

Town of Bennington
Special Session
October 22, 2024 - 6 pm

In Attendance: Town Supervisor Ellen Grant, Council Members Chris Domes, Michael Gadd, Joyce Mohun. Bernard Frounick arrived at 6:40 pm. Town Attorneys David DiMatteo, Elijah McWhinney, Clerk Joanne Rosenthal.

**Call meeting to order at 6:07 pm by Supervisor Grant.
Pledge of Allegiance by C. Domes.**

Open Public Hearings (6:08 pm) on Local Law #C and #D, Year 2024 Moratoriums on the Applications for Solar and Wind Energy Conversion Projects.

Resolution #2024-10-8 Set Date of Public Hearing for Proposed 2025 Town Budget

Be It Resolved, that the Town Board hereby sets the time and date for the Public Hearing on the Proposed 2025 Town Budget to be held on Wednesday, November 6, 2024 at 7:30 pm at the Bennington Town Hall, 905 Old Alleghany Rd., Attica NY 14011; and

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

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

Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. B. Frounick.

Resolution #2024-10-9 Declare Highway Equipment Surplus

Whereas the Highway Superintendent has recommended that the following equipment be declared surplus:

1999 Peterbilt dump truck purchased as used from the Town of Darien.

Now, Therefore, Be it Resolved, that the Town Board hereby declares the above equipment as surplus and authorizes and directs the Superintendent to dispose of the equipment through advertised sealed bid or auction.

Per the request of Council Member M. Gadd, the Town Board must approve all bids prior to award.

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

Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. B. Frounick.

Town of Bennington
Special Session
October 22, 2024 - 6 pm

Open floor for comments on Proposed Local Law #C - Solar Moratorium for 6 months.

Public hearing to take place in May 2025 after all comments from residents have been reviewed and compared to the current draft of solar law.

Work sessions by the Town Board are open to the public. Public comments are not accepted.

Any exceptions will be in writing.

The Moratorium will be in effect for 6 months from passing of law by the Department of State.

Solar companies prefer to abide by the written law and avoid variances which are subject to court intervention.

Report final action with the Planning Board.

10/22/24 Last day to accept public comments.

Motion to close Public Hearing 6:17 pm.

Motion: J. Mohun. Second: M. Gadd

Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. B. Frounick.

Open floor for comments on Proposed Local Law #D - Wind Energy Moratorium for 8 Months

Signed contracts between landowner and wind company are permissible; it was suggested landowners should hire/consult an attorney, on any contracts, for the landowners protection.

Wind Co. must submit an application to the Town of Bennington for approval.

Local laws to apply. Decommissioning bond with the Town is guaranteed.

Wind laws not in place yet; to be discussed after the wind moratorium is approved.

Motion to close Public Hearing 6:33 pm.

Motion: J. Mohun. Second: M. Gadd

Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. B. Frounick.

**Resolution #2024-10-10 Adopt Local Law #C, Year 2024 A Local Law Establishing a
Second Temporary Land Use Moratorium Prohibiting the
Development of New Solar Energy Projects Within the Town
of Bennington**

WHEREAS, All Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 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 is considering the adoption of **Local Law #3** of 2024 entitled "Establishing a Second Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects Within the Town of Bennington" to extend the current solar moratorium while the Town continues to consider and revise its current solar energy laws; and

WHEREAS, The Town Board of the Town of Bennington held a public hearing on the proposed adoption of said local law on the 22nd day of October, 2024 at 6:00 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

WHEREAS, the Town Board of the Town of Bennington wishes to extend the current temporary land use moratorium prohibiting the development of new solar energy projects within the Town of Bennington, and the Town of Bennington recognizes and acknowledges that the Town needs to further analyze many considerations that affect the preparation of local legislation to regulate all solar installations; and

WHEREAS, the Town Board of the Town of Bennington has made meaningful and reasonable efforts to update and amend its zoning ordinance and local legislation during the initial six (6) month moratorium by consulting with multiple municipal attorneys, the New York State Energy Research and Development Authority, and the Wyoming County Planner; and reviewing solar laws adopted by other municipalities in New York State; and holding multiple open meetings with public input before the Zoning Board of Appeals, the Planning Board, and the Town Board during the period of the first moratorium; and

WHEREAS, pursuant to Section 239-M of the General Municipal Law, said local law with all supporting documents was submitted to the Wyoming County Planning Board, comments were received back on September 3, 2024; 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

Town of Bennington
Special Session
October 22, 2024 - 6 pm

WHEREAS, the Town Board wishes to adopt **Local Law No. 3** to extend the solar moratorium for an additional six (6) month period while further revisions to their solar laws are considered.

NOW ON THE MOTION of **Joyce Mohun** which has been duly **seconded** by **Michael Gadd**, be it

RESOLVED, by the Town Board of the Town of Bennington, that it is in the best interests of the Town to adopt the proposed Local Law entitled, "Establishing a Second Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bennington", and be it further

RESOLVED, that the Town Board shall file the required report of its final action with the Wyoming County Planner in no more than 30 days, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting, to file the law in the Office of the Town Clerk, and to file the law with the Secretary of the State of New York pursuant to Section 27 (l) of the Municipal Home Rule.

Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. B. Frounick.

Certified resolution to adopt local law #3 and completed filing of local law #3 with NY Secretary of State with Town Attorney D. DiMatteo's office.

Resolution #2024-10-11 Resolution Establishing an Eight (8) Month Moratorium on Applications, Approvals, and/or Construction or Installation of Wind Energy Systems and/or Wind Farms and/or Wind Energy Storage Systems

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 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 is considering the adoption of **Local Law #4** of 2024 entitled, "An Eight 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 allow the Town time to consider the adoption of laws regulating wind energy; and

WHEREAS, the Town Board of the Town of Bennington held a public hearing on the proposed adoption of said local law on the 22nd day of October, 2024 at 6:15 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

WHEREAS, the Town Board of the Town of Bennington wishes to establish a temporary land use moratorium prohibiting the development of new wind energy and related energy storage projects within the Town of Bennington, and the Town of Bennington recognizes and acknowledges that the Town needs to further analyze many considerations that affect the preparation of local legislation to regulate all wind energy installations; and

WHEREAS, pursuant to Section 239-M of the General Municipal Law, said local law with all supporting documents was submitted to Wyoming County Planning Board, and its comments were received on September 3rd, 2024; 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 wishes to adopt **Local Law No. 4** to extend the wind moratorium for an additional eight (8) month period while further revisions to their solar laws are considered.

NOW ON MOTION OF *Chris Domes* which has been duly seconded by ***Joyce Mohun***,
be it

RESOLVED, by the Town Board of the Town of Bennington feels it is in the best interests of the Town to adopt proposed Local Law entitled, "Establishing an Eight-Month Moratorium on Applications, Approvals, and/or Construction or Installation of Wind Energy Systems and/or Wind Farms and/or Wind Energy Storage Systems", and be it further

RESOLVED, that the Town Board shall file the required report of its final action with the Wyoming County Planning Board in no more than 30 days, and be it

FURTHER RESOLVED, that the Town Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting, to file the law in the Office of the Town Clerk, and to file the law with the Secretary of the State of New York pursuant to Section 27 (l) of the Municipal Home Rule.

Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0
Certified resolution to adopt local law #4 and completed filing of local law #4 with NY Secretary of State with Town Attorney D. DiMatteo's office.

Clerk Rosenthal amends September 18, 2024 minutes (page 3). Proposed Local Law #5 is corrected to read Local Law #D. Eight Month Wind Moratorium.

Motion to adjourn J. Mohun 6:45 pm.

Attendance: 13