

Bennington Town Board
August 10, 2022

Workshop Session began at 6:30 p.m. with all Board members in attendance, as well as Highway Supt. Jensen and Deputy Clerk Nikiel. Members audited claims for the month of July. Supt. Jensen reviewed road work being done and equipment repairs. Discussion was held on purchasing equipment on auction sites. Members then reviewed the agenda items, discussed the Sugarbush Armory Special Use Permit application, and the 8/24 visit to Against All Oddz.

Supervisor Ellen Grant called the August Town Board Meeting to order at 7:30 p.m. with Councilmen Frounick, Mohun, Domes & Bryman in attendance. Councilman Domes led the pledge of allegiance to the flag.

Financial Matters: General Fund vouchers #132 to #155 \$11,924.75; Highway Fund vouchers #69 to #89 \$417,535.83; Cowlesville Water vouchers #33 to #38 \$2,814.99; and Cowlesville Light voucher # 8 \$119.00 were presented for payment. Motion made by Mohun, seconded by Bryman to approve payment of the bills as audited. Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Financial Reports for the month of July 2022 were presented for approval. Motion by Mohun, second by Frounick to approve the financial reports. Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Inter fund transfer: Motion by Domes, seconded by Bryman to approve an interfund transfer of \$300,000 from General Fund to Highway Fund, and establish a Due To/Due From record of such transfer, to be repaid prior to 12/30/22 upon receipt of State Aid Claim Quarter #3 payment. Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Communications: Historical Society Program 8/23 at Town Hall – Roaring 20's; Property maintenance complaint 2230 Church Rd; Justice Wawrzyniak Court Reports – June & July; DiMatteo – AAOAA property visit 8/15; County Historians summer program; Certif. of Ins. Brier Hill Contracting; NYS Ag & Markets – annual inspection reports for Animal Shelter & Dog Control Officer; CWD water billing summary; Wyo Co Soil & Water: Workshop in invasive species 9/8 in Warsaw; Assoc of Towns webinar on town budgets 9/1 – Dee will be participating; NYS DOT acknowledgement of speed limit review request.

Minutes of Previous Meetings: Motion made by Mohun, second by Domes to approve the July Regular Meeting minutes. Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Bennington Fire Company: President J. Zymowski, Chief K. Brandon and several members of the Fire Company were present to provide the Board with information regarding new state legislation *EMS Recovery Act* that will result in fire companies being billed for Advance Life Support services when provided by outside ambulance companies such as Mercy and Monroe. The Fire Company has been discussing this and reviewing their history of the use of the ALS services and what the financial impact will

be on their organization. They are hesitant to bill individuals for the service to recoup the cost as they get financial support already from the people with tax dollars and fundraising donations. At the present they are looking at adding the amount to their annual town contract for next year and see what the use & expense will be. Councilman Mohun inquired about using some of the ARPA funding for a one time payment to create a fund and see how long the funding lasts. Other companies are exploring multiple options to cover the expense. Some will bill, some don't provide ambulance service. A billing service may cost \$6,000 to set up. The Fire Company will present their letter for the 2023 contract to the Board prior to the September Board meeting.

Petitions and public concerns: J. Dimick of Schoellkopf Road addressed the Board on concerns she has with the roadway in front of her home. She stated the neighbor across the street installed a stone fence/curb alongside the road that was constructed on the shoulder/right-of-way, so now road shoulders and travel lanes are encroaching further onto her property, with plows damaging the lawn. There had also been directional arrows at the intersection that have been removed. She was advised to get a copy of her survey to determine the location of the right-of-way and property line, as there was some question regarding the tree that was removed several years ago being on the right-of-way, giving some indication of the ROW location. The town will request the state to review the intersection and signage when they do the speed limit review, and will check with the County Highway Department about the missing directional arrows.

Departments: **Highway** – The Board presented a review of the recent and planned projects (East Bear from Folsomdale to Burrough Road bridge) north Burrough from Getman to Clinton, Poland Hill from Rt. 77 to Graff & Hoover, Schad Road hill and the north section of Tinkham. Additional work includes pipes, ditching, grading and tree removal.

Town Clerk/Tax Collector – A copy of the July activity report was included in Board packets.

Assessor – Memo from Real Property Tax on 2023 Final Roll Values

Zoning/Planning – Monthly Report from the Zoning Office for July.

Special Permit Renewal DMR Towing on Bear Road. Motion by Frounick, second by Bryman to approve the 3 year renewal of the DMR Special Use Permit.

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Prior to the adoption of the following Resolution, Supervisor Grant read a letter from Attorney DiMatteo advising the Town on zoning procedure for this application.

RESOLUTION #2022-8-1 SPECIAL USE PERMIT REFERRALS AND LEAD AGENCY DESIGNATION

Whereas the Bennington Town Board is in receipt of an application for a Special Use Permit by Kimo Brandon, dba Sugarbush Armory for property located at 2065 Clinton Street, Attica NY 14011 to operate a retail store for sporting goods and possible future indoor shooting range; and

Whereas, the Town of Bennington Zoning Law requires a minimum of 100 acres for operation of gun clubs in an Agriculture/Residential District; and

Whereas the Attorney for the Town of Bennington has advised that the designation of the proposed action best meets the description of “gun club”, and

Whereas the applicant has submitted required documents to the Town Zoning Officer to proceed with this action; now, therefore,

Be it Resolved, that the Town of Bennington hereby refers this application to the Wyoming County Planning Board, the Town of Bennington Planning Board and to the Town of Bennington Zoning Board of Appeals for an area variance review; and

Be it Further Resolved, that the Bennington Town Board hereby declares itself as Lead Agency for the purposes of SEQR review and hereby sets a date for a Public Hearing on said application of September 14, 2022 at 7:30 p.m. at the Town Hall and authorizes the advertisement of the same.

Motion by Mohun, second by Bryman to approve.

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Water District – Steve Perkins is awaiting some final pricing on equipment/supplies before we proceed with the meter upgrades.

Court – Nothing to report

Park/Recreation – Summer concerts are complete; may have a fall baseball league.

Old Business: Discussion with Bennington Fire Company on hosting an electronics collection at the fire hall with the Town organizing and paying for the materials and disposal. President Zymowski provided information on dates in October when other events are planned, and it was decided to work on October 8th for the collection.

New Business: None

Any other Business to Come before the Board/County Matters: None

Motion was made by Domes, seconded by Mohun to enter into executive session to discuss union contract negotiations. Motion unanimously carried at 8:55 pm.

Motion was made by Frounick and seconded by Bryman to exit from executive session at 9:27 p.m. Motion was unanimously carried.

Motion to adjourn by Domes at 9:28 pm was unanimously approved. Meeting adjourned.