Notice of Meeting Dates, Times, Locations and other legal notices, voting all ayes, carried.

**C. Appointments:**

Town Attorney	Dave DiMatteo
Zoning & Fair Housing Officer	Katie-Nicole Marble
Deputy Zoning Officer	vacant
Town Historian	Lesa VanSon
Transfer Station Operator	John Wojtkowiak
Asst. Transfer Station Operator	Jim McCullough
Registrar	Carolyn Busch
Bookkeeper	June Spencer
Budget Director	Ellen Grant
Town Prosecutor	James Wujcik
Court Clerk	Christa Dake
Planning Board Chairman	Robert Gadd
Zoning Board of Appeals Chairman	Rick Storch
Sec’y, Zoning Board of Appeals	vacant
Sec’y, Planning Board	Donna Hummel
Inter-Community Medical Cntr. Board	Michael Hardie
Town Custodian	Carolyn Mruczek
Office for the Aging Representative	Leonard Roberto
Town Park Custodian	Dante Caselli
County Planning Board Representative	Carl Wuest
Assessor	Kandy Wittmeyer-to expire 9/30/19
Water System Operator	Mark Pruitt
Asst. Water System Operator	Dan Czelusta
Water Clerk	Judith Brown
Deputy Supervisor	Bernard Frounick
Planning Board	Deb Nye 1/1/18-12/31/22
Alternate Zoning Board of Appeals	Mike George 1/1/18-12/31/22
Zoning Board of Appeals	Kyle Dhloy
Dog Enumerator	Carolyn Mruczek
Deputy Town Clerk	Judith Brown

Motion made by Mohun/Waite to approve Section C. Appointments, voting all ayes, carried.

Motion by Waite/Mohun to close the 2018 Organizational Meeting at 8:03pm, voting all ayes, carried.

Supervisor Grant opened the Public hearing on Local Law #1, Year 2018 – Cold War Property Tax Exemption at 8:04pm.

The first order of business was to present a contract from Williamson Law Book for the annual service contract to aid in Tax Collection for the annual fee of \$416.

Motion made by Mohun/Gadd to approve the contract, voting all ayes, carried.

#### Financial Matters

General Fund claims #1– 11 totaling \$52,811.77 presented. Motion made by Frounick/Waite to approve the General Fund claims presented. Voting all ayes, carried.

Highway Claims #1-10 totaling \$22,485.62 presented. Motion made by Mohun/Gadd to approve the Highway claims presented. Voting all ayes, carried.

#### Special District Claims

Cowlesville Water District claims #1-5 totaling \$5,373.49 presented. Motion made by Waite/Mohun to approve Water claims presented. Voting all ayes, carried.

Bennington Fire claim #1 totaling \$25,000.00 presented.

Motion made by Gadd/Mohun to approve the special district claims, voting all ayes, carried.

#### Supervisor's Financial Statements for December:

Motion made by Gadd/Frounick to accept the Financial Reports for December, voting all ayes, carried.

#### Minutes: December 20<sup>th</sup> Regular Meeting:

One amendment to the minutes, add Councilman Hoy that he was in attendance at the meeting. Motion made by Mohun/Waite to approve the minutes as corrected, voting all ayes, carried.

#### Correspondence:

Certificate of Insurance received from Direct Energy including Astrum Solar, Inc.

Information packet received regarding the Association of Towns conference to be held 1/10-12/18 & 1/17-19/18 for newly elected town officials.

Event schedule received from Letchworth State Park regarding winter programs. Will be scanned in and posted on the town website as well as posted on the Town Clerk's bulletin board.

The Town Clerk received a save the date for the NYPF's Annual Conference to be held 4/22-24/18.

The Town Clerk received the monthly water quality report from Biotrax.

Supervisor Grant presented the Board with the 2017 Bennington Senior Citizen's Activity Report Summary.

The Office of Tim McGill corresponded with the Supervisor that all was in order for the meeting to be held on January 9<sup>th</sup> at noon at the Town Hall.

Departments:

Assessment: Assessor Wittmeyer reported that Tax Credit Checks are getting sent out by the state, but completely random. Some residents are getting checks and others are getting a form to fill out and return to verify information. Councilman Mohun would like to schedule a time to have a meeting with the Assessor to review how assessments are calculated with regard to tax rates. The Assessor would be available in late February to have a meeting with the Town Board.

Zoning/Planning: Zoning Officer Marble was not able to attend this evenings meeting.

Highway Department: Superintendent Czworka was not able to attend due to the current weather conditions. The Superintendent has not been able to find a helper to assist with plowing.

Parks/Recreation: Nothing to report.

Water District: Meeting is going to be on January 9<sup>th</sup> at noon between Highland Glen/Chatfield Engineering/Wyoming County Water/Supervisor. Erie County Water Authority wanted more information so all parties will get together to answer them.

Transfer Station: Nothing to report.

Public Concerns: Nothing reported from residents in attendance.

Old Business:

**Local Law #1 Year 2018 – A Local Law Exemption from Real Property Taxes for Real Property Owned by Veterans who Rendered Military Service to the United States of America during the Cold War.**

Assessor Whittmeyer explained that this exemption will cover active duty veterans that served from 1945-1991 while the US was not in a period of War.

Supervisor Grant gave out the SEQR for this Local Law, no significant impacts on this law.

Motion was made by Frounick/Mohun to close the Public Hearing at 8:30pm, Voting all ayes, carried.

**Resolution #2018-1-1 A Local Law Exemption from Real Property Taxes for Real Property Owned by Veterans who Rendered Military Service to the United States of America during the Cold War.**

Whereas the Town Board of the Town of Bennington held a duly publicized public hearing on this date at the Town Hall in Bennington Center, and

Whereas the Town Board, as Lead Agency, has reviewed the proposed Local Law #1, Year 2018 for the purposes of SEQR and has issued a negative declaration on the action;

Therefore, Be It Resolved, that the Town Board hereby approves the adoption of Local Law#1, Year 2018 A Proposed Local Law Exemption from Real Property Taxes for Real Property Owned by

Veterans who Rendered Military Service to the United States of America during the Cold War;  
and

Be it Further Resolved, that the Town Clerk is hereby directed to file said Local Law with the Secretary of State of the State of New York.

Motion made by Gadd, seconded by Waite; Ayes – 5 Noes - 0 Absent - 0 Abstain – 0

**A Local Law Exemption from Real Property Taxes for Real Property Owned by Veterans who Rendered Military Service to the United States of America during the Cold War**

Section 1. Pursuant to the authority of the provision of Section 458-b of the Real Property Tax Law, the maximum exemptions allowable from the Town real property taxation shall be fifteen (15%) percent of the property assessment, not to exceed \$12,000 multiplied by the latest final state equalization rate for service during the “Cold War” and a percentage of the property’s assessment equal to one-half of any service connected disability rating not to exceed \$40,000 multiplied by the latest final state equalization rate.

Section 2. This exemption shall apply to assessment rolls prepared with taxable status dates after January 3, 2018.

Section 3. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York, but in no event, earlier than January 2, 2018.

New Business:

NYS Retirement – Supervisor Grant explained we have been a little behind on reporting. A packet was presented to the Town Clerk to sign off on. Councilman Gadd asked what past dues if owed. State will contact the accountant and employee as well.

**Resolution #2018-1-1 NYS Retirement System Resolution**

Be it Resolved, that the Town of Bennington/30722 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their Record of Activities for 2013:

Appointed Officials	Bookkeeper	Standard Work Day: 6 hours
	Prosecutor	Standard Work Day: 6 hours
	Court Clerk	Standard Work Day: 6 hours

And, Be it Further Resolved, that the Town of Bennington/30722 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their Record of Activities for 2014:

Elected Officials	Highway Supt	Standard Work Day: 8 hours
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	Justice	Standard Work Day: 6 hours
	Councilman	Standard Work Day: 6 hours
Appointed Officials	Bookkeeper	Standard Work Day: 6 hours
	Prosecutor	Standard Work Day: 6 hours
	Court Clerk	Standard Work Day: 6 hours
	Assessor	Standard Work Day: 6 hours

And, Be it Further Resolved, that the Town of Bennington/30722 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their Record of Activities for 2015:

Appointed Officials	Bookkeeper	Standard Work Day: 6 hours
	Prosecutor	Standard Work Day: 6 hours
	Court Clerk	Standard Work Day: 6 hours

And, Be it Further Resolved, that the Town of Bennington/30722 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their Record of Activities for 2016:

Elected Officials	Highway Supt	Standard Work Day: 8 hours
	Councilman	Standard Work Day: 6 hours
Appointed Officials	Bookkeeper	Standard Work Day: 6 hours
	Prosecutor	Standard Work Day: 6 hours
	Court Clerk	Standard Work Day: 6 hours
	Deputy Clerk	Standard Work Day: 6 hours

And, Be it Further Resolved, that the Town of Bennington/30722 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their Record of Activities for 2017:

Appointed Officials	Bookkeeper	Standard Work Day: 6 hours
	Prosecutor	Standard Work Day: 6 hours
	Court Clerk	Standard Work Day: 6 hours
	Clerk/Collector	Standard Work Day: 6 hours

Motion: Mohun ; second: Gadd

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

Approval for Conference Travel for the Town Supervisor to attend conference in February - Supervisor Grant estimates about a \$700 cost to the Town.

**Resolution #2018-1-2 Approval of Conference Travel**

Be it Resolved, that the Town of Bennington Town Board hereby approves travel and attendance of the Town Supervisor at the NYS Association of Towns Annual Conference in February 2018;

And Be it Further Resolved, that reimbursement of up to fifty (50%) of the costs associated with said conference will be reimbursed from budgeted funds.

Motion: Frounick ; second: Waite

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

Discussion was held on the Town’s Bi-Centennial for 2018. Supervisor Grant will advertise to get a committee together to plan some events and activities throughout the year.

Motion was made by Mohun/Gadd to go into Executive Session at 8:46pm, voting all ayes, carried.

At the January Board meeting, motion was made by Frounick, seconded by Mohun, to leave Executive Session at 9:31 p.m.

**Resolution #2018-1-4 Approval of Teamsters Bargaining Unit Contract**

Be it Resolved, that the Town Board of the Town of Bennington hereby ratifies and approves the proposal of the International Brotherhood of Teamsters Local #264, dated January 3, 2018, regarding the wages, benefits and department operations for the period January 1, 2018 through December 31, 2021.

And Be it Further Resolved that the Town Supervisor is hereby authorized and directed to sign such agreement on behalf of the Town.

Motion by Gadd, seconded by Frounick. Ayes: 5      Noes: 0      Absent: 0      Abstain: 0      Carried.

Motion made by Mohun to adjourn; carried. Meeting adjourned 9:32 p.m

Respectfully Submitted,

Carolyn Busch, Town Clerk

February 14, 2018

Work Session

6:50 PM

Supervisor Grant along with Council Members Mohun, Frounick and Waite audited the Highway, General Fund and Special District claims. Councilman Gadd called and is running late, but will be in attendance for the meeting.

Clerk Busch distributed the 2017 Yearly Clerk's report to the Board members via email last week. Also distributed January 2018 Monthly Town Clerk's Report for their packets.

Supervisor Grant explained what the CHIPS program is.

The Board reviewed a Special Use Permit Application submitted by Pat McCracken. They will schedule a public hearing to get public opinion at the next meeting in March.

Discussion held on Youth Baseball program for summer.

Discussion held on the Emergency Communications Tower Special Use Permit application and whether we can rent space on an existing tower. The fee would be \$1,000/month, but no guarantee has been put in writing as to how long that fee would be in place.

February 14, 2018

Regular Meeting

7:37pm

Supervisor Grant called the meeting to order and asked Council Member Gadd to lead the pledge to the flag. Supervisor Grant asked for a moment of silence following the pledge for Charlie Fox, a highway employee that passed away recently.

Present were Council Members Frounick, Gadd, Mohun and Waite.

Supervisor Grant presented the renewal of a service agreement from Eagle Systems for the copier for the 2018 year.

Supervisor Grant presented the renewal of a service agreement from Williamson Law Books for support of the Accounting Software for 2018.

Supervisor Grant presented the renewal of a service agreement from Eastern States Sentinel for Fire Alarm monitoring for 2018.

Supervisor Grant asked for a motion to approve the service agreements. Motion made by Frounick/Mohun. Voting all ayes, motion carried.

Financial Matters

General Fund claims #13-45 totaling \$19,257.99 presented. Motion made by Gadd/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

Highway Claims #11-29 totaling \$112,576.94 presented. Motion made by Waite/Mohun to approve the Highway claims presented. Voting all ayes, carried.

#### Special District Claims

Cowlesville Water District claims #6-15 totaling \$2,569.31 presented. Motion made by Mohun/Waite to approve the water district claims, voting all ayes, carried.

Cowlesville Street lighting claim #1-2 totaling \$502.79 presented. Motion made by Frounick/Waite to approve the lighting district claims, voting all ayes, carried.

Supervisor's Financial Statements for January and a revised edition of the December 2017 statement: Supervisor Grant stated the Tax Collector has collected all funds owed to the town and paid the Supervisor. Those funds will show up in next month's report. Motion made by Gadd/Frounick to accept the Financial Reports for January and the revised December 2017 report, voting all ayes, carried.

#### Minutes: January 3<sup>rd</sup> Regular Meeting:

Supervisor Grant asked if there were any corrections/amendments to the minutes. Motion made by Waite/Mohun to approve the minutes as presented, voting all ayes, carried.

Request made by Councilman Mohun to correct minutes from August 4, 2017. Asked to change Councilman Mohun to an abstention rather than a Noe. Motion made by Mohun/Waite, voting all ayes carried.

#### Correspondence:

Certificate of Analysis received from Biotrax for the monthly testing. Town Clerk Busch received a letter from the Alden Town Clerk alerting them of a Proposed Local Law #1 of 2018 to amend the Cold War Veterans Law of the Town of Alden.

Information was received from Real Property Tax regarding assessment valuations on Solar and Wind Energy. Package received from Iroquois Central Schools that included a SEQR on a capital project at their school that includes improvements to their athletic field. Letter received from the town attorney regarding Cold War Veteran exemptions. Supervisor Grant received Justice Court Recaps from the past four months. Supervisor Grant received pamphlets from NY Rural Water Association. Supervisor Grant dispersed information on Safety of Emails that she received from her conference.

#### Departments:

Town Clerk: Town Clerk Busch explained the Tax Collection process and where we currently stand in the collection. She also discussed the yearly report that was sent to the Board members the previous week.

Assessment: Assessor Whittmeyer was not able to make the meeting tonight.

Zoning/Planning: A Special Use Permit Application has been received and we will declare the Town as lead agency and schedule a public hearing for next month. Motion made by Frounick/Mohun, voting all ayes, carried.

Highway Department: Charlie Fox passed earlier this month. Superintendent Czworka has received applications for a replacement worker. Ken is still accepting applications at this time. The Town was notified that the Federal government denied our FEMA claim for the summer storm. We will not get money to cover extra labor and materials used to make emergency repairs. NY State has also denied funds to the county. Money is available to private citizens as loans. Representatives are coming to the

Village of Attica on Tuesday to assist in completing applications. Majority of small \$1,000-2,000 repairs will not get reimbursed.

Parks/Recreation: Supervisor Grant informed the Board that questions had come up regarding the Town sponsored Youth Baseball program. Josh Elliott from the AYA spoke. He runs the Attica program along with Beth from Pembroke who is the VP. He has reached out to area clubs and decided on using the Cal Ripken League as a viable option. Last year there were issues with insurance and they were forced to draw up boundaries based on school districts. He is asking to pool together as a school district this year. The name of the League is APA (Attica/Pembroke/Alexander). Their committee agreed to do a selection with a draft if needed to make complete teams. Josh was questioning how money comes from the Town of Bennington to help fund the needs of the Baseball teams. He would like to include Bennington kids in this program and asks that the kids sign up through AYA rather than through the town. Councilman Gadd told the Commissioner that the Board would not have an answer for him tonight. Commissioner needs an answer very soon as the Insurance needs to be taken care of the following week. Discussion on Baseball program concluded at 8:30pm.

Water District: Supervisor Grant reported that a letter was received from Chatfield Engineering regarding Highland Glens water supply. The Supervisor will need to speak with the Town Attorney. We are looking tentatively at an October 2018 completion date to hook into the main line.

Transfer Station: Annual reports submitted to DEC and GLOW solid waste committee. Letter came from DEC that they will come to inspect the old dump site on Reilen Road.

#### Hear Public Concerns:

Councilman Mohun recused herself from the dais at 8:35pm. Elmer Sturm, a resident on Kern Rd. understands the importance of the Emergency Communications Tower. He favors a plan that it would go on an already constructed tower. He says that there is a legal right to stop the project if approved citing a local town law. Councilman Gadd clarified Mr. Sturm's statement regarding the terms of the Grant money, in that it could be used for rent. The Grant though must be spent in 2018. Mr. Sturm referred to the Town Law that states it must go on an existing tower first. Another resident asked how much rent would be. Mrs. Mohun said it would be \$1,000/month per a discussion at a meeting held last week. When the application was submitted, Santoro was not aware of our local law. Supervisor Grant said that it was very difficult to get information from Sinclair communication regarding rental fees or any information. Erie County was paying \$2,500/month and took their signal off of it due to costs. They had to find another tower. There is no commitment as to how long the rent will stay the same price. Mrs. Mohun said it would be negotiated and could have already been put up months ago. Mrs. Mohun stated County Chairman Berwanger received a letter in April regarding the grant awarded to the County and it could have had a signal up already. Councilman Gadd challenged Mrs. Mohun's claim. Councilman Frounck voiced that the County should just build it and own it. The money to fund this project is coming out of the 911 surcharge fees. Mr. Ludwig asked if we can put a clause in so that if Board votes it through, an amendment could be added to take the addition to the existing tower. The Local Law was put on the books in 2002. At the time it was a model law for NYS. The individual that wrote the law lived in Bennington and felt that we needed this law in our own community.

Two residents were in attendance as part of their school government program. They asked the Board members a couple of questions.

Public Concerns portion was closed at 9:04pm.

Old Business:

Special Use Permit – Emergency Communications Tower. The SEQR is approved from the public hearing that was held in September. There are three options that the Board can take, Approve, Approve with conditions [90 days or until no longer viable], provide monthly updates, grant document propagation report and cost estimates or third option would be to table a decision and schedule a special meeting.

Motion made by Councilman Gadd to table the decision. He proposed to give Santoro two weeks to give out information regarding his communication with Sinclair. Councilman Frounck disagreed with the motion. Councilman Waite agreed with Councilman Gadd. Supervisor Grant looking at February 28<sup>th</sup> for another meeting. Councilman Waite seconded the motion.

Ayes: 3            Noes: 1            Abstain: 1            Absent: 0

Supervisor Grant will contact Santoro along with the Town Attorney to reconvene on this February 28, 2018 at 7:30pm.

### **Resolution #2018-2-1 Special Permit Application for Emergency Communications Tower**

Whereas, the Town Board of the Town of Bennington conducted on September 12, 2017, a duly advertised public hearing regarding the application of the County of Wyoming for the construction of a emergency services communication tower on property at 1185 Blood Road, Cowlesville New York,

And Whereas, The Bennington Town Clerk notified each adjacent landowner of said property of the public hearing and their ability to make comment on said application,

And Whereas, the Bennington Town Board, at a meeting held on August 9, 2017, declared that it would serve as lead agency for the purposes of the State Environmental Review Act, and said Board has reviewed the information submitted with the application and on September 12, 2017 made a determination of no significant adverse effect/negative declaration;

And Whereas, the Town of Bennington Zoning Board of Appeals, on February 7, 2018 has granted a height variance allowing a maximum of 260' for said tower stipulating that the 1.25 fall zone radius be complied with;

Now therefore, Be it Resolved, that the Town Board of the Town of Bennington hereby approves/disapproves said application for the construction of an emergency communications tower by the County of Wyoming on property located at 1185 Blood Road, Cowlesville, New York.

<<<<TABLED>>>>

Motion: \_\_\_\_\_ Second:

Ayes; 0                Noes: 0                Abstain: 0                Absent: 0

Councilman Mohun rejoined the Board members on the dais at 9:15pm.

Bicentennial Planning – Group met last Saturday to discuss ways to celebrate the Town’s Bicentennial.

New Business:

**Resolution #2018-2-2 Use of Town Hall by Attica Central School**

Be it resolved that the Bennington Town Board hereby grants permission to the Attica Central School District to use the Bennington Town Hall for the purposes of a Board of Education Meeting on April 26, 2018. And a School District Budget vote on May 15, 2018.

Motion: Mohun Second: Gadd

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

4H Campership – Wyoming County gives out one campership to a Town of Bennington resident that plans on attending Camp Wyomoco for a week this summer. Supervisor Grant will select one child to receive this based on a hand written essay on why I want to attend summer camp. This will be advertised on the Town’s website.

Another brief discussion was held regarding the baseball program. Board members continued their discussion from earlier on what the AYA commissioner was asking. Councilman Gadd would like to contact him directly to clarify. Town does not have \$100 per child to fund the program.

Any other Business to come before the Board:

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 9:28pm.

Respectfully Submitted,

Carolyn Busch, Town Clerk

**Town of Bennington**  
**Special Session – February 28, 2018**

Present: Supervisor Grant, Councilman Frounick, and Councilman Gadd.

Absent: Councilman Mohun & Waite

Meeting called to order at 7:29pm by Supervisor Grant.

Supervisor Grant led the Pledge to the Flag.

Supervisor Grant called the meeting to order at 7:29pm.

The Town Board of the Town of Bennington met at a special session at the Town Offices of the Town of Bennington located at 905 Old Allegany Road, in the Town of Bennington, New York on the 28th day of February 28, 2018 commencing at 7:29pm;

<u>Present:</u>	Supervisor	Ellen Grant	Absent – Councilman Joyce Mohun
	Councilman	Bernie Frounick	Absent – Councilman Brian Waite
	Councilman	Michael Gadd	

Old Business – Emergency Communications Tower

Supervisor Grant stated that the Town and County are working together on a written commitment to work out a contract. The date for completion has been pushed to March 12<sup>th</sup>. Correspondence has been sent to General Counsel and the VP of communications for Sinclair Communications. Councilman Frounick asked if pushing the date back would affect the grant. Supervisor Grant stated that it would not.

Councilman Gadd made a motion to table the decision till the March 14<sup>th</sup> meeting. Councilman Frounick seconded the motion, under protest.

Ayes: 3

Nays: 0

Absent: 2

Supervisor Grant asked the Board members if there is any other business to come before the Board.

Motion made by Supervisor Grant, there being no other business the regular meeting was adjourned at 7:31PM.

Respectfully submitted,

Carolyn Busch, Town Clerk







**March 14, 2018**

**Work Session**

**6:30 PM**

Supervisor Grant along with Council Members Mohun, Waite and Frounick audited the Highway, General Fund and Special District claims. Supervisor Grant reported the DEC has notified her that they will be coming to check the old landfill on Reilein Road; town will need to work on regulations for solar farms. Don Przybyl reviewed his audit report with the Board. Supervisor Grant gave Board Members a report on the Communications Tower, informed Board Members that a Vacant Building Registration application (first one) was received by the town from M&M Mortgage Services for the vacant/abandoned building at 240 Sargent Street in Cowlesville. She wants to review it with the Zoning Officer before accepting the \$250 check. Discussed the McCracken Special Use permit – will need to specify section of the zoning law under which he will be regulated.

**March 14, 2018**

**Regular Meeting**

**7:30 PM**

Supervisor Grant declared the meeting open and asked Council Member Mohun to lead the pledge to the flag. Present were Council Members Frounick, Mohun and Waite, Councilman Gadd absent.

Supervisor Grant opened the Public Hearing to consider a Special Use Permit submitted by Patrick McCracken, 1633 Alleghany Road to occasionally sell surplus farm equipment and other equipment, machinery.

**Financial Matters:**

**General Fund** claims #46-70 totaling \$13,113.90 presented. Motion made by Frounick/Waite to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #30 - 43 in the amount of \$52,785.50 presented. Motion made by Mohun/Waite to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #16-24 totaling \$4,243.68 presented. Motion made by Waite/Frounick to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street Lighting** claim #3 in the amount of \$191.81 presented. Motion made by Frounick/Mohun to approve the Lighting District claim, voting all ayes, carried.

**Supervisor's Financial Report- February** – Supervisor Grant presented her monthly Financial Report. Motion made by Mohun/Waite to accept the Supervisor's February report as submitted. Voting all ayes, carried.

**Minutes of the February meeting** – Supervisor Grant asked if any corrections/amendments. Motion made by Waite/Mohun to approve the minutes, voting all ayes, carried.

**Correspondence:**

Notice received from the NYS, Dept. of State notifying the town that Local Law #1 – 2018 has been received and filed.

Letters received from NYS, Office of the State Comptroller regarding:

1. Towns of Bennington, Sheldon and Orangeville – Dissolution of the Varysburg Fire Protection District.
2. Town of Bennington; Extension #1 to Varysburg Fire District.

Certificate of Liability Insurance received from Reserve Gas Company, Inc. naming the Town of Bennington as additional insured.

Letter from DiMatteo & Roach re: Varysburg Fire District Extension

Certificate of Analysis received from Biotrax.

Letter from the Erie Co. Water Authority re; Erie County Water Authority 2017 Annual Water Quality Report supplement.

Notification from the Town of Alden re: Proposed Local Law #2 of 2018 entitled "Code of the Town of Alden".

Supervisor Grant received information on the Regional Southwest Government Workshop scheduled for May.

Request from National Fuel Gas asking to be notified of any public improvement projects within the town.

Notice from Folsomdale Trailblazers thanking the town for letting them use the trails that go through town property and also invite Town Board Members to their annual breakfast March 18<sup>th</sup> at the Strykersville Fire Hall.

Received Justice Court Activity report for the month of February.

**Departments:**

**Clerk** – Presently sent out late notices for Town and County taxes. Supervisor’s office has received all of its tax dollars for 2018.

**Assessor** – Working on exemptions.

**Zoning/Planning:** Home Occupation Renewal applications received from: Deborah A. Buckley (The Bettinoll Company, LLC); Gary Arcese (G. Arcese Enterprise); Tom Hudson (Sunset Printing); John Brandon (Aerie Design Services); Cheryl Hinsken (Cheryl’s Pampering); Joseph Ciulla (Rispoli’s Bakery); William Rumley (Wildlife Nuisance Management). No complaints on any of them. Motion made by Frounick/Waite to approve the Home Occupation Renewals, voting all ayes, carried.

**Highway Department** – Out working on the roads tonight.

**Park/Recreation:** Supervisor Grant reported the Bennington Fire Department will be hosting the Easter egg hunt on March 31st. Will be advertised in the Penny saver and the Alden Advertiser.

**Water District** – Late notices going out this week.

**Transfer Station** – Supervisor Grant reported in May, Wyoming County, will be hosting an electronics collection event (like Tn. of Bennington did last year) the closest collection site for our area will be the Town of Attica Highway Dept. on Rt. 98. Free of charge to all county residents. All county residents will be sent a post card, which will be required for identification purposes when dropping off your electronic waste materials.

Also reported that the county is working on a Hazardous Waste Collection Event to be held in Warsaw, looking for 1-2 volunteers from each town to work 5 hours at this event. Supervisor Grant reported that the new transfer station stickers for 2018 are ordered and will be available in the next 2-3 weeks.

**Public Concerns** – Supervisor Grant asked if anyone had any matters/questions other than what is on the agenda to bring before the board. None.

**Comments on the McCracken Special Use Permit** – Patrick McCracken, 1633 Alleghany Road, has applied for a Special Use permit to conduct a sales of surplus farm equipment business, currently owned equipment sitting around, mostly ag equipment he wants to get rid of, plows for pickups, lawn mowers, golf carts etc. Supervisor Grant asked if any comments/questions on his application. Short discussion held, noted he’s already doing this, and has a lot of stuff up there outside and also in the barn. No one had any comments/complaints. Supervisor Grant reported he will be in compliance with the Town’s Comprehensive Plan, there is another business in that area (77 Construction), also the Comprehensive Plan calls for future growth of businesses along Rt. 77. If approved will have to comply with Local Law, Article II, Section 2.1.1M, .6 light commercial use. There being no further comments, a motion was made by Mohun/Frounick to close the Public Hearing, voting all ayes, carried. Public hearing closed at 8 PM. There were 10 residents present.

**Old Business:**

**Wyoming County Communication Tower** – (At this time Council Member Mohun removed herself from Town Board discussion). Supervisor Grant gave an update of the situation, since

there is opposition to the application of putting the tower on Blood Road and instead of going back and forth with e-mails with everyone involved in this matter, that she, Council Member Mohun, Town Attorney DiMatteo and Wyoming County Emergency Services Director Tony Santoro had a conference call with the paralegal from Sinclair Broadcast Group. They feel that Sinclair now understands that the purpose behind this is a public safety issue, not a profit making situation, nobody will be making any money. They had given Sinclair and WNYO (tower on Folsomdale on the Ripstein property), 14 business days to come with some type of written agreement. Supervisor Grant asked Attorney DiMatteo if she should call a Special Meeting. He said no, not at this time, wait and see what kind of agreement they come back with. They have also lobbied for the State Congressman and State Senator to advocate. Supervisor Grant has typed up an outline of what's going on, which will be available to the public. Supervisor Grant would like to table the matter right now, until they hear back from Sinclair. Motion reluctantly made by Frounick to table (feels been going on for too long now), seconded by Waite. Voting Grant, Waite and Frounick voted aye, Gadd absent. Council Member Mohun excused herself from participating in this matter. Supervisor Grant noted that if there is a Special Meeting on the co-location agreement with Sinclair, it will be advertised.

Council Member Mohun re-joined Board Members at this time.

**New Business:**

**McCracken Special Use Permit** – Supervisor Grant asked Board Members if they had any comments/questions on the Mr. McCracken application. None. Supervisor review the SEQR with Board Members. Noted if approved this permit will be issued for one year and then if everything going okay, no complaints, can applied for an up to 3-year renewal.

**Resolution #2018-3-1 – Special Permit Application for Patrick McCracken**

Be it Resolved, that the Town Board of the Town of Bennington, upon review and completion of the SEQR process and preparing a negative declaration, and based upon public comment at a duly advertised Public Hearing held on this date, the Bennington Town Board hereby approves the Special Use Permit application of Patrick McCracken, 1633 Alleghany Road, Attica NY to conduct sales of surplus farm equipment business at the above address for a period of one year, with conditions as noted: Local Law #2- 1993; Article 2.1.1M section .6 light commercial use.

Motion by Council Member Mohun; Second by: Councilman Frounick

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

**2017 Audit Report** – Town Board retained Don Przybyl, retired municipal accountant to audit the town records of the Supervisor, Town Court, Town Clerk/Collector and Water Department. He reviewed his findings with Town Board Members at their Work Session tonight, found no discrepancies.

**Resolution #2018-3-2 Audit of 2017 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 2017;

Now, Therefore, Be It Resolved, that the Bennington Town Board, at a duly held meeting on March 14, 2018, accepted Donald E. Pryzbyl's audit report, which concludes all of the Town's records to be in compliance, as per a motion made by Councilman Frounick, and seconded by Councilman Waite.

Grant: Aye    Frounick: Aye    Gadd: Absent    Mohun: Aye    Waite: Aye  
Noted: that a copy of this resolution needs to be sent to the State Court System.

**Other Matters to come before the Town Board:**

Supervisor Grant reported that the County is working with the school districts, sheriffs and local police departments on security for schools districts, ideas/ways to make schools secure and safe. Short discussion held.

Supervisor Grant noted that Council Member Mohun, with regards to location of the application to construct the communication tower has refrained from all Town Board discussion in this matter and will continue to not participate in any dialogue the Town Board has on this issue.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 8:28 PM.

Respectfully submitted:

Judith Brown  
Deputy Town Clerk

**April 11, 2018**

**Work Session**

**6:30 PM**

Supervisor Grant along with Council Members Mohun, Waite, Gadd and Frounick audited the Highway, General Fund and Special District claims. The Board members reviewed a quote from Fontrick Doors to replace the Court Clerk's door. The Board would like to get additional quotes. Superintendent Czworka hired a new worker for his highway crew. Superintendent Czworka would like to trade in the loader for a new model. We may get money back if we traded in our current model for the brand new one. He will get final numbers on Friday once he test drives this new model. He also has a meeting with George & Swede scheduled and will get in touch with John Deere dealer as well. The Highway department is currently working on filling potholes, in between the snowflakes. Superintendent Czworka said more siding blew off of the salt shed and roof of the storage building and this needs to be addressed. Supervisor Grant was asked by a resident if the Town could look into a grant to obtain an AED for the Town Building. Commissioner Santoro got monies from the county, but didn't know if we could get for 2 units. The units run between \$1,100 and \$1,300 apiece. Supervisor Grant sent all members copies of the agreement from Sinclair Communications. There would be a siting fee of \$120,000 for 10 years. There would be two 5 year renewals after that. It would start at \$16,800/year on year 11 and then increase 3% every year. The grant would be depleted once the siting fee and equipment was purchased/installed. The county would have to come up with money to pay the rental on the 11<sup>th</sup> year and subsequent years after. The Board had questions on the life expectancy of an average tower. Supervisor discussed options for this evenings meeting. The Board could choose to approve the Special Use Permit, Disapprove and the County would have to move forward with placement on the Sinclair tower, or table the decision again. The Board discussed pros and cons of each option.

**April 11, 2018**

**Regular Meeting**

**7:33 PM**

Supervisor Grant declared the meeting open and asked Council Member Waite to lead the pledge to the flag. Present were Council Members Frounick, Mohun, Waite and Gadd.

**Financial Matters:**

**General Fund** claims #71-95 totaling \$10,150.99 presented. Motion made by Mohun/Gadd to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #44-60 in the amount of \$39,750.99 presented. Motion made by Frounick/Waite to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #25-30 totaling \$2,315.55 presented. Motion made by Mohun/Gadd to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street Lighting** claim #4 in the amount of \$191.81 presented. Motion made by Gadd/Frounick to approve the Lighting District claim, voting all ayes, carried.

**Special District** claim #1 Cowlesville Fire Department in the amount of \$79,591.60; claim #1 Harris Corners Fire Department in the amount of \$29,804.40; claim #2 Bennington Fire Department in the amount of \$70,000.00. Motion made by Frounick/Waite to approve the Special District claims, voting all ayes, carried.

**Supervisor's Financial Report- March** – Supervisor Grant presented her monthly Financial Report. Motion made by Frounick/Mohun to accept the Supervisor's March report as submitted. Voting all ayes, carried.

**Minutes of the March meeting** – Supervisor Grant asked if any corrections/amendments. Supervisor Grant asked that under Transfer Station portion, amendment be made to state that they are looking for 2 workers, not volunteers from each town as they will get paid. Councilman Mohun sent corrections before the meeting. Motion made by Mohun/Waite to approve the minutes, voting all ayes, carried.

**Correspondence:**

The Town clerk received a postcard from NYSEG that tree and brush work would be going on in the town of Bennington by Asplundh Tree Expert Co. The clerk also received a registration packet for the Local Govt. Conference to be held on May 9<sup>th</sup> for all Town Officials. A spring program was received from Letchworth State Parks on upcoming programs. A copy of this is available at the Town Hall on the clerk's bulletin board. A letter was received from Eastern Sentinel Alarm service that they will be merging with Amherst Alarm to take over their monitoring services. The town received a COI from Eastman Tree Service and Eugene Jaworski Contracting. Tompkins Insurance Co. letter regarding NYS Regulation #87 Insurance Conflict of Interest. There will be a Coordinated Response Training taking place on May 1<sup>st</sup> in Mt. Morris regarding pipeline safety. The Bank of Greene County sent a letter regarding their intent to seek further financial business with the Town. NYS Home Renewal regarding policy changes. Supervisor Grant received reports from NYS Ag and Markets on the inspection of the Wyoming County Dog Shelter. Supervisor Grant received an annual report from GLOW on refuse.

**Proclamation:** Supervisor Grant asked that the Bennington Fire Department members gather in front of the Board. Supervisor Grant invited Councilman Frounick down to join the other members. Supervisor Grant read a proclamation to be awarded to Councilman Frounick proclaiming April 11, 2018 as Bernard Frounick Day for his dedication to the Bennington Fire Department over the last 50 years. Motion was made by Gadd/Mohun to approve the proclamation. Voting all ayes, motion was carried.

**Departments:**

**Clerk** – Clerk Busch included a copy of the Town Clerk's report for the Month of March in all of the Board Members packets. The clerk is closing the books with the County at the end of this week on this year's tax collection. Just over \$250,000 remains to be collected from Town residents and will be pursued by the County to collect. This amount tends to be approximately the same year to year.

**Assessor** – Not able to be at tonight's meeting.

**Zoning/Planning:** Home Occupation Renewal applications received from Stacey Acquard (Acquard's Pet Grooming); Cynthia Ciupek (C-Shore Design); Paul Dersam (Alden Real Estate); Mark Dusen (Dusen Marketing); Cara Kilian (Cara Kilian Photography); Edward Lautenschlager (D&L Trains); Allen Linsey (Precision Cylinder); Teri Wildey (Teri Wildey Salon). No complaints on any of them. Motion made by Frounick/Waite to approve the Home Occupation Renewals, voting all ayes, carried.

**Highway Department** – The Superintendent would like to upgrade the loader. Waiting on estimates and trade in value of old equipment. Bids open on County for Schad Rd. bridge. Supervisor Grant presented the annual agreement with Wyoming County Highway to spend Town Highway funds \$756,180.00 on the 65.58 miles of town highway roads. This agreement has to be signed by all Council members. Supervisor asked for a motion to approve the agreement. Motion made by Mohun/Frounick. Voting all ayes, carried.

**Park/Recreation:** Supervisor Grant thanked the Bennington Fire Department for hosting the Easter egg hunt on March 31st. A Boy Scout approached the Supervisor and would like to do work at Pine Tree Park for his Eagle Project this spring. He will come before the Board at the next meeting and present the project to include repair to picnic tables, benches, signage, mulch and possible addition of horseshoe pits.

**Water District –**

**Transfer Station** – Supervisor Grant reported in May, Wyoming County, will be hosting an electronics collection event (like Tn. of Bennington did last year) the closest collection site for our area will be the Town of Attica Highway Dept. on Rt. 98. Free of charge to all county residents. All county residents will be sent a post card, which will be required for identification purposes when dropping off your electronic waste materials.

**Public Concerns** – Supervisor Grant asked if anyone had any matters/questions other than what is on the agenda to bring before the board. None.

**Old Business:**

**Wyoming County Communication Tower** – Councilman Mohun recused herself from the dais. Supervisor Grant explained that there were three options for tonight. A conference call was held with Sinclair Communication discussing the lease term options. A proposal was given to the County for consideration, but not a formal lease agreement. There would be a 10 year lease agreement with two, five year renewal options. \$120,000 siting fee would be paid up front, with no additional payments for 10 years. On year 11, the lease fee would be \$16,800/year or \$1400/month. This would go up 3% each year thereafter. Supervisor Grant asked Commissioner Santoro who was in attendance what the life span of a typical tower is. He answered that the electronics would be about 15-20 years and the antennae could be anywhere from 5-30 years dependent on weather. The Commissioner stated Sinclair has not sent an official Lease agreement yet. The County Attorney hasn't been involved, but has been copied on all correspondence. The County agreed to spend \$1,000/month for rent a couple of months ago. Councilman Waite asked the firemen if they had a preference to a new tower or leasing space on the Folsomdale Rd. Tower. A couple of men responded that it doesn't matter and one said that it would be better to own it as it would save all taxpayers in the long run. Councilman Gadd estimates that it would cost \$160,000 roughly over the next 20 years to lease space on the Sinclair Tower. There would be no back-up power at the Sinclair tower either, the County would have to provide this. The County would have to come up with \$150,000 to help. \$475,000 is budgeted now, the difference would be spending to capital vs. rent with nothing to show after 20 years. Councilman Frounck made a motion to approve the Special Use Permit. Supervisor Grant asked for a stipulation to let more Emergency transponders go on tower. Councilman Gadd doesn't think we should approve till the lease agreement is in hand. He feels that it needs to be tabled until we have an official agreement. Supervisor Grant seconded Councilman Frounck's motion to approve the permit. Voting results were Ayes – 2, Noes – 2. Motion did not pass. Councilman Waite is concerned that we will get sued. Supervisor Grant asked for a motion to table the decision again.

**Resolution #2018-4-1 Special Permit Application for Emergency Communications Tower**

Table action pending negotiations with Sinclair Broadcast Group Inc and WNYO on co-location option.

Motion: Gadd; Second: Waite

Ayes: 3                                      Noes: 1                                      Abstain:                                      Absent: 1

Motion carried.

Council Member Mohun re-joined the Board members on the dais.

**New Business:**

**Resolution #2018-4-2 Set Date for May 2018 Town Board Meeting**

Be it resolved, that the Town Board of the Town of Bennington hereby sets the date of the May 2018 Town Board meeting to be held on Thursday May 3<sup>rd</sup> 2018 at 7:30pm, at the Bennington Town Hall, with the workshop session to be held the same date at 6:30pm.

And, Be it Further resolved, that the Town Clerk is hereby authorized and directed to advertise the same in the legal publication of the Town, in the Attica Penny Saver and on the Town website.

Motion by; Mohun Second: Waite

Ayes: 5                                      Noes:                                      Abstain:                                      Absent:

Motion carried.

**Resolution #2018-4-3 Letter of Support for Town of Alden EMS Certificate**

Whereas, the Town of Alden has been providing to the Town and Village of Alden, though a contract with Lancaster Volunteer Ambulance Service, basic life support ambulance service since September 2016 under a municipal Ambulance Operating Certificate; and

Whereas, the initial operating certificate will expire in August 2018 and the Town desires to apply for and operate under a permanent operating certificate; and

Whereas, the Town of Alden demonstrates public need for the issuance of an ambulance operating certificate as defined under the criteria for said certificate, including the inability of neighboring volunteer ambulance services from the Town of Bennington to provide sufficient basic life support service to residents of the Town of Alden on a regular basis.

Now, therefore, be it resolved, that the Town of Bennington supports the Town of Alden EMS in its request for permanent ambulance operating authority under Public Health Law Article 30.

Motion by: Mohun Second: Frounick

Ayes: 5                                      Noes:                                      Abstain:                                      Absent:

Motion carried.

Memorandum of Understanding – Wyoming County Health Department sent a Memorandum of Understanding to the Town of Bennington. This will pertain to Annual Inspections of Public Assembly Venues. This agreement is between the County and the Town seeking support of a resolution relating to Enforcement of Article 17 Public Safety of the New York Labor Law. One of the Board members asked who was enforcing this before. Our Town building has been inspected every year, this will allow for the Dept. of Labor to also come in and check for compliance. Supervisor Grant asked for a motion to approve.

Motion by: Mohun Second: Waite

Ayes: 4                                      Noes: 1                                      Abstain:                                      Absent:

Motion carried

**Other Matters to come before the Town Board:**

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 8:32 PM.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**May 3, 2018**

**Work Session**

**6:44 PM**

Supervisor Grant along with Council Members Mohun, Waite, Gadd and Frounick audited the Highway, General Fund and Special District claims along with a claim from the Varysburg Fire District. Superintendent Czworka informed the Board that Sitzman will give a free estimate on a new generator. The Board may want to consider having it in the 2019 budget. The highway workers tested out the Caterpillar loader at our facility. Guys liked this one better than the current loader we have. The Town would be able to turn in the current loader in exchange for this new version with no added expense. The new loader can be used up to 800 hours (2yrs.) and we have not gone over 500 hours with the current loader. Discussion held on what is needed to go out for bid on a loader. Supervisor Grant will contact the Town Attorney regarding the process. Superintendent Czworka would also like to have a re-bid go out on the work to the highway building. Missing shingles on Town Hall building and work needs to be done on the salt shed building as well.

Supervisor Grant moved into Executive Session to discuss personnel matters at 7:15pm. Motion was made and seconded (Mohun/Frounick) to come out of Executive Session at 7:26 pm. All ayes.

**May 3, 2018**

**Regular Meeting**

**7:33 PM**

Supervisor Grant declared the meeting open and asked Council Member Frounick to lead the pledge to the flag. Present were Council Members Frounick, Mohun, Waite and Gadd.

**Financial Matters:**

**General Fund** claims #96-110 totaling \$8,121.10 presented. Motion made by Mohun/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #61-71 in the amount of \$33,537.40 presented. Motion made by Waite/Mohun to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #31-34 totaling \$2,091.59 presented. Motion made by Frounick/Gadd to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street Lighting** No Claims this month

**Special District** claim #1 Varysburg Fire Department in the amount of \$9,020.33; Motion made by Mohun/Frounick to approve the Special District claims, voting all ayes, carried.

**Supervisor's Financial Report- April** – Supervisor Grant presented her monthly Financial Report. Motion made by Waite/Gadd to accept the Supervisor's April report as submitted. Voting all ayes, carried.

**Minutes of the April meeting** – Supervisor Grant asked if any corrections/amendments. Motion made by Waite/Mohun to approve the minutes, voting all ayes, carried.

**Correspondence:**

The Supervisor commented on a news article in the Batavia Daily that \$5 million dollars has been slated to resurface rural roads in NYS. One million will go to Wyoming County to resurface Route 78, Route 19 and Route 362. No money is to be given for town roads in Bennington. CHIPS notification was received, our local department will be reimbursed \$234,178.06 this year for highway improvements of lifetime of 10 years or more. A flyer was sent out through the Penny saver regarding all of the Spring/Summer/Fall events going on in the Town of Bennington this year. The Charter/Spectrum Franchise payment of \$39,740.46 was received. The Supervisor received a copy of the Bennington Justice report for the month of April. The Supervisor received a COI from Hojnowski Transport. A letter was received by the Clerk and all Board members from Joyce Mohun regarding the Special Use Permit Application for the Emergency Communications Tower.

April 15, 2018

Supervisor Ellen Grant  
Town of Bennington Board Members  
Bernard Frounck, Councilman  
Michael Gadd, Councilman  
Brian Waite, Councilman  
905 Old Alleghany Road  
Attica, NY 14011

Supervisor Grant and Town Board members:

I am writing this letter in response to the motion made on April 11, 2018 by Councilman Frounck and seconded by Supervisor Grant regarding the approval of the County's application for the special use permit on the variance which would allow a communication tower to be placed at the corner of Blood and Kern Roads. This motion was tabled for reconsideration on May 3, 2018. The Town law is clear that before permission is granted for the construction of a new tower, compliance with the Zoning Law, Article IX, titled "Telecommunication Towers and Minor Telecommunication Facilities" must be followed.

The County secured a grant in April of 2017 to update and improve the County's radio communication system. The application for the special use permit received by the Town of Bennington on August 30, 2017 for the construction of a communication tower is to achieve this result. Once the County became aware of the Town of Bennington's co-location law, efforts were made to comply. The County identified the WYNO tower as an ideal location. This is owned by Sinclair Broadcast Group, Inc. and located in the Town of Bennington. Phone calls and emails were exchanged between the County and Sinclair and ultimately, on April 10<sup>th</sup>, Sinclair advised as follows:

"Ms. Grant and group:

I was able to get approval for the County's offer of \$120,000 for a 10-year lease. We would, however like to add 2 renewal terms of 5 years each, at the end of the initial 10-year term, and the rent beginning on the commencement of the first renewal term will be based on \$1,400/month, or \$16,800/year, with 3% annual escalations thereafter. Would the renewal terms need to be paid up front as well, or can we leave these as monthly or annual payments? I will finalize the lease for your review. Please let me know to whom I shall send it."

Anthony Santoro accepted the offer and responded by email to Sinclair:

"The two renewal terms do not need to be paid up front just the initial 10 year payment. The lease agreement would be sent to my office. The signatory on the lease would be: A.D. Berwanger, Chairman, Board of Supervisors, County of Wyoming".

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These two emails demonstrate that the County and Sinclair Broadcast Group, owner of the WYNO tower, have come to an agreement regarding the County's use of their tower for the purpose of updating and improving the County's radio communication system, the sole purpose of the grant. The length of the contract and the amount of payment is agreed upon. Pursuant to the County's email, Sinclair is sending the contract to the Chairman of the Board of Supervisors for his signature. The last email is from Mr. Santoro, County's Emergency Management Coordinator dated April 10, 2018 at 2:28 p.m.

By coming to this agreement and agreeing to the terms and conditions, the Emergency Services Personnel of this County will be able to quickly update and improve the County's radio communication system. The volunteer firemen of the county as well as all police agencies and other emergency services personnel would be able to utilize the most up-to-date radio communication system.

I was amazed when Supervisor Grant at the Board meeting on April 11<sup>th</sup> (the very next day) requested a motion to be made to grant the special use permit for the construction of the new emergency communication tower. Supervisor Grant was actively involved in the negotiating process that resulted in the proposal being accepted by Sinclair Broadcast Group.

Sinclair Broadcast Group is in the process of preparing the contract per the emails of April 10<sup>th</sup>. The signing of the contract will result in the following benefits:

- 1) The volunteer firemen, emergency personnel and police agencies of this County will immediately benefit from the update and improvement to the County's radio communication system.
- 2) There will be no delay to this upgrade and improvement because there is no need for the construction of a single use radio communication tower.
- 3) The Town's Zoning Law, Article IX, titled "Telecommunication Towers and Minor Telecommunication Facilities" will be complied with thus avoiding any potential litigation.

In closing, the construction of a new tower is contrary to the law and not necessary. In fact, co-location on the WYNO tower meets all the Town Zoning Law criteria, and purpose of the grant. To quickly finalize the agreement between the County and Sinclair will allow the County's communication system to be updated and upgraded as soon as possible for the firemen, emergency services personnel and police agencies. This update and upgrade could be achieved in a matter of weeks. If we in government do not follow the law, what type of example are we setting for our citizens?

Respectfully submitted,  
  
JOYCE MOHUN

cc: ✓ Carolyn Busch, Bennington Town Clerk  
Katie Marble, Bennington Code Enforcement Officer  
David DiMatteo, Esq.  
Douglas Berwanger, Wyoming County Chairman Board of Supervisors  
Anthony Santoro, Wyoming County Fire & Emergency Services  
James Wujcik, Wyoming County Attorney

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A letter was received by the Supervisor from the Town Attorney regarding Conflict of Interest.

**Departments:**

**Clerk** –The clerk will be making a final payment to the Supervisor for the fees and late charges collected from the 2018 Town and County taxes.

**Assessor** – Not able to be at tonight’s meeting.

**Zoning/Planning:** Home Occupation Renewal applications received from Mary Jean Durfee (MJ Graphics); Ed Duda (Ed’s Woodworks); Timothy Duda (Advanced Finishing); Joseph Pfeiffer (Design A Tea LLC); and Richard Schlenker (Ancient Future) No complaints have been made on any of these businesses. Motion made by Frounick/Waite to approve the Home Occupation Renewals, voting all ayes, carried.

Special Use Permit renewal was received by Clapp’s Mills (Michael Fontaine). Councilman Frounick asked if Clapp’s Mills was zoned commercial, but the location is in the old Church. Motion made by Mohun/Gadd to approve this Special Use Permit renewal, voting all ayes, carried.

Special Use Permit Renewal was received from Ray Reiner for an automotive repair shop. No complaints have come to the Zoning officer regarding this business. Motion made by Frounick/Mohun to approve this Special Use Permit renewal, voting all ayes, carried.

The Supervisor informed the Board of a vacancy on the ZBA and Planning Boards. Two applications have been received via the Facebook post already. Motion made by Mohun/Frounick to instruct the Town clerk to advertise the openings in the Attica Penny saver and on the Town’s Website. Applications to be received by 6/10 and hold interviews on 6/11.

The Zoning Officer requested a cell phone to due field work as she needs the camera function. The current computer programs are not compatible with the current digital camera that the Town owns. The Board asked that Katie put together a formal request with costs before making a decision to approve this expense.

**Highway Department** – Superintendent Czworka would like to trade in the Loader. He spoke with CAT and they have a loader that is cheaper. If we trade in the current model and get the new model, no additional funds would be needed. The Board would like to know that we are not trading down to something with a lower value.

Whereas, the Highway Department of the Town of Bennington, Wyoming County, NY, presently owns 1 truck manufactured by the CAT Truck Manufacturing Company and has on hand a supply of spare parts therefore, and

Whereas, to purchase a different model or make truck would be inefficient and uneconomical since alternate and additional supplies of spare parts would have to be purchased, which would not be interchangeable with the ones already on hand, and

Whereas, for other reasons such as handling and operation of the equipment and attaching snow plows and other implements, it is determined by this Board desirable to purchase an additional truck of the same make as the ones presently owned by the Town.

NOW, THEREFORE, BE IT RESOLVED, that for reasons of efficiency and economy and pursuant to the authority conferred by Subdivision 5 of § 103 of the General Municipal Law, it is determined by this Board that there is a need for standardization in the purchase of trucks for the Town Highway Department, and

BE IT FURTHER RESOLVED, that the Superintendent of Highways be and is herby authorized to contract for the purchase of a CAT 950 truck of the same model as the ones presently owned by the Town Highway Department with the lowest responsible bidder after advertisement for sealed bids, and public bidding in the manner provided by § 103 of the General Municipal Law.

Motion made by Gadd/Frounick to authorize the Town Clerk to advertise for sealed bids on a new loader in our legal publication.

Motion: Gadd; Second: Frounick

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

Superintendent Czworka asked that we re-bid the roofing and siding project for the Town Hall, The Town Garage and the Salt storage shed. Several area businesses have interest in the work. The Town Clerk was instructed to advertise and open bids at the next meeting on June 13, 2018. Motion made by Frounick/Waite, voting all ayes, carried. The Town Clerk asked for the spec information and Councilman Gadd advised he would send.

**Park/Recreation** – Nothing to report.

**Water District** – The Annual report of the Water Quality in the Town of Bennington is being completed and a report will be distributed later this month.

**Transfer Station** – Junk Permits are up for renewal. The County will be operating an Electronic Recycling Collection on May 12<sup>th</sup> at the Town of Attica Transfer station. Residents may dispose of up to four items.

**Public Concerns** – Supervisor Grant asked if anyone had any matters/questions other than what is on the agenda to bring before the board. Eagle Scout candidate Shawn Busch presented Board members with a presentation of pictures and costs for an Eagle project he would like to do at Pine Tree Park. Councilman Gadd asked that we set a spending limit for the project. If additional money is needed, he can come back before the Board. Supervisor Grant asked that he work with Dante to set area for the Horseshoe pit placement. The Town Board will authorize spending up to \$300 in supplies to paint the sign, the shelter and construct horseshoe pits. He was instructed to use Attica Hardware to purchase the supplies and equipment needed.

A resident in attendance commented on the Town of Bennington website and how nice the updates have been. He asked if Public Notices were only advertised in the Batavia Daily and Supervisor Grant affirmed that this was correct.

**Old Business:**

**Wyoming County Communication Tower** – Councilman Mohun recused herself from the dais at 8:09pm. Supervisor Grant explained that the County Attorney responded to Sinclair with a counter proposal on 4/20/18. He heard back yesterday and had additional questions; How rent would be paid; what would happen if the contract was not renewed after 10 years? A copy was sent to the County so that they could review the wording. Standard language, just addendums change to amounts and length of contract is being negotiated. County would like town to table again to see if matter can be clarified with Sinclair.

**Resolution #2018-4-1 Special Permit Application for Emergency Communications Tower**

Table action pending negotiations with Sinclair Broadcast Group Inc and WNYO on co-location option.

Motion: Waite Second: Gadd

Ayes: 4                      Noes: 0                      Abstain: 1                      Absent:

Motion carried.

Councilman Mohun rejoined the Board at 8:12pm.

**New Business:**

The County is working on several initiatives regarding volunteer fireman cancer coverage and disability coverage. New legislation going into effect on 1/1/19. Cuomo mandated that this be available to interior firefighters. Estimated costs to a fire department will be \$250-\$300 per person or \$60 to \$65 thousand for the whole county. These costs are supposed to come out of

the Fire Depts. budgets. Only two insurance companies will offer this insurance so the pricing will not be very competitive. Additional information on the pending legislation can be found on <https://fasny.com> .

Work on the Schad Rd. bridge will be starting in August and set to be completed by October 15<sup>th</sup>.

**Other Matters to come before the Town Board:**

There being no further business, a motion was made by Mohun to adjourn, seconded by Waite. Meeting adjourned at 8:18 PM.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**June 13, 2018**

**Work Session**

**6:30 PM**

Supervisor Grant along with Council Members Mohun, Waite, Gadd and Frounick audited the Highway, General Fund and Special District claims. Board member Gadd received a phone call from a concerned citizen regarding the condition of her road. Superintendent Czworka spoke about the loader situation. Bids came in from Vantage Equipment, George & Swede and CAT. The Superintendent would like to keep the one we currently have for a year or possibly two. We are in a guaranteed trade period now, but he doesn't want to trade down. We could lose trade in value with a lesser model.

**Opening of Bids - Loader**

7:04pm

Milton CAT – Jim Morelli \$190,000 for the 950GC, less \$190,000 trade for Zero cost.

No buyback, but can do trade in.

George Swede - \$188,111 for HL960LA01, less \$170,000 trade for \$18,111 cost.

Vantage Equipment - Paperwork incomplete, cannot accept bids

**Opening of Bids – Construction Projects**

77 Construction – Town Hall \$34,770; Salt Storage Building \$46,320; Highway Roof \$54,556.25 or \$11,718.50.

**June 13, 2018**

**Regular Meeting**

**7:33 PM**

Supervisor Grant declared the meeting open and asked Council Member Gadd to lead the pledge to the flag. Present were Council Members Frounick, Mohun, Waite and Gadd.

**Financial Matters:**

**General Fund** claims #111-140 totaling \$14,917.42 presented. Motion made by Mohun/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #72-94 in the amount of \$180,292.37 presented. Motion made by Waite/Gadd to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #35-42 totaling \$3,129.45 presented. Motion made by Frounick/Gadd to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street Lighting** claims #5-6 totaling \$383.62 presented. Motion made by Mohun/Waite to approve the Lighting District claims, voting all ayes, carried.

**Supervisor's Financial Report- May** – Supervisor Grant presented her monthly Financial Report. Motion made by Mohun/Waite to accept the Supervisor's May report as submitted. Voting all ayes, carried.

**Minutes of the May meeting** – Supervisor Grant asked if any corrections/amendments. Motion made by Mohun/Gadd to approve the minutes, voting all ayes, carried.

**Correspondence:**

The Supervisor received a letter from the Town's Attorney regarding a law in NYS on charitable giving. We will need to let him know if the town will participate. An email was received from the County Highway Department regarding state project engineers at Wyoming County in Warsaw. Rt. 354 over 77 project will be put on hold. They are replacing an engineer and this project has gotten pushed down the list. It may go to a capital project. Received from Thompkins an endorsement to insurance regarding additional coverage to vented equipment. The Zoning Officer reached out to the Supervisor regarding zoning law on solar facilities in the town. A company is looking at starting a project here. A copy of the Town Clerk's report was given to all of the Board members for April and May. The Justice Court report for April was received. A phone call from Ms. Benzee was received about her road. Board member Mohun questioned the solar project and the local law that is on the books.

Supervisor Grant asked that we amend the agenda and go right to Public concerns.

**Public Concerns** – Missy Benzee from 1305 Blood Rd. addressed the Board. She has concerns about the width of her road and doesn't feel that two cars can pass at the same time. She has taken measurements throughout the length of the road and only one spot measured 16'3" which is the standard according to Federal Highway Administration Guidelines. Blood Road to Sinn Road has potholes, road decay and ridges in the road. Another resident Kathy Barren from 1310 Blood Road has lived here 40 years said it was bad when it was all dirt, but in worse condition now. They stated it has been six years since any work has been done to their road. Ms. Benzee questioned the budget and CHIPS funding; also asked about shared services for equipment with other towns. Councilman Gadd responded that we do share equipment and manpower with other neighboring towns. Councilman Mohun responded regarding the research the Town did and the estimate to fix all roads in the Town, and that the Town doesn't have the equity to borrow \$16 million dollars. One resident said that some damage was also do to the wing of the plow digging up lawns and edges. Ms. Benzee has been advised by her lawyer and the Senators office to put the Town on notice that we could get sued for gross negligence if something is not done. Superintendent Czworka addressed her concerns directly. Mr. Mally from Maxon Road spoke and realizes that we have low population and a lot of miles of unpaved roads. We just don't have the tax base. Supervisor Czworka said he could grind it down and put a stone mix over it. Greg Mummert asked if weight limit signs could be put up on this road; Sinn Road has them, why not Blood? Ms. Benzee asked for a timeline of when the Town would come up to address the road and the Superintendent said barring any emergencies, it would be the end of July. Public Concerns closed at 8:25PM.

**Departments:**

**Clerk** –The clerk closed the taxes for 2018.

**Assessor** – Grievance day applicants came in and adjustments were made. Councilman Mohun asked if the Assessor was still going to give the Board a presentation on how assessments are calculated.

**Zoning/Planning** - The ZBA will be meeting at the end of this month (6/27) and will see if Secretary Applicants can come in at that time. Councilman Frounick questioned the open spot on the Planning Board. Motion made by Mohun/Waite to authorize the Town Clerk to advertise the opening on Planning Board.

**Resolution #2018-6-1 Renewal of Special Permits**

Be it Resolved, that the Town Board of the Town of Bennington, upon review and no complaints being filed against any of the applicants, hereby approves the three year renewal of Special Permits Occupation Permits for Joseph Stoffel, Theodore Attea, Arrow Portable Signs, William Ayers, Michael Justinger, Matt Snyder, Michael Wulf and Michael as submitted to the Town Clerk and duly noted in the minutes of this meeting.

Be it further resolved that this Board hereby approves the two year renewal of the Home Occupation permit for Premier Kitchen, as submitted to the Town Clerk and duly noted in the minutes of this meeting.

**Motion made by Frounick; seconded by Gadd.**

Ayes: 5    Noes:    Absent:    Abstain:

**Resolution #2018-6-2 Special Permit application - Schedule a Public Hearing and Declare the Town Board as Lead Agency for SEQR Purposes:**

Be it Resolved that the Town Board hereby directs and authorizes the Town Clerk to advertise for a Public Hearing on July 11, 2018 at 7:30 p.m. at the Bennington Town Hall for the purpose of hearing comment on a Special Use Permit application Dylan Rusniak to operate a towing service located at 247 Bear Road, Cowlesville New York.

Be it Further Resolved, that the Bennington Town Board hereby declares itself to serve as Lead Agency for the purposes of conducting a State Environmental Quality Review on the above application.

Motion by Frounick ; seconded by Waite . Ayes: 5 Noes: Absent: Abstain:

**Highway Department** – Superintendent Czworka reviewed bids that were opened prior to the meeting. One was thrown out as it wasn't signed. During the workshop we discussed about trading down. Councilman Gadd made a motion to dismiss all bids, Councilman Waite seconded the motion. All Ayes, carried.

The Superintendent is ditching and replacing pipe on Burrough Road; has another to do on Lapp Road near Highland Glens and Geise Road. The road mower is ready to go and he will start mowing edges on the Town roads this coming week. Currently his crews are grading potholes on Reilein and Friedman Roads; Oil and stoning Maxon and other roads.

**Park/Recreation** – Eagle project will be starting later this month. Supervisor Grant had discussion with Byrncliff regarding their agreement with the Town. They haven't met yet, but the Supervisor put a buffer into the resolution just in case the cost goes up.

### **Resolution #2018-6-3 Contract with Byrncliff Resort for Youth Recreation Program**

Be it Resolved, that the Town Supervisor is hereby authorized and director to execute a contract with Byrncliff Conference Center and Resort in an amount not to exceed \$1650.00 for the use of their swimming pool, miniature golf and related facilities for the period July 10, 2018 through August 16, 2018 for the Town of Bennington Youth Recreation Swimming and Craft program.

Motion by: Mohun; Seconded: Frounick

Ayes: 5 Noes: Abstain: Absent:

**Water District** – Councilman Frounick asked what phone numbers we have on file if there is a water emergency. Supervisor Grant will provide that to the Board.

**Transfer Station** – The Attica Recycling event hauled two tractors of Electronic Waste that equated to 91,000lbs. The Tire bin is very full at our station, but we will wait till it's full before we call.

### **Old Business:**

**Wyoming County Communication Tower** – Last week Sinclair came back to the County with a counter-offer on tower leasing and on Tuesday, June 12, 2018 the County Board of Supervisors informally decided to accept the terms, which are generally the \$120,000 up front siting fee, \$400/mo. or \$4800 per year for year one and then a 3% increase thereafter. A ten year lease with two 5 year options. The County Attorney will be contacting Jennifer Amato to let her know that that would be acceptable, and she can then proceed with getting her Board's approval and a signed agreement to the County for processing. It is likely that the Board of Supervisors would vote on it at their July meeting, and the equipment installed Sept./Oct.

### **Resolution #2018-6-4 Special Permit Application for Emergency Communications Tower**

Table action pending negotiations with Sinclair Broadcast Group Inc and WNYO on co-location option.

Motion: Gadd; Second: Waite

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

**Bicentennial Events** – Week and a half away (6/23) from Agriculture Heritage Days. Supervisor Grant has posters to put up. Rudolph's will be open to the public that day to showcase their farm museum. August Family Fun Day will feature concerts, fireworks, a car cruise, games and food trucks. In the fall they will host a reunion for all local schools. Still looking for volunteers to work at these events.

**New Business:** Chatfield Engineers is selling off to MRB Group in Rochester. They would like to shift business over; the main engineers will still work for this firm, looking for an acknowledgement to transfer over the files to MRB. Motion made by Frounick/Mohun to transfer information. Voting all ayes, carried.

**Construction Bids:** The Board reviewed the bids that came in from 77 Construction and Wolcott. Councilman Gadd said that Wolcott didn't include everything that the specs had asked for. Large discrepancy between the two companies on the highway building (difference of \$20,000). The Board looked close at the materials, but Wolcott didn't have mention of prevailing wage. Supervisor Grant called the contractor to question. Wolcott answered, but wouldn't be able to check till the morning. Supervisor Grant informed the Board that the Town was given a Grant for \$50,000 total for the Highway Building, plus \$8,000 from the insurance company. There is money in the budget to cover these projects.

**Bids Awarded:**

**Town Hall** – Brier Hill \$34,770 (with option \$5795 additional, if required) total \$40,565. Motion made by Mohun/Gadd; voting all ayes carried.

**Salt Shed** (Roofing & Siding) – Wolcott \$17,300 and \$34,200 = \$51,500. Motion made by Gadd/Waite; voting all ayes carried.

**Highway Building** – Wolcott \$36,100 with no insulation. \*Will evaluate and if needed will have to re-bid. Motion made by Gadd/Mohun; voting all ayes carried. Motion made by Gadd/Frounick to not accept insulation. Voting all ayes, carried. – This is contingent on prevailing wage.

\$70,165.00 will be the Town's portion after the insurance and Grant money is received.

**Other Matters to come before the Town Board:**

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 9:38 PM.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**July 11, 2018**

**Work Session**

**6:30 PM**

Supervisor Grant along with Council Members Mohun, Waite, and Frounick audited the Highway, General Fund and Special District claims. Board member Gadd was absent. Town attorney DiMatteo was also in attendance. At 6:35pm, Supervisor Grant made a motion to go into Executive session. Executive session ended at 7:05pm. At this time the Town Clerk gave all of the Board Members a packet regarding the Transfer station. Year to date, the transfer station is already \$9K in the red and it is expected to be about \$16.5K by the end of the year. Only 17% of the residents utilize the transfer station (226 out of 1300 total households). Neighboring towns have county negotiated pickup of \$223/household. This would be significant savings to residents getting curbside pickup on their own. There was a brief discussion on the Special Use Permit that will be voted on tonight.

**July 11, 2018**

**Regular Meeting**

**7:34 PM**

Supervisor Grant declared the meeting open and asked Council Member Mohun to lead the pledge to the flag. Present were Council Members Frounick, Mohun, and Waite. Councilmember Gadd was absent tonight.

**Financial Matters:**

**General Fund** claims #141-172 totaling \$42,863.45 presented. Motion made by Mohun/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #95-106 in the amount of \$29,717.61 presented. Motion made by Frounick/Waite to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #43-52 totaling \$2,356.77 presented. Motion made by Waite/Mohun to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street lighting** claim #7 totaling \$191.81 presented. Motion made by Frounick/Mohun to approve the Lighting District claims, voting all ayes, carried.

**Supervisor's Financial Report- June** – Supervisor Grant presented her monthly Financial Report. Motion made by Mohun/Waite to accept the Supervisor's June report as submitted. Voting all ayes, carried.

**Minutes of the June meeting** – Supervisor Grant asked if any corrections/amendments. Motion made by Mohun/Waite to approve the minutes, voting all ayes, carried.

**Correspondence:**

The Town Clerk received an email request for summer 2019 use of the Babe Ruth field at Pine Tree Park. The Town Clerk received mail for summer programs at Letchworth State Park. This will be posted on the Clerk's official bulletin board. Supervisor Grant received Real Property Tax values for 2018. The Association of Towns sent an invitation to a training on charitable reserve funds that will take place in Orchard Park on 7/19/18. Supervisor Grant received the Justice Court activity for June 2018. Information from the DOT was received pertaining to available grants to fund walkways, sidewalks and bike paths in the Town. A letter from Annette Forginone was received regarding water runoff on her property and feels it requires action from the Highway dept. A letter was received from the Town Attorney regarding Solar Energy in the town.

**Departments:**

**Clerk** –The Clerk distributed her June monthly report and explained the miscellaneous item.

**Assessor** – Nothing from the Assessor

**Zoning/Planning** – We have an applicant for the vacant position on the ZBA Board as secretary. This applicant works for the Town Attorney and he has agreed there is no conflict of interest. Board member Frounick asked if there were any applicants from the Town of Bennington and the Supervisor said that there were not.

## **Resolution #2018-7-1 Appointment of ZBA Secretary**

Be it Resolved, that Jennifer Howley of Batavia, NY, is here appointed Secretary to the Town of Bennington Zoning Board of Appeals, effective July 11, 2018 at a salary of \$10.40 per hour, to be paid upon submission of approved vouchers.

Motion: Frounick Second: Mohun

Ayes: 4                Noes:                Abstain:                Absent: 1

**Highway Department** – Superintendent Czworka contacted Bittner and Barrister regarding a resident at 1434 Clinton Street who would like to have his ditch filled in. The DOT told him that the Town Board must approve this and pass a resolution taking responsibility. The area to fill is approximately 40ft and must use State DOT Specs. Bittner said should not be a problem for that area. Currently the resident has concrete headers and you aren't allowed to have these on a State Road. Councilman Waite asked what maintenance the Town has to do. If it was to get crushed, is it the homeowner's responsibility? Councilman Frounick made a motion to approve. Supervisor Grant said we need to look into this further regarding what exactly is the Town's responsibility. Supervisor Grant said we would need to check it periodically to make sure it was working properly. Grant said the homeowner would have to be responsible for the costs associated with this. Superintendent Czworka is getting the specs tomorrow, should wait till next month's meeting to approve. No second on Councilman Frounick's motion. Councilman Mohun made a motion to table this until next meeting, seconded by Waite. Four Ayes, One absent, carried. The Highway Department is currently working on the Geise Rd. project. When this is done, they will move on to Blood Rd. Superintendent Czworka is trying to get ahold of a paver for this upcoming project.

**Park/Recreation** – Eagle project is moving along, will be completed by the end of August. The Town Clerk was contacted through the website by the Commissioner from the Alden men's league. They have interest in using the Babe Ruth field next year for their growing program. Councilman Mohun had a number of questions, the Town Clerk will contact to ask for more information.

**Water District** – Information was received from Engineering regarding the Erie County supply agreement for the Highland Glen usage with the Town of Bennington. Templates from neighboring towns were sent. When the May Annual Water Report was sent out to the residents utilizing the water system, a second letter was sent. Any accounts that were in serious arrears were warned that their water would be shut off if payments were not made current. A number of residents have come in to pay since the letter went out.

**Transfer Station** – GLOW will be sponsoring an E-waste day in Rock Glen on September 29<sup>th</sup> from 9am to noon. They will also be hosting a dangerous household waste collection day on September 15<sup>th</sup> in Rock Glen from 9am to 2pm. Posters with all information will be posted at the Town Hall. Supervisor Grant will review the report presented by the Town Clerk regarding the Transfer station and will need to take a look at our options.

**Public Concerns:** Mike George questioned the bids that Wolcott gave on the Town Hall. Board members could not produce that information, so Supervisor Grant retrieved the packet to review the bids. Questioned as steel siding was not in the specs and the awarded contract went to Wolcott. Roofing was \$34,200 and siding was \$17,300 which was more than the bid from Brier hill. Mike's bid was \$46,320 for the salt shed. Wolcott was \$51,500. Brier hill had extra charge for tear off and tear off was not included on the specs. Does the town want the tear off, Mike suggests that it is done. His signed copy of the contract did not reference the tear off, but Supervisor Grant edited the contract to add in tear off. Jacob Ente introduced himself as the liaison for DiPietro's office. He will give the Town Clerk his contact information.

**Hear Comments on Special Permit Application:**

Periodically DMR Towing brings back wrecked cars to his shop. Right now he averages 3 a week of major wrecks. Sometimes this is due to people being hospitalized and unable to make decisions on what is to be done with the vehicle. Councilman Mohun stressed that we do not want this to turn into a junkyard. Supervisor Grant asked how many tows in an average week and he said Wyoming County is usually quiet, so one a day. He works exclusively with the Wyoming County Sheriff’s Department. Most of his business is usually winch outs and collaboration with the Attica PD. Larry from 222 Bear Rd. has no objections. Ken Czworka has not concerns. He has two heavy trucks for the Sherriff’s and two flat beds in service. They are the same size as J. Meyer’s contracting located on the same road, as re-iterated by the Zoning Officer. A motion was made by Councilman Frounick to close the public hearing, and seconded by Mohun. Voting 4 ayes and 1 absent, carried.

Supervisor Grant read though part 2 of SEQR. Supervisor Grant explained the process to Dylan that if approved, the Special Use Permit would be issued for one year and the process to renew it.

**Resolution #2018-7-2 Special Use Permit Application**

Whereas, the Town has received a Special Use Permit Application by Dylan Rusniak to conduct a towing and vehicle repair business (DMR Towing & Repair LLC) from property located at 247 Bear Road, Cowlesville New York; and

Whereas, a duly advertised Public Hearing has been held this 11<sup>th</sup> day of July 2018 to allow for any comment on said application; and

Whereas, the Town Board has completed the SEQR Part II and Part III with findings of no significant environmental impact and has prepared a negative declaration;

Now, therefore, be it Resolved, that the Town Board hereby approves for an initial period of one year the Special Use Application with the following conditions:None.

Motion: Frounick      Second: Waite

Ayes: 4                  Noes:                  Abstain:                  Absent: 1

**Old Business:**

**County Application for Emergency Communications Tower**

The County Board of Supervisors have approved the contract with Sinclair Communications to co-locate the Emergency communications tower on their tower located on Folsomdale Rd. We have been asked to withdraw the application. Motion made by Waite/Frounick Voting 3 Ayes, 1 Abstain and 1 absent.

**New Business:**

Calendars were filled out and collected from January 1<sup>st</sup>, 2018 to determine the average hours worked. These records need to be collected by the Town Clerk and kept for 30 years.

**Resolution #2018-7-3 Adoption of Standard Work Day and Reporting Resolution**

Whereas, Regulation Number 315.4 of the New York State Office of the State Comptroller became effective on August 12, 2009. This regulation more clearly defines the process of reporting elected and appointed officials and adds additional requirements for both employers and officials. Among the requirements for employers are a more detailed Standard Work Day and Reporting Resolution, submission of the resolution to the Retirement System and certification that the resolution was publicly posted; now, therefore

Be it Resolved that the Town of Bennington Town Board hereby establishes the following as standard work days for elected and appointed officials whose term begins on or after August 12,

2009 and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Town Clerk:

	Standard			NYSLRS	Check if		ROA	Not
Title	Work Day	Name	SS#	Regis. #	Tier 1	Term Begins/Ends	Result	Submitted
<b>Elected</b>								
Highway Supt.	8	Ken Czworka	xxxx	xxx		01/01/18-12/31/19	29.94	
Justice	6	Mark Linsey	xxxx	xxx		01/01/18-12/31/21		x
Justice	6	Lani Brandon	xxxx	xxx		01/01/17-12/31/20		x
Councilman	6	Joyce Mohun	xxxx	xxx		01/01/16-12/31/19	1.31	
Councilman	6	Brian Waite	xxxx	xxx		01/01/18-12/31/21	0.67	
Clerk	6	Carolyn Busch	xxxx	xxx		01/01/18-12/31/19	8.28	
<b>Appointed</b>								
Court Clerk	6	Christa Dake	xxxx	xxx		01/01/18-12/31/18	2.25	
Assessor	6	Kandace Wittmeyer	xxxx	xxx		10/1/12-09/30/19		x
Prosecutor	6	James Wujcik	xxxx	xxx		01/01/18-12/31/18	0.33	
Bookkeeper	6	June Spencer	xxxx	xxx		01/01/18-12/31/18	3.82	

Motion: Mohun Second: Waite

Ayes: 4          Noes:          Abstain:          Absent: 1

The Charter Communications Cable Franchise Agreement was given to our Attorney for his review. Negotiations will need to happen before it is signed.

**Other Matters to come before the Town Board:**

Councilman Mohun asked about the equalization rate, the assessor will give out that information at the next meeting. Councilman Frounck asked that the light be repaired at the entrance as it has been out for months. Old tires will be hauled away at the end of August.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 8:56PM.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**August 8, 2018**

**Work Session**

**6:59 PM**

Supervisor Grant along with Council Members Mohun, Waite, and Frounick audited the Highway, General Fund and Special District claims. Board member Gadd was absent. Discussion held regarding the Town's Transfer station. Councilman Waite attended the solar meeting last month that was sponsored by NYS. There has been no news regarding the proposed solar energy farm proposal. Discussion held on delinquent water bills and whether shut off is an option. Councilman Gadd will be unable to attend tonight's meeting.

**August 8, 2018**

**Regular Meeting**

**7:36 PM**

Supervisor Grant declared the meeting open and asked Council Member Mohun to lead the pledge to the flag. Present were Council Members Frounick, Mohun, and Waite. Councilmember Gadd was absent tonight.

**Financial Matters:**

**General Fund** claims #173-195 totaling \$17,281.94 presented. Motion made by Mohun/Waite to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #107-116 in the amount of \$17,567.01 presented. Motion made by Frounick/Mohun to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #53-58 totaling \$2,324.09 presented. Motion made by Waite/Frounick to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street lighting** claim #8 totaling \$191.81 presented. Motion made by Mohun/Waite to approve the Lighting District claims, voting all ayes, carried.

**Supervisor's Financial Report- July**– Supervisor Grant presented her monthly Financial Report. Motion made by Mohun/Waite to accept the Supervisor's July report as submitted. Voting all ayes, carried.

**Minutes of the July meeting** – Supervisor Grant asked if any corrections/amendments. Motion made by Waite/Frounick to approve the minutes, voting all ayes, carried.

**Correspondence:**

The Town Clerk received a letter from Assemblyman DiPietro's office requesting donations. Also received was a save the date letter for the Local Government Innovation Conference taking place November 15-16, 2018 in Albany. The Town of Alden sent a letter regarding their recent Local Law #3 entitled Opt-Out of Exemption for certain Energy Systems. GLOW Region Solid Waste Mgmt. Committee sent out dates for Household Hazardous Waste and Pharmaceutical collection on 9/15/18 in Rock Glen. Appointments must be scheduled for this event. Electronics collection will be on 9/29/18 at the same location and no appointment is necessary, but you will be limited to 4 CRT's/Monitors per car due to expense. Supervisor Grant received our Association of Town's renewal for 2019, dues will remain at \$899 for the year. Other correspondence related to agenda items will be addressed later on.

**Departments:**

**Clerk** –The Clerk has started issuing DECALS. No July report due to the early meeting.

**Assessor** – Nothing from the Assessor

**Zoning/Planning** –

**Resolution #2018-8-1 Renewal of Special Use Permit Renewal**

Be it Resolved, that the Town Board of the Town of Bennington, upon review and no complaints being filed against the applicant, hereby approves the three year renewal of a Special Use Permit for Jasen Meyers Contracting as submitted to the Town Clerk and duly noted in the minutes of this meeting.

**Motion made by Frounick; seconded by Waite.**

Ayes:4    Noes:    Absent: 1    Abstain:

**Highway Department** – Superintendent Czworka will be working to top Blood Rd. to Sinn Rd next week. He is trying to re-grade roads from pot holes and brush work when possible. The salt building roof replacement has been completed and the walls are almost done. Work on the Highway building has been started. CHIPS claim went in last Friday for \$116,000 to come back to the town. Maxon, West Bear, South Burrough, Hoover and Poland Hill need work, but funds are limited. Would like to address Woodley Rd issue and will get resolved soon. Councilman Waite asked what work would be done, would like to get a top coat on the road.

**Park/Recreation** – Boy Scout project updates. Discussion held on the Men's adult league request to utilize Pine Tree Park next year. Supervisor Grant said to set up guidelines on this and the clerk is to get back to him.

**Water District** – Discussion held on delinquent accounts and the process that will take place to bring them current. Customers will have their water shut off if water is not brought current. Cowlesville Fire Department would like to paint hydrants. Water District will pay for paint and brushes for this project which will be completed by winter.

**Transfer Station** – Councilman Frounick asked that the tires get hauled away. Dumpster will be taken in September. Councilman Waite has a rim remover that the town could use to separate the tires.

**Public Concerns:** Richard Slazak owns property on Hodge Rd. The road is in poor condition and south section of Graff's culvert is damaged. Would appreciate tree removal on sides. John Brandon from Maxon Rd. would like the transfer station to stay open and thought that \$15/person would be enough to cover the transfer station shortfall if every household was charged. Feels that since we all pay for a library and school whether you use it or not, that all residents should have to pay for this service as well. The Zoning officer spoke and stated she believes that a flat rate fee for the transfer station would encourage people to bring more to it, thus raising the costs that the Town would incur. Don Mally from Maxon Rd. questioned if all residents would be covered under a Town-wide contract. His figure of 1208 households times the amount of \$233/per household is a lot to hand over to Waste Management. Who would take care of complaints on service? Answer – the County. Does WM supply bins and garbage cans? Answer – not sure. Supervisor Grant stated that Don Roberts is willing to come to the next Board meeting to answer questions. Councilman Mohun asked if we opt in, can we get out of it after one year. Answer – not sure. The current contract through 2020 fluctuates based on the consumer price index and it is billed to each residence in the Town, not the parcel. Split rate for seasonal properties and the Town would negotiate that. Mr. Mally would like a requirement put in place that cans be used so residents would not just put out bags of garbage. Councilman Waite did not want that stipulated in the contract. Is there a cutoff date that the Town could opt in? Answer – Yes, September 15<sup>th</sup> with Real Property. Resident Young from Bailey Rd. would like improvements to the transfer station with increased hours. Would also like bids for service from multiple vendors. Bailey Rd. is in bad shape and would like money spent on repairs there. She also said she thought that we could combine services between Java and Bennington. Joe Orzulak asked if vacant homes would have to pay as well. Mr. Roberts would need to address that question. Councilman Waite addressed audience on public announcements. This topic has been discussed at regular Town Board meetings, so there was no need to inform the public as agendas are not published prior to meetings. Special meetings outside of the 2<sup>nd</sup> Wednesday of the month must be advertised. Supervisor Grant stated that the estimated figure could go down with more residents going on the program. The Town Board is looking at ideas and welcomes suggestions to improve. Jim McCullough from Church Rd. questioned what the current contract that the Town has regarding comingles and cardboard. There is no re-imbusement on recyclables in the last 15 years. The Town pays a tipping fee and gets back \$0. Jim stated that Modern Waste would have interest in the plastic waste. Dealing with one company is not giving the Town enough choices. Larry Busch asked if the Town contracts with Waste Management. Answer – Yes. Have they raised their rates with the Town? Answer – Yes 6% on the tipping fees. When he did the math, it is basically \$4.48 week for an average household to get pickup service on the negotiated fee. Didn't feel like that was a bad price. Ken Wisz stated Sheldon's rate of \$233 is slightly lower as the Town

picks up a portion of it with money brought in by the windmills. The Town of Wethersfield's rate is even lower, again to the Town offsetting with windmill funds. He doesn't like the idea that pickup service would be forced on him as it will be per residence. Would WM cover all the roads in the Town; would large items be picked up? In the contract that the Town had on hand, White goods were excluded, but mattresses, furniture and construction debris were included in the fee. Stated that there is a zombie property on Sierk Rd. Kevin Bannister on Clinton asked if businesses would be included? – Answer, no they shouldn't, but we could get clarification. Resident Young asked that the Town share information going forward. The Zoning Officer said if letters go out, the people that do contract would get a huge decrease and come out to attend the next meeting. Ed Aldridge asked if the Town has contacted any other entity than WM. Supervisor Grant said in the past, no one wanted to give an estimate as a bid would have to go out. Young asked if we bid out every year on the Town's garbage removal. Zoning Officer asked what came of Trash Tracker program information where you pay what the trash weighs. We looked at it, but would have to pay for the system and still staff it. Supervisor Grant will ask Don Roberts to attend the next meeting and asked the Town Clerk to advertise the meeting on the Town's website, Facebook page and also put an ad in the Penny Saver.

Other Public Concerns: Aldridge asked about the water going over Sinn Rd. Culvert pipe is too small and brought gravel and dirty water into his pool. He will call Jim Walters to address the situation. Thanked Ken for the time that he put in. Chris Yednick on Church Street said that there is a storm drain that needs to be looked at on the corner of his property. The Highway superintendent will look into this. Ken Wisz asked if there was a chance that the Highway department could address the ditches on Sierk Rd.

#### **Old Business:**

Superintendent Czworka asked Mr. Bannister to come to the meeting tonight. The Town spoke with the Town Attorney about the drainage questions he had. Our Attorney said that we can pass a couple of resolutions to address this. We will have them prepared for next month's meeting in September.

#### **New Business:**

##### **Resolution #2018-7-3 Attica Central School Use of Town Hall**

Be it Resolved, that the Bennington Town Board hereby grants approval for the Attica Central School District to use the Bennington Town Hall on the evening of January 24 for a District Board Meeting, such meeting to begin at 7:00 p.m.

Motion: Mohun Second: Waite

Ayes: 4            Noes:            Abstain:            Absent: 1

##### **Resolution #2018-7-2 Wyoming County Arts Council Use of Town Hall**

Be it Resolved, that the Bennington Town Board hereby grants approval for the Arts Council of Wyoming County to use the Bennington Town Hall on Wednesday, August 15, 2018 for an Arts grant writing workshop, beginning at 5:00 p.m.

Motion: Frounick            Second: Mohun

Ayes; 4            Noes:            Abstain:            Absent: 2

The Town's Bi-Centennial event will take place on 8/26/18. We are in need of volunteers to assist that day. We will have a car cruise at 1pm, Inflatables, Food Stand, basket raffles, Mercy Flight demo, dunk tank, K9 Sherriff's dept., Fireworks and Terry Buchwald.

**Other Matters to come before the Town Board:**

Supervisor Grant applauded the effort of Eagle candidate Busch on the work he has been doing at Pine Tree Park.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 9:02PM.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**September 12, 2018**

**Work Session**

**6:30 PM**

Supervisor Grant along with Council Members Mohun, Waite, Gadd and Frounick audited the Highway, General Fund and Special District claims. Discussion on Transfer station, Charter Communication Franchise Agreement and easement.

**September 12, 2018**

**Regular Meeting**

**7:38 PM**

Supervisor Grant declared the meeting open and asked Council Member Waite to lead the pledge to the flag. Present were Council Members Frounick, Gadd, Mohun, and Waite.

**Financial Matters:**

**General Fund** claims #196-221 totaling \$116,137.83 presented. Motion made by Mohun/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #117-125 in the amount of \$163,734.57 presented. Motion made by Gadd/Waite to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #59-65 totaling \$2,337.09 presented. Motion made by Frounick/Gadd to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street lighting** claim #9 totaling \$191.81 presented. Motion made by Waite/Mohun to approve the Lighting District claims, voting all ayes, carried.

**Supervisor's Financial Report- August**– Supervisor Grant presented her monthly Financial Report. Motion made by Mohun/Gadd to accept the Supervisor's August report as submitted. Voting all ayes, carried.

**Minutes of the August meeting** – Supervisor Grant asked if any corrections/amendments. Motion made by Mohun/Gadd to approve the minutes, voting all ayes, carried.

**Correspondence:**

The Town Clerk received a letter from the NYS Dept. of Health regarding a law raising the age of consent for marriage in NYS. The Clerk received a letter from the Bennington Fire Company seeking a one year contract to service the residences of the Town of Bennington. NYS Parks and Recreation sent information regarding Autumn Programs at Letchworth State Park. A letter was received from the Zoning Officer addressing the Town Board regarding changes she would like to address in the Town. A Certificate of Insurance was received from the Geotherm, Inc. A letter was received from the Town Attorney regarding the Charter Communications Franchise Agreement. A letter was received from the Wyoming County Highway Department regarding the 2019-20 snow contracts. The Town Supervisor received notice of a public hearing in Alden for EMS Services along with notice from the Varysburg Fire District regarding Budget/contract hearing on October 16<sup>th</sup> at 7pm. A thank you card was received from the Bennington Senior Citizen group. The Supervisor received the Justice Court activity report for August. The Town received their fireworks display permit for the Bicentennial celebration. The Folsomdale Trailblazers sent a letter regarding use of the trail system in Pine Tree Park.

**Departments:**

**Clerk** –The Clerk distributed her July monthly report to the Board members.

**Assessor** – School taxes went out, residents are coming in to discuss the grievance process.

**Zoning/Planning** – Nothing to report

**Highway Department** – Superintendent Czworka was not able to attend tonight's meeting.

CHIPS reimbursement will be coming in for the work on Blood Rd. Ken is working with a resident on Sinn Rd. and Soil and Water to see what can be done about their property.

**Park/Recreation** – Fall league baseball is going on now. Meeting in October to discuss programs for next year. The Town will look at a possible affiliation with AYA and a search for a Swim Program Coordinator.

**Water District** – Highland Glen continuing forward for them to purchase water as needed. The Town Attorney is working with Health Department and others.

**Transfer Station –**

**Public Concerns:**

Deb Zielonka from Schad Rd. was surprised that only 20% of the community utilizes the Transfer station. Was curious as to how the other 80% dispose of their garbage. Supervisor Grant addressed biggest problem is recyclables. Our Attorney is working to develop RFP to bid out service to the Town. David Kut came for information on what is going on. Would like to have options for service. Ed Aldridge dealt with WM in the past and was concerned about add on costs. Don Mally from Maxon Rd. stated that no one is buying recyclables now. Companies are getting waivers and dumping recyclables in garbage dumps. More recycling is a good thing, is composting coming? Merlyn Bissell questioned if the Town was doing this to subsidize Highland Glens. If residents want pickup, then they should pay for it themselves. Would rather it be up to the individual to decide. The Town Clerk read through some emails and Facebook questions that were sent to her. Town resident Weber from Schoellkopf Rd. was also surprised that only 20% of residents used the Transfer station. Mr. Reiner asked how the Transfer Station sticker permits were enforced. He believes there are a lot more people using them than what we account for. Anderson on Folsomdale Rd. pays \$92/qtr. For Waste Mgmt. to pick-up from her home. She has a problem with her tax dollars making up the difference of the shortfall. Going on a County contract would be cheaper than what she is paying now. Pat Griffin of Schoellkopf Rd. asked if the Town can bid another purveyor. Is the Town trying to get out of the garbage business? The Board answered that the Town is trying to not lose money every year. Jim Schlick asked what total was for the contract. His opinion is go with a contract and keep the Town clean. Chet Zymowski talked about the original plan that included garbage bags. Deb Zielonka stated that Jim had a good point about keeping our community clean. Schad Rd. is very dirty with a lot of garbage along the sides of the road. Jim Schlick asked how many Towns in the County are on the contract, Currently 11. Mr. Bissell from Clinton Street stated that our roads are bad enough, garbage trucks would continue to wear roads. Ken Wisz looked at Sheldon and asked about vacant homes. Our Town Assessor would give information about whether garbage would be assessed and snow birds would be adjusted. The Town Board explained the way our Water Districting works and how multi-family units are charged. Sheldon and Wethersfield utilize windmill income to offset the fees. Margaret Germain from Folsomdale Rd. used the transfer station, but thinks the contract is a good deal. Tom Hassett from Folsomdale doesn't think it should take 18 months to figure out, thinks contract is a good deal. Supervisor Grant addressed contract negotiations and terms. Jim Schlick asked if decision made tonight, could it start 1/1? Attorney DiMatteo answered yes, due to timing of tax bills. Julie Cyzinski said maybe if we had pickup, properties would look better. Jim Germain would also volunteer to be on a committee to look at numbers and solutions. Kaminski on 77 questioned about bags or cans, can use either.

**Other Concerns:**

Don Mally commented that the Bicentennial event was very nice. Now that Charter Communications has cable, do we have a Franchise agreement? We do get \$39,000/year and we have tried to get more people served. Ed Aldridge from Sinn Rd. had meeting with Soil and Water to look at his property and address his drainage issue. He went to ZBA wants to know who is to address the drainage problem. Soil and Water advised large culvert should be put in, needs approval by another land owner. Why doesn't the Town make a landowner get a permit to put in a driveway? Supervisor Grant told him to address with the Planning Board and work with Superintendent Czworka. Asked that he send a letter about budget. Deb Zielonka asked where the truckloads of fill from Schad Rd. Bridge project are going. Julie Cyzinski asked about Bear & Schoellkopf Road. Public concerns closed at 8:54PM.

**Old Business:**

Easement at 1434 Clinton. Attorney DiMatteo said they need a survey attached to this easement. Councilman Frounick would like to hold off till next month. He moved to table this, Waite seconded.

**TABLED**

**Resolution #2018-9-1 Resolution to create an easement and agreement for the installation and future maintenance of drainage pipe(s) and related apparatus on the south side of State Route 354 at 1434 Clinton Street, Attica New York, Town of Bennington.**

-----TO BE SUPPLIED BY THE TOWN ATTORNEY-----

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_  
Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

**TABLED**

**Resolution #2018-9-2 Resolution for Ownership and Maintenance of Drainage Pipe(s) located on the South Side of Route 354 in Front of the Residence at 1434 Clinton Street, Attica New York.**

Whereas, the Town of Bennington proposes the construction/installation of drainage pipe(s) and related apparatus in the New York State Highway right-of-way in the Town of Bennington; and

Whereas, the drainage pipe(s) will be installed upon State owned lands;

Now, therefore, be it Resolved:

Section 1. That the Town of Bennington approves the installation of the drainage pipe(s) and that the Town of Bennington will own and maintain, or cause to be maintained, the drainage pipe(s) and apparatus installed on the south side of Route 354 at 1434 Clinton Street.

Section 2. That the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Ayes: 5 Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_  
Absent: \_\_\_\_\_

**New Business:**

**Resolution #2018-9-1 Set Date of Public Hearings on Bennington Fire Company Contract**

Whereas, the Town Board of the Town of Bennington has received a proposed 2019 contract amount from the Bennington Fire Company of \$97,500 for fire and rescue services within their district along with 20,000gallons of water for training purposes;

Be It Resolved that the Town Board hereby sets the date of October 17<sup>th</sup> at 7:30PM 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: Mohun; Second: Gadd  
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

**Resolution #2018-9-2 Set date of Budget Workshop Meeting**

Be it Resolved, Pursuant to Town Law, the Town Board of the Town of Bennington will hold a workshop meeting of the Town Board Members to receive and review the tentative 2019 Town Budget. Said meeting shall be held on October 1st 2018 at 7:30pm at the Bennington Town Hall;

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

Motion: Mohun; Second: Waite

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

**Resolution #2018-9-3 Set date of October Regular Board Meeting**

Be it Resolved, that the Bennington Town Board hereby sets the date for the October 2018 Regular Town Board Meeting as Wednesday October 17, 2018 at 7:30 p.m. at the Bennington Town Hall, Bennington Center New York, with workshop session to be held at 6:30 p.m. on the same date;

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

Motion: Mohun; Second: Frounick

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

Supervisor Grant asked the Town Clerk to also put an ad in the Attica Penny saver, and post on our Facebook Page and the Town Website with the change in meeting dates.

**Resolution #2018-9-4 Approval of the 2019-20 Agreement with Wyoming County for Snow and Ice Control on County Roads**

**Be It Resolved**, that the Town Board hereby approves the 2019-20 Agreement with the County of Wyoming for Snow and Ice Control on County roads located within the Town of Bennington at a rate of \$6,892.00 per centerline mile for a total of 14.44 miles of roadway, with provision for a rate increase of \$100 per mile in the event the state snow index factor goes above 1.4 in Wyoming County.

And Be It Further Resolved, that the Supervisors is hereby authorized to sign and execute such agreement on behalf of the Town.

Motion by Frounick; Seconded by Gadd

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

**Other Matters to come before the Town Board:**

Employee Assistance Plan will be expiring this month. The cost to renew for an additional year is \$350. This program was helpful last year, would like to renew for next year. Motion made by Mohun and seconded by Waite to renew the program for 2019. Voting all ayes, carried.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 9:07PM.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**October 17, 2018**

**Work Session**

**6:42 PM**

Supervisor Grant along with Council Members Mohun, Waite and Frounick audited the Highway, General Fund and Special District claims. Council member Gadd was excused from tonight's meeting due to a conflict with the changed date. Councilman Mohun toured Attica Correctional recycling facility. We would haul it to Attica and they would process free of charge. They don't accept glass or metal, so we would still have to have our service process those. The Town can take paper, cardboard and #1&2 plastics to the facility. The Town would have to get containers and sheds to store plastics, paper and cardboard so it can be hauled to the facility. Paper and cardboard has to be dry. The Town could take these items weekly (or 2x week) depending on amount. The Zoning Officer addressed the Board with her concerns should the Town close the Transfer station and do nothing. We need to protect the watershed and protect the environment from illegal burning and dumping of household trash. Superintendent Czworka said that Schad Rd. is complete and costs were lower than expected. Kevin Bannister has changed his mind and will not do anything right now. The Town Clerk handed out her monthly reports and reported on the spike of DECALS issued this year.

**October 17, 2018**

**Regular Meeting**

**7:30 PM**

Supervisor Grant declared the meeting open and asked Council Member Frounick to lead the pledge to the flag. Present were Council Members Frounick, Mohun, and Waite. Councilman Gadd will be absent tonight.

**Financial Matters:**

**General Fund** claims #222-249 totaling \$16,120.53 presented. Motion made by Mohun/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #126-139 in the amount of \$33,561.57 presented. Motion made by Waite/Mohun to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #66-73 totaling \$2,445.56 presented. Motion made by Frounick/Mohun to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street lighting** claim #10 totaling \$191.81 presented. Motion made by Waite/Frounick to approve the Lighting District claims, voting all ayes, carried.

**Supervisor's Financial Report- September**– Supervisor Grant presented her monthly Financial Report. Motion made by Mohun/Waite to accept the Supervisor's September report as submitted. Voting all ayes, carried.

**Minutes of the August meeting** – Supervisor Grant asked if any corrections/amendments. Motion made by Waite/Mohun to approve the minutes, voting all ayes, carried.

**Correspondence:**

The Town Clerk received a COI (Certificate Of Insurance) from DJ Hayes Inc. A letter was received from Ball Toilet and Septic that they have been acquired by Modern Portable Toilets. Supervisor Grant received the signed agreement from our EAP provider. The Town received notification of a Public Hearing for the Varysburg Fire District to include their 2019 Budget. Correspondence was received from the Association of Towns for an upcoming meeting in February 2019. Baldwin Financial sent information to the Town on Financial services they provide to municipalities.

**Departments:**

**Clerk** –The Clerk distributed her August & September monthly reports to the Board members. Clerk Busch also briefed the Board on the spike in DECALS permits this year. An extra \$3,600 was taken in, but the commission difference over last year will only result in an additional \$32 paid to the Town.

**Assessor** – Nothing to report.

**Zoning/Planning** – Semi-annual training sessions will be held on November 14<sup>th</sup>. Bob Gadd and Katie Nicole Marble would like Board approval to attend. Motion made by Frounick, seconded by Mohun. All Ayes, motion carried. Other upcoming programs include Monroe Fall Use Decision Making Program on 10/30, Intro to SEQR 11/7 and Transportation Fundamentals.

**Highway Department** – Superintendent Czworka was not able to attend tonight’s meeting. He reported during work session that he is getting the trucks ready for winter and that Schad Rd. is now completed. Also working on installation of pipes before the weather turns.

**Park/Recreation** – A presentation was given by Shawn Busch as his Eagle Project at Pine Tree Park is now complete. He handed out a packet of before and after photos of the various projects that included painting of the sign; removal of a tree; painting of the pavilion; installation of horseshoe pits and cleanup of debris. He asked that his paperwork be signed off as complete, and Supervisor Grant took care of that.

**Water District** – Sale of Serial Bonds on 10/18/18 will issue long term bonds. Annual sampling for lead was completed. Five house were sampled, if negative result we have five years before we would need to send any samples in.

**Transfer Station** – Councilman Frounick asked that someone contact WM to have them pickup tires. No Town wide pickup program will go into effect for 2019. Electronic Waste reimbursement check was received for 50% of costs which totaled \$667 from the event held last year in 2017. Attica collected a large amount of E-waste at their last collection held in September.

**Public Concerns:**

Don Mally asked if Don Roberts was able to come and speak to the residents about a Town wide pickup service. A resident inquired about work to Tooley or Burrough Rd. Councilman Waite said that the Superintendent said that grading was done, not sure about where. Supervisor Grant said there is not money in the budget left at this time to do any additional roadwork. Councilman Mohun addressed residents that the cost was \$16 million and the Town does not have equity to borrow against that. Residents ask that just grading is done. Supervisor Grant to contact the Superintendent to make sure he gets down that road. Residents question if the Superintendent has a schedule of repair to the 69 miles of Town roads and who checks to make sure that work is complete. Is there a log of the work that is done and is it reviewable by the residents? Supervisor Grant stated that as an elected official, he is responsible for his own Department. Ed Aldridge has concerns about overweight vehicles going down Sinn Rd.

Supervisor Grant asked if there were any questions or comments on the Bennington Fire Department Contract. Fire District portion of taxes will need to be updated in 2020 to reflect the water usage requests made by the departments. Motion made by Frounick to close Public hearing, seconded by Waite. Voting all ayes, carried. Public hearing was closed at 8:34PM.

**Old Business:**

**Resolution #2018-10-1 Bennington Fire Protection District Contract**

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2019 Contract between the Town and the Bennington Fire Company for the Bennington Fire Protection District on this 17<sup>th</sup> day of October, 2018 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 2019 Contract in the amount of \$97,500, with provision for water for training purposes, said amount to be levied upon the 2019 Town and County tax bills for parcels located within said District.

Motion by Mohun; Seconded by Frounick

Ayes; 4                      Noes: 0                      Abstain: 0                      Absent: 1

**New Business:**

**Resolution #2018-10-2 Adoption of Sexual Harassment Prevention Policy and Reporting Procedures**

WHEREAS, The Town of Bennington seeks to provide its employees with a work environment protected from sexual harassment through the adoption of policies and procedures to prevent actions by the public, co-workers, supervisors or vendors that may be deemed as sexually threatening or harassing, therefore,

BE IT RESOLVED, That, in compliance with the New York State Labor Law, the Bennington Town Board hereby adopts on this 17<sup>th</sup> day of October, 2018, the Town of Bennington Sexual Harassment Prevention Policy, and hereby instructs the Town Clerk to distribute or cause to be distributed copies of the aforesaid policy and its related complaint form to all employees of the Town of Bennington; and

BE IT FURTHER RESOLVED That the Town shall develop and implement a training program for all employees regarding the prevention of sexual harassment on the worksite.

Motion: Frounick; Second: Waite

Ayes: 4

Abstain: 0

Noes: 0

Absent: 1

**Town of Alexander Water Tower** – The Town of Alexander Water Department is extending their district and would like to construct a water tower in the Town of Bennington. This would be located on Church Rd. by Ortner. They are beginning to contact the surrounding land owners and wanted to notify the Town.

**RESOLUTION #2018-10-3 Amend Bulk Sale Agreement with Erie Co. Water Authority**

**WHEREAS**, the Town Board of the Town of Bennington met at a regular board meeting at the Bennington Town Hall located at 905 Old Alleghany Road, Attica, New York on the 17<sup>th</sup> day of October, 2018, commencing at 7:30 p.m. at which time and place the following members were present: Supervisor Ellen Grant; Council Member Bernard Frounick; Council Member Joyce Mohun; and Council Member Brian Waite; absent was Council Member Michael Gadd; and

**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**, Erie County Water Authority, a public benefit corporation hereinafter referred to as the “Authority,” and the Town Board of the Town of Bennington, a municipal corporation hereinafter referred as the “Town;” and

**WHEREAS**, the Authority and the Town, acting as Water Commissioners on behalf of the duly constituted Cowlesville Water District of the Town of Bennington County of Wyoming and State of New York, entered into a Bulk Sales Agreement on June 21, 2006; and

**WHEREAS**, on or about July 7, 2011, the Authority and the Town amended the Bulk Sales Agreement, extending its terms until July 7, 2021; and

**WHEREAS**, pursuant to the Bulk Sales Agreement, as amended, the parties agreed water supplied by the Authority would not be sold, furnished or supplied to any person or corporation, outside of the territorial limits of the Town and Cowlesville Water District, without the express written permission of the Authority; and

**WHEREAS**, on October 13, 2017, the Town Supervisor sent a letter to the Authority, requesting a second amendment to the Bulk Sales Agreement allowing the Town to supply water to the Highland Glens community, an area outside of the territorial limits of the Cowlesville Water District; and

**WHEREAS**, Highland Glens, Inc. operates a community water district, whose operations are overseen by the Public Service Commission, and which currently supplies water to the Highland Glen community from eight public wells; and

**WHEREAS**, the shares of Highland Glens, Inc. are owned by residents of the

Highland Glens community; and

**WHEREAS**, the Authority has the capacity to supply 10,000 gpd of additional water to the Town; and

**WHEREAS**, the Town Board of the Town of Bennington finds it in the best interest of the Town of Bennington to accept the Amendment as set forth below:

1. The Authority and the Town agree to amend the Bulk Sales Agreement allowing the Town to supply water to the Highland Glen community;
2. The Town shall provide the Authority with a certified copy of the Town Board resolution authorizing Amendment No. 2;
3. Amendment No. 2 is subject to all provisions, rules and regulations of the Authority Tariff, as it may be amended from time to time;
4. The parties agree the Bulk Sales Agreement shall be extended and will remain in full force and effect until October 4, 2028, subject to further extension as mutually agreed upon by both parties.

**NOW ON MOTION OF** Council Member Mohun which has been duly seconded by Council Member Frounick, be it

**RESOLVED**, the Town Board of the Town of Bennington accepts the Amendment as set forth below:

1. The Authority and the Town agree to amend the Bulk Sales Agreement allowing the Town to supply water to the Highland Glen community;
2. The Town shall provide the Authority with a certified copy of the Town Board resolution authorizing Amendment No. 2;
3. Amendment No. 2 is subject to all provisions, rules and regulations of the Authority Tariff, as it may be amended from time to time;
4. The parties agree the Bulk Sales Agreement shall be extended and will remain in full force and effect until October 4, 2028, subject to further extension as mutually agreed upon by both parties; and be it

**FURTHER RESOLVED**, the Town Board of the Town of Bennington hereby directs Ellen Grant, Town Supervisor, to enter into the BULK SALES AGREEMENT with Erie County Water Authority.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 1 – Gadd

#### **RESOLUTION #2018-10-4 Set date of Public Hearing for 2019 Town Budget**

Be It Resolved, that pursuant to Town Law, the Bennington Town Board will hear all interested parties regarding the 2019 Town Budget on Wednesday, November 7, 2018 at 7:30 p.m. at the Bennington Town Hall,

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

Motion: Mohun; Second: Waite

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

#### **Resolution #2018-10-5 Set date of November Regular Board Meeting**

Be it Resolved, that the Bennington Town Board hereby sets the date for the November 2018 Regular Town Board Meeting as Wednesday November 7, 2018 at 7:30 p.m. at the Bennington Town Hall, Bennington Center New York, with workshop session to be held at 6:30 p.m. on the same date;

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

Motion: Waite; Second: Frounick  
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

**RESOLUTION # 2018-10-6 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 Wednesday, October 31, 2018 from 5:00 pm to 8:00 pm and that the Town Clerk is directed to advertise the same.

Motion by: Mohun; Seconded: Waite  
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

**RESOLUTION #2018-10-7 Authorize the Clerk to advertise Seasonal Maintenance Roads within the Town and Season/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 and 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: Mohun; Seconded: Frounick  
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

**Other Matters to come before the Town Board:**

Attica Central Schools would like use of the Town Hall on Thursday, January 24, 2019 at 7pm. Motion made by Mohun, seconded by Frounick. Voting all ayes, carried.

The School Reunion will be held at the Town Hall on Saturday, October 27<sup>th</sup> from 2-4pm. The Historical Society will be hosting.

Councilman Frounick would like someone to repair the light outside the Town Hall Door as it has been out for a number of months.

A proposal was received to re-furbish the outside door at the Upstairs entrance at a cost of \$437.00. Motion made by Mohun and seconded by Frounick to approve the repair. Voting all ayes, carried.

The Planning Board meeting date will change to November 28<sup>th</sup> due to the Thanksgiving holiday.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 8:58 PM.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**November 7, 2018**

**Work Session**

**6:38 PM**

Supervisor Grant along with Council Members Mohun, Waite, Gadd and Frounick audited the Highway, General Fund and Special District claims. Superintendent Czworka spoke with Mr. Bittner from the State DOT regarding the Bannister property on Clinton Street. The State has determined that the owner must fix it and will be contacting the owner directly. The Highway trucks are being put together for winter. Some parts need to be replaced. Grading is being done between the rain, they include; Burrough, Tooley, Forkel, Schoellkopf. Cold patch has been applied to Urf, Kern, Sinn, East Bear, Town Hall parking lot, Graff, Sierk and Cotton Hill. They have finished North Tinkham and Burrough, Getman and Dersam are yet to be done. He does keep a daily log, but confidential information is also contained in this log. Discussion held on the Transfer Station and line item in the budget. Councilman Frounick was told that the Town of Darien is doing away with recyclables and putting them in the regular trash. The Town Clerk gave the Board information on the number of punch cards sold Year over Year and the amount that the cards would need to be raised in order to have an adequate fund balance for next year. The Board would like to appoint a committee formed of residents to discuss transfer station options. Discussion on Bond Anticipation Note for Water System Infrastructure and Meter pits. We may need to raise water rates to cover increases in costs. The Town Clerk handed out her monthly report.

**November 7, 2018**

**Regular Meeting**

**7:33 PM**

Supervisor Grant declared the meeting open and asked Superintendent Czworka to lead the pledge to the flag. Present were Council Members Frounick, Mohun, Gadd and Waite.

Supervisor Grant declared that we open the Public Hearing on the 2019 Town Budget at 7:34PM.

**Financial Matters:**

**General Fund** claims #250-267 totaling \$9,304.44 presented. Motion made by Frounick/Gadd to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #140-149 in the amount of \$23,246.76 presented. Motion made by Mohun/Waite to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #74-80 totaling \$2,581.04 presented. Motion made by Waite/Frounick to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street lighting** claim #11 totaling \$191.81 presented. Motion made by Mohun/Waite to approve the Lighting District claims, voting all ayes, carried.

A contract from Eagle Systems for the annual service contract on the Copystar Copier in the Assessors/Zoning Officer's office for the annual fee of \$631.62.

Motion made by Mohun/Frounick to approve the contract, voting all ayes, carried.

**Supervisor's Financial Report- October**— Supervisor Grant presented her monthly Financial Report. Motion made by Mohun/Waite to accept the Supervisor's October report as submitted. Voting all ayes, carried.

A report of Transfers was also given to the Board members. Money needed to be moved between GL accounts in the amount of \$204,000 in Highway. CHIPS work was done, but was not applied to Permanent Improvements, so it was handled this way rather than the Accountant make journal entries. The same needed to be done for Water in the amount of \$2,500 between administrative and transmission accounts. Motion made by Mohun/Frounick to accept the transfers. Voting all ayes, carried.

**Minutes of the October meeting** – Supervisor Grant asked if any corrections/amendments. Councilman Mohun submitted changes prior to the meeting regarding last month’s work session. Changes were made based on the Clerk’s notes. Councilman Gadd asked that we add that he was excused from last month’s meeting due to the change of date. Motion made by Mohun/Waite to approve the minutes with corrections, voting all ayes, carried.

**Correspondence:**

The Town Clerk received the monthly certificate of analysis from Biotrax. The Clerk received a notice of public hearing from the Town of Alden regarding “Changes to Automotive use areas-paving requirements” to be held on November 5<sup>th</sup> at 7:05pm. A packet was received from Association of Towns for their 2019 Annual meetings and training school to be held Feb. 17-20, 2019 in New York City. The Supervisor read an article from the Batavia Daily regarding statewide speeding tickets given out in 2017. The Town of Bennington had one of the lowest issue rates at 54 for the year. A letter was received from NYS Public Service regarding energy saving programs offered for the upcoming year. The Clerk was also in receipt of this and sent in to get pamphlets for the Town. The Clerk also contacted the State to see if information was available to link up to our Facebook page. The Highway Superintendent received an email from a Folsomdale Rd. resident concerned about the conditions of Bear Rd. Ken could not get to Bear Rd. this year due to other more pressing projects. He is planning on addressing in the spring. He is estimating that he would need \$80,000 to get it paved based on this year’s estimates, but it could be higher next year.

**Departments:**

**Clerk** –The Clerk distributed her October monthly report to the Board members in work session. Councilman Frounick asked what the line item in the report named Junk permits referred to. This is the GL account for tires, appliances and any other bulk garbage outside of punch cards.

**Assessor** – Nothing to report.

**Zoning/Planning** – A Special Use Permit Renewal was received from the Kissell’s on Reilein Road to occasionally sell material from their gravel pit. A motion was made by Frounick/Mohun. Voting all ayes, approved for a three year renewal to expire in October 2021.

**Highway Department** – Superintendent Czworka went over a number of projects that the Highway department has been working on over the last month. Sand has been coming in to service the roads over the winter season. Rustco came out and sprayed the trucks to protect the Town owned vehicles and equipment. Will be storing equipment not needed for winter at Doug Miller’s. CHIPS claim was submitted and the Town should be reimbursed \$117,000 by December 15<sup>th</sup> for permanent improvements that were done on Blood Rd. Councilman Mohun asked if our highway equipment is all specifically insured on the Town’s policy. Other Town did not have a plow insured, but the truck was. When an accident occurred, the insurance did not cover the damage to the plow.

**Park/Recreation** – The Bathrooms at the Town Park have been winterized, the Clerk called Ball to have the three port-a-john’s removed from the park and the Historical Society building.

**Water District** – Sale of Serial Bonds took place on 10/18/18 to issue long term bonds (20 years). Interest payments will be due twice this coming year.

**Transfer Station** – Discussion held during workshop that a Citizens committee be formed to review information on options. At the end of three months they will give the Board recommendations. The Town Board will interview and appoint residents to this committee. A motion was made by Waite/Mohun to have the Clerk advertise for these volunteer committee positions. Voting all ayes, carried. The Clerk asked for clarification of ad. Applicants are to submit a letter of intent with information on their background. These will be volunteer positions. Superintendent Czworka contacted Staba’s to pick up the dumpster of metal. Supervisor Grant to call Preivity’s for the tires. Councilman Waite will come by the transfer station and separate the tires from the rims and return all back to the transfer station for proper recycling.

**Public Concerns:** No concerns this evening.

Comments on 2019 Budget: Copies were handed out to residents attending tonight’s meeting. Supervisor Grant read highlights. She explained to the Board that changes had been made to the

Summary Page since the workshop meeting held the previous month. Varysburg Fire contract came back higher than last years, so changes were made between that line item and the General Fund to compensate for the difference. The Town's increase will be within the Tax Cap this year. The amount to be raised by property tax for 2019 is \$1,293,928.30. Salaries for elected officials are required to be advertised in the official paper of the Town, Batavia Daily. The Town of Bennington will stay under the tax cap for this year's budget. The County expects to be under the cap as well this year, so Town residents will be eligible to receive rebates this year. The public hearing for the County Budget will be on 11/27/18 at 11:30am in Warsaw.

Motion made by Frounick and seconded by Waite to close the public hearing.

**Old Business:**

**Resolution #2018-11-1 ADOPT 2019 BUDGET**

Be it Resolved, that, following a duly advertised Public Hearing held on the 7th day of November 2018, the Bennington Town Board hereby adopts the Proposed 2019 Town of Bennington Budget with a total levy of \$1,293,928.30 and authorizes the amounts therein to be levied upon the real property within the Town of Bennington on the 2019 Town and County tax bills.

Motion Mohun; second Gadd.

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

**New Business:**

**Resolution #2018-11-2 LETTER OF SUPPORT – COWLESVILLE FIRE CO. GRANT APPLICATION**

Be it Resolved, that the Bennington Town Board hereby supports the application of the Cowlesville Fire Company for a grant to assist in the purchase of a new truck to replace obsolete 1986 equipment and directs the Town Supervisor to prepare and send a letter of support for the Assistance to Firefighters Grant program on behalf of the Cowlesville Fire Company.

Motion: Frounick; second Gadd.

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

Supervisor Grant will write a letter of support to go with the grant application for the Cowlesville Fire Department.

Bells of Peace: At the committee meeting at Warsaw, Veteran's services mentioned the 100<sup>th</sup> Anniversary of WWI. Groups are trying to commemorate this day by ringing area church bells 21 times on 11/11 at 11:00am. Supervisor Grant shared the information with Salem Church, Sacred Heart of Jesus, Folsomdale Baptist Church and Cowlesville Baptist. All are expected to participate. The Town Clerk will post the announcement on the Town's Facebook page.

**Other Matters to come before the Town Board:**

Supervisor Grant asked that the Board move into Executive session for employee matters at 8:32pm. Motion made by Mohun and seconded by Gadd.

Motion to close Executive session by Mohun/Waite at 8:36pm. Motion made by Mohun to adjourn at 8:36pm.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**December 12, 2018**

**Work Session**

**6:52PM**

Supervisor Grant along with Council Members Mohun, Waite, Gadd and Frounick audited the Highway, General Fund and Special District claims. Superintendent Czworka received a call from a resident on Cotton Hill Extension regarding plowing of this seasonal/limited use road. The Superintendent was contacted regarding historical maintenance information at the intersection of Folsomdale and Kern Road. His crews have been cold patching in between the snowflakes along with working on Friedman Road. He has had a number of breakdowns on Town trucks. Supervisor Grant said that the County has passed a resolution to start the process of having the Schoellkopf Rd. Bridge re-conditioned. Brief discussion held on Transfer Station committee applicants. Councilman Gadd suggested a five minute meeting with applicants at our year end meeting.

**December 12, 2018**

**Regular Meeting**

**7:33 PM**

Supervisor Grant declared the meeting open and asked Councilman Waite to lead the pledge to the flag. Present were Council Members Frounick, Mohun, Gadd and Waite.

**Financial Matters:**

**General Fund** claims #268-290 totaling \$14,849.43 presented. Motion made by Mohun/Waite to approve the General Fund claims presented. Voting all ayes, carried.

**Highway** claims #150-174 in the amount of \$49,191.61 presented. Motion made by Gadd/Frounick to approve the Highway Fund claims. Voting all ayes, carried.

**Water District** claims #81-90 totaling \$8,210.08 presented. Motion made by Frounick/Mohun to approve the Water District claims, voting all ayes, carried.

**Cowlesville Street lighting** claim #12 totaling \$191.81 presented. Motion made by Waite/Mohun to approve the Lighting District claims, voting all ayes, carried.

**Supervisor's Financial Report- November**– Supervisor Grant presented her monthly Financial Report. Transfers were made in Highway and Water due to BAN payments. Motion made by Mohun/Waite to accept the Supervisor's November report as submitted. Voting all ayes, carried.

**Minutes of the November meeting** – Supervisor Grant asked if any corrections/amendments. Motion made by Waite/Gadd to approve the minutes, voting all ayes, carried.

**Correspondence:**

The Town Clerk received the monthly certificate of analysis from Biotrax. Received from the Erie County Water Authority an excerpt from the minutes held on 11/29/18 amending the Authority's Tariff effective 1/1/19. The Town Clerk received the Budgets from the Varysburg and Bennington Fire Departments. The Clerk is still awaiting budgets from Harris Corners and Cowlesville. An email was received from Empire State Development regarding public hearings for a New NY Broadband Program Phase 3 Hughes Network Systems, LLC Project. The Supervisor received a letter from Paul Chatfield MRB Group to remain the Town Engineer for any Water projects in the Town. A Certificate of Insurance was received from Direct Energy Astro Solar and Hojnowski Transport. The Supervisor received the November Bennington Justice Court reports. A plaque was given along with a letter to go into the time capsule to the Town from Senator Gallivan congratulating the Town of Bennington on its Bi-Centennial.

**Departments:**

**Clerk** –The Clerk distributed her November monthly report to the Board members in work session. The Dog enumeration was completed over the summer and a report was given to the Town Clerk. Letters were sent out to owners that were not currently in our system.

**Assessor** – The Assessor was out on medical leave this evening, but the Supervisor reported that a number of exemptions have been submitted over the last couple of weeks.

**Zoning/Planning** – A Special Use Permit Renewal was received from William Dunn on Maxon Rd to store construction equipment and materials at his home. A motion was made by Frounick/Gadd. Voting all ayes, approved for a three year renewal to expire in October 2021.

**Solar Projects in the Town** – Houtan Moaveni is a Senior Advisor to President of the NYS Distributed Generation Interconnection Ombudsman. He would like to draft a local law for the Town. Councilman Mohun has been in touch with him to coordinate a date and time to meet. The Town will contact Spitzer for legal counsel as the Town Attorney cannot work on this project. The Zoning Officer encouraged the Board to enact something very quickly as there are interested parties and this project could benefit all residents. Katie is working on the Zombie Law, our language does not specify on how to collect money. Councilman Mohun said there was an article in this month's edition of Town Topics regarding Zombie property maintenance. Planning Board will need to get involved to get this accomplished.

**Highway Department** – Superintendent Czworka discussed a conversation that he had with a resident from Cotton Hill Extension. Supervisor Grant asked that he contact our previous Attorney to see when the road was established. Councilman Mohun said she would contact Moran's office and inquire. The Highway crew has done some work on ditches and culverts on this seasonal/limited use road. The Superintendent would like to look into the purchase of a sander for the Town. The crew has also been doing grading on Tinkham and Stedman Rds. He has had a number of breakdowns on the trucks. The Schoellkopf Rd. bridge will be closed during daylight hours beginning on December 10<sup>th</sup> for evaluation.

**Park/Recreation** – There will be two Bi-centennial events this weekend, a cookie contest and a Holiday concert. A mailbox with a direct line to Santa was put in the Town Hall. Letters were dropped off over the past couple of weeks and given to Santa for replies. In January a discussion will need to take place on the baseball program and who will run it this year.

**Water District** – Highland Glens had their annual meeting on 12/10/18 and voted to approve the tapping fee. Residents agreed to pay increase on assessments. Lawyers will draft agreements in another month. Will look at rates for water district to start building up a reserve fund for catastrophic events.

**Transfer Station** – The Clerk received letters of intent from several residents interested in appointment to the Transfer Station committee. Applicants will be asked to come in 12/26 for a brief interview. Councilman Mohun suggested a list be put together for what they would like the residents to look at. Councilman Gadd made a motion to raise the cost of a transfer station punch card \$20 on 1/1/19, to \$40/ticket. Councilman Frounick Seconded. Gadd also added to his motion that residents may not purchase more than two tickets between now and the end of the year. Voting all ayes, carried.

**Public Concerns:** John Zybczynski from Burrough Rd. is concerned that residents will dump garbage along his road. He had concerns about where his tax dollars are going since the conditions of his road is so bad. Councilman Gadd addressed his concern that we do the very best we can with the small amount of taxes that the Town receives. Superintendent Czworka addressed his concerns as well and explained that the Town has 65 miles of roads to maintain and this is much more than neighboring communities. Chris Domes from Stedman Rd. was here to listen to tonight's proceedings.

**Old Business: None**

**New Business:**

**Resolution #2018-12-1 Holiday office closures**

**Be it Resolved, that the Town Board hereby approves the closure of the Town Hall Offices for Monday, December 24, 2018 and Monday, December 31, 2018 and directs the Town Clerk to advertise the same.**

**Motion: Frounick; Second: Waite**

**Ayes: 5**

**Noes: 0**

**Abstain: 0**

**Absent: 0**

**Resolution #2018-12-2 Set Date of Special Sessions for 2018 Year End and 2019 Organizational Meetings**

Be it Resolved, that the date and time of the annual Year-End Meeting of the Bennington Town Board shall be at 6:30 p.m. on December 26, 2018; and be it

Further Resolved, that the date and time of the 2019 Annual Organizational Meeting of the Bennington Town Board shall be at 7:00 p.m. on January 2, 2018, and be it

Further Resolved, that all of the said meetings shall be held at the Bennington Town Hall, Bennington Center, NY, and be it

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

Motion made by Mohun; seconded by Gadd.

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

**Resolution #2018-12-3                      Audit Services**

Be It Resolved that the Bennington Town Board is hereby authorized to contract with Don Przybyl, 312 Townline Road, Lancaster New York 14086 for the purpose of conducting an audit of the 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 made by Mohun; seconded by Gadd.

Ayes:                              Noes:                              Abstain:                              Absent:

Motion made by Councilman Gadd to discontinue selling Transfer Station punch cards to Kadd's Mart and Bennington Lanes effective immediately. Seconded by Mohun; voting all ayes carried.

A proposal was received from Brierhill on a Dutch door installation for the Court Clerk's office. This quote was for just under \$3,000. The Board will discuss further next year.

Motion made by Waite to adjourn at 9:12pm.

Respectfully submitted:

Carolyn Busch  
Town Clerk

**Workshop Session  
December 26, 2018**

Board Members Grant, Mohun and Gadd audited bills. Following audit prospective members of a Transfer Station Advisory Committee were interviewed, with an exchange of information shared. Several interested parties were not able to attend this evening, so no decision will be made until the January 2019 meeting.

**Town Board Meeting  
December 26, 2018**

Supervisor Grant opened the meeting at 7:15 p.m., with Councilman Mohun leading the Pledge of Allegiance. Present were Supervisor Grant, Council Mohun, Gadd and Frounick, and Attorney David DiMatteo.

Highland Glens Water System – Board members reviewed a resolution for the Out of District Agreement between the Town and Highland Glens, Inc. Following a discussion on the terms – Highland Glens will be paying at a rate of 150% of the rate paid by District owners to compensate for the infrastructure costs that have been paid by the District; Highland Glens will be responsible for maintenance and repairs from the meter pit through to their pumping/storage facilities – motion was made by Mohun, seconded by Gadd to approve the Agreement. Ayes – 4, Noes – 0, Absent – 1, Waite. Motion carried. A copy of the Agreement and Appendix, bearing the Town’s seal and Clerk’s signature, will be sent to Highland Glens Inc.

Solar Projects – Discussion was held on potential solar projects in the Town. A meeting has been set between NYSEERDA and any available Town Board members on January 15<sup>th</sup> to get information on projects, PILOT or Host Community Agreements, application fees, etc. Attorney DiMatteo recommended several attorneys and engineering firms the Town should consider to represent our interests. Fees should be paid by applicants. Discussed our current zoning and regulations on project locations.

Cotton Hill – discussed the status of the road and when it was established and parcels created. Board was advised to have the Highway Superintendent check the CHIPS road inventory.

Audit of Bills – Attorney DiMatteo advised that bills from 2017 that had not been submitted for payment previously would be subject to criticism from NYS Comptroller auditors, as 2017 accounts have been closed out and those funds no longer available. Board members will discuss the matter with the department head.

Councilman Frounick was excused at 8:05 p.m.

Discussion continued on solar regulations and filling potential Town vacant positions.

Motion by Councilman Mohun to adjourn. Meeting adjourned at 9:07 p.m.

Respectfully submitted, Ellen Grant – Town Supervisor