

October 14, 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 sale of the Inter-Community Medical Bldg, Zoning Officer Position (letter of resignation received from Theresa Sedlock) Lisa Clemente would like to stay as deputy, with work, doesn't have time to take the position, will need to advertise for a Zoning Officer.

Superintendent Czworka reported the Highway Dept. has been working on South Burrough, Tooley & Bear (basically have all the major road work done for the year) need to fix Sierk, got pricing on undercoating vehicles (\$165 for 10 wheeler includes plow equipment,) needs to call and schedule, needs to do some work on Sinn on hill where water runs down edge of road, also worked on Kern, Urf & Maxon. had Eastman come in and cut down some trees in Cowlesville and Tooley Road. They are grading & ditching where they can. He wants to hire another employee, got a price on paving Maxon Road at \$240,000 for a 2" top.

October 14, 2015

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 Hoy, Frounick and Mohun, also Highway Superintendent Czworka and Assessor Wittmeyer. Councilman Gadd absent, on his honeymoon.

Financial Matters:

General Fund claims #214 - 232 totaling \$8295.46 presented. Motion made by Hoy/Mohun to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #135- 152 totaling \$91,586.96 presented. Motion made by Mohun/Hoy to approve the Highway Fund claims. Voting all ayes, carried. Note: \$19,533 was spent on stone, tree removal and fuel.

Special District Claims: Cowlesville Water District claims #49-55 totaling \$2071.40 and **Cowlesville Street Lighting** claim #10 in the amount of \$190.73 presented. Motion made by Frounick/Hoy to approve the Special District claims, voting all ayes, carried.

Supervisor's Financial Statements for August: Supervisor Grant asked if any questions. Motion made by Mohun/Hoy to accept the Supervisor's Financial report, voting all ayes, carried.

Minutes: September Monthly and the Oct. 3rd Special Session : Supervisor Grant asked if any corrections/amendments. Motion made by Mohun/Hoy to accept the minutes as submitted, voting all ayes carried.

Correspondence:

Notice of Medicare Open Enrollment Events scheduled at the Valley Church in South Warsaw, Oct. 22, Nov. 12th and Dec. 4th. Reps. From Univera, MVP, Blue Cross of WNY, UnitedHealthcare, Independent Health, Fidelis and Epic will be present.

Memo from the Wyoming County Office of the Aging of their Annual Halloween Party scheduled for Friday, Oct. 30th at the Wyoming Central school.

Information for NYS Parks, Recreation and Historic Preservations of the Autumn Programs at Letchworth State Park.

E-Mail from NYSR Archives Grant Admin. informing the Town of Bennington that it was not awarded a grant in the 2015 Grant Year.

Notice from the Wyo. Co. Industrial Dev. Agency re: Uniform Tax Exemption Policy and guidelines.

Information from the Assoc. of Town on their Annual Meeting coming up in Feb. 2016.

Letter from the Office of the State Comptroller – Local Government and School Accountability of the processing of a state aid payment for Bennington in the amount of \$16,796 Revenue Sharing.

Public Concerns:

Supervisor Grant opened the floor for Public Concerns at this time due to the number of students present:

Samatha Willard, Lapp Road, addressed the Board reporting abnormal activity frequently, and at all hours of the day and night, (even staying overnight) taking place at the Town Park. Short discussion held.

Departments:

Assessor: Assessor Wittmeyer reported she's working on getting exemption in, Ag exemptions yet to get out. The training seminar that was canceled in Batavia has been re-scheduled for the end of this month, she plans on attending. She also report that the Alternative Veterans Exemptions that some School Boards in other towns have been adopting has no bearing on Bennington, we already have the law in place.

Zoning: Supervisor Grant read letter of resignation from Zoning Officer Theresa Sedlock effective Dec. 1st due to family issues. Deputy Zoning Officer Lisa Clemente does not want to be the Zoning Officer, wants to stay as deputy, therefore will need to advertise for a Zoning Officer. Motion made by Frounick/Hoy to authorize the clerk to advertise for Zoning Officer, voting all ayes, carried.

Highway: Schad Road – Supervisor Grant received/read an e-mail from Donald Staszcyk regarding the condition of Schad Road, deteriorating at the bottom of the hill, across the bridge, North of Clinton, which she forwarded to Highway Superintendent Czworka. Superintendent Czworka not here tonight, was called out to wires down out Kern Road.

Park & Recreation: Supervisor Grant reported that the bill came in for the Arts & Crafts program, water is turned off to the restrooms, they will be closing the park for the Winter this weekend.

Water District: Municipal Solutions is in the process of working with Tim McGill putting together the BAN information, amount is \$487,000, closing will be in November.

Transfer Station: Council Member Mohun asked if couldn't put a tarp to cover the electronic stuff until we get it moved out, so that no more can be brought in.

Old Business:

Update on Quasar and the spreading of bio solids/sludge – Will move to the end of the meeting and go into an Executive Session to discuss the matter with Attorney David Roach.

Set date on Local Law 3-2015 - A Local Law authorizing the Town to Exceed the NYS Property Tax Cap regarding the 2016 Town Budget — Set date for Public Hearing – Supervisor Grant read Resolution #2015-10-1:

Be it resolved that the Town Board of the Town of Bennington hereby set the date of the public Hearing to hear comments on the proposed Local Law #3, Year 2015, a Local Law Authorizing the Town Boards to Exceed the NYS Property Tax Cap for the 2016 Town Budget, to occur at 7:30 PM on November 4, 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 Council Member Mohun; seconded by Councilman Hoy.

Ayes 4 Noes: 0 Absent 1

New Business:

2016 Town Budget – Set date for Public Hearing – Resolution #2015-10-2:

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 2016 Town Budget, to occur at 7:30 PM on November 4, 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 Frounck; seconded by Council Member Mohun.

Ayes 4 Noes: 0 Absent 1

Set date for November Regular Town Board Meeting – Resolution #2015-10-3:

Be it resolved by the Town Board of the Town of Bennington that the date and time of the Regular Session of the Bennington Town Board for the Month of November shall be set at 7:30 PM on November 4, 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 Councilman Frounick.

Ayes 4 Noes: 0 Absent 1

2016-2017 County Snow and Ice Control Contract – Resolution #2015-10-4

Be it resolved that the Town Board of the Town of Bennington hereby authorizes the Town Supervisor to execute the 2016-2017 agreement between the Town and the County of Wyoming for Control and Removal of Snow and Ice on 14.6 miles of County Roads within the Town at a rate of \$6892 per centerline mile for a total of \$100,623.20 per season, with a stipulation that if the state index goes above 1.4 (as determined by NYSDOT calculations), the base rate will be increased by \$100/mile.

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

Ayes 4 Noes: 0 Absent 1

Set date for Trick or Treating in the Town – Resolution #2015-10-5

Be it resolved that the Town Board of the Town of Bennington hereby sets the time and date for Halloween Trick o Treating on Saturday, October 31,2015 from 5- 8 PM and that the Town Clerk is herby directed to advertise same.

Motion made by Councilman Hoy; seconded by Councilman Frounick.

Ayes 4 Noes: 0 Absent 1

Set Date for Public Hearing on the Bennington Fire Company 2016 Contract – Resolution #2015-10-6:

Be it resolved that the Town Board of the Town of Bennington hereby sets the time and date of November 4, 2015 at 7:30 PM top hear public comments on the proposed 2016 Bennington Fire Company Contract in the amount of \$94,000 and

Be it further Resolved, that the Town Clerk is hereby authorized and directed to advertise the same in the legal publication of the town.

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

Ayes 4 Noes: 0 Absent 1

Authorize the re-levy of unpaid water fees onto the 2016 Tax Bills – Resolution #2015-10-7:

Whereas, the Cowlesville Water District Clerk has prepared a statement of unpaid water bills in arrears that have not been paid after billing the responsible owner/user, now therefore:

Be it Resolved, that the Town of Bennington Town Board hereby authorizes the re-levy of unpaid bills payable to the Cowlesville Water District on the 2016 Town and County Tax Bills;

And, Be It Further Resolved, that the Clerk will forward a copy of this resolution and listing of the property owners, property tax numbers and amount due to the Wyoming County Real Property Tax Office in Warsaw, NY.

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

Ayes 4 Noes: 0 Absent 1

Local Law #1m 1978, 11/1 – 4/30 from 2AM – 7AM. Authorize the Town Clerk to advertise the parking restriction during Winter months as per - Resolution #2015-10-8:

Be It Resolved that the Bennington Town Clerk is hereby authorized to advertise in local publications that there is a legal parking restriction on all roads in the Town of Bennington during Winter months Nov. 1st through April 30, 2016 from 2AM – 7AM, as per Local Law #1 Year 1978.

Motion made by Councilman Hoy; seconded by Councilman Frounick.

Ayes 4 Noes: 0 Absent 1

Authorize the Town Clerk to advertise the seasonal maintenance roads for the period November 1 through April 30th – Resolution #2015-10-9:

Be It Resolved that the Bennington Town Clerk is hereby authorized and directed to advertise in local publications that certain roads within the Town of Bennington are designated seasonal minimal maintenance during the period of November 1st through April 30th, as posted.

Motion made by Councilman Frounick; seconded by Councilman Hoy.

Ayes 4 Noes: 0 Absent 1

Authorize Attica School use of the hall 12/8/15 for voting purposes Resolution #2015-10-10:

Be It Resolved that the Town Board hereby authorizes and permits Attica Central school District to use the Bennington Town Hall on December 8, 2015 for the purposes of a vote of the residents within the school district: and

Be it Further Resolved that the School District is hereby granted permission to use Town Voting Equipment for such event, with the understanding that the School District shall reimburse the Town for any and all additional expenses, including that of voting machine custodian.

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

Ayes: 4 Noes: 0 Absent 1

Inter-Community Medical Center Building:

Supervisor Grant reported that the Town of Bennington along with 7 other towns owns that building and that the Inter-Community Center Board Members are now considering selling the building, (in need of major repairs and now only one major tenant). Short discussion held.

Other Business:

Historical Society: Supervisor Grant reported that the Historical Society has scheduled an open house here at the Town Hall on October 26th showcasing the Historical Covered bridges, Bennington once had. Pictures of them, along with their history are hanging on the back wall of the Town Hall Board Room. The cost of this project was paid for by the Willard family.

Supervisor Grant reported that at yesterday's Board of Supervisor's meeting, they received a notice from NYS Dept. of Ag. & Markets that all dogs within NYS are to be secured from Nov. 1st through April 1st from Sunset to 1 hour after sunrise. This is done because dogs chasing deer.

The Board of Supervisors also received information from Emergency Services Director Anthony Santoro that they are working to put a booster in the Channel 49 Tower on Folsomdale Road, to help clear up some of the "dead" spots for rescue personnel, (Bennington & Cowlesville Fire companies). Also noted that the County is studying the future of EMS service, (fewer rescue squad personnel) calls have escalated.

Council Member Mohun would like to discuss the Property Maintenance Law next month.

Appointment of Deputy Town Clerk: Clerk Brown has recommended Carolyn Busch be appointed as Deputy Town Clerk effective Nov. 1st pending the background/criminal check and if bondable. Motion so made by Frounack/Hoy, voting all ayes, carried.

Motion made by Mohun to go into Executive Session with Attorney Roach to discuss/update Board Members on the Quasar litigation and the spreading of bio-solids/sludge. Motion seconded by Hoy, voting all ayes, carries, Board entered into Executive at 8:28 PM.

Motion by to come out of Executive at 9:12 PM.

There being no further business, a motion was made by Hoy to adjourn, meeting adjourned at 9:12 PM.

Respectfully Submitted:

Judith Brown, Town Clerk

