

November 4, 2015

Work Session

6:30 PM

Supervisor Grant along with Council Members Frounick, Hoy and Mohun audited the General Fund, Highway and Special District claims. Discussed the sign law, Bennington Fire Company has ordered a new LED sign. Theresa Acquard approached Supervisor Grant regarding one of the Life Guards being interested in becoming a Swim Instructor and asked if the Town could pay for the course at UB which is \$180. Supervisor Grant's thought was maybe the Town of Sheldon willing to pay half. Discussion held. Superintendent Czworka reported the Highway Dept. has been on Bailey ditching, will be working on removing the trees in Cowlesville, county is putting in a catch basin at Folsomdale & Schoellkopf. Mr. Czworka also would like to hire another employee, has four guys now. Supervisor Grant has some figures/pricing on Criminal Background Screening checks, reviewed her agenda with Board Member. Board also discussed getting a credit card machine through Alden State Bank for the clerk's office.

November 4, 2015

Regular Meeting

7:30 PM

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

Supervisor Grant opened the following Public Hearings:

1. Bennington Vol. Fire Company Contract for 2016.
2. Local Law #3 – A Local Law to Exceed the NYS Tax Levy Cap.
3. Hearing to consider the 2016 Town Budget.

Financial Matters:

General Fund claims #234 - 247 totaling \$7226.96 presented. Motion made by Frounick/Hoy to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #153– 164 totaling \$47,673.26 presented. Motion made by Mohun/Hoy to approve the Highway Fund claims. Voting all ayes, carried. Note: \$12542.54 was spent on road salt and fuel.

Special District Claims: Cowlesville Water District claims #56-60 totaling \$2161.05.

Cowlesville Street Lighting – Bill not received to date. Motion made by Gadd/Frounick to approve the Cowlesville Water District claims, voting all ayes, carried.

Supervisor's Financial Statements for October, also an Account Balance report of the HRA Account as of 11/1/2015: Supervisor Grant asked if any questions. Motion made by Mohun/Hoy to accept the Supervisor's Financial report, voting all ayes, carried.

Minutes: October Meeting: Supervisor Grant asked if any corrections/amendments. Clerk read corrections made by Supervisor Grant as follows: Page #235 Under Zoning – Zoning Officer

Sedlock resigning due to “Family “ Not “Medical”; Parks & Recreation – water turned off - incorporate “to restrooms”); Pg. #237, last paragraph, delete “putting”, insert (working to put); Pg. #238 1st sentence “delete may be doing away with” replace with “is studying the future of”; the last paragraph where Board entered into Ex. Session, the word “litigation” should be inserted after Quasar; and the times for coming out of Ex. Session and adjourning meeting should read 9:12 PM. Also to be noted in the minutes is that road signs were made and posted at the locations of each of the Historical Covered Bridges sites in Bennington. Motion made by Hoy/Mohun to accept the minutes as corrected/amended, voting all ayes carried.

Correspondence:

Certificate of Completion of Continuing Judicial Education received for Town Justice James Wawrzyniak.

Meeting minutes received from the September Meeting of the Town of Bennington Planning Board.

Supervisor Grant reported the Historical Society had an Open House here at the Town Hall on the Historical Covered Bridges, about 40 people were present and the Daily News had a nice news article covering the event.

Departments:

Assessor: Nothing to report

Zoning: As discussed earlier in the Work Session, need to address the sign laws, needs to be updated.

Home Occupation renewal received from William Rumley (Wildlife Management), Urf Road in Cowlesville applied for a 2 year renewal (2015 & 2016) and a Special Use Permit application received from William Dunn, (construction business) Maxon Road, applied for a 3 year renewal, no complaint on either of them. Motion made by Frounack/Gadd to approve the renewals, voting all ayes, carried.

Highway: Superintendent Czworkareported that other than what he reported in the work session they are pretty much done with road work, getting ready for Winter, truck #127 needs a brake job and starting tomorrow start tree removal. Asked about hiring another employee. Will have to hold off at this time.

Park & Recreation: Board Members discussed in the Work Session the Town paying for, or hopefully sharing the cost with Sheldon of the training of one of the Life Guards to become a Swim Instructor, the total cost is \$180. After a short discussion, a motion was made by Mohun to approved paying \$180 to Pay for the training of the Life Guard to become a Swim Instructor even if Sheldon doesn't pay half, motion seconded by Hoy. Council Member Mohun amended

her motion to include a clause that she serve in that capacity for a minimum of 2 years after becoming a Swim Instructor, motion seconded by Hoy, voting all ayes, carried.

Superintendent Czworka reported the water has been turned off/Winterized at the park (pavilion).

Water District: Supervisor Grant reported the town is in the process of re-financing the BAN for the Cowlesville Water District. Closing is tomorrow, Five Star Bank was the low bidder @1.48%.

Water District BAN Resolution #2015 11-1: Be it Resolved, that the Town Board of the Town of Bennington hereby accepts the Bond Anticipation Note renewal borrowing as bid by Five Star Bank, Warsaw, New York as the lowest responsible bidder at a rate of 1.48% for one year, and

Be It Further Resolved that the Town Board hereby authorizes the Town Supervisor and Town Clerk to sign any and or all documents related to the re-issuance of Cowlesville Water District Bond Anticipation Notes for the years 2015-16. Motion so made by Councilman Hoy, seconded by Councilman Gadd. Voting: 4 Ayes, 0 Noes, 0 Absent. Motion carried.

Transfer Station: Councilman Frounick asked if couldn't get rid of tent like structure that they had for collection of electronics, to help deter people from bringing more in. Superintendent Czworka wants the poles back from that. Supervisor Grant told Mr. Czworka to take whatever he wants back.

Public Concerns:

Supervisor Grant opened the floor for Public comments on the Bennington Vol. Fire Company contract for 2016. The Bennington Vol. Fire Company is requesting a one year contract in the amount of \$94,000. There were 4 residents present, three of which Bennington Firemen. Councilman Frounick asked the firemen if they couldn't get a copy of their budget for the Town Board, it is a requirement. They didn't realize it and stated they would. There being no comments/questions, a motion was made by Mohun/Hoy to close the Public Hearing. Voting all ayes, carried. Public hearing closed at 8:04 PM.

Hear Public Concerns on Local Law #3 for 2015 – A Local Law to exceed the NYS Tax Levy. Supervisor Grant read the text of the Law. Supervisor Grant reported that the Town may exceed the NYS Tax Levy (which is set at 1.67% or \$50-60 thousand dollars). She also informed everyone that if the budget did NOT go over the tax cap, will have to enact another Local Law next month to rescind this one. She noted that this includes all items in the budget, including Special Districts and Fire Company contracts with the exception of the Varysburg Fire Company, they have a different IRS status. There being no questions/comments, a motion was made by Frounick/Gadd to close the Public hearing, voting all ayes, carried, public hearing closed at 8:10 PM.

2016 Town Budget: The 2016 Preliminary Budget calls for General Fund appropriations of \$436,480 less estimated revenues of \$138,450 less an unexpended balance of \$32,697 leaving \$265,333 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 Preliminary Budget: Appropriations \$1,340,032 less estimated revenues of \$403,950 less unexpended revenues of \$32,697 leaving a tax levy of \$903,385. Pursuant to Section 108 of Town Law, the proposed salaries of the Town Officers are as follows: Supervisor - \$5200 Town Justices (2) @ \$5,000 each, Council Members (4) @ \$1,912 each, Town Clerk/Collector \$16,000 and Highway Superintendent \$46,350. Supervisor Grant reported the budget is up .44/M more than 2015, looking at a 5.9% increase, at present need to knock it down \$30,000 to stay below the tax cap. There being no questions, a motion was made by Hoy/Frounick to close the Public Hearing, voting all ayes, carried. Public Hearing closed at 8:13 PM.

Old Business:

Bennington Vol. Fire Contract for 2016: Resolution # 2015 11-2

Be it Resolved, that, following a duly advertised Public Hearing held on the 4th day of November 2015, the Bennington Town Board hereby authorizes the Town to contract with the Bennington Volunteer Fire Company for services for 2016 at a rate of \$94,000, to be levied upon the property owners with the Bennington Fire District upon the 2016 Town and County tax bill. Motion made by Hoy/Gadd to adopt the resolution, voting all ayes, carried.

Local Law #3 - 2015, A Local Law to Exceed the Property Tax Cap Limit- Resolution # 2015 11-3

Be it Resolved, that, following a duly advertised Public Hearing held on the 4th day of November 2015, the Bennington Town Board hereby adopts the Proposed Local Law #3, Year 2015, a Local Law Authorizing the Town Board to Exceed the NYS Property Tax Cap for the 2016 Town Budget. Motion made by Mohun/Hoy to adopt the above resolution, voting all ayes, carried. (Full text of Resolution at end of minuet).

2016 Town Budget:

Supervisor Grant reported that this is still a working budget and that the Harris Corners Fire contract is up for renewal, no information has been received as to what they want, their president came in one day, asked him about it, he was going to go back and get the info, but town has received nothing to date. The town has until the 20th to pass the budget. Supervisor Grant would like to schedule another meeting for this purpose. Motion made by Mohun/Hoy to schedule a meeting for Nov. 18th, 7:30 PM and authorize the clerk to advertise such. Voting all ayes, carried.

Budget vote -Motion made by Hoy/Gadd to table voting on the 2016 Budget until the 18th, voting all ayes, carried.

Property Maintenance Laws: Council Member Mohun noted that the Town has the Vacant Building Registry and now need to adopt a Property Maintenance Law to support the Vacant Building Registry Law. She has made some changes in the existing draft from Attorney DiMatteo and asked if any other Board Members have any. She would like to see if she can get a copy of the law enabling editing so she can make the changes and present them to Board Members.

Supervisor Grant has also made some changes and gave them to Ms. Mohun. After a short discussion, the following Resolution was presented:

The Town Board of the Town of Bennington at a duly held meeting on August 12, 2015 adopted Local Law #1-2015, "Abandoned Building Registry" and

Whereas, there needs to be a Property Maintenance Law in place in support of the Vacant Building Registry, now

Therefore, Be it resolved that the Town Board of the Town of Bennington hereby sets the date of the public Hearing to hear comments on the proposed Local Law #4, a Local Law Providing Property Maintenance with relation to Local Law #1 – Vacant Building Registry" 7:30 PM on November 18, 2015 and

Be it resolved that the Clerk of this Board is hereby authorized and directed to advertise the same in the legal publication of the Town within the prescribed timeframes.

Motion made by Councilman Hoy; seconded by Council Member Mohun.

Ayes 4 Noes: 0 Absent 1

New Business:

2016 Contract with the Harris Corners Vol. Fire Co.

Be It Resolved that the Bennington Town Board hereby schedules a Public Hearing to be held on the 2016 Contract with the Harris corners Fire company at the Bennington Town Hall on November 18th, 2015, and

Be it Further Resolved that the town Clerk is hereby authorized and directed to advertise said Public Hearing in the legal newspaper of this town.

Motion made by Joyce/Hoy, voting all ayes, carried.

Transfer: Supervisor Grant asked for permission to transfer \$100,000 from the General Fund into the Highway to get them through until the CHIPS money and County Snow money is received. Motion so made by Mohun/Gadd, voting all ayes, carried.

Other Matters to come before the Board: Jim Dick asked about the sign, the Bennington Fire Company wants to replace their sign with an LED sign. Told that's they are not allowed, town will be working on updating the zoning on signs. They were informed that Kadd's Mart has also been informed that LED signs are not presently allowed and Dave Ludwig is getting some information for the town.

Town Clerk acceptance of Credit Cards for clerk fees: Town has received a proposal from Genesis PPG (Merchant Processor affiliated with Alden State Bank). Monthly cost would be no more than \$30.90. Customer would pay the processing fees if they desire to pay via credit card which would be added to their account. Motion made by Mohun/Gadd to authorize the clerk to proceed with getting the clerk's office set up to accept credit cards, voting all ayes, carried.

Joe Heller questioned the county's budget financial situation with regards to the hospital. Short discussion held.

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

**TOWN OF BENNINGTON
RESOLUTION #2015, 11-3**

Adopted November 4, 2015

The Town Board of the Town of Bennington met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Alleghany Road, in the town of Bennington on the 4th day of November 2015 commencing at 7:30 PM, and thereafter a public hearing was held at 7:30 PM at which time and place the following members were:

Present: Supervisor Ellen Grant
Councilman Bernard Frounick
Councilman Michael Gadd
Councilman James Hoy
Council Member Joyce Mohun

Absent: 0

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: Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%) and,

WHEREAS: In order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only, and

WHEREAS: a Notice of Public hearing was duly published in the Town’s official newspaper and said public hearing was held on November 4, 2015 at which time all parties in attendance were provided an opportunity to speak or provide written comment in favor of or in opposition to the proposed local law, and

WHEREAS: that the Town Board of the Town of Bennington feels it is in the best interests of the town of Bennington to adopt said law.

NOW ON MOTION OF Council Member Mohun, which has been duly seconded by Councilman Hoy, therefore , be it

RESOLVED, that the Town Board of the Town of Bennington feels it is in the best interests of the Town of Bennington to adopt Local Law No. 3 of 2015 entitled, “Override the Tax Levy Limit Establishment in General Municipal Law §3-c.” and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to enter the adoption of said local laws in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: 4

Nays: 0

Absent: 0

Quorum Present: Yes

Dated: November 10, 2015

Judith Brown, Clerk
Town of Bennington