

November 18, 2015

Work Session

6:30 PM

Supervisor Grant along with Council Members Hoy, Frounick and Mohun audited the General Fund and Special District claims. Discussed the Property Maintenance Law, Minty Wellness, Harris Corners 2016 Fire Contract and Special Use applications received.

November 18, 2015

Special Meeting

7:30 PM

Supervisor Grant called the meeting to order and asked Councilman Hoy to lead the pledge to the flag. Present were Council Members Hoy, Frounick and Mohun.

Supervisor Grant opened the following Public Hearing to consider the following:
Harris Corners Fire Company Contract for 2016 (looking for 1% increase/1 year contract).

Financial Matters:

General Fund claims #248 - 253 totaling \$3668.23 presented. Motion made by Hoy/Mohun to approve the General Fund claims presented. Voting all ayes, carried.

Special District Claims: Cowlesville Water District claims #61 in the amount of \$36.66. Motion made by Frounick/Hoy to approve the Water District claim, voting all ayes, carried.

Cowlesville Street Lighting – Claim #11 in the amount of \$190.73 presented. Motion made by Mohun/Hoy to approve the Cowlesville Street Lighting claim, voting all ayes, carried.

Financial Matters: Supervisor Grant reported that she has received 2 checks from the county, one for the semi-annual mortgage tax in the amount of \$21,000 and one for snow and Ice removal for \$25,000.

Old Business:

Set salary for the Deputy Town Clerk – Motion made by Hoy/Joyce to set the salary of \$12/hour for the Deputy Town Clerk, voting all ayes, carried.

Inter-Community Medical Bldg – Supervisor Grant reported that nobody seems to have the original contract/agreement. She has discussed this with Attorney DiMatteo, he has clients from other towns and they haven't even mentioned it. Need to see if can find something, maybe by-laws that could prevent them from selling the property. Noted that they are also storing a large amount of paper products in the building. After short discussion, motion made by Hoy/Frounick that the Town of Bennington agrees to the selling of the Inter-Community Medical Building providing that the Town Attorney has researched all materials/property deeds/ by-laws, if any ,ensuring that it's legal for the towns involved to sell said property. Voting all ayes, carried.

New Business:

Set date for Public Hearing on Special Use Permits: Have 2 applicants that town has been trying to get in compliance with the zoning codes.

Marchewka – Have (2) parcels on Lapp Road for a construction business. One is for a home office, the other for storage of equipment, vehicles. Council Member Mohun reported she was in the office when Justin Marchewka came in and said that back in 2012, he filled out an application when Tina Metz was the Zoning Officer, tried to pay with a check and she told him that the town does not accept checks, would have to pay cash. He paid the cash, never received a receipt, nor did he ever hear anything on the application. When he received the non-compliance notice, was surprised.

In reviewing the current applications, found that signatures are missing. Will send back to their attorney.

Kaminski, 870- Alleghany Road (Heating & Plumbing Business) All work done off site, just has office, shop for storage, truck & dump truck.

Motion made by Hoy/Mohun to schedule the Public Hearings on Dec. 8th. Voting all ayes, carried.

Special Use Renewal:

Frank Weber III, Woodley Road has applied for a one (1) year renewal. No complaints. Moved his business to Buffalo. House has been sold, waiting for the closing. Supervisor Grant reported she has been at the site, nothing there that would create any issues with zoning laws. Motion made by Mohun/Hoy to approve Mr. Weber's permit for one year.

Minty Wellness, Church Road – Couple from Texas interested in purchasing the property but since it's zoned Commercial, cannot find funding. Been working with the Wyo. Co, IDA whom suggested that they try and re-zone back to Residential. Their desire is to live in it and start a Bed & Breakfast (not open to the Public) in which case the town would have to review the zoning laws, nothing in there about bed & breakfast (but is in a draft that never was adopted). The owner of the property would have to apply for the re-zone. Short discussion held.

Harris Corner Fire Contract for 2016 – Supervisor Grant asked if any comments. Only 1 person present (Bookkeeper Spenser). No comment. Motion made by Mohun/Hoy to close the Public Hearing. Voting all ayes, motion carried, Public Hearing closed at 8:03 PM.

Harris Corner Fire Contract – Supervisor Grant asked if any Board Members had any comments. Asked how much of an increase is that. It's about \$300.

Harris Corners Fire Contract Resolution –

Be It Resolved that, following a duly advertised Public Hearing held on the 3rd day of November, 2015, the Bennington Town Board hereby authorizes the Town to contract with the Harris Corners Volunteer Fire Company for services for 2016 at a rate of \$29,931 to be levied upon the property owners within the Harris Corners Fire District upon the 2016 Town and County Tax bills.

Motion made by Frounick, seconded by Council Member Mohun to adopt the resolution, voting all ayes. Carried.

Supervisor Grant in working on the budget was able to reduce the General Fund levy by 30,000 by reducing the Contingent account by \$8000 from \$20 thousand to \$12 thousand

Fill in

2015 Town Budget – ADOPTION

Be It Resolved that, following a duly advertised Public Hearing held on the 3rd day of November 2015, the Bennington Town Board hereby adopts the 2016 Tentative Budget as the Official 2016 Town Budget with a total levy of \$1,159, 579.17 and authorizes the amounts therein to be levied upon the real property within the Town of Bennington on the 2016 Town and County tax bill:

The 2016 Town Budget calls for General Fund appropriations of \$421,480 less estimated revenues of \$138,450 less an unexpended balance of \$57,687 leaving \$225,333 to be raised by taxes. Highway appropriations total \$903,552 less estimated revenue of \$265,500 less unexpended balance of \$.00 leaving a tax levy of \$638,052. Total Town Budget: Appropriations \$1,325,032 less estimated revenues of \$403,950 less unexpended revenues of \$57,697 leaving a tax levy of \$863,385 Motion made by Mohun/Hoy to adopt the resolution, voting all ayes, carried.

Supervisor Grant noted that the County will have their hearing on the budget Dec. 1st and adopting it on Dec. 8th.

Property Maintenance Law:

Council Member Mohun updated/reviewed Board Members on the Property Maintenance Law. After reviewing the information, motion made by Hoy/Mohun to schedule a Public Hearing on December 8, 2015, voting all ayes, carried.

Zoning:

Zoning Officer: Supervisor Grant reported that the Town has received a letter of intent/resume from Desirae Currier of her interest in the Zoning Officer position. Aft a brief discussion motion was made by Frounick/Mohun to re-advertise, voting all ayes, carried.

Special Use Permits:

Two (2) applications received from Justin Marchewka, Lapp Road, (Construction Business) and an application from Robert Kaminski, Alleghany Road, (heating and Plumbing) business.

Resolution:

Be It Resolved that the Town Board hereby schedules a Public Hearing to be held on the Special Use Permit applications submitted by Justin Marchewka, 325 Lapp Road to operate a home office and construction company, at the Bennington Town Hall on Dec. 9, 2015 at 7:30 PM and

Be It Further Resolved, that the Town Board hereby schedules a Public Hearing to be held on the Special Use Permit application submitted by Robert Kaminski, 1074 Rt. 77 to

operate as a plumbing and heating contractor, at the Bennington Town Hall on Dec. 9, 2015 at 7:30 PM and

Be It Further Resolved, that the Bennington Town Board declares itself as the Lead Agency on the above applications for the purpose of SEQR, and

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

Motion made by Hoy/Mohun to adopt the above resolution, voting all ayes, carried.

Other Business to come before the Board: Councilman;

Supervisor Grant received a letter from Mason A. Meyer, Esq. of his interest in becoming Town Attorney for the upcoming year.

Town has received 2014 Income & Expense Report from the Bennington Volunteer Fire Company.

Councilman Hoy updated Board Members on the Quasar litigation.

There being no further business, a motion was made by Mohun to adjourn, voting all ayes, carried. Meeting adjourned at 8:37 PM.

Respectfully submitted:

Judith Brown
Town Clerk