

**Bennington Town Board
January 3, 2024**

Workshop Session 6:30 pm
Audit of bills, Highway Dept. report; review Board Meeting Agenda

In attendance:

Supervisor Ellen Grant, Council Members Bernie Frounick, Chris Domes, Michael Gadd, Joyce Mohun, Highway Superintendent Jake Jensen, Clerk Joanne Rosenthal

Workshop Session Discussion

Discuss modification of addition to highway building for cost savings; option of a three bay building instead of four bays. Jake Jensen to follow up with the contractor to revisit plans.

**2024 Organizational Meeting
January 3, 2024. 7:30 pm**

Call Meeting to Order by Supervisor Grant; Pledge of Allegiance led by B. Frounick.

Acknowledgment of Oaths of Office by Board Members & Elected Officials

A. Salaries, Fees & Financial Matters

2024 Town Salaries:

Supervisor	\$ 6,500
Town Councilmen 4 @	1,950
Town Justice 2 @	8,500
Highway Superintendent	75,300
Town Clerk/Collector/Registrar	17,250
Deputy Town Clerk I	\$21.50/hour
Deputy Town Clerk II	\$18.50/hour
Budget Director	600
Town Assessor (sole)	27,750
Planning Board/Zoning Board of Appeals Member I**	\$40/meeting
Planning Board/Zoning Board of Appeals Member II**	\$25/meeting
Planning Board/ZBA Chair I	\$50/meeting
Planning Board/ZBA Chair II	\$30/meeting
Planning Board/ZBA/Assessment Review Secretary	\$18/hour
Board of Assessment Review Members	\$35/hour
Board of Assessment Review Chair	\$45/hour
Court Clerk	8,750
Town Bookkeeper	5,750
Town Custodian	2,500

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2024 Town Salaries:

Town Historian	200
Attorney for the Town of Bennington	as per voucher
Town Park Maintenance Person	\$ 6,000
Prosecutor	4,000
Motor Equipment Operator w/CDL (P/T seasonal)	\$23.50/hour
Highway Laborer (P/T seasonal)	\$17.50/hour
Water System Operator	\$20.50/hour
Assistant Water System Operator	\$18.50/hour
Water System Operator/Assist WSO Emergency Call Out	3/hour premium
Water Clerk	600
Swim Instructors	\$16/hour
Lifeguards	\$16/hour
Youth Recreation Coordinator	500

*NYS retirement system members must be on the payroll.

**Difference between ZBA members I & II is the amount of training involved.

Fees:

Driveway Pipe Installation (initial)	300
Tower Special Use Permit Fee	2,000
Building Permit Fee for Towers	
First 100 feet	1,000
Next 100 feet (or part thereof)	600
Each 100 feet thereafter or part thereof	400
Co-location Application Fee	1,000
Co-location Building Permit Fee	1,000
Park Rental	50
Park Security Deposit	50
Copies of Official Documents	\$.40 per page

Official Rate for Mileage while on Town Business \$.45 per mile

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Banking Accounts:

General Fund Checking	Five Star Bank
Highway Fund Checking	Five Star Bank
Trust & Agency Account	Five Star Bank
Town Clerk Account	Alden State Bank
Tax Collector Account	Five Star Bank
Justice Court Funds	Five Star Bank
Cowlesville Water District	Five Star Bank
Certificates of Deposit	Banks with best interest rate

Authorized Personnel to Maintain Banking Accounts:

General Fund/Highway Fund/Cowlesville Water Fund/Trust & Agency Account:

Ellen Grant, Bernie Frounick, authorized signers.

Ellen Grant, June Spencer authorized electronic/wire Transfers.

Town Clerk & Tax Collector Accounts:

Joanne Rosenthal, Deanna Nikiel, authorized signers.

Justice Court Funds:

Mark Lindsay and James Wawrzyniak, authorized signers.

B. Notice of Meeting Dates, Times, Locations and other legal notices

Official Meeting Dates:

Town Board	Second Wednesday of the month. 7:30 pm. Town Hall. Workshop Session at 6:30 pm.
Planning Board	Third Wednesday of the month, 7:00 pm. Town Hall.
Zoning Board of Appeals	First Tuesday of the month, 7:00 pm. Town Hall as needed.
Official Election Places	District #1,2,3. Bennington Town Hall.

Official Newspaper for Legal and Official Notices - The Daily News, Batavia NY.

Official Bulletin Board for posting of Town Notices - Town Clerk Office, Town Hall.
Bennington Center, NY

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C. Appointments

Appointments:

Attorney for the Town	DiMatteo & Roach
Deputy Town Clerk I	Deanna Nikiel
Historian	Michael Mohun
Registrar	Joanne Rosenthal
Bookkeeper	June Spencer
Budget Director	Ellen Grant
Town Prosecutor	As appointed by Wyoming County District Attorney
Court Clerk	Christa Dake

Appointments:

Planning Board Chairman	Robert Gadd
Secretary, Planning Board	Donna Hummel
Secretary, Zoning Board of Appeals	Peggy Schmidt-Wlostowski
Town Hall Custodian	Carolyn Mruczek
Office for the Aging Representative	Faith McQueen
Town Park Custodian	John Perl
County Planning Board Represent.	Robert Gadd
Assessor	Jim Kirsch
Water System Operator	Mark Pruitt
Deputy Water System Operator	Keith Borden
Water Clerk	Judith Brown
Deputy Supervisor	Chris Dome & Joyce Mohun
Planning Board Member	Patricia Wawrzyniak
Zoning Board of Appeals Member	Richard Jensen

***Motion by: J. Mohun. Seconded by: B. Founick to approve
Ayes: 5. Noes: 0. Abstain: 0. Absent:0***

**Bennington Town Board
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Regular Board Meeting**

<u>Financial Matters</u>	General Fund vouchers # 1 - 9	\$ 6,453.62
	Highway Fund vouchers # 8 -20	\$105,773.22
	Cowlesville Water vouchers # 1 - 2	\$ 7,263.20
	Cowlesville Light vouchers # 0	no report

***Motion by B. Frounick, seconded by C. Dome to approve vouchers for payment.
Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

Financial Reports

Supervisor E. Grant presented the Monthly Report of Supervisor

***Motion by J. Mohun, seconded by C. Domes to approve the Financial Reports ending
December 31, 2023.
Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

Communications

Supervisor E. Grant - no report.
Clerk J. Rosenthal - no report.

Minutes of Previous Meetings

***Motion by J. Mohun, seconded by B. Frounick to approve minutes as presented for the
December 6, 2023 Board meeting.
Ayes: 4. Noes: 0. Abstain: 1. M. Gadd. Absent: 0.***

Departments

Highway

- See Old Business

Town Clerk

- Town Clerk monthly report
- Vital Statistics
- Wyoming County mailed out 2024 County/Town tax bills on 12/29/23. Tax Collector now accepts payments during regular business hours. Payments with checks may be placed in a drop box located outside the entrance door to the town hall.

**Bennington Town Board
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Assessor

- Renewals have been mailed out.
- NY State is trending -6%.

Zoning & Planning

- A new contract for Zoning Services from Wyoming County will be discussed at the February 14, 2025 town board meeting.

Recreation

- No report.
- Vacancy remains open for a Recreational Director.

Water District

- No report.

Old Business

- Highway Building - discussion to scale back size of proposed addition so a firewall would not be required. The contractor will be contacted to draw new plans. Savings of \$50-60,000.

New Business

Resolution #2024-1-1 Authorize Audit of 2023 Financial Records

Be it Resolved, that the Town Board hereby approves engaging the services of Donald E. Przybyl, Municipal Accountant, 205 Shoreline Parkway, Apt. 3, East Amherst, NY 14051 to perform an audit of the Town of Bennington financial records, including those of the Town Court, Town Supervisor, Town Bookkeeper and Cowlesville Water Clerk for the period of January 1, 2023 through December 31, 2023 and to provide a written report of the same to the Town Board.

Motion: J. Mohun. Second: M. Gadd
Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.

Resolution #2024-1-2 Set Date of Proposed Local Law #2, Year 2024 Moratorium on Solar Energy Projects.

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, Attica, in the Town of Bennington, New York on the 3rd day of January, 2023, commencing at 7:30 pm, at which time and place, the following members were:

Present:	Supervisor	E. Grant
	Council Member	B. Frounick
	Council Member	C. Domes
	Council Member	M. Gadd
	Council Member	J. 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, the Town Board of the Town of Bennington has considered a proposed local law known as "Establishing a Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bennington," to temporarily halt development of solar installations, for an additional period of up to 6 months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

WHEREAS, the Town Board of the Town of Bennington recognizes that said proposed local law entitled "Establishing a Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bennington," is subject to a permissive referendum; and

WHEREAS, pursuant to section 239 1-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Wyoming County Planning Board for its comments; and

WHEREAS, the Town Board of the Town of Bennington recognizes that this local law is a Type II Action under SEQR, and therefore SEQR review will not be required as there are no adverse environmental impacts; and

WHEREAS, the Town Board of the Town of Bennington finds it in the best interest of the Town of Bennington to hold a public hearing on the adoption of said local law

NOW ON MOTION OF J. Mohun, which has been duly seconded by M. Gadd, be it

RESOLVED, the Town Board of the Town of Bennington will hold a public hearing on the proposed local law on the 14th day of February 2024 at 7:30 pm, at which time and place all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5. Nays: 0. Quorum Present: Yes. Dated January 3, 2024

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Goals of moratorium

- Assess zoning laws strengths and weaknesses.
- Review host agreement.
- Involve members of Town Board, Planning Board and Zoning Board.
- Address areas to be changed.
- Forum.

Resolution #2024-1-3 Set Date of Public Hearing - Special Use Permit for Peter Siepierski, 90 Bullis Rd.

Whereas, the Town of Bennington is in receipt of an application from Peter Siepierski d/b/a Mobile Autoworks, 220 Clinton St., Cowlesville, NY 14037 for a Special Use Permit to use property located at 90 Bullis Rd., Alden NY 14004, tax map #14.-1-13.2 for the purpose of parking motor vehicles and motor homes temporarily while awaiting repairs, and

Whereas, said application necessitates a public hearing of the Bennington Town Board prior to the decision on any such application.

Now, Therefore, Be it Resolved, that the Bennington Town Board has set the date, and time of such hearing to be held on Wednesday, February 14, 2024 at 7:30 pm to permit oral and written comments on said application to be heard; and

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

Motion: J. Mohun. Second: B. Frounick.
Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.

Petitions and Public Concerns

Christa Lindsay -

Inquired why the same auditor has been used for 15 years.

- Don Przybyl is a retired NYS Auditor specializing in Municipal Accounting. Review and discuss involving a different auditor for a new set of eyes.

Shared the Town of Concord has a three year moratorium on solar, why is Bennington proposing only six months?

- Supervisor E. Grant - it is advised by our attorney to request six months as an extended moratorium loses credibility. The Town Board reviews all requests for renewals after six months.

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Inquired what is the road plan improvement for 2024?

- Supervisor E. Grant - the road improvement plan has not been finalized for 2024. It is a formal document utilizing NYS aid and Town tax dollars.

What is the five year plan, to help residents understand what can be expected?

- Supervisor Grant - the Highway Superintendent focuses on paving more roads instead of using oil and stone to facilitate easier travel and maintenance. The February 2024 town board meeting will further discuss the 2024 road improvement plan.

Dave Tyczka inquired regarding new Firefighters Law with higher exemption on property tax than current Veterans exemption.

Karen DeYoung inquired what is the current resident count for voting in NYS elections?

- Supervisor Grant to contact Board of Elections for exact number

What is the host community agreement regarding solar projects?

- Supervisor Grant can make available for review as each project has a HCA.

Jenny Dimick inquired about the status of a guardrail placement at the corner of Folsomdale and Schoelkopf Rd. Also, her property has been paved on Schoelkopf Road by the Wyoming County Highway Dept. when road improvements were done.

- Supervisor Grant will contact the Wyoming County Highway Superintendent and give Mrs. Dimick an answer by the end of the week.

Adjourn

By J. Mohun

Time: 8:30 pm

Attendees 15