

May 11, 2016

Work Session

6:30 PM

Bid Opening for the surplus Ferris Lawn mower – Bids received from:

Peter Haynos - \$3500.00

Deena Mack - 4201.00

Paul Kiefer - 850.00

Supervisor Grant along with Council Members Mohun, Frounick, Hoy and Gadd audited the Highway, General Fund and Special District claims. Supervisor Grant reported she has two bills, one from Eagle Systems for the new copier \$3091 (waiting for a credit on toner returned) and the other is from County Line Stone, \$8300 (bill came in today and Highway Superintendent Czworka hasn't had a chance to check it yet). She is asking for approval to pay no more than the amounts invoiced, but doesn't want to cut the checks until they are resolved.

Supervisor Grant reviewed the agenda with Board Members, Annual Agreement to spend Highway Funds is in for all Board Members to sign, also discussed mower bids.

Resident (adjacent to the park) on Lapp Road has asked to use the park during the Flea Market to not only sell his items but have family and friends there as well. He lives too far back to be noticed. After a short discussion, Board Members agreed that this wasn't a good idea.

Clerk received a call from a University Student who wants to go door-to-door during the Summer selling soliciting. Board Members downed that idea, even our signs coming into the town state "No Soliciting"

Supervisor Grant informed Board Members of the notice in the Alden Advertiser regarding Biosolids/Quasar. Board Members also discussed the bid of \$270 to re-finish the exterior door upstairs and the request for a waiver of the 30 day municipality notification for a liquor license for the former Minty Wellness on Church Road.

Superintendent Czworka discussed the new plow truck (cost of \$131,103; with plow equipment cost of \$105,682). Through 5 Star would be \$50 -68 thousand/year for 5 years. Working on buy-back agreement on the loader. Next year would like to get a new grader,(just put new tire on the one). The 2002 needs a new box, might last another 5 years. Have to look at the financial information first. Highway Dept. has 5 trucks, 4 drivers, the Oshkosh is spare truck. Discussed calling a special meeting to discuss equipment needs when get the financial information.

Mr. Czworka reported he's got prices on doing Maxon Road, 2 courses (1st cost \$56,000), 2nd from Clinton to approx. Eck (\$100,00) to do the whole road (Clinton the town line \$201,000), West Bear, \$31,852 to shim coat; Gadd Road #128,000 tile and ditch and Woodley \$121,170 oil & stone

May 11, 2016

Regular Meeting

7:30 PM

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

Present were Council Members Frounick, Gadd, Hoy and Mohun, also Deputy Clerk Busch and Highway Superintendent Czworka. Assessor Wittmeyer arrived during the meeting.

Supervisor Grant opened the Public Hearing to consider Local Law #1 of 2016, a re-zone application submitted by Alan Niespodzinski for 610 Clinton Street.

Financial Matters:

General Fund claims #95-117 totaling \$10,745.81 presented. Motion made by Mohun/Hoy to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #78-90 totaling \$24,260.15 presented. Motion made by Hoy/Frounick to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Street Lighting – Voucher #5 in the amount of \$176.73 presented. Motion made by Frounick/Gadd to approve the claim, voting all ayes, carried.

Cowlesville Water District claims #20-24 totaling \$2165.30 presented. Motion made by Mohun/Hoy to approve the Special District claims, voting all ayes, carried.

Supervisor Grant asked for approval of two vouchers; Eagle Systems, for the copier \$3090 (General Fund) waiting for a credit on the toner returned from old copier, which town had to pay for. (No maintenance agreement on that copier) and a County Line Stone invoice for \$8310 (bill came today and Highway Superintendent hasn't had a chance to check it). Motion made by Mohun/Hoy to approve the invoice for no more than their values, voting all ayes, carried.

Supervisor's Financial Statements for April:

Supervisor Grant asked if any questions. Supervisor Grant reported all fire contracts are paid. Motion made by Mohun/Gadd to accept the Financial Report, voting all ayes, carried.

Minutes: April 2016 meeting: Supervisor Grant asked if any corrections/amendments. Council Member Mohun noted a spelling error under Parks/Recreation. Motion made by Hoy/Mohun to approve the minutes as amended, voting all ayes, carried.

Correspondence:

Letter from NYS Dept. of Public Service re: developing a process for Commission consideration of a Clean Energy Standard (CES) program along with a Fact sheet for Utility Consumers.

Certificates of Attendance, Board of Assessment review Training received for Brian Waite and Robert Padak.

Brief Summary of Activities for the Assessor's Office for the month of April 2016.

Notification from the American Red Cross re: Citizen Preparedness for training which took place this morning in Warsaw.

Notice from NYS Ag & Markets re: Inspection of the Municipal Dog Control's Shelter and operations. Everything is satisfactory.

Notification to Board Members that the Folsomdale Baptist Church will be hosting a bar-b-cue August 21st in honor of First Responders. Will be sending out formal notification later in the Summer, wanted to make Board Members aware of it now.

Notice from Tompkins Ins. Agency that our new account Manager is Linsy Weatherbee.

Note from Town of Bennington Senior Citizens thanking Town Board for their support. Helps them participate in many more activities.

Kens thank you note from a town resident

Departments:

Assessment: Assessor Wittmeyer not present right now. Supervisor Grant reported that Ms. Wittemyer informed her that NYS is now trying to get a bill through legislature, reversing the changes they adopted regarding the Star Exemption in the April 2016 Budget Bill.

Zoning:

Home Occupations: Signed notice from Nathan DeGroot that he no longer needs his Home Occupation permit – no longer in business.

New Application received from Cara Kilian (Cara Kilian Photography, 1151 Graff Road), uses her garage for photo sessions. Motion made by Frounick/Hoy to approve her application, voting all ayes, carried.

Special Use Permits: Renewal applications received from Richard McDonald (McDonald's Bus Service) applied for a 3 year renewal and William Izydorczak (Country Plumber) applied for a 1 year renewal. No complaints o either of them. Motion made by Gadd/Frounick to approve the renewals, voting all ayes, carried.

Highway Department:

Agreement with Wyoming County Highway to Spend Town Highway funds (\$663,700) on the 65.58 miles of town highway roads. This agreement has to be signed by all Council Members. Motion made by Mohun/Hoy to execute the agreement, voting all ayes, carried.

CHIPS Award – Received notice that Town is eligible to receive \$210,258 this year which includes \$45,602 from last year.

Supervisor Grant reported that in the Work Session, Highway Superintendent Czworka discussed equipment needs with Board Members. He would like to replace 1 truck/with plow equipment, work out a buy-back agreement on the loader and other equipment with relation to the 2016 budget. Decided that will have to first check out the financial end, see if can be done and then call a special session, sit down, plan for long term on purchase of equipment.

Mr. Czworka asked about a brine machine, has a price of \$34,000, brine getting harder to get, make their own brine, would use the swamp on Friedman Road to fill the tank, water runs through a salt tank. Discussion held; Price of brine verses calcium chloride which if put down on Stedman from the Golf Course to Geise would cost would cost \$3103 for just in front of the house, if go all the way on Stedman west, would cost \$7200. They have a demo which when in the area will be stopping by.

Assessor Wittmeyer now present. Supervisor Grant informed her of what she told the Board earlier regarding the Star exemption and asked if she wanted to explain anything further. Ms. Wittmeyer explained that it's now getting late in the year and the State Legislature is trying to put it back to the way it way, they have nothing set up, call the phone number they give you and you're told to call you assessor, which have been told NOT to do anything with the STAR exemptions, suppose to be done by July 1st and nothing has been done/set up at the state level. Ms. Wittmeyer has met with State staff and they can't even answer the questions, have no idea of what's happening. She's preparing to do the work herself, has created a file where she can just download the information.

Park/Recreation: In the work session, opened three (3) bids for the Ferris mower:

\$3500 from Peter Haynos

\$4201 from Deena Mack

\$ 850 from Paul Kieffer

Councilman Frounick got a price of \$8100 for new Briggs & Stratton and \$8457 for a Kawsaki from Alexander Equipment. Also told that if town should consider a bid of \$5000 for the surplus mower or more to make it worth trading. Councilman Gadd had a price of \$7309.15 for a Briggs & Stratton. After a short discussion, a motion was made by Councilman Hoy to reject all bids, seconded by Councilman Frounick, voting all ayes, carried,

Supervisor Grant reported that baseball is going on right now, play-offs will be on the 21st of this month, swim sign-up for Bryncliff will be this Saturday and next Saturday.

Supervisor Grant reported that a family that lives next to Pine Tree Park asked if they could use the park during the Town wide Flea Market in July and sell their stuff and also invite their friends and relatives to sell their items also, they sit back far from the road and no one notices

them. After a short discussion, not only the liability but if residents wanted to use the park that day, might not be able to.

Water District: Bills are out. Supervisor Grant would like to review the rate in July, need to take a look at them.

Transfer Station: Nothing to report.

Public Concerns: No one had anything

Comments on Proposed Local Law #2106-1 Amending the Town Zoning Law:

Supervisor Grant asked if anyone had any comments for or against the re-zoning of 610 Clinton Street from Commercial to Agricultural/Residential status. Supervisor Grant reported that the Town and County Planning Boards have reviewed the applications and found no issues with the re-zoning of that parcel. Todd Gadd, adjoining neighbor, stated he welcomes his new neighbor and has no concerns about the re-zone. Clerk also received a verbal comment from Debbie Dressler, another neighbor, who doesn't have any issues with the re-zone. There being no further comments, a motion was made by Frounick/Gadd to close the public hearing, voting all ayes, Public Hearing closed at 8:18 PM. There were 5 residents present.

Old Business: Proposed Local Law #2016-1 Amending the Town Zoning Law and Map to rezone parcel #28.-2-1.11 located at 610 Clinton street from Commercial to Agricultural/Residential.

Since the Town Board declared itself as the Lead Agent last month, Supervisor Grant reviewed the SEQR process with Board Members. It was determined that there is no significant impact from this project. Supervisor Grant asked for permission to sign the negative declaration. Motion so made by Hoy/Gadd, voting all ayes, carried.

Resolution #2016-5-1 Proposed Local Law #2016-1, a Local Law to Amend the Town Zoning Law and Map

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 this Local Law #2016-1. A Local Law to Amend the Town Zoning Law and Map, reflecting the rezone of Parcel #28.-2-1.11 located at 620 Clinton Street, Cowlesville from Commercial to Agricultural/Residential and that the Town Zoning Map be amended to reflect the same, effective this date.

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

Selective Ins. Risk Review – Supervisor Grant reported that every 8-10 years (suppose to be every 4 years) the insurance company does a review, goes through all of the Town buildings (historical museum, town park, highway garage, town hall) talks about the town's operations, (youth programs etc) in trying to find any potential risks, minimizing claims to the town. One of the things that came up this year in talking about the youth recreation program, the Insurance Representative was happy to hear that the town sponsored no overnight trips, but wanted the town to incorporate a criminal background investigation for all of the youth leaders, coaches, people who operate the swim program. It's probably more of a risk with the swim program because they are in the locker room when changing etc, whereas with baseball program, there is no one on coaching at any time. Ms. Grant reported that Norbert Fuest will be helping the town write a formal policy, but the town will be starting to screen the coaches and others. One other things that they did bring up was the safety of the seesaw, have to get mulch to put around it and that there should be signs that kids should be monitored by their parents.

Biosolids/Quasar Update – Supervisor Grant reported that in the Alden Advertiser last week, there was an article on the Marilla Town Board at which the Marilla Supervisor stated he's been contacted by Quasar that they are looking at two options, (1) They are looking as closing down their facility operation altogether and (2) Is that they may be accepting only food waste and NOT human waste, They have been reaching out to municipalities that they have been working with or impacting. Supervisor Grant hasn't heard anything yet, called Attorney Dave Roach and he will be called Quasar's attorney to find out what going on, make sure the statement is accurate etc.

New Business:

Letter of resignation from Justice Waswrzyniak dated April 26, 2016- Supervisor Grant read the letter to be effective April 26, 2016. Supervisor Grant asked for a motion to accept the letter of resignation and have the Town Clerk send Justice Wawrzyniak a letter of appreciation.

Resolution #2016-5-2 Accept Letter of Resignation

Be it Resolved, that the Bennington Town Board hereby accepts the letter of resignation submitted by Town Justice James Wawrzyniak, effective April 26, 2016, and

Be It Further Resolved, that the Town Clerk is hereby directed to send Justice Wawrzyniak a letter of appreciation for his service to this town.

Motion so made by Hoy/Mohun, voting all ayes, carried.

Supervisor Grant reported that the last time there was a vacancy in the Justice Dept., Justice Linsey was asked to fill the vacancy for both justices for the remainder of the year, at that time they adjusted his salary to compensate him for doing all of the work. After receiving the letter, she had a conversation with Justice Linsey about doing this again and he said he is willing at this

time but not sure whether it can do it for the whole year, has some matters coming up this Summer and not sure whether he will have the time. Supervisor Grant would like to wait a month before filling this position to see if Mr. Linsey's status changes any, has a resolution that would make his salary retroactive, Council Member Mohun stated that just can't appoint anybody, would have to be an attorney so that they would be able to act right away. Motion made by Frounick/Hoy to table., voting all ayes,

Town Hall front door – Door starting to fade from the weather, rain, wind and sun. Got an estimate of #270 to re-finish the door from Ed Duda, figures it would take about 9 hours to sand and re-treat the door. Motion made by Hoy/Frounick to have the door re-finished for \$270, voting all ayes carried.

Request received from River Spring Lodge, LLC for a waiver of the 30 Day Municipality Notification – After a sort discussion, a motion was made by Mohun/Frounick to waive the 30 day notification so they may expedite the licensing process to obtain an on premise license, serving liquor, wine and beer in a hotel. Voting all ayes, carried.

Zoning law complaint for overweight vehicle traveling Lapp Road – Supervisor Grant reported that the complaint is against Fisher Septic and JMM Construction. Supervisor Grant will make copies of this and address with the applicants. Council Member Mohun asked that at the same time remind him that the town needs a copy of his permit as required by the Special Use Permit.

Supervisor Grant reported that at the County Board of Supervisor's meeting, they passed a resolution addressing the state legislature about concerns of recycling of electronic waste, asking them if they can come up with funding or regulatory ways of getting rid of this material.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 8:39 PM.

Respectfully submitted:
Judith Brown, Town Clerk

