

July 13, 2016

Bid Opening

6:30 PM

Present were Superintendent Czworka, Clerk Brown and 2 representatives from Hunter Peterbilt.

Two (2) bids received on the 2017 truck cab chassis as follows:

Regional International: \$130,303 for Ford Work Star 7600, (with extra warranty \$132,638).

Hunter-Peterbilt's: \$145,003 for a Peterbilt Model 367

Waiver of immunity and non collusive bid certificates were included with both bids.

Superintendent Czworka thanked the reps for coming, he will be reviewing/comparing specs etc.

July 13, 2016

Work Session

6:30 PM

Supervisor Grant along with Council Members Mohun, Frounick and Hoy audited the Highway, General Fund and Special District claims. Councilman Gadd called and said he'd be late.

Motion made by Mohun/Hoy to go into Executive Session at 7:03 PM to discuss a personnel matter. Voting all ayes carried. Motion made by Hoy/Mohun to come out of Executive Session at 7:13 PM. Voting all ayes carried.

Superintendent Czworka reported that only two (2) bids received, Regional International \$130,303 and Hunter-Peterbilt \$145,003.

Superintendent Czworka reported that part of the big difference in price between the two bids was the shifter on the Regional unit was on the console, whereas on the Peterbilt it's on the dash. The Highway men like it on the dash because the plow equipment controls are in the console. No spare tire included with the International, one is with the Peterbilt. Wheel base is longer in the Peterbilt than in the International. Mr. Czworka stated that as far as he has seen so far the Peterbilt has met all specs., also noted that there were suppose to be two more bids from Mack & Volvo (they received the specs). Mr. Czworka was asked what the plow equipment price was. He informed Board Members that it is \$105,000 from Oneida.

July 13, 2016

Regular Meeting

7:30 PM

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

Present were Council Members Frounick, Gadd and Hoy, also Assessor Wittmeyer. Councilman Gadd excused.

Supervisor Grant opened the Public Hearing to consider Local Law #2, Year 2016 – Increase salary of Town Justice for 2016.

Financial Matters:

General Fund claims #144 - 171 totaling \$11,425,82 presented. Motion made by Hoy/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #101-115 totaling \$258,622.79 presented. Motion made by Mohun/Frounick to approve the Highway Fund claims. Voting all ayes, carried.

(Note: \$248,209.23 of the above total was for materials/truck/equipment is broken up as follows: Maxon Road - \$185,484.57; West Bear - \$52,642.38; various other town roads - \$10,082.28).

Special District Claims:

Cowlesville Water District claims #30-34 totaling \$2010.00 presented. Motion made by Hoy/Mohun to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting – Voucher #7 in the amount of \$176.81 presented. Motion made by Hoy/Frounick to approve the Street Lighting claim, voting all ayes, carried.

Supervisor's Financial Statements for June:

Supervisor Grant reported that later this month, the town should receive a check from the County for the remainder of the Snow & Ice contract from 2015-2016 contract year, should be approx. \$24,000. She asked if any question regarding the Financial Statements. Motion made by Mohun/Hoy to accept the Financial Reports for June, voting all ayes, carried.

Minutes: June 8th Regular Meeting and June 26th Special Session: Supervisor Grant noted the Special Session was called to discuss Local Law #2 of 2016 Increasing the Town Justice salary for the remainder of 2016, Town Highway equipment needs and the Ag & Markets decision on Bennington's Local Law regarding Bioolids being too restrictive according to EPA standards. She asked if any corrections/amendments to the minutes. Council Member Mohun amended the

June 26th minutes under the Local Law for Town Justice, the \$3333.34 is NOT COSTING the town any more money, just adding to/increasing Justice Linsey's salary for the remainder of this year. The money is already appropriated/budgeted in the Town Justice Account, had 2 Town justices at the beginning of this year, now have only one doing all of the work. Motion made by Mohun/Frounick to approve the minutes as corrected, voting all ayes, carried.

Correspondence:

Letter from the NYS Dept. of Public Service dated June 18th re: sponsoring public statement hearings regarding proposed increases in National Fuel Gas Distribution Corp.'s gas delivery rates. Hearings being held June 28th in Williamsville and June 29th in Jamestown.

Notice from NYS Parks, Recreation and Historic Preservation re: Summer Programs at Letchworth State Park.

Certificates of Liability Insurance naming the town of Bennington as additionally insured received from Spring Creek Construction Corp. and Eastman Tree Service LLC

Notice from Sen. Gallivan's office re: 2016 Upcoming Electronics Collections by Sunking; July 15th in Hamburg, , Sept. 10th in Holly.

Letter from Cornell University, Cooperative Extension, Wyoming Co. Re: Their partnership with Sen. Gallivan promoting their "Eat Fresh Buy Local Brochure" to help consumers connect with local producers for fresh products directly from the farm which helps our community to improve their diet with access to fresh local produce and strengthen our local economy by helping farm business increase sales.

Letter dated June 16th from Sen. Gallivan's office thanking Supervisor Grant for her correspondence regarding Senate bill #7531/Assembly bill 9943 (repealing part A of chapter 60 of the laws of 2016 which provides for the transition of the school tax relief property tax exemption to a personal income tax credit, assuring his support of this legislation should it come before him this legislative session.

June 2016 monthly report from Town of Bennington Justice Court.

Flyer from BOND re: 2017 Municipal Workshops scheduled on July 20th and 21st featuring Budget Basics, Health Care and working with employee unions.

Invitation from the Folsomdale Baptist Church to Town Board Members and other town officials to a special service honoring the service and contribution of our area first responders, Sunday August 21st at 11 AM.

Council Member Mohun reported that there is an electronic recycling collection scheduled on July 24th at Depew High School on Transit Road.

Departments:

Assessment: Supervisor Grant reported that Assessor Wittmeyer has provided a written summary of activities for the Month of June for Town Board Members (inc. in their packets). Ms. Grant informed Assessor Wittmeyer that Sen. Gallivan responded to her letter indicating he will support the repeal of Senate bill #7531 should it come before him this legislative session. Assessor Wittmyer reported she's been attempting to keep up with changes in the star credit program which changed as recently as the end of June.

Zoning/Planning: Nothing.

Highway Department: Supervisor Grant asked for a motion to table this to the end of the meeting, Highway Superintendent Czworka is in checking/comparing the specs. on the new truck chassis bid proposals Bids were opened about an hour ago. Motion so made by Mohun/Hoy, voting all ayes, carried.

Parks/Recreation – Councilman Frounick reported the park mower needed to be repaired, bill here tonight from Say’s Small Engine Repair, also the lawn mower needs attention. Supervisor Grant reported the Swim Program began this week at Byrncliff, will run for 6 weeks.

Water Department – Will be reading meters this week. Supervisor Grant reported that the Water Dept. has informed her they will be flushing hydrants within the next month- month and a half. Will get more info to alert the residents in the district.

Transfer Station – Nothing. Council Member Mohun questioned stickers sales. Told that residents are getting them.

Public Concerns: Bill Dellapenta, Schoellkopf Road, stated he received a notice from the county with pictures of a complaint against his residence with respect to the NYS Property Maintenance Law. His concern is the way it was handled. Someone complained, county came over, took pictures without his knowledge, if any of his family had been home, when the pictures were taken, they would have been terrified at someone taking picture of his house. Complaint form was gotten on the web site, submitted to the county. He was told the county enforces the NYS Property Maintenance codes. Mr. Dellapenta feels that this should have been addressed at the town level, someone from the town, just calling him, notifying him that a complaint was filed, not someone just showing up taking pictures etc. there should be prior notification. Discussion held. Supervisor Grant will talk to the county, see if can change the process, maybe town can be copied when a complaint is filed so that the town can then alert the resident.

Close the Public Hearing:

Supervisor Grant asked if anyone had any questions/comments on Local Law #2 – A Local Law Increasing the Salary of Justice Linsey. There were 5 People present. Asked if no one able to fill the position. Told at this time, it would have to be an attorney (they are the only ones qualified) due to the training requirements. Supervisor Grant stated she advertised and got no response. There were no other comments/questions. Motion made by Hoy/Frounick to close the public hearing. Voting all ayes, carried. Public Hearing closed at 8:03 PM.

Old Business:

Resolution #2016-7-1 “A Local Law #2016-2, Year 2016 – Increasing Town Justice Salary Limit Until End of 2016”

WHERE AS, the Town Board of the Town of Bennington held a Public Hearing, which was legally advertised and held at 7:30 PM on July 13, 2016 at the Town Hall to hear comments regarding proposed Local Law No. 2, Year 2016, A Local Law Entitled “Increasing Town Justice Salary Limit Until End of 2016”, now therefore,

BE IT FURTHER RESOLVED, That the Town Board of the Town of Bennington hereby approves Local Law #2016-2, A Local Law Increasing Town Justice Salary Until End of 2016, to be effective upon completion of filing with New York State Secretary of State and subject to permissive referendum.

Motion made by Hoy/Mohun, voting 4 ayes, 1 absent. Carried.

Biosolid Use in the Town:

Supervisor Grant reported that New York State Dept. of Ag. & Markets has ruled that Bennington’s Local Law banning biosolids being spread in our town is too restrictive according to EPA standards. Town is looking at putting a moratorium on this and re-writing the law. At that time, would put in guidelines that, if we would have to allow people to do this, what the permitting process would be, set-backs, notifications, etc. The Town Attorney is looking into what other communities have done. Town has been told that a farmer who already has permits in place can spread again and plan on doing it again this Fall. This has been in court in Niagara Co. for a year, many of the farmers in our town don’t want it on their property, but have one that says OK, somebody from outside the town leases the property, spreads it. Supervisor Grant noted that one of the focuses that the Town Board can do is educate the community and try to get land owners to agree NOT to let them spread it on their land. The town of Marilla has been contacted by the company and was told that they would not be spreading human waste any more in their town, would just be food wastes from cafeterias, stores, restaurants, etc. but they can tell you anything. They have not called the Town of Bennington regarding their activity. Ag. & Markets has stated Bennington’s law is too restrictive, cannot ban them from spreading it, could fight, but would cost a lot of money and may not win in the long run. Town is going to try to make a permitting process that will make it hard for them to do it, fees that cover testing wells in the area, spreading radius, set-backs etc. If, take a farmer that isn’t milking anymore but still growing crops, needs fertilizer, Quasar looks good to them, they spread it, grows the corn, sells it to other farmers to feed their cows and he doesn’t even live in our town. Farmers get paid by Quasar to let them spread on their property. Discussion held.

New Business:

Town Hall Sign- Supervisor Grant has contacted the person who made the sign periodically over the past 4 years, nothing has happened, so to move on, she got a price from Arrow Sign of \$749 to put white aluminum over the existing sign and repaint the posts. Sign will have vinyl lettering according to our requirements. Motion made by Frounack/Mohun to have the sign re-done by Arrow Sign in the amount of \$749, voting all ayes, carried.

Attica Central School Use of the Town Hall for School Board Meeting January 26, 2017

Resolution #2016-7-2 ACS Board of Education Meeting at Town Hall January 2017

Be It Resolved, that the Bennington Town Board hereby approves and authorizes use of the Bennington Town Hall on the evening of Thursday, January 25, 2017 by the Attica Central School District for their Board of Education Meeting.

Motion made by Mohun/Frounack, voting 4 ayes, 1 absent. Motion carried

Set Date for A Public Hearing on Local Law #3, Year 2016 Amending Zoning Law to include regulations on electronic variable message signs and procedural corrections and set Town Board as Lead Agency.

Supervisor Grant has information from the Town Attorney on electronic sign regulations, variable message signs, basically the same regulations the state has and reviewed them with Board Members. Would like to set a date for a Public hearing.

Resolution #2016-7-3 Set Date of a Public Hearing for Proposed Local Law #2016-3 A Local Law Amending the Town of Bennington Zoning Law Regarding Sign Regulation and Declare Lead Agency Status for the Town Board.

Be It Resolved, That the Town Clerk of the Town of Bennington is hereby authorized and directed to advertise in the legal newspaper of this Town, notice of a Public Hearing to be held on August 10, 2016, 7:30 PM at the Bennington Town Hall. The purpose of said Hearing is for public comment on proposed Local Law #2016-3 entitled, "A Local Law Amending the Town of Bennington Zoning Law Regarding Sign Regulations".

And Be It Further Resolved, that the Town Board of the Town of Bennington hereby declares itself as Lead Agency for the purposes of conducting the State Environmental Quality Review Act review and report.

Motion made by Mohun/Hoy, voting 4 ayes, 1 Absent, motion carried.

Solar Energy Projects:

Supervisor Grant put information in Board Member's packet on Solar Energy, had individuals come into the town hall regarding solar land leases. Some of the solar companies are approaching land owners with 15-20 acre parcel about putting solar panels on them. There are

2 issues that she sees (1) whether the town wants to regulate them at all and what the regulations would be, whether it's a site plan review: (2) taxable status. The tax implications are that once they are permanently affixed, they are taxable, because they become a structure, unless they qualify for an exemption. New York State Real Property has set a 15 year tax exemption from real property taxation. Unless the community adopts either a local law or resolution to OFFER a tax exemption or DENY a tax exemption. If the Property owner puts these panels on their land, they also lose their ag. exemption. A lot of different things to look at. Short discussion held.

Salvation Army

Supervisor Grant received a letter from the Salvation Army seeking locations to put a donation drop off boxes. After a short discussion, Board Members have no problem with having another one at the Transfer Station. Supervisor Grant will call/discuss the matter with them.

Highway Department:

Supervisor Grant asked Highway Superintendent Czworka for a report on the truck bids. Mr. Czworka said he found a few more things that Hunter Peterbilt had on their bid, Regional didn't have, but nothing like before and recommended that the Town Board consider purchasing the 2017 Chassis & Cab from Hunter Peterbilt in the amount of \$145,003.

Resolution #2016-7-4 Award Bid for New Truck for Highway Department

Whereas, The Town of Bennington advertised for bids for the purchase of a new truck for the Highway Department, and opened the bids submitted in accordance with these specifications and in a public meeting held at 6:30 PM on July 13, 2016 at the Town Hall, therefore,

Be It Resolved, that the Town Board of the Town of Bennington hereby awards the bid for the purchase of a new 2017 truck for the Highway Department to the lowest bidder who meets all bid specifications, namely Hunter Peterbilt at a cost of \$145,003, to be paid from BAN receipts in November 2016.

Motion made by Mohun/Hoy, voting 4 ayes, 1 absent. Motion carried.

Superintendent Czworka stated that paving on Maxon and West Bear Road is done, will be working on Sinn and Graff Roads, shoulders on W. Bear and Maxon. The reason they spent so much on paving is because cost of blacktop is low right now. Figures town saved approx. \$37,000. Supervisor Grant informed Mr. Czworka about getting the remainder of the money from the county for 2015-2016 snow & Ice contract, approx. \$24,000 sometime this month.

Superintendent Czworka also informed Board Members that he has ordered the new box for truck #123 at \$29,285.

The Town Board briefly discussed games of chance/ raffle issues.

There being no further business, a motion was made by Mohun to adjourn, Meeting adjourned at 8:48 PM.

Respectfully submitted:
Judith Brown, Town Clerk