

**Bennington Town Board**  
May 11, 2022

**Workshop session:** Supervisor Grant met with all Council members at 6:30 p.m. to audit vouchers for payment; members reviewed job applications for Highway Superintendent and discussed Highway Dept. activities with Dep. Supt. Paul Schroeder including Schoellkopf Rd paving & possible additional paving. David DiMatteo, Attorney for the Town, met with Board members on several confidential matters in attorney/client status. Mr. DiMatteo also distributed information to those present on solar projects and the implications of PILOT agreements and assessment practices.

Supervisor Grant called the meeting to order at 8:00 p.m. with all Board members present. Councilman Domes led those present in the Pledge of Allegiance.

**Financial Matters:** General Fund vouchers #82 to #92 \$ 5,663.92  
Highway Fund vouchers #55 to #70 \$46,061.72  
Cowlesville Water vouchers #16 to #21 \$10,440.42

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

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

Financial Reports – Monthly Report of the Supervisor for April and Detail of Expenditures for General, Highway and Water Funds were distributed.

Motion by Mohun, seconded by Frounick to approve the Financial Reports ending April 30, 2022.

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

**Communications:** April court activity report of Justice Linsey; solar farm information from D. DiMatteo; Gravel pit permit copy from NYS DEC for Kissell; Charter Communications franchise fee payment for 2022.

**Minutes of Previous Meetings:** March Special Session & April Regular Session

Motion by Mohun, seconded by Domes to table approval of the above minutes until June meeting.

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

**Petitions and public concerns:** Town Hall Janitor Carolyn Mruczak asked permission to purchase a replacement for the lawn mower. Motion was made by Domes; seconded by Mohun to approve said purchase. All ayes; carried.

**Departments: Town Clerk/Tax Collector** – Hours are limited due to the availability of Deputy Clerk's time. Monday evenings for the month of May the office will be open as well as by appointment.

**Highway** – Projects & work activity were reviewed by Dep. Superintendent Schroeder, including recent paving on Schoellkopf, equipment repairs, grading & ditching and hauling.

**Assessor** – Grievance Day will be Thurs. May 26. So far 4 appointments have been set, but the Assessor anticipates between 10 and 30 will attend. He will be filing his final assessment numbers during June. Attorney DiMatteo spoke regarding changes to assessment practices on solar projects, which is pertinent as the Town has received a

notice from Delaware River Solar regarding a potential project on Church Road. DRS is requesting a decision by the Town Board on whether we would require a PILOT agreement or opt out. Assessor Kirsch also explained the benefits of negotiating a PILOT. Companies may not continue pursuing a project if there's an opt out as they do not know the long term financial costs of the project. Based on the more certainty of an established PILOT vs. changeable assessments, the Board presented the following for adoption.

**Resolution #2022-5-1            Resolution of the Town Board of the Town of Bennington Requiring that Delaware River Solar Enter into a PILOT Agreement**

The Town Board of the Town of Bennington met at a regular board meeting at the Town Hall located at 905 Old Alleghany Road Attica NY 14011 on the 11<sup>th</sup> day of May, 2022 commencing at 7:30 p.m. at which time and place the following members were:

Supervisor Ellen Grant

Councilman Bernard Frounick

Councilman Joyce Mohun

Councilman Brandon Bryman

Councilman Chris Domes

WHEREAS All Board Members, having due notice of said meeting, and that pursuant to Article 7 S 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 received notice dated April 5, 2022 from Delaware River Solar which expresses the intent to construct a solar project on Church Road and offers the Town sixty (60) days to respond with the Town's intent to require a contract for payments in lieu of taxes (PILOT), or whether the Town is opting out of the exemption pursuant to Real Property Tax Law (RPTL) 487; and

WHEREAS, The Town Board of the Town of Bennington believes it to be in the best interest of the Town of Bennington to require that Delaware River Solar enter into a PILOT agreement with the Town of Bennington.

NOW, on a motion of Councilman Domes which has been duly seconded by Councilman Bryman, be it

RESOLVED, the Town Board of the Town of Bennington hereby requires that Delaware River Solar enter into a PILOT Agreement with the Town of Bennington; and be it further

RESOLVED, THE Town Board of the Town of Bennington shall provide written notice to Delaware River Solar before June 1, 2022 which suggests that Delaware River Solar is required to enter into a PILOT agreement with the Town; and be it further

RESOLVED, this resolution shall be provided to Delaware River Solar, and filed with the New York State Energy Research and Development Authority (NYSERDA) and the New York State Division of Tax and Finance.

Ayes: 5

Nays: 0

Absent/Abstain: 0

**Zoning/Planning** – Nothing to Report

**Water District** – County still waiting for paperwork from the state on the grant

**Court** – Nothing to report

**Park/Recreation** – Highway has started the pump for the restrooms, which will open later this week.

**Old Business:** A formal resolution is needed to proceed with the application for a speed limit review:

**Resolution #2022-5-2 Request Speed Limit Assessment on Schoellkopf Rd.**

Be It Resolved, that the Bennington Town Board hereby requests the NYS Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, to establish a lower maximum speed at which vehicles may proceed on Schoellkopf Road, a Town roadway, between Folsomdale Road and Burrough Road within the Town of Bennington; and

Be It Further Resolved, that upon receipt of the notice that the regulation herein requested has been established, the Town of Bennington will provide, install and maintain signs in accordance with the Vehicle and Traffic Law and conforming to the Manual of Uniform Traffic Control Devices of the Department of Transportation.

Motion by: Mohun                      Seconded by: Bryman  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0

**Resolution #2022-5-3 Create Position of Deputy Clerk & Appoint**

Be It Resolved, that the Bennington Town Board hereby creates the position of Deputy Town Clerk/Registrar (2<sup>nd</sup>) at a salary of \$15.00 per hour effective May 1, 2022; and

Be It Further Resolved that Carolyn Busch, 251 Sargent Street, Cowlesville NY is hereby appointed to the position of Deputy Town Clerk/Registrar, effective May 1, 2022.

Motion by: Bryman                      second by: Frounick  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0

**Resolution #2022-5-4 Create Position of Acting Highway Superintendent & Appoint**

Be It Resolved, that the Bennington Town Board hereby creates the position of Acting Highway Superintendent at an annual salary of \$70,000 with all benefits received by the Highway Superintendent, for a term of May 16, 2022 through December 31, 2022; and

Be It Further Resolved, that Jacob Jensen, 3446 Stroh Road, Attica NY is hereby appointed to the position of Acting Highway Superintendent, effective May 16, 2022, contingent upon meeting all the Town requirements of employment.

Motion by: Mohun                      second by: Frounick  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0

**Garbage Collection:** Councilman Domes inquired about the contract with the County for trash collection – terms, period, etc. He expressed concern with the total amount of

the contract and whether alternative town-wide service would be more cost effective. Assessor Kirsch provided him with the total number of residential parcels in the program. He will continue to study this for a possible separate bid process when the agreement expires.

**New Business:** Memorial Day Observance – the Historical Society is planning on returning to the regular observance at 11 a.m. with the Attica Marching Band parading from the park to Cowlesville Cemetery, readings, roll call of deceased veterans and music and following that, the band will proceed to the museum for additional music and a hot dog lunch will be held. Veterans will receive a free lunch. Those present at the meeting were asked to notify the Supervisor or Deputy Clerk if they knew of any veterans from the Town who passed away during the past several years so the roll call list can be updated.

Deputy Highway Superintendent Paul Schroeder was thanked for assuming those responsibilities during the Superintendent vacancy.

There being no further business, a motion was made by Councilman Domes to adjourn. Meeting adjourned.

Ellen Grant, Supervisor