

**Bennington Town Board**

**March 13, 2024**

Workshop Session 6:30 p.m.

Audit of bills; Highway Dept report; review Board meeting agenda.

In Attendance: Supervisor Ellen Grant, Council Members Chris Dome, Joyce Mohun, Clerk Joanne Rosenthal.

Absent: Council Members Bernie Frounick, Michael Gadd, Highway Superintendent Jake Jensen

**Regular Board Meeting 7:30 p.m.**

**Call Meeting to Order by Supervisor Grant; pledge of allegiance led by C. Domes.**

**Set Agenda - no additions.**

**Report of Conflict of Interest - no conflicts.**

**Financial Matters**

Approve annual maintenance contract with WLB – Accounting/Water/Sewer/Town Clerk Plus software.

General Fund vouchers	#40 to #59.	\$ 69,415.80.
Highway Fund vouchers	#50 to #75.	\$ 81,583.89.
Cowlesville Water vouchers	# 8 to #13.	\$ 11,723.26.
Cowlesville Light vouchers	#3.	\$ 369.48.
Fire District Vouchers	#2 to #5	\$183,868.20.

**Motion by J. Mohun, seconded by C. Domes to approve WLB Contract.**

**Ayes: All (3). Noes: 0. Absent: 2.**

**Motion by C. Domes, seconded by J. Mohun to approve vouchers for payment.**

**Ayes: All (3). Noes: 0. Absent: 2.**

**Financial Reports**

Supervisor E. Grant presented the Monthly Report of Supervisor

**Motion by J. Mohun, seconded by C. Domes to approve Financial Reports ending February 24, 2024**

**Ayes: All (3). Noes: 0. Absent: 2.**

**Communications**

Supervisor Grant presented:

1. Justice Court report.
2. NYS Audit report.
3. 2024 Franchise/Special Franchise tentative report.
4. 2024 Communication tentative report.
5. WNY Land Conservancy Workshop.
6. Tompkins Insurance Reg.87 annual report.

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**Minutes of Previous Meetings**

**February 24, 2024 minutes approved as submitted.**

**Supervisor Grant suspended order of agenda; Town Attorney DiMatteo commented on Solar Moratorium and Proposed Wind Law Moratorium, also explained the terms of the Delaware River Solar stipulations to the Town Board Members and those in attendance.**

**Delaware River Solar Stipulations**

Whereas the Town of Bennington, in response to an Article 78 proceeding filed by Delaware River Solar, LLC, (DRS) to obtain a judgment to direct the Town to issue a Special Use Permit allowing DRS to construct and operate a large-scale solar energy system, has been in negotiation through our attorney, and

Whereas the Town Board feels it is in the best interests of the residents of this Town that it is unnecessary to 1) conduct further litigation; 2) engage in discovery by way of depositions, interrogatories, production of documents, and such other tools of discovery available and necessary to conduct proper and complete discovery; 3) retain experts to resolve and all legal and economic issues or other issues/disputes arising from their relationship; and 4) have any and all factual and legal issues or other issues /disputes or the potential lawsuit resolved by a court of competent jurisdiction by way of trial; and as such, the Town and DRS have agreed to waive our respective rights to litigation, arbitration or mediation discovery proceedings and trial; now, therefore

Be it Resolved, that the Town Board hereby authorizes the Town Supervisor and the Attorney for the Town to execute said agreed upon stipulation; and

Be it Further Resolved, that the Town Supervisor is hereby directed to execute an Agreement for Payment of Municipal Engineering and Legal Expenses as pertains to said large-scale solar energy system with DRS.

**Motion: J. Mohun. Second: C. Domes.**  
**Ayes: All (3). Noes: 0. Absent: 2.**

**Departments**

**Highway**

- Ditching and grading roads continue with the cooperation of the mild weather.
- Equipment repair remains a priority.
- Cornell sponsored training sessions to take place in late March for Highway workers.
- Wyoming County sponsors Annual County Safety Training for Highway workers.

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**Town Clerk/Tax Collector**

- Monthly report.
- Vital Statistics YTD. Births 0. Marriages 1. Deaths 1.
- Wyoming County Building Department Property Maintenance updates.
- Wyoming County Zoning Department monthly updates.
- Certificate of Liability Insurance.

**Assessor**

- All exemption renewals have been mailed.
- NYS 90% equalization rate.
- Properties selling 10-15% over assessment.
- Attending April 2024 training offered by NYS.
- Fireman exemptions - received 7-8 applications.
- Maple Syrup weekend March 16-17 and March 23-24.

**Zoning/Planning**

- Zoning Board of Appeals members have on-line training available in March
- Planning Board members had on-line training available in February.
- Training modules available on-line after live schedule dates.

**Recreation**

- Easter Egg Hunt will take place March 23<sup>rd</sup> 11 a.m. sharp at the Bennington Fire Hall.
- Applications being accepted for a Director of the Recreation Dept.

**Water District**

- Water meter replacements continue to be installed in the Cowlesville Water District area.

**Unfinished Business**

**Resolution #2024-3-1**

**Rescind #2024-2-1 & Set Date of Public Hearing – Special Use Permit for Peter Siepierski, 90 Bullis Road**

Whereas, the Town of Bennington is in receipt of an application from Peter Siepierski, d/b/a Mobile Autoworks, 220 Clinton Street; Cowlesville New York 14037 for a Special Use Permit to use property located at 90 Bullis Road, 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, April 3, 2024 at 7:30 p.m. 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: C. Domes.**

**Ayes: All (3). Noes: 0. Absent: 2.**

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**Resolution #2024-3-2**

**Audit of 2023 Financial Records**

Whereas, the 2023 Financial Records of the Town Justice Court, Town Supervisor, Town Clerk/Collector and Cowlesville Water District Clerk have been presented and audited by Municipal Auditor Don Pryzybl; and

Whereas following the said audit, a written report was presented to each Town Board Member for review and comment;

Now Therefore, Be it Resolved, that the Town Board hereby accepts the findings of the audit of the 2023 financial records of the Town, and authorizes the submission of said report to any applicable state agency.

**Motion: C. Domes      Second: J. Mohun.**

**Ayes: All (3).    Noes: 0.    Abstain: 0.    Absent: 2.**

**New Business**

**Resolution #2024-3-3**

**Set date of Public Hearing - Local Law #3, Year 2024 Establishing a Temporary Land Use Moratorium Prohibiting the Development of Wind Energy Conversion Systems Within the Town of Bennington**

**WHEREAS**, all Board Members, have due notice of said meeting, and that pursuant to Article 7, subsection 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 Six-Month Moratorium on Applications, Approvals, and/or Construction or Installation of Wind Energy Systems and/or Wind Farms and/or Wind Energy Storage Systems" to temporarily halt development of wind 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**, pursuant to section 239 I-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 C. Domes, be it**

**RESOLVED**, by the Town board of the Town of Bennington will hold a public hearing on the proposed local law on the 3rd day of April, 2024, at 7:30 pm, at which time and place all interested parties and citizens for or against the proposed law will be heard.

**Motion: J. Mohun.    Second: C. Domes**

**Ayes: All (3).    Noes: 0.    Absent: 2.**

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**Resolution #2024-3-4**

**Set Dates of Special Sessions of Town Board, Planning Board and Zoning Board of Appeals**

Be it Resolved, that there shall be held the following special sessions of the Town of Bennington's Town Board, Planning Board and Zoning Board of Appeals: **March 26, April 16, April 24, May 14, May 29 and June 6, 2024** at 7:00 p.m. at the Bennington Town Hall, 905 Old Alleghany Road, Attica New York to discuss the Town Zoning Law as relates to solar energy projects and other issues as identified by the Town Board.

**Motion: J. Mohun. Second: C. Domes.**

**Ayes: All (3). Noes: 0. Absent: 2.**

**Resolution #2024-3-5**

**Agreement to purchase digital photocopier**

Whereas, the current digital photocopier Toshiba e-Studio357 used by the Town Clerk, Town Supervisor, Town Court and Cowlesville Water Clerk is deemed outdated and replacement parts for repair are no longer available; and

Whereas, the current photocopier also serves as printer and scanner by those departments, for documents including dog, birth, and marriage licenses, death certificates, water billing, and effective 2024 as the printer for all hunting licenses issued by the Town Clerk, it is deemed as essential equipment for government operations;

Now, Therefore, Be it Resolved, that the Town Board hereby authorizes the purchase of Toshiba e-Studio 3528a digital photocopier/printer/scanner in the amount of \$3,145.98 per New York State Contract PM68135 through Eagle Systems Office Technologies, 2421 Harlem Road, Buffalo NY 14225.

**Motion: C. Domes. Second: J. Mohun.**

**Ayes: All (3). Noes: 0. Absent: 2.**

**Petitions and public concerns**

Amendments to December 3rd and 27th, 2023 minutes completed; Town website to reflect update. Results of audit; continued concerns are cost of highway repairs, increased cost of water from Erie County Water Authority.

**Any other Business to Come before the Board/County Matters**

None presented.

**Adjourn**

**Motion by J. Mohun**

**Attendance: 10-12**