

**Bennington Town Board
December 27, 2023**

6:30 pm

Workshop Session, Audit of Bills, Highway Dept report, Review Board Meeting Agenda.

In attendance:

Town Supervisor Ellen Grant, Council Members Brandon Bryman, Chris Domes, Bernie Frounick, Joyce Mohun, Highway Superintendent Jake Jensen, Clerk Joanne Rosenthal.

Workshop session discussion: Audit/Approve invoices for payment; Discussion to trade-in 2018 Chevrolet Silverado pickup truck w/extended cab, 118,000 miles, has electrical issues, no warranty; trade in value \$14,500. New 2024 GMC #2500 Service truck, 800 miles available at Basil Chevrolet, Fradonia NY. Tonight's meeting is considered a year end meeting, no public comments will be heard, including a moratorium for solar projects until the January 3, 2024 meeting.

**Annual Year End Board
Meeting Agenda 7:30 pm**

Call Meeting to Order; Pledge of Allegiance led by B. Bryman.
Moment of silence and reflection in memory of the recent passing of former Highway Superintendent Ken Czworka.

Financial Matters

General Fund Vouchers	#259-269.	\$ 5,177.68.
Highway Fund Vouchers	#243-249.	\$12,376.46.
Cowlesville Water Vouchers	#50-51.	\$ 153.92.
Cowlesville Light Vouchers	none.	

Motion by J. Mohun, seconded by B. Bryman to approve vouchers for payment.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. C. Domes

Communications

No communication on financial reports until January 2024.

Departments

Highway

- Disposal of 2018 Chevrolet Silverado Pickup Truck w/extended cab. Purchase 2024 GMC #2500 Service Truck.

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Resolution #2023-12-7

Authorize the Disposition of 2018 Chevrolet Silverado Pickup Truck and the Purchase of 2024 GMC #2500 (gasoline) Service Truck.

Whereas, the Town Board and Highway Superintendent hereby declare the 2018 Chevrolet Silverado Pickup Truck to be surplus equipment and that there is a need for a replacement truck for transporting personnel, equipment, and materials.

Now, therefore be it Resolved, that the Highway Superintendent is hereby authorized to purchase a replacement service truck and offer the 2018 Chevrolet Silverado Pickup Truck as trade-in value to Basil Chevrolet Buick at a net cost not to exceed \$50,000, said replacement to be a 2024 model with warranty.

**Motion: B. Bryman. Second: B. Frouinick.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. C. Domes.**

Town Clerk/Tax Collector

- No report

Assessor

- Jim Kirsch absent

Zoning/Planning

- Renew Special Use Permit - SunEast

Resolution #2023-12-8

Waiving the Limitations for the Special Use Permit Issued to the Niagara Solar Energy Project.

Whereas, Duke Energy Renewables Solar, LLC (the "Applicant") submitted a Petition for a Change of Zone (the "Petition") and related applications for a Special Use Permit and Site Plan Approval (the "Applicants") to the Town Board of the Town of Bennington ("Town Board") to construct and operate a 20 MW solar energy facility to be known as the Niagara Solar Energy Project (the "Project") on property owned by Wayne Pelrick, (Tax Map No. 16.-1-43 and 16.-1-34) in the Town of Bennington, Wyoming County, New York (the "Property");

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Whereas, the Town Board granted the Petition and duly enacted Local Law No. 2 of 2019, entitled "A Local Law amending the Town of Bennington Zoning Law and Official Zoning Map to Rezone Two Parcels of Land Designated therein to Agricultural-Residential (A-R) to Allow for the Development of a Solar Energy Facility" and granted a Conditional Special Use Permit for the Project, and

Whereas, SunEast Niagara Solar LLC (hereafter referred to as "Applicant"), an affiliate of Cordelio Power acquired the Niagara Solar Energy Project in the Spring 2022,

Whereas, the Applicant has continued the development of the Project, including without limitation, including completion of several studies including wetland delineations, archaeological and historical studies, geotechnical soil sampling, topography and boundary surveys and ongoing electrical studies with the utility and New York Independent System Operator necessary to develop a final site plan. Additionally, the Applicant participated in NYSERDA's most recent competitive solicitation process which resulted in a NYSERDA contract. And seeks to extend the Special Use Permit consistent to allow for the Applicant to complete the site plan review process and to satisfy the remaining Special Use Permit conditions prior to a building permit being issued.

Whereas, the Applicant has requested that the Town Board extend the limitation for permits issued by the Town Board, including Special Use Permits, set forth in Section 1.1.1(M)(9) of the Town of Bennington Zoning Law for a period of two (2) years from the date of this resolution;

Whereas, the Town Board desires to allow the Applicant to continue the development of the Project as it is in the best interests of the Town of Bennington to do so.

Now, THEREFORE, IT IS HEREBY, determined as follows:

1. That the limitation in Section 1.1.1(M)(9) of the Town of Bennington Zoning Law is hereby extended for a period of two (2) years from the date of this resolution for the Special Use Permit for the Project to allow for its continued development;
2. That the Special Use Permit for the Project remains valid and effective;
3. All conditions of the Special Use Permit remain applicable to the Project unless satisfied to the reasonable satisfaction of the Town; and
4. This resolution shall take effect immediately.

Motion by: J. Mohun. Second: B. Frounick.
Ayes: 3. J. Mohun, B. Frounick, E. Grant.
Noes: 1. B. Bryman.
Abstain: 0. Absent: 1. C. Domes.

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Old Business

Resolution #2023-12-9 Resolution to Set a Public Hearing Regarding Proposed Local Law No. 1 of 2024, "Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law"

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 27th day of December 2023, commencing at 6:30 pm at which time and place the following members were present; Supervisor Grant, and Councilmen J. Mohun, B. Frounck, B. Bryman, C. 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 "Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law," which would allow for volunteer firefighters and ambulance workers who meet the conditions set by the local law to be granted a tax exemption relative to real property owned within 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 a motion which has been seconded, be it

Resolved, by the Town Board of the Town of Bennington that a public hearing will be held on the proposed adoption of said local law, "Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law" on the 14th day of February 2024 at 7:30 pm, at which time all interested parties and citizens for or against the proposed law will be heard.

Motion: J. Mohun. Second: B. Bryman.
Ayes: 5. Nays: 0. Abstain: 0. Absent: 0.

New Business

Resolution #2023-12-10 Board/Committee/Position Vacancies/Appointment

Be It Resolved, that Jacob Fitzpatrick, 27 South Shore Drive, Alden NY 14004 is hereby appointed to fill the unexpired term of Charles Dusel on the Bennington Town Planning Board for a term effective January 1, 2024 through December 31, 2025, and

Be It Further Resolved, that Jason Acquard, 1473 Church Road, Darien Center NY 14040 is hereby appointed to fill the unexpired term of Alfred Files on the Bennington Town Zoning Board of Appeals for a term effective January 1, 2024 through December 31, 2026 and

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Be It Further Resolved that Michael Gadd, 535 Getman Road, Alden NY 14004 is hereby appointed to fill the unexpired term of Brandon Bryman on the Bennington Town Board, said appointment to be effective January 1, 2024 through December 31, 2024.

**Motion: B. Frounick. Second: J. Mohun.
Ayes: 4. Nays: 0. Abstain: 1. B. Bryman. Absent: 0.**

Discussion on Control of Animals

Review zoning laws of nearby towns of Town of Darien, Town of Alden, Town of Marilla.
Discussion to continue at future meeting(s)

In attendance 20-25
Adjourn J. Mohun. Time: 7:45 pm.