

April 13, 2016

Work Session

6:30 PM

Supervisor Grant along with Council Members Frounick, Gadd, Hoy and Mohun audited the Highway, General Fund and Special District claims. Superintendent Czworka discussed with Board Members; replacing the loader under the buy-back program, 2 years will be up to \$125-126,000 on a chassis from Western Star. He prefers the Peterbilt (majority of the town's fleet is Peterbilt). The Stainless steel plow equipment estimate was \$105,682 received from Valley Fab.

Mr. Czworka reported that frame of the salt storage building isn't stable, found that will have to move some salt so they take a better look at the stiles, rusting, may have to replace, there is one every 10', will cost \$1550 to replace. Highway employees are working on roads, fixing where the plows dug up, pot holes and soft spots.

Supervisor Grant reviewed the agenda, reported that Wayne Peirick willing to sell the town the land between Rt. 77 and the Highway Dept. (about 1-1/2 acres) for \$12,000 for the transfer station.

Council Member Mohun questioned the back-ground check on the Zoning Officer, required as part of new policy set by the Town.

April 11, 2016

Regular Meeting

7:30 PM

Supervisor Grant declared the meeting open and asked Councilman Hoy to lead the pledge to the flag. Present were Council Members Frounick, Gadd, Hoy and Mohun, also Highway Superintendent Czworka and Assessor Wittmeyer.

Williamson Law Book Annual Software Support Contracts: 2016 Payroll Software \$730; Approval for the Registration fee of \$250 to allow Superintendent Czworka to attend Highway School :

Supervisor Grant asked for permission to execute the 2016 software support contract for the Payroll Software and approve the registration fee for highway school for Superintendent Czworka. Motion made by Frounick/Hoy authorizing the supervisor to sign the Williamson Law Book contract and approve the \$250 registration fee for Mr. Czworka, voting all ayes, carried.

Financial Matters:

General Fund claims #70 – 94 totaling \$12,104.78 presented. Motion made by Hoy/Mohun to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #61 - 77 totaling \$35,170.04 presented. Motion made by Gadd/Frounick to approve the Highway Fund claims. Voting all ayes, carried. (Note, over \$24,360 was spent on highway materials/fuel).

Special District Claims:

Cowlesville Street Lighting – Voucher #4 in the amount of \$176.73 presented.

Cowlesville Water District claims #15-19 totaling \$2026.59 and claim for the **Bennington Fire Contract**, balance due of \$69,000 for 2016. Motion made by Mohun/Gadd to approve the Special District claims, voting all ayes, carried.

Supervisor’s Financial Statements for March:

Supervisor Grant asked if any questions. Motion made by Mohun/Hoy to accept the Financial Report, voting all ayes, carried.

Minutes: March 2016 meeting: Supervisor Grant asked if any corrections/amendments. Council Member Mohun asked that minutes be amended to include in the Resolution of the Appointment of the Zoning Office that appointment also based on a back-ground check, as required for all new Town Board appointments. Motion made by Mohun/Gadd to approve the minutes as amended, voting all ayes, carried.

Correspondence:

Received from Wyoming County Highway Department, the signed Snow & Ice Control Yearly Agreement commencing October 15, 2016, terminating October 14, 2017.

Notice from the NYS Public Service Commission of public hearings scheduled on April 20th and 21st regarding NYS Electric & Gas Corp. and Rochester Gas & Electric Corporation’s proposal to close three walk-in offices.

Shared Services Agreement received from the Town of Alexander.

Copies of license/permits received from Kimo Brandon for his Gunsmith business namely: “Dealer In Firearms” and “Gunsmith” from NYS, County of Wyoming and the “Federal Firearms License”.

Notice from the NYS Parks, Recreation and Historic Preservation of the Spring Programs at Letchworth State Park.

Memo from the Wyo. Co. Planning Board of a Spring Local Government Workshop being held May 19th in Pittsford, NY

Certificates of Insurance naming the Town of Bennington as additional insured received from Hojnowski Transport, Eugene Jaworski Contracting and David Homebuilders, Inc.

Supervisor Grant received e-mails from residents complaining about road conditions due to the Spring thaw. She has passed them along to the Highway Superintendent.

She also received a thank you notice from the Taylors on Kern thanking the town for work done on Kern Road.

Received info from the Erie Co. Water Authority that there are procurement contracts available on which the town can “piggy-back” for water maintenance materials and meter contracts.

Attica Central School District sent a notice for our bulletin board on the School District public hearing and vote. Public Hearing will be May 3rd at the school, voting will take place May 19th here at the town hall.

Notice from Wyoming Co. Soil and Conservation District re: due to restraints in their financial budget, they now have a fee schedule set up for technical assistance. There will no

charge to land owners requesting resource data or planning information, municipalities, consultants and private enterprises will be charged at a rate of \$50/hour.

Supervisor Grant reported that she received one response back on the Camp Wyomoco essay contest for a free week at the 4H Camp. That individual is Natalie Laird, who wrote a very interesting letter on why she would like to go to camp and reasons she loves her home town.

E-mail received from Samantha Willard, Lapp Road regarding Pine Tree Park, that information has been shared with Town Board Members and with Local Law enforcement.

Departments:

Assessor: Assessor Wittmeyer reported that effective with the 2016 Assessment roll, which is used for the September 2016 School tax bills, a new law was passed as it relates to how the Basic and Enhanced STAR exemption is delivered to new property owners who purchased their home after March 1, 2015. This law was passed as part of the April 2016 Budget Bill created by the New York State Assembly and Senate, along with Governor Cuomo. Effective with the September 2016 School tax billing cycle, when there is a change in ownership on the property that took place after March 1, 2015, these new owners will part of the new process. Star exemption will be in the form of a rebate check, will no longer be a reduction on your School tax bill; Property owners will have to apply for the STAR rebate with the NYS, Dept. of Taxation and Finance. (Town Assessors will no longer be handling this). NYS is creating a web based application to do this, will also have a system where you can call in and register, but are still waiting for the specifics. The state's phone number is 518-591-5232. You are urged to contact the state no later than July 1st, to ensure that you receive the STAR Rebate Check for the September 2016 School bill cycle.

Zoning:

Home Occupations:

Renewals received from: Cindy Ciupek (C*Shore Design); Tom Hudson (Sunset Printing and Alan Linsey (Precision Cylinder Head). No complaints on any of them. Motion made by Frounick/Gadd to approve the renewals, voting all ayes, carried.

Special Use Permit Renewals received from Evan Gerhardt (Hops Processing) and Michael George (77 Construction). Both applied for 3 year renewals. No complaints. Motion made by Gadd/Frounick to approve the renewals for 3 years, voting all ayes, carried.

Re-Zone Application received from Alan Niespodzinski, would like to re-zone 610 Clinton from Commercial to Agriculture/Residential, wants to convert that building into a residence. After a short discussion, the following resolution was introduced.

Resolution #2016-4-1 Re-zone of 610 Clinton Street from Commercial to A/R

Be It Resolved that the Bennington Town Board hereby authorizes and directs the Town Clerk to advertise for a public hearing to be held on May 11, 2016, 7:30 PM at the Bennington Town Hall, to amend the Town of Bennington Zoning Law and Map for parcel #28.-3-1-11,

located at 610 Clinton Street, Cowlesville from Commercial to Agriculture/Residential, and to notify the Town and County Planning Boards of such proposal;

And be it further Resolved, that the Town Board hereby declares that it will serve as Lead Agency for the purposes of SEQR on this zoning amendment.

Motion made by Council Member Mohun, seconded by Councilman Gadd, voting all ayes, carried.

Highway:

Superintendent Czworka would like to trade in (under the buy-back program) the loader and update, got a price of \$23,287 to update with to a 2016 950 M Caterpillar. After a short discussion, the following resolution was introduced:

Resolution #2016-4-2 Authorize the Highway Superintendent to Participate in the Milton Cat Loader Buy-Back Program

Be It Resolved that the Town of Bennington Board hereby authorizes and directs the Highway Superintendent to continue our participation in the Milton Cat buy-back program and upgrade the current equipment with a 2016 950GM Caterpillar loader, with trade in, at a price not to exceed \$23,287 as per NYS Contract PC66988.

Motion made by Councilman Hoy, seconded by Councilman Frounick, voting all ayes, carried.

Superintendent Czworka reported he procured a price on a new Peterbilt Chassis in the amount of \$131,103, would take 6 months to get. After a discussion, it was decided that he start the financial application and see where that goes, could call a special meeting if necessary.

Mr. Czworka reported that he has someone coming to look at the structure of the salt storage building, has to move some salt to have them do this. Short discussion held.

Road wise – Mr. Czworka getting pricing on topping West Bear (hopefully oil & stone), re-surface Maxon (all of it but maybe can only do half) and is getting pricing for material for South Burrough (#2 stone). Been working on pot holes, soft spots, will be sweeping Cowlesville streets next week.

Parks/Recreation : Supervisor Grant has received the baseball schedule from John Perl. Councilman Frounick asked about the lawn mower, do they want to advertise for bids. After a short discussion decided that if they have to advertise for something else to throw an ad in on the mower.

Water District: Meters will be read in the next couple of weeks.

Transfer Station: New stickers are available. Decided to run an ad in the pennysaver.

Public Concerns: Brian Waite concerned about of sweeping of street, questioned residents parking on the sidewalks and vacant buildings on the block, asked if something can't be done to at least mow the lawns. Short discussion which lead into Old Business.

Old Business:

Vacant Building Registry – Council Member Mohun reported that the Town has passed 2 Local Laws; 1- Vacant Building Registry which is getting together a list of all of the vacant buildings in the town and 2 – Property Maintenance Law addresses these vacant buildings and how the town can ask the property owners to clean them within a certain period of time, if not done then the town has the ability of having these places taken care of and the cost to be assessed on the owner of the property. Ms Mohun has put together a list of properties, has 18 so far where letters will be sent to the property owners, they will have a year to come into compliance with the law.

New Business:

FOIL Request - Supervisor Grant has received an E-mail for a FOIL request information for 2014, all vendors, amounts paid, check numbers, copies of vouchers/claims/invoices etc. She informed them that the town software does not have any means of providing this information, would have to be photocopied by hand and would cost them \$.25/page. She hasn't heard anything back.

Broadband Questionnaire – Supervisor Grant reported she filled out a questionnaire for the County, trying to get more service in the county, better covered. She feels if they do get it, it will probably run along the Thruway corridor and then down along 19 into Warsaw.

Vacancy on the Board of Assessment Review, creation of an Alternate BAR Member -

Supervisor Grant reported that there is a vacancy on the Board of Assessment Review, advertised and no one responded, She has called Bob Padak and he hasn't returned her call. They meet the end of May and there is training that needs to be done prior to the meeting. Brian Waite who is in the audience is interested but doesn't know if he will be home, he's on the road a lot. Lengthy discussion held. Clerk called Bob Padak, he stated he was interested. The following resolution was introduced:

Resolution #2014-3 – Creation of Board of Assessment Review – Alternate Member Position

Be It Resolved, that the Town of Bennington Town Board hereby creates the position of Alternate Member, Board of assessment Review effective April 13, 2016, for the purpose of serving annually on the Board of Assessment Review meeting each May.

And Be It Further Resolved, that said position shall be authorized to attend all meetings if the Board, regardless of a quorum of Regular Members and shall be authorized to vote on matters when a quorum of Regular Members is not present through absence or abstaining on individual cases;

And Be It Further Resolved that the Alternate Member, Board of Assessment Review, shall be required to receive the same training as Regular Members, and shall received the same monetary compensation as Regular Members.

Motion made by Frounick/Mohun to appoint Bob Padak as a Member on the Board of Assessment Review to fill the unexpired term of Bernadine Matteson and appoint Brian Waite as Alternate Member on the Board of Assessment Review. Voting all ayes, carried.

Insurance Risk reduction review of Town sites/facilities

Supervisor Grant met with a representative from Selective Insurance who wanted to do a risk assessment on town properties, look at the town owned sites, buildings, highway garage etc. Supervisor Grant showed her the town hall, took her up to the highway building and then she gave her directions to the historical museum and town park. Representative said if she found any issues would get back to Supervisor Grant.

Supervisor Grant reported that in the Board Members packets was a letter from Attorney DiMatteo re: Games of Chance. She asked him to look into it due to all of the concerns of neighboring organizations.

Supervisor Grant reported that last month the Town submitted/recommended Pastor Leonard Roberto's name for appointment on the OFA Advisory Council. He has officially been appointed the Board.

Supervisor Grant reported that County Highway bids were awarded for stone today.

Council Member Mohun reported she has sent a copy of the letter that will be going out to the owners of the vacant buildings to Town Attorney DiMatteo for his approval.

There being no further business, a motion was made by Council Member Mohun to adjourn. Meeting adjourned at 9:15 PM.

Respectfully Submitted:

Judith Brown, Town Clerk