

Bennington Town Board
June 8, 2022
Workshop Session 6:30 p.m. Regular Board Meeting 7:30 p.m.
Meeting Agenda

Workshop session was attended by Supervisor Grant, Councilmen Frounick, Mohun, Bryman and Domes and Deputy Clerk Nikiel. Highway Superintendent Jensen reported on ongoing activities.

Attorney David Dimatteo joined the meeting. He presented paperwork to set the public hearings for Local Law #2 & #3 regarding expanding the allowable residency for Highway Superintendent and hold a referendum on having the Superintendent be an appointed position. Against All Odds – submitted answer to letter. Arguing against corporation inconsistencies. Received a letter from an attorney not representing the party. Penberthy letter was read by Dimatteo. Assessor Kirsch explained some details. Discussed the value of the dog shelters on property and whether a portion of the dog shelter and use areas could be exempt.

Supervisor Grant called the meeting to order at 7:48pm. She asked Councilman Frounick to lead the Pledge of Allegiance.

Financial Matters:

General Fund vouchers # 93 to # 111 \$ 9,130.65
Highway Fund vouchers # 55 to # 59 \$ 74,220.52
Cowlesville Water vouchers # 22 to # 26 \$ 2,929.38
Cowlesville Light vouchers # 5 - 6 \$ 240.70

Motion by Mohun, seconded by Bryman to approve the vouchers for payment.

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

Financial Reports. Supervisors Monthly Report & Detailed expenditures provided:

Motion by Mohun, seconded by Frounick to approve the Financial Reports ending May 31, 2022.

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

Appropriations:

Motion to approve the appropriation of funds to the Highway Department in the amount of \$271,364.89:

To DA5112.4 Permanent Improvements	\$271,364.89
From: Federal ARPA Funds	\$175,000.0
State Aid/CHIPS/EWR/PAVENY	\$ 96,364.89

Motion by Domes, seconded by Bryman to approve the appropriation to the Highway Department.

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

Communications:

You Dig would like to update contact information.

Board of Elections provided primary election dates 6/28 & 8/23 at the Bennington Town Hall.

Driven Contracting notice of insurance.

Notification that a new business agent has been issued by Teamsters Local 264 - Nick Dorren will represent the Teamsters Unit.

Petitions and public concerns:

Two residents commented that roads in Bennington are impassable. No more excuses roads need to be fixed. We want to see results. Supervisor Grant went over work that has been completed along with planned projects for 2022. Asked about grants for road work. Councilwoman Mohun agreed to contact the Labella contact provided by a resident who is the sister-in-law of a Wyoming County Highway employee. Explained we needed to get to 100% equalization to get funding for roads. We just reassessed to position that would help us to obtain funding through borrowing. Assessor James Kirsch entered the meeting to help explain re-assessment to a resident.

Departments:

Highway – Projects & work activity; Agreement to Spend Funds; Equipment repairs. Parts came in for the down truck. Working on Ortner and south Burrough doing ditches and driveway pipes.

Some improvements planned for 2022: Burrough Rd.- Getman to Clinton- 1.5 mi

Bear Rd from Folsomdale to Burrough Rd bridge - 1.5 mi

Schoelkopf from Folsomdale to the Bridge - .6

Poland Hill Rd from Hoover to Rt 77 - 1.8 miles. Will be starting these projects as soon as possible, depending on vendor & partnering towns schedules.

Resolution #2022-6-1 Agreement to Spend Highway Funds

Be It Resolved, that the Bennington Town Board hereby approves the 2022 Plan and Agreement to Spend Highway Funds on Permanent Improvements and General Repairs in the amount of \$896,126.

Motion by Mohun, seconded by Domes - Agreement signed.

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

Town Clerk/Tax Collector – nothing to report

Assessor – Grievance Day - July last day to report. Quite a few people came in.

Supervisor Ellen received email from NYS stating equalization is at 100% 1986 was the last year at 100%. Resident requested the names of people on grievance board. Assessor Kirsh will be teaching a class on assessment third week in July – and will be able to attend the conference at no cost to the town.

Resolution #2022-6-2 Inter-municipal Agreement with Town of Orangeville

Be it Resolved, that the Town Board hereby authorizes the Town Supervisor to enter into an agreement with the Town of Orangeville to provide Board of Assessment Review (BAR) Grievance Hearing for any and all applications that are deemed a conflict of interest or scheduling with the Bennington BAR for 2022 and the Town of Bennington will reimburse the Town of Orangeville for any/all costs associated with such cases.

Motion by Mohun, seconded by Frounick.

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

Zoning/Planning – Renewal of Home Occupation Permits

Resolution #2022-6-3 Renewal of Home Occupation Permits

Be it Resolved, that the Town Board hereby approves the one-year renewal of the following Home Occupation Permits:

Cynthia Ciupek – C*Shore Design	M & T. Wildey -Wildey Hair Salon
Gary Arcese – G. Arcese Enterprise (fire arms)	Allen Linsey – Precision Cylinder
Paul Dersam – Alden Real Estate Group	Head
James Voglmayr – Premier Kitchen	

Motion by Frounick, seconded by Bryman.

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

Zoning recap. Question the size of the lean to – not identified.

Water District – Water resource agency. Grant is being processed and should start work in the next month.

Park/Recreation – Swimming contract with Byrncliff; spray at park. Sign up on the website. Park is open.

Resolution #2022-6-4 Youth Recreation Contract with Byrncliff

Be It Resolved, that the Town Board hereby approves the 2022 agreement between the Town and Byrncliff Resort & Conference Center for the summer youth recreation swimming and craft program for the period July 12, 2022 through August 18, 2022 in an amount not to exceed \$2,112.

Motion by Bryman, seconded by Domes

Ayes: 6 Noes: 0 Abstain: 0 Absent: 0

Court – nothing to report

Old Business: Waste Management contract. Need a plan for escalation and 5 years in the future.

New Business: Electronics collection. County site will be in Batavia this year. Bennington fire department has offered their site for a Town collection. Sign up ahead of time with proof of residency. Request for expected items. Possible ask for donation. No date yet.

Resolution #2022-6-6 Electronic Collection and Disposal

Be it Resolved, that the Town of Bennington will hereby conduct a collection of used/obsolete electronic equipment including television sets, computer CPUs, monitors, servers and other electronics as acceptable for such collection under the guidance of the NYS Department of Environmental Conservation and the GLOW Solid Waste; and

Be it Further Resolved, that the Supervisor shall be authorized to enter into agreements with Sunnking for the proper disposal of such items and with the Bennington Vol. Fire Company for the collection of materials to occur at their fire hall.

Motion by Mohun, seconded by Frounick.

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

Minutes of Previous Meetings: May Regular Meeting

Motion by Bryman, seconded by Domes to approve minutes for April Special Session and May Regular Session

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

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

Motion to enter into executive session to discuss a legal matter 8:53pm.

Motion by Mohun, seconded by Frounick.

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

Motion by Mohun, seconded by Bryman to close Executive Session. All ayes; carried. Regular Session resumed at 9:39 p.m.

Resolution #2022-6-7 RESOLUTION TO SET A PUBLIC HEARING REGARDING PROPOSED LOCAL LAW NO. 2 OF 2022, "ESTABLISHING THE RESIDENCY REQUIREMENTS FOR THE OFFICE OF HIGHWAY SUPERINTENDENT IN THE TOWN OF BENNINGTON"

WHEREAS, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices located at 905 Old Alleghany Road, Bennington, New York 14011 on the 8th day of June, 2022, commencing at 7:30 p.m. at which time and place the following members were:

Present: Supervisor Ellen Grant; Councilman Bernard Frounick; Councilman Joyce Mohun; Councilman Brandon Bryman and Councilman Christin Domes.

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 is considering adopting a proposed local law, entitled "Establishing the Residency Requirements for the Office of Highway Superintendent in the Town of Bennington," which would set the residency requirements for the Superintendent of Highways in the Town of Bennington; 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 to consider the adoption of said local law; and

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

RESOLVED, by the Town Board of the Town of Bennington will hold a public hearing on the proposed adoption of said local law, "Establishing the Residency Requirements for the Office of Highway Superintendent in the Town of Bennington" on the 13th day of July 2022 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5 Nays: 0 Absent/Abstain: 0__

**Resolution #2022-6-8 RESOLUTION TO SET A PUBLIC HEARING
REGARDING PROPOSED LOCAL LAW NO. 3 OF 2022,
"CHANGE THE OFFICE OF HIGHWAY SUPERINTENDENT FROM AN
ELECTED OFFICE TO AN APPOINTED OFFICE",
SUBJECT TO MANDATORY REFERENDUM**

WHEREAS, the Town Board of the Town of Bennington held a regular meeting on the 8th day of June, 2022, commencing at 7:30 p.m. at which time and place the following members were Present: Supervisor Ellen Grant; Councilman Bernard Frounick; Councilman Joyce Mohun; Councilman Brandon Bryman and Councilman Christin Domes.

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 is considering a proposed local law, entitled "Change the Office of Highway Superintendent from an Elected Office to an Appointed Office," which would abolish the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways in the Town of Bennington; and

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

NOW ON MOTION OF Domes which has been duly seconded by Bryman, be it

RESOLVED, by the Town Board of the Town of Bennington will hold a public hearing on the proposed adoption of said local law on the 13th day of July 2022 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5 Nays: 0 Absent/Abstain: 0

Motion was made by Councilman Mohun to adjourn. Carried. Meeting adjourned 9:50 p.m.

Deanna Nikiel,
Deputy Clerk