

January 4, 2017

Work Session

6:30 PM

Supervisor Grant along with Council Members Mohun, Frounick and Gadd audited the Highway, General Fund and Special District claims. Councilman Hoy was not in attendance.

Discussion was held on the transfer station and possible ideas to keep it running efficiently and cost effective. Discussion of transfer station fees and what other towns are doing at their transfer stations.

January 4, 2017

2017 Organizational Meeting

7:28pm

Supervisor Grant called the meeting to order and asked Council Member Frounick to lead the pledge to the flag.

Present were Council Members Frounick, Gadd and Mohun.

Supervisor Grant opened the meeting with a welcome to the new Town Clerk - Carolyn Busch.

A. Set Salaries, Fees & Financial Matters:

2017 Town Salaries as per the adopted 2017 budget:

Supervisor	\$ 5,300.00/year
Town Council Members 4@	1,944.00/Year
Town Justice 2@	5,300.00/year
Highway Superintendent	47,275.00/Year
Town Clerk/Collector	14,000.00/Year
Dep. Town Clerk	12.50/hour
Budget Director	550.00/Year
Town Assessor (sole)	21,800.00/Year
Zoning Officer/Fair Housing Officer	15.00/hour
Dep. Zoning Officer	15.00/hour
Planning Bd/Zoning Bd of Appeals Members	15.25/Mtg.
Planning Bd/ZBA Chair	20.00/Mtg.
Planning Bd/ZBA Asses. Review Secretary	9.50/hour
Bd of Assessment Review Members	9.50/hour
Court Clerk	7,050.00/Year
Town Bookkeeper	4,700.00/Year
Town Custodian	1,850.00/year
Transfer Station Operator	5,000.00/Year
Town Historian	235.00/year
Attorney for the Town of Bennington	as per voucher
Town Park Maintenance Person	5,250.00/Year

Transfer Station Assistant	9.50/hour
Prosecutor	3,900.00/year
Dog Enumerator	1.50 per
dog	
Motor Equipment Operator (PT Seasonal)	12.00/hour
Water System Operator	15.50/hour
Asst. Water System Operator	13.50/hour
WSO/Assist WSO Emerg. Call Out	3.00/hr. premium
Water Clerk	550.00/year

Discussion held on Section A. Salaries, Fees & Financial Matters for the town. First section reviewed was town official salaries, zoning fees and other fees that included the transfer station. Councilman Gadd thought that there should be an upcharge of \$15 for refrigerators that still contained Freon gas. Councilman Frounack stated that we should not accept paint cans as they are hazardous household waste. Councilman Gadd discussed the option of having a one day trash day for town residents to bring bulky garbage to the transfer station instead of a fee schedule. That fee would be TBD. Updates were made to remove the acceptance of chairs, couches, mattresses and paint cans. Updates were also made to increase the fees to dispose of tires. This will change from \$5 to \$10 for passenger tires, from \$6 to \$12 for light truck tires and from \$10 to \$20 for truck tires. There will also be an additional fee of \$10 for any tire containing a rim which previously was an upcharge of \$5 per rim. Discussion was held to raise the price of the punch card, but increase the number of punches from 10 to 12. With the increase of price to the punch card, we would eliminate the resident sticker in which we were not getting 100% compliance by town residents. After discussion it was decided this would be tabled until the next meeting when income and expenditures from the transfer station could be looked at. Councilman Gadd questioned the fee paid to the Dog Enumerator citing that the enumerator shouldn't be paid for puppy litters. He felt that only dogs of registerable age (4 Months) should count for the \$1.50 per dog fee.

Zoning Fees:

Variance	\$125.00
Special Use Permit	\$125.00
Special Use Permit renewals	10.00/year
Special Use Permit for Meteorological Towers:	
Installation for a term not to exceed two (2) years	25.00
Each additional year thereafter	25.00
Zoning Permits under 400 sq. ft.	25.00
Zoning Permits over 400 sq. ft.	50.00
Zoning Permits – Ponds	25.00

Home Occupation Permits	50.00
Home Occupation Permits – yearly renewal	10.00
Sale of Zoning Books	25.00
Application to re-zone	500.00
Tower Special Use Permit Fee	\$2,000.00

Building Permit Fees for Towers;

First 100 feet	\$1,000.00
Next 100 feet (or part thereof)...	600.00
Each 100 feet thereafter or part thereof	400.00
Co-location Application fee	1,000.00
Co-location Building Permit fee	1,000.00

Other fees:

Park Rental	25.00
Park Security Deposit	25.00
Copies of official documents	25/page
Transfer Station Fees:	
Resident Stickers	10.00/1 st vehicle
Resident Stickers	1.00/2 nd vehicle
Punch Cards	20.00
Tires-Passenger 13"-17"	10.00
-Light Truck 16"-19"	12.00
-Large Truck	20.00
Rimmed tires	10.00 Extra per tire
Air Conditioners	10.00
Furnaces	10.00
Washer or Dryer (each)	10.00
Refrigerator	15.00
Stove	15.00
Freezer	15.00
Hot Water Tank	10.00
If Freon is not removed from Appliances, additional	15.00
Bulk Items will be priced accordingly by TSO	

Official Rate for Mileage while on Town Business:

45/mile

Banking Accounts:

General Fund Checking	Five Star Bank
Highway Fund Checking	Five Star Bank
Trust & Agency Account	Five Star Bank

Town Clerk Account	Alden State Bank
Tax Collector Account	Bank of Castile
Justice Court Funds	Five Star Bank
Cowlesville Water District	Five Star Bank
Certificates of Deposit	Banks with the best interest

rate

Authorized Personnel to maintain Banking Accounts:

General Fund/Highway Fund/Cowlesville Water Fund/Trust & Agency Account- Ellen Grant and Bernard Frounick as authorized signers Ellen Grant and June Spencer as authorized electronic transfers.

Town Clerk and Tax Collector Accounts – Carolyn Busch as authorized signer.
Justice Court Funds – Mark Linsey and Lani Brandon as authorized signers.

Motion made at 8:08pm by Mohun/Gadd to approve 2017 Section A. Salaries, Fees and Financial matters for the town, voting all ayes, carried.

B. Notice of Meeting Dates, Times, Locations and other legal notices

Official Meeting Dates:

Town Board	Second Wednesday 7:30 PM at
Town Hall with	
	Work session starting at 6:30 PM
Planning Board	Third Wednesday, 7 PM
Zoning Board of Appeals	First Wednesday, 7 PM
Official Election Places	District #1, 2 & 3 – Bennington Town
Hall	

Official Newspaper for Legal and Official Notices – The Daily News, Batavia NY

Official Bulletin Board for posting of Town Notices – Town Clerk’s, Town Hall, Bennington NY

Motion made by Frounick/Gadd to approved section B. Notice of Meeting Dates, Times, Locations and other legal notices, voting all ayes, carried.

C. Appointments:

Town Attorney	Dave DiMatteo
Zoning & Fair Housing Officer	Katie-Nicole Marble
Deputy Zoning Officer	Lisa Clemente
Town Historian	Lesa VanSon
Transfer Station Operator	John Wojtkowiak
Asst. Transfer Station Operator	Jim McCullough
Registrar	Carolyn Busch
Bookkeeper	June Spencer
Budget Director	Ellen Grant
Town Prosecutor	James Wujcik
Court Clerk	Christa Dake
Planning Board Chairman	Robert Gadd
Zoning Board of Appeals Chairman	Rick Storch
Sec'y, Zoning Board of Appeals	Donna Hummel
Sec'y, Planning Board	Donna Hummel
Inter-Community Medical Cntr. Board	Michael Hardie
Town Custodian	Carolyn Mruczek
Office for the Aging Representative	Leonard Roberto
Town Park Custodian	Dante Caselli
County Planning Board Representative	Carl Wuest
Assessor	Kandy Wittmeyer-to expire
9/30/19	
Water System Operator	Mark Pruitt
Asst. Water System Operator	Dan Czelusta
Water Clerk	Judy Brown
Deputy Supervisor	James Hoy Jr.
Town Planning Board	Charles Dusel - 1/1/17-
12/31/21	
Town Zoning Board of Appeals	Kyle Dluhy - 1/1/17-
12/31/21	
Assessment Grievance Board	James Schlick - to expire
9/30/19	
Town Clerk	Carolyn Busch
Dog Enumerator	Carolyn Mruczek

Section C: Appointments

Discussion was held to continue the appointment of Mike Hardie as the Inter Community Medical Center Board representative. Even though the property was sold and the town has been paid \$42,873.29, there still may be a need for a meeting in 2017 for any outstanding business. Therefore, Mike has agreed to server one more year.

Motion made by Mohun/Frounick to approve Section C. Appointments, voting all ayes, carried.

Organizational meeting was closed at 8:23pm and the regular meeting of the Town Board was called to order.

The first order of business was to present a contract from Williamson Law Book for the annual service contract to aid in Tax Collection for the annual fee of \$408.

Motion made by Mohun/Frounick to approve the contract, voting all ayes, carried.

Financial Matters

General Fund claims #1- 14 totaling \$11,653.27 presented. Motion made by

Mohun/Gadd to approve the General Fund claims presented. Voting all ayes, carried.

Highway Claims #1-14 totaling \$63,186.81 presented. Motion made by

Frounick/Gadd to approve the Highway claims presented. Voting all ayes, carried.

Special District Claims

Cowlesville Water District claims #1-4 totaling \$4,752.90 presented.

Bennington Fire claim #1 totaling \$25,000.00 presented.

Motion made by Mohun/Frounick to approve the special district claims, voting all ayes, carried.

Supervisor's Financial Statements for December:

Supervisor Grant noted that a transfer was made from the Water District to the

Highway Fund to pay for the new truck that is due in this week. Supervisor Grant

will also be setting up a CD of \$40,000 to pay for Transfer Station improvements at

\$20,000 for 2017 and \$20,000 for 2018. Motion made by Mohun/Gadd to accept the Financial Reports for December, voting all ayes, carried.

Minutes: December 14th Regular Meeting:

Supervisor Grant asked for one amendment to the minutes. One electric box cover

was purchased and two CO detectors. Previous meeting was told that the CO

detectors weren't working, but in fact were not installed. Motion made by

Mohun/Gadd to approve the minutes as corrected, voting all ayes, carried.

Correspondence:

Certificate of Insurance received from Solar Liberty Energy Systems.

Information packet received regarding the Association of Towns conference to be held 2/19-22/17.

Event schedule received from Letchworth State Park regarding winter programs. Will be scanned in and posted on the town website as well as posted on the Town Clerk's bulletin board.

Letter and email received from NY Agriculture and Markets stating that the town has not submitted a payment to them for their portion of the dog licenses. Supervisor Grant advised this is the county's responsibility and not the towns.

The Town Clerk's annual report was given out to the board members.

Supervisor Grant received a notice of a public hearing regarding emergency transportation services that will be held at the Orchard Park Town Hall.

Letter received from Andrew Campanella regarding National School Choice Week 1/22-28/17. He is asking for a proclamation by the Town of Bennington. Supervisor Grant is disregarding his request.

Departments:

Assessment: Assessor Wittmeyer was not able to make the meeting tonight due to the weather.

Zoning/Planning: Town Clerk Busch reported that special use permit was submitted by James Kipfer as a re-application. There are other special use permits that are delinquent and we will need to send additional paperwork out to these residents. One business property in particular has had complaints. Superintendent Czworka tried to address by putting up weight limit signs on this road. Motion made to schedule a hearing at the next meeting by Mohun/Frounack, voting all ayes, carried. The town will act as lead agency to carry out the SEQR for the Kipfer Special Use Permit request.

Highway Department: Superintendent Czworka reported that the new truck will be coming from Valley Fab and then will have to go back to Hunter. The truck will also need to get sprayed. Councilman Gadd asked if that cost had been figured in and Czworka said no. Superintendent Czworka stated his crews have sanded a lot vs. using rock salt. Other towns have their salt sprayed so that the salt doesn't bounce around when distributed. This is something more costly for the towns to provide. He also reported calls coming in regarding potholes on Friedman road. The timing is not right to address until the snow melts again.

Parks/Recreation: Supervisor Grant reported that Wilson Wild will be taking over the Baseball program from John Perl this year. Signups will be coming soon. Cross Country Ski Day is scheduled to take place on Presidents Day again this year. Possibility of a Tubing Day as well the same day.

Water District: Nothing to report.

Transfer Station: Supervisor Grant will ask John to come in for the next meeting to discuss the transfer station.

Public Concerns: Several complaints have been coming in regarding street lights that are out around the town. Supervisor Grant will put a work order into NYSEG to address the repairs. When reporting the outages, the pole number and the cross streets are needed.

Old Business:

Resolution #2017-2 Authorize Supervisor and Clerk to sign all papers related to DASNY grant for roof replacement and repairs at Highway Department Buildings.

Be it resolved, that the Town Board of the Town of Bennington hereby authorized the Town Supervisor, as Chief Fiscal Officer, and the Town Clerk, to complete and sign any and all documents as relates to receiving a grant from the Dormitory Authority of the State of New York as relates to repairs and roof replacements on building at the Town Highway Department.

Motion made by Mohun, seconded by Gadd.

Ayes: 4 Noes: 0 Absent: 1 Hoy

Resolution #2017-3 Authorize Supervisor and Clerk to sign all papers related to an E-waste Grant for recycling of electronic waste for the Town of Bennington.

Be it Resolved, that the Town Board of the Town of Bennington hereby authorizes the Town Supervisor, as Chief Financial Officer, and the Town Clerk, to complete and sign any and all documents as relates to receiving a grant from the New York State Department of Environmental Conservation for electronic waste assistance for 2017.

Motion made by Mohun, seconded by Gadd.

Ayes: 4 Noes: 0 Absent: 1 Hoy

Short discussion was held concerning re-evaluation to property owners in Bennington. Equalization rate is currently at 45% and hasn't been changed in 35 years. Assessor Wittmeyer has a full presentation that she would like to share with the board to discuss the pros and cons of raising the equalization rate in the town. The Board will discuss this topic again at the next meeting when the Assessor can share her presentation.

New Business: Discussion was held on the role of the Dog Enumerator and whether we should maintain someone in that role or go to a postcard program that some neighboring townships use. A postcard is sent to all residents to return and let the town know if there are dogs at the residence. The town will keep the Dog Enumerator in place at this time, but will look into the cost of the postcard program.

Town Clerk Carolyn Busch informed the board that she has appointed Judith Brown as Deputy Town Clerk for Bennington effective January 1, 2017.

Harris Corners Fire Company may use an option to purchase a Fire Truck and utilize the State to finance the purchase. Chief Kirsch hasn't finalized whether they are using this financing option or not. Paperwork is due 2/1/17. Supervisor Grant would like to vote on this during the Solar Project workshop that will be held on 1/25/17. The vote will be scheduled for 8pm.

Resolution #2017-4 Set date for Special Session of the Town Board to review and authorize financing through New York State for the purchase of new fire truck for the Harris Corners Fire Company.

Whereas, the Harris Corners Fire Company is desiring to apply to the State of New York for financing for the purchase of a new fire truck, and:

Whereas, the State of New York requires the Town to hold a public hearing on said purchase and to provide supporting resolution in order to proceed with said purchase; and

Whereas, a joint public hearing will be held by the Towns of Bennington and Sheldon at the Harris Corners Fire Hall on January 2017 to hear comments; now, therefore,

Be it resolved, that the Town Board of Bennington shall meet at 8:00pm on Wednesday, January 25, 2017 to consider such purchase; and be it

Further resolved, that the Clerk of the Town of Bennington is hereby authorized and directed to advertise the same in the legal newspaper of this town. Motion made by Gadd, seconded by Frounack

Ayes: 4 Noes: 0 Absent: 1 Hoy

Any other Business to come before the Board:

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 9:06pm.

Respectfully Submitted,

Carolyn Busch, Town Clerk

Town of Bennington
Special Session – January 25, 2017

Present: Supv. Grant, Councilmen Frounack, Hoy and Mohun.

Meeting called to order at 8:32 p.m. by Supervisor Grant.

Harris Corners Fire Company Truck Purchase: HCFC President Nick Kirsch contacted the Supervisor to say that the Company is going to be using different financing to purchase their truck and the public hearing and Town Board approval of said purchase will not now be necessary.

DASNY Grant: The Town Board needs to do a SEQR on the project. Paperwork on the project was reviewed.

Resolution #2017-1-5 Declare the Bennington Town Board as Lead Agency and Approve the SEQR review on Town Highway Department DASNY Grant.

Whereas, the Town of Bennington has been approved to receive NYS Dormitory Authority funding for repairs to the Highway Department Buildings, namely replacing the roof on the Highway Garage with a metal roof, and replace the Salt Storage Shed roof with a metal roof and make other necessary repairs to the concrete walls; and

Whereas, the DASNY funding process requires the completion of a State Environmental Quality Review for this project;

Now, therefore, be it resolved, that the Bennington Town Board hereby declares that it will serve as Lead Agency for the completion of the SEQR process; and

Be it further resolved, that the Town Board, at a duly convened meeting of the Board on January 25, 2017, did hereby conduct said review and find that there were no significant negative impacts posed by this project.

Motion by: Mohun; seconded by Hoy. Ayes: 4 Noes: 0 Abstain: 0 Absent: 1 – Gadd. Carried.

Motion was made at 8:37 p.m. to adjourn by Hoy. All ayes; carried.

Respectfully submitted,

Carolyn Busch, Town Clerk

Present: Supv. Grant, Councilmen Frounick, and Mohun.

Absent: Councilman Hoy & Gadd

Meeting called to order at 7:32 p.m. by Supervisor Grant. Pledge to the flag was led by Councilwoman Mohun.

Financial Matters:

2017 Contracts from Williamson Law Book

Supervisor Grant asked for approval of the following contracts:

WLB Accounting Software Support Contract 2/1/17-1/31/18 in the amount of \$949.00.

Motion made by Mohun/Frounick to approve the contracts for 2017, voting all ayes carried.

General Fund claims #16-47 totaling \$54,615.97 presented. Motion made by Frounick/Mohun to approve the General Fund claims presented. Voting all ayes, carried.

Highway Claims #15-37 totaling \$327,746.02 presented. Motion made by Mohun/Frounick to approve the Highway claims presented. Voting all ayes, carried.

Special District Claims

Cowlesville Water District claims #5-11 totaling \$9,571.34 presented. Motion made by Frounick/Mohun to approve the General Fund claims presented. Voting all ayes, carried.

Cowlesville Light claims #1-2 totaling \$522.18 presented. Motion made by Mohun/Frounick to approve the Highway claims presented. Voting all ayes, carried.

Varysburg Fire claim #2 totaling \$9,250.55 presented. Motion made by Mohun/Frounick to approve the Special District claims presented. Voting all ayes, carried.

Supervisor's Financial Statements for January:

Supervisor Grant noted that the numbers do not reflect the tax payments that have been made. The town has been paid in full for all taxes owed for 2017. All other funds will get paid to county except fees and penalties which will be paid out April 1st. Town received \$25,000 from the county for the second payment for snow and ice which is not reflected in the statement. Motion made by Mohun/Frounick to accept the Financial Reports for January, voting all ayes, carried.

Minutes: January 4th Organizational Meeting:

Supervisor Grant asked that the approval of the minutes to be tabled until the next meeting on March 8th to give the board members ample time to review them. Motion made by Frounick/Mohun to table the Meeting Minutes for January, voting all ayes, carried.

Correspondence:

Annual issuing report received from the DMV regarding the total number of Handicap permits issued in 2016. Forty Nine permanent permits and thirteen temporary tags were issued. Report was sent to the DMV once completed.

Welcome letter from Eastern States Sentinel Alarm Services was received with important contact numbers should they be needed.

Newsletter from NY Planning federation with important dates of their annual conference was received.

Certificate of Insurance was received from The Country Plumber.

Wyoming County Health Department sent a flyer listing dog, cat & ferret anti-rabies vaccination clinic dates. Flyer is posted on the bulletin board.

The Wyoming County Board of Elections sent the certified election results from voting that was held November 11, 2016.

Supervisor Grant received contact information from Pipeline Public awareness. She also received a flyer that is to be posted from the Housing Council at Pathstone that aids individuals facing foreclosure.

ISO Fire protection rating – working with Bennington and Varysburg to do surveys. Mrs. Damien from Schad road sent in a letter stating that her taxes were too high for the poor conditions of the road that she lives on.

Kadd's Mart requested a permit from New York State that would enable them to sell bottles of wine on premise.

Letter was sent to Supervisor Grant from Selective Insurance to advise them of online access.

Town of Bennington Justice Report was submitted.

Town of Bennington Clerk's report from December was submitted.

Councilman Frounck would like to contact Bennington Fire Department to find out who is in possession of the keys to the Town Hall and where they are located in the event of an emergency.

Departments:

Assessment: Assessor Wittmeyer was not able to make the meeting tonight.

Zoning/Planning:

Resolution #2016-2-1 Approval of Special Use Permit Renewals - Kaminski & Marchewka

Be it Resolved that the Town Board hereby approves a three year renewal of the Special Use Permit for Robert Kaminski, 1074 Alleghany Road, Attica NY, for his Plumbing/Heating/Electrical business, as per the information provided on his application; and

Be it Further Resolved, that the Town Board hereby approves a three year renewal of the Special Use Permits granted to Justin Marchewka, 325 Lapp Road, Alden NY for a trucking/construction business (as per his initial application) and a home office on a separate parcel, with all conditions required on the initial permit to remain, including the need to submit a copy of the tanker truck inspection report to the Town Clerk.

Motion by Mohun, seconded by Frounck. Ayes: 3; Noes: 0; Absent: Gadd & Hoy; Abstain: 0. Carried.

Resolution #2016-2-2 Schedule a Special Use Permit Application Public Hearing and Declare the Town Board as Lead Agency for SEQR Purposes: James Kipfer

Be it Resolved that the Town Board hereby directs and authorizes the Town Clerk to advertise for a Public Hearing on March 8, 2017 at 7:30 p.m. at the Bennington Town Hall for the purpose of hearing comment on a Special Permit Application of James Kipfer, 1001 Urf Road, Cowlesville, NY to construct a garage/storage building for a tractor-trailer for his personal business, and to inform neighboring property owners of the same; and

Be it Further Resolved, that the Bennington Town Board hereby declares itself to serve as Lead Agency for the purposes of conducting a State Environmental Quality Review on the above application.

Motion by Mohun; seconded by Frounck. Ayes: 4; Noes: 0; Absent: Gadd & Hoy; Abstain: 0. Carried.

Supervisor Grant will contact our attorney to see if the town should adopt a 487 tax exemption vs. a pilot program. Discussion was held on the proposed date of the next workshop. It was decided that an additional workshop would be scheduled for Wednesday, March 1st at 7:30pm to discuss solar farms in the town.

Transfer Station:

Annual report was handed out to the board. Expenses exceeded revenues by \$16,345.29 for the 2016 calendar year. The cost to haul away recyclables has become very costly, especially cardboard. Discussion was held on possible solutions to the shortfall so that we don't come up short in 2017. Possible solutions are to bid out for town-wide service, or raise the price of a punch card. John was at the meeting and stated that he was not notified that the town no longer allowed disposal of furniture. Another possible solution is a new system called Trash Tracker in which you would put your trash on a scale and you paid by weight. Councilwoman Mohun will look into this program.

Highway Department:

Superintendent Czworka reported that hard roads will need to be addressed come spring including Sinn, Schad, Graff, Urf, Schoellkopf, East Bear and Blood roads. Stone was purchased for South Burrough rd. and will be done in the spring. Our labor and LB gravel to finish off Friedman road with needed repairs.

Parks/Recreation:

Supervisor Grant reported that baseball signups will take place this weekend at the town hall. Cross Country Ski/Tubing sign-ups for President Day will take place this weekend as well.

Water District:

Water bills went out last week. Dig Safe NY contacted Superintendent Czworka regarding the work being done in the hamlet. Going forward he would like these calls to go to the water department for Mark.

Senior Citizens:

The annual report was handed out to the board members listing all of the activities and expenses that took place in 2016.

Old Business:

None

New Business:

Reserve Gas - Letter was submitted regarding the extension of a gas line onto a property on Dersam Rd.

AIM Funding & Efficiency Plans - \$16,500 comes in every year and the state wants shared service agreements put into place. Residents will have an opportunity to vote if they support this in order to keep getting the state aid. Associations of Towns are trying to squash this idea.

Preliminary information was received from the Census Bureau. Will need to request contact information.

Don Pryzbyl is ready to start auditing the books from 2016. He will start at the end of February.

Motion was made for an appropriation to the highway fund to rollover \$250,000 proceeds from 2016. Motion made by Mohun/Frounick to approve the transfer. Voting all ayes, carried.

Cable Services - Councilman Frounick started a discussion on services within the town. He stated that service was supposed to go up on Woodley rd. Poles were not strong enough to hold. No more communication has been received to get service there. He would also like to get an update on Geise Rd.

Village Sidewalks – Mr. McDonald had voiced a concern regarding parking on Clinton Street in the Village of Cowlesville. Tractor Trailers and residents were parking on Clinton near the corner of Church Street and blocking the view of making a safe left hand turn with his school busses. Other residents had also voiced concern about parking on the sidewalk blocking foot traffic and damaging the brand new sidewalks. Supervisor Grant will send out a letter to residents that live along Clinton Street in the village and advise them of the laws in place governing parking in the village.

Motion made by Mohun and seconded by Frounick to adjourn the meeting at 8:47pm.

Respectfully submitted,

Carolyn Busch, Town Clerk

Bennington Town Board
Special Session March 1, 2017

Present: Supervisor Ellen Grant, Councilmen Bernard Frounick & Joyce Mohun.

Purpose of the meeting was to review draft solar law for the Town and discuss items that need resolution.

Section 13 Solar Energy Systems, Article 3, Ground Mounted Solar Energy Systems, Paragraph E will read: Ground-Mounted Solar Energy Systems shall be required to provide a site plan for review and approval.

Section 13, Article 4 Large-Scale Solar Systems, Paragraph B Standards for issuing a special use permit, Item 4 Solar panels shall not occupy more than fifty (50%) percent of the Lot.

Supervisor Grant attended a workshop at the Association of Towns conference on solar projects assessments, tax implications, PILOTs, etc. It was presented by Daniel Spitzer of Hodgson Russ in Buffalo. She asked Board member about having Mr. Spitzer come and meet with the Board on this before we make any decision on opting out of tax-exemptions, PILOTs, etc., in order to make the best informed decision for our residents and also not create any undue hardship for property owners who want to have a solar project. It was agreed to ask Mr. Spitzer if he would be available to speak to the Board sometime in March.

The Town's Comprehensive Plan needs to be updated to include alternative/green energy projects and uses. The wording in Sections I and II of the draft Solar Law could be used for our Comp Plan change. We want to make sure that we are balancing the rights of land-owners to use their property as they desire, with the rights of neighbors to be able to enjoy their own property.

The Town should develop and adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and to make provision for, so far as conditions may permit, the accommodation of alternative/green energy systems and equipment necessary therefor. Such systems may benefit the community by 1) taking advantage of safe, abundant, renewable and non-polluting energy resources; 2) decreasing the cost of energy to the owners of commercial and residential properties; and 3) increasing employment and business development in the region by furthering the installation of alternative/green energy systems.

A public hearing and SEQR process will be required for a change to the Comp Plan. This can be further discussed at the March Town Board meeting.

Motion was made by Councilman Mohun to adjourn. Meeting adjourned at 8:30 p.m.

March 15, 2017

Work Session

6:30 PM

Supervisor Grant along with Council Members Mohun, Hoy and Frounick audited the Highway General Fund and Special District claims. Don Przysbyl reviewed his audit report with Board Members. Supervisor Grant thanked him coming again tonight (was here last week, meeting cancelled due to storm). Supervisor Grant reported that he did find in the Trust & Agency account (which is just a clearing account for all money spent), that there is about \$5000 in it, thinks it's because, over the years people didn't cash their checks, whatever. Ms. Grant also reported that they will have to borrow from the General Fund \$900 to pay for the Harris Corners Ambulance contract, there was an error in the budget and the money for ambulance, (separate item in the contract) wasn't allocated in the 2017 budget. This will be refunded with the 2018 budget. She also reported that people from Friedman Road might show up tonight, were suppose to come last week, as well as representatives from Reserve Gas in Alden.

March 15, 2016

Regular Meeting

7:30 PM

Supervisor Grant declared the meeting open and asked Councilman Hoy to lead the pledge to the flag. Present were Council Members Frounick, Hoy and Mohun. Absent Councilman Gadd and Clerk Busch.

Supervisor Grant noted that the Town would be adjusting the Agenda a little tonight to allow Representatives from Reserve Gas to discuss a Franchise Agreement with the Town of Bennington for Dersam Road.

Williamson Law Book Annual Software Support Contracts: 2017 Water/Sewer Billing Software \$1018 and Town Clerk Plus \$556, also Maintenance Contract for the copiers from Eagle Systems in the amount of \$556:

Supervisor Grant asked for permission to execute the 2017 software support contracts for the Water/Sewer Software and Town Clerk Plus software and the Maintenance Agreement for the copiers. Motion made by Hoy/Frounick authorizing the supervisor to execute the contracts, voting all ayes, carried.

Financial Matters:

General Fund claims #48 - 70 totaling \$17,738.95 presented. Motion made by Mohun/Hoy to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #38-52 totaling \$56,645.66 presented. Motion made by Frounick/Hoy to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #15-20 totaling \$3152.68. Motion made by Mohun/Frounick to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #3 in the amount of \$181.81 presented. Motion made by Mohun/Hoy to approve the Cowlesville Street Lighting District claim, voting all ayes, carried.

Resolution #2017-3-1 Temporary transfer of \$900 from General Fund to Harris Corners Fire Company Budget:

Be It Resolved, that the Town Board of the Town of Bennington hereby approves the transfer of \$900.00 from General Fund Account #A8029 Fund Balance to Harris Corners Fire Protection District Account #SF4-3410.4, with the creation of a Due To/Due From record being established, to be repaid through tax levy on the 2018 budget.

Motion made by Hoy/Frounick to approve the resolution in the amount of \$900, voting

Ayes: 4

Noes: 0

Absent: 1

2017 Fire Contracts presented for payment:

Bennington Vol. Fire Company, voucher #2	\$70,000.00
Cowlesville Vol. Fire Company, voucher #1	79,590.60
Harris Corners Vol. Fire Co., voucher #1	30,170.00

Motion made by Hoy/Frounick to approve the fire contract payments for 2017. Voting all ayes, carried.

Supervisor's Financial Statements for February:

Supervisor Grant asked if any questions. Motion made by Mohun/Hoy to accept the Financial Reports, voting all ayes, carried.

Reserve Gas: Two (2) representatives here tonight to discuss a Franchise Agreement to provide gas to two houses on Dersam Road right at the bend before the Town/County line. They are now operating off of wells, but wells are leaking and equipment old. Reserve Gas wants to enter into an agreement to use another line to service them (which would be minimum impact to the town because the line already exists). Supervisor Grant reported that this information has been sent to the Town Attorney and he has no issues with it. Board Members, in declaring itself as the Lead Agency, reviewed the SEQR, Company has provided the project information in Part 1. Board Members, after Reviewing Parts #2 and 3 determined that there would be NO significant adverse impact.

Resolution #2017-3-7 Franchise Authorization for Reserve Gas, Alden, NY to operate in the Town of Bennington - SEQR Lead Agency Designation:

Be It Resolved, that Reserve Gas Corp., Railroad Street, Alden, NY has applied to the Town of Bennington for a franchise agreement to extend natural gas service lines and connections in the Town onto Dersam Road, and

Be It Further Resolved, that such franchise and action requires a State Environmental Quality Review and the Town Board hereby declares itself to serve as the Lead Agency for such action and completion of the SEQR documentation.

Motion made by Mohun/Frounick to approve the above resolution, voting

Ayes: 4

Noes: 0

Absent: 1

Minutes of previous meetings - Town Board Minutes of the December 28th, January 4th, February 8th and March 1st meetings

presented: Supervisor Grant asked if any corrections or amendments. Council Member Mohun under Feb. 8th Transfer Station, wants the last sentence regarding the swiping of cards deleted. Councilman Frounick pointed out that there is no dollar value for the Highway claims submitted and that Cowlesville is not a "village", it's a Hamlet within the Town of Bennington. There being no further correction/amendments, a motion was made by Frounick/Mohun to approve the minutes of Dec. 28th, Jan. 4th, Feb. 8 and March 1st, voting all ayes, carried.

Correspondence:

Shared Services Agreement received from the Town of Sheldon (given to Highway Superintendent Czworka for his review).

Correspondence for the May 19th Annual Local Government Conference at Houghton College. (Clerk Busch is interested in attending).

Post card re: seeking customers interested in having trash pick-up.

Notice from Ann McDonnell asking that the town consider her for seeking any grant funding services.

Received Town Justice monthly report.

Notice from the Wyo. Co. Building Dept. asking that the municipalities consider an agreement with them for Zoning Officer services.

Hear Public Concerns: None

Supervisor Grant recognized Josh Fontaine, present at tonight's meeting for a school project report. She informed him that if he has any questions now or during the meeting to feel free to ask Board Members.

Hear Comments on Special Use Permit: James Kipfer; close public hearing

Mr. Kipfer has had a Special Use Permit in the past, it expired, didn't renew and now has to start the process all over again. He has a repair shop at 1101 Urf Road to repair his truck when in town, lives out of a camper and his truck. when in town, has a port-a-john, takes his used motor oil to NAPA for disposal. No one here tonight to comment, no written comments received. Board Members reviewed the SEQR.

Resolution #2017-3-3 Special Use Permit Application of James Kipfer and SEQR determination

Be It Resolved, that the Town Board of the Town of Bennington, upon review and completion of the SEQR process and preparing a negative declaration and based upon public comment at a duly advertised Public Hearing held on this date, the Bennington Town Board hereby approves the Special Use Permit application of James Kipfer, 1101 Urf Road, Cowlesville, NY to conduct a truck repair shop at the above address for a period of one year, with conditions as noted: Complies with the Town Zoning Regulations with regards to the use of the camper and that his trailer is empty when he arrives in and out of the property.

Motion made by Mohun/Frounick to close the Public Hearing, voting all ayes, carried, Public hearing closed at 8:15 PM

Departments:

Assessor: Assessor Wittmeyer not here due to weather conditions.

Supervisor Grant reported she's been working with Sen. Gallivan and other state leaders to get the STAR repealed, been a major burden on the Senior Citizens. Thinks that it's been passed in the State Assembly, now has to go before the Senate.

Zoning/Planning - .Reappoint members to Boards: Planning Board –Chuck Dusel and Zoning Board of Appeals – Al Files

Resolution #2017-3-2 Reappointment of members to Planning Board and Zoning Board of Appeals

Be it Resolved, that the Town Board of the Town of Bennington hereby approves the reappointment of the following members for a five year term, effective January 1, 2017 through December 31, 2021:

Town Planning Board: Charles Dusel, 154 Kern Road, Cowlesville, NY 14037

Town Zoning Board of Appeals: Alfred Files, 648 Burrough Road, Attica, NY 14011

Motion made by Council Member Mohun, seconded by Councilman Frounick, voting all ayes, carried.

Highway Department:

Supervisor Grant put in Board Members packet an expense vs. budget report/spreadsheet for the Highway Fund for their review.

Noted that during the wind storm, some roofing was blown off of the highway building.

Parks/Recreation :

Easter Egg hunt coming up.

Held baseball sign-ups, reported that baseball is moving to a different league (Cal Ripkin), might have to change the diamonds a little to bring them into regulation.

Supervisor Grant stated she checked out the park after the wind storm and found no major damage, just the normal braches/limbs after any storm.

Water District: National Fuel Gas working in the hamlet, updating their gas lines.

Transfer Station - Trash Tracker

After a short discussion, Councilmember Mohun will be scheduling a meeting for Wednesday March 22nd at 8:30 AM for them to set up

Superintendent Czworka arrived at the meeting and informed Board Members that the Town of Sheldon has offered him a brine tank, willing to give it to the town.

Mr. Czworka asked Board Members if they are still willing to go with the 2-year trade out plan on the pick-up. Supervisor Grant stated could declare is surplus and put out to bid, but first need some pricing on a new one. Mr. Czworka reported the present one is a 2015 with 43,000 miles on, told value was in the mid 20"s. Mr. Czworka will get pricing on a new pick-up.

Superintendent Czworka reported the town put some stone on Friedman, big stone and then crusher run, working on pot holes where ever they can get at them. Asked about Stedman Road breaking/blowing up. Mr. Czworka reported that it's an issue with Midland Asphalt, feels that not proper mix. Midland is saying that there's water under the road causing the problem. Mr. Czworka further stated that the town has put enough drainage and tiling that water under the road should not be a problem. Midland is supposed to get more core samples this Spring.

Supervisor Grant thanked the Highway Department for the good job they did during the wind storm, keeping up with everything, down trees etc.

Old Business:

Special Use Permit submitted by James Kipfer:

There being no further comments on Mr. Kipfer's application, a motion was made by Hoy, seconded by Councilman Mohun that the Town Board approves Mr. Kipfer's permit for one year provided he abides by all of the town's zoning requirements and the trailer is empty when he comes and goes. Voting all ayes, carried.

Comprehensive Plan - Schedule a Public Hearing on proposed Local Law #1, 2017 and declare the Town Board as Lead Agency for the purposes of SEQR to amend the Town's Comprehensive Plan to include information on

alternative/green energy projects/uses: Have to amend the Comprehensive Plan to include all energy, proposed Local Law #1, 2017, Supervisor Grant read

the proposed law. Under Section 3 Enactment, Chapter 3 -Development Opportunities and Constraints and Chapter 4 - Goals and Recommended Actions would both be added.

Councilman Mohun feels something should be added to maintain the aesthetics of the land in the Comprehensive Plan.

Resolution #2017-3-4 Local Law #1 of the year 2017 - Amend the Comprehensive Plan to Include Alternative and Green Energy projects/uses - Schedule a Public Hearing and declare the Town Board as Lead Agency for SEQR

Be It Resolved, that the Town Board hereby directs and authorizes the Town Clerk to advertise for a Public Hearing on April 12, 2017 at 7:30 PM at the Bennington Town Hall for the purpose of hearing comment on a Proposed Local Law #2 Year 2017, A Proposed Local Law Amending the Comprehensive Plan of the Town of Bennington to include Alternative and Green Energy Systems and Uses.

Be It Further Resolved, that the Bennington Town Board hereby declares itself to serve as Lead Agency for the purpose of conducting a State Environmental Quality Review on the above application.

Motion made by Mohun, seconded by Frounick to approve Resolution #2017-3-4, voting

Ayes 4 Noes: 0 Absent 1

Solar Law - Schedule Public Hearing on proposed Local Law #2, 2017 and declare Town Board Lead agency for purposes of SEQR; schedule Special Session to discuss tax exemptions, ag exemptions, assessments and PILOT's on Solar Projects.

The Solar Law is based on the State Model Law and the Town of Sardinia, only difference is our Zoning Officer would be enforcing and in the Ag District, If allowed in the A-R District, it's allowed in all District, no exceptions.

Resolution #2017-3-5 Local Law #2, Year 2017 - Amend the Zoning Law to Regulate Solar Energy Systems - Schedule a Public and Declare the Town Board as Lead Agency for SEQR Purposes:

Be It Resolved, that the Town Board hereby directs and authorizes the Town Clerk to advertise for a Public Hearing on April 12, 2017 at 7:30 PM at the Bennington Town Hall for the purpose of hearing comments on a Proposed Local Law #2, Year 2017. A Proposed Local Law Amending the Zoning Law of the Town of Bennington to regulate Solar Energy Systems.

Be It Further Resolved, that the Bennington Town Board hereby declares itself to serve as Lead Agency for the purposes of conducting a State Environmental Quality Review on the above application.

Motion made by Hoy, seconded by Mohun, voting

Ayes: 4 Noes: 4 Absent: 1

2017-3-6 Special Session of the Town Board

WITHDRAWN - NO ACTION TAKEN

Be It Resolved, that the Town Clerk of the Town of Bennington us hereby Authorized and directed to advertise a Special Session of the Town of

Bennington Town Board to be held on April at PM at the Bennington Town Hall for the purpose of discussion on solar energy systems and regulations within the Town of Bennington, and any other business as may be needed.

New Business:

Approve Independent Audit of 2016 financial records of the town.

Supervisor Grant reported that Don Przybyl audited the Town's Financial Records of the Town Supervisor, Town Clerk, Tax Collector, Water Clerk and Town Court. He reviewed his findings with Town Board Members at their Work Session tonight, found no discrepancies.

Resolution #2017-3-8 Approval of 2016 Audit

Whereas, the Bennington Town Board, by law is required to audit the fiscal records of all of the towns financial records yearly, and

Whereas, the Bennington Town Board retained an independent audit to be performed by a retired municipal accountant on the financial records of the Town Supervisor, Town Clerk, Tax Collector, Court Clerk and Water Collectors records for 2016;

Now Therefore, Be It Resolved, that the Bennington Town Board, at a duly held meeting on March 15th 2017, accepted Donald E. Pryzbyl's audit report, which concludes all of the Town's records to be in compliance, as per a motion made by Councilmember Mohun and seconded by Councilman Frounick, Said motion was adopted and the following votes were cast:

Councilman Frounick - Aye

Council Member Mohun - Aye

Councilman Hoy - Aye

Supervisor Grant - Aye

Councilman Gadd - Absent

Noted: that a copy of this resolution needs to be to the State Court System.

Councilman Frounick asked about the employee handbook, any word yet. Nothing. Will have to call.

Supervisor Grant reported that the Cowlesville Fire Company has been having communication problems with the County's new emergency radio communications system. Tony Santoro has been looking into the matter, the tower on Folsomdale is not going to give them any more space, looking into using silos in the area to put a tower on, might be able to put a tower up at the town park. County willing to pay for the tower, just need to find a place that can make contact with the county's tower on Wethersfield Road.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 9:07 PM.

Respectfully submitted,

Judith Brown, Deputy Town Clerk

April 12, 2017

Work Session

6:30 PM

Supervisor Grant along with Council Members Mohun, Hoy, Gadd and Frounick audited the Highway, General Fund and Special District claims. Two vouchers were submitted after the abstract was completed. Council members were asked to approve the bills and they would be added to the pre-pays at the end of April. One bill for the Zoning Officer to attend spring 2017 Regional Local Govt. Workshop on May 19, 2017 and the other was for repair to the furnace at the Town Hall that broke over the weekend. Discussion held on conditions of some dirt roads in the town. A comprehensive plan was completed in 2010 which gave us a guide to the cost of repairing the town roads. At that time \$4 million was needed to address all roads on this list. Discussion was held on the pricing of the Transfer Station permits and the Trash cards for 2017. Brief discussion held regarding the Solar Law for the public session tonight. Atty. David DiMatteo came in at 7pm to go over points regarding the key parts of the proposed fire district changes.

April 12, 2017

Regular Meeting

7:28 PM

Supervisor Grant declared the meeting open and asked Councilman Frounick to lead the pledge to the flag. Present were Council Members Frounick, Gadd, Hoy, Mohun and Town Clerk Busch.

Public Hearings: Supervisor Grant opened the following public hearings.

1. Local Law #1-2017 Amendment of the comprehensive plan of the Town of Bennington to include Alternative & Green energy systems.
2. Local Law #2-2017 Amendment of the zoning law of the Town of Bennington to regulate Solar Energy Systems.

Williamson Law Book Annual Software Support Contracts: 2017 Payroll Software Support in the amount of \$745.00:

Supervisor Grant asked for permission to execute the 2017 software support contracts for the Payroll Software Support. Motion made by Mohun/Hoy authorizing the supervisor to execute the contract, voting all ayes, carried.

Financial Matters:

General Fund claims #73 - 89 totaling \$10,128.76 presented. Motion made by Gadd/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #53-70 totaling \$62,331.22 presented. Motion made by Hoy/Gadd to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #21-26 totaling \$1,980.17. Motion made by Frounick/Hoy to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #4 in the amount of \$181.81 presented. Motion made by Mohun/Hoy to approve the Cowlesville Street Lighting District claim, voting all ayes, carried.

Supervisor's Financial Statements for March:

Supervisor Grant asked if any questions. Motion made by Mohun/Hoy to accept the Financial Reports, voting all ayes, carried.

Minutes of previous meetings - Town Board Minutes from March 8th meeting presented:

Supervisor Grant asked if any corrections or amendments. There being no correction/amendments, a motion was made by Mohun/Gadd to approve the minutes of March 8th, voting all ayes, carried.

Correspondence:

The Town Clerk received Certificate of Analysis from Biotrax and the Erie County Water Authority. The County sent the 2016 Annual Water Quality Report. Received a letter from the Wyoming County Treasurer regarding the accounting of funds deposited in trust for NYS Ag and Markets dating back from 2011 to current. Letter received from NYS regarding the March 2017 Windstorm asking for input regarding outages and customer service received during this time. Certificate of Insurance received from Hojnowski Transport and Eugene Jaworski Contracting.

The Supervisor received a pamphlet from NYS Parks and Recreation on spring programs taking place at Letchworth State Park. Also letters from Representative Collins and Senator Gallivan regarding impacts of the budgets to local towns. A thank you card was received from the Bennington Senior Citizens. Received Town Justice monthly report.

Hear Public Concerns:

About 25 town residents were in attendance this evening to voice their concerns regarding some of the unpaved roads that they live on. Dave Bonning, a resident since 2002, resides on Tooley Rd. and the condition of his road are worse now than when he moved in. Water washes the road out and turns to mud. John Zybczynski from Burrough Rd. commented that the rocks that are laid down are cutting up his tires. Mary Chris Reiner on Burrough Rd. has had multiple flat tires on this road and fears for the safety of ambulances traveling on the road. A resident of Tooley Rd stated that the school busses and UPS refuse to drive down their roads. Jill Herzak, a Burrough Rd. Resident wants to know who is checking the work once a road has been completed. Pam Griffith of Sierk Rd. also commented on the conditions of her road. Councilwoman Mohun commented that the town has \$250,000 left in the Highway budget to do roadwork. When Rick Jensen was Highway Superintendent, The Town looked at applying for Federal grant money that was available but was told it was only for State highways and not any town roads. Pam from the west end of Sierk Rd has also had several flat tires on her road. Superintendent Czworka addressed the size of the stones, and he has been using the same grade right along. Half of the road was paved some time ago and about a mile and a half was left off. This is the part in bad shape. Atty. DiMatteo addressed the crowd and explained that a bond could be proposed to pave the roads. 1-it would take at least three years to complete this project. 2-it would take about 30 years to pay the bond back. 3 - It would have to be approved by the entire town. Councilman Gadd said we could consider a proposal that the Town put up a bond for \$7-\$10 million for road improvements. That bond would be a resolution that the whole town would have to approve. These residents would like to see what the bond resolution would look like and Atty. DiMatteo agreed to research it and get back to the board to present at next month's meeting. The subject of cable services came up as well. All areas of Bennington are not serviced by Spectrum. Atty. DiMatteo was in attendance for the meeting and told residents that at least 15 residences need to be on a road to have service. Question was asked asking if the county gives any help with the town roads as they take around 75% of the taxes collected by the town. Supervisor Grant will talk to Wyoming County Soil and Water Conservation regarding erosion and loss of frontage due to ditches at the residences on Tooley Rd.

Hear Comments on Public Hearings:

Local Law #1-2017 & Local Law#2-2017: Supervisor Grant asked if any comments on the Local Law #1-2017 regarding a proposed Local law amending the comprehensive plan of the Town of Bennington to include Alternative and Green Energy Systems and Uses. Supervisor Grant asked if

there were any comments on Local Law #2-2017 regarding amending the Zoning law of the Town of Bennington to Regulate Solar Energy Systems.

Motion made by Hoy/Gadd to close the Public Hearings, voting all ayes, carried, Public hearing closed at 8:30 PM

Departments:

Assessor: Renewal of an appointment of Brian Waite as an Alternate member to the Review Board.

Resolution#2017-4-1 Reappointment of alternate member to the Board of Review

Be it resolved that the Town Board hereby approves the reappointment of Brian Waite, Church Street, Cowlesville New York 14037 for a one year term, expiring December 31, 2017 to the assessment Board of Review.

Motion made by Hoy Seconded; by Gadd. Ayes 4 Noes: 0 Absent: 0 Abstain: 0

Zoning/Planning - Home Occupation renewals were presented to the board with only a few outstanding letters that had not come in.

**Resolution #2017-4-2 Annual Renewal of Home Occupation Permits-
TABLED**

Be it Resolved, that the Town Board of the Town of Bennington, upon review and no complaints being filed against any of the applicants, hereby approves the one year renewal of Home Occupation Permits as submitted to the Town Clerk and duly noted in the minutes of this meeting.

Motion made to Table by Hoy Seconded; by Gadd. Ayes 4 Noes: 0 Absent: 0 Abstain: 0

Highway Department: Town received a payment of \$10,000 from our Insurance Company for damage that was done to the Salt Storage roof. The Town will receive CHIPS in the amount of \$164,622.34, Extreme Winter Recovery of \$31,845.91 and Pave NY program of \$37,585.82 this year. Previous years Pave NY program has been used for the paving of Bear Rd. Superintendent Czworka gave Board Members some pricing on a new pickup \$36,461 with trade in credit of \$25,000 for the old one. Mr. Czworka reported the present one is a 2015 with 43,000 miles on. Pulling off sanders and plows from the Town trucks this week. Asked for a motion to declare Truck #128 Surplus as of 5/1/17. Motion made by Frounack/Hoy to declare Truck #128 as surplus equipment, voting all ayes, carried.

Parks/Recreation:

Water District: A proposal is being worked out where Highland Glen will be running a water line, at their expense, from Rt. 354 to Highland Glen to tie into their water systems to be used as an emergency backup. Atty. DiMatteo recommends obtaining an easement on the property that they will use to run the line from Rt. 354 to Highland Glens water system. The Water District will also be charging a tap in fee.

Transfer Station: Trash Tracker rep came out and can meet with the rest of the board members on 5/5/17. Company rep submitted a rendering and they

will provide the equipment to include scales and cards. Town is working with Chet Zymowski from the Bennington Fire Department to host a town wide electronic drop off at the Fire Hall tentatively scheduled for June 17, 2017.

Resolution #2017-4-3 Set Annual permit fee for use of Town Transfer Station

Be it resolved, that the annual fee of the use of the Town Transfer Station for the period of May 1, 2017 to April 30, 2018 shall be \$15.00 for the first vehicle at a residence and \$5 for each sticker issued to the same residence thereafter.

Motion made by Frounick Seconded; by Gadd. Ayes 4 Noes: 0 Absent: 0 Abstain: 0

**Old Business:
Comprehensive Plan**

Local Law #1 Year 2017 TOWN OF BENNINGTON - **TABLED**
**A PROPOSED LOCAL LAW AMENDING THE COMPREHENSIVE
PLAN OF THE TOWN OF BENNINGTON TO INCLUDE ALTERNATIVE AND
GREEN ENERGY SYSTEMS AND USES.**

Motion made by Mohun Seconded; by Hoy. Ayes 4 Noes: 0 Absent: 0 Abstain: 0

Local Law #2, Year 2017 TOWN OF BENNINGTON - **TABLED**
**A PROPOSED LOCAL LAW AMENDING THE ZONING LAW OF THE TOWN OF
BENNINGTON TO REGULATE SOLAR ENERGY SYSTEMS**

Motion made by Gadd Seconded; by Mohun. Ayes 4 Noes: 0 Absent: 0 Abstain: 0

Reserve Gas: Representatives came to the March Board meeting asking for a franchise agreement. They only plan on servicing two households and board members would like them to cover more customers. Atty. DiMatteo will put something together asking them to elicit more customers and a public hearing will be scheduled.

Communication Tower: Tony Santoro asked the town to put in a 284 ft. tower in the Town Park on Lapp Rd. for the purpose of providing the Fire Department with a clearer Emergency Signal to communicate with the county's tower on Wethersfield Road. There may be other opportunities with broadband and possibility of moving some signals from the WIVB tower on Folsomdale. The County has the necessary funding for this project. Town will check on permissions from land owners and variances.

New Business:

Varysburg Fire District - Atty. DiMatteo addressed the Board members regarding a proposed change to the Varysburg Fire District. Varysburg has requested a change due to a shrinking pool of volunteers. They need to expand outside their current district and this would cause a re-districting of all of the surrounding towns.

Resolution #2017-4-6 Use of Town Hall by Attica Central Schools

Be it resolved, that Attica Central School is hereby granted permission to use the Bennington Town Hall the evening of Thursday, April 27, 2017 for the purposes of a budget informational meeting with the community.

Motion made by Frounick Seconded; by Hoy. Ayes 4 Noes: 0 Absent: 0
Abstain: 0

The annual agreement was received from the County Highway Department for 2017 showing our budgeted amount for maintenance, repairs and equipment for the Town Highway Department. A motion was made by Mohun/Gadd to approve the agreement to spend funds with the County, voting all ayes, carried. **(materials & equipment for?)**

A notice of Peril was received from Otis Dimick of Schoellkopf Rd. in regards to a cottonwood tree on his property. The Superintendent will get in touch with Mr. Dimick and schedule a time to cut down the tree.

Councilman Frounick requested that the tires at the Transfer Station be hauled away again. Supervisor Grant will contact the tire disposal company.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 9:55 PM.

Respectfully submitted,

Carolyn Busch, Town Clerk

May 10, 2017

Work Session

6:45 PM

Supervisor Grant along with Council Members Mohun, Hoy, Gadd and Frounick audited the Highway, General Fund and Special District claims. Superintendent Czworka reviewed some of the information that he obtained concerning the roads from last month's meeting. Supervisor Grant gave some additional information regarding the Trash Tracker program. Atty. David DiMatteo came in at 7pm to go over points regarding some legal matters that would be discussed at this evenings meeting.

May 10, 2017

Regular Meeting

7:40 PM

Supervisor Grant declared the meeting open and asked Councilman Gadd to lead the pledge to the flag. Present were Council Members Frounick, Gadd, Hoy, Mohun and Town Clerk Busch. There were also 5 residents in attendance along with representatives from Reserve Gas.

Supervisor Grant opened the public hearing on the Reserve Gas Franchise.

Financial Matters:

General Fund claims #90-113 totaling \$10,293.81 presented. Motion made by Gadd/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #71-84 totaling \$54,371.80 presented. Motion made by Mohun/Hoy to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #27-30 totaling \$2,112.68. Motion made by Hoy/Gadd to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #5 in the amount of \$181.81 presented. Motion made by Frounick/Mohun to approve the Cowlesville Street Lighting District claim, voting all ayes, carried.

Supervisor's Financial Statements for April:

Supervisor Grant asked if any questions. Motion made by Mohun/Hoy to accept the Financial Reports, voting all ayes, carried.

Resolution #2017-5-1 Transfer of Funds

From General Fund Acct. #A1990.4	Contingency - Contractual	\$3,803.00
To General Fund Acct. #A14304	Personnel - Contractual	\$700.00 (Software Program increase)
To General Fund Acct. #A1910.4	Unallocated Insurance	\$3,103.00 (Insurance Premiums Increase)

Motion by: Hoy Seconded by: Mohun

Ayes: 4 Noes: 0 Abstain: 0 Absent: 0

Minutes of previous meetings - Town Board Minutes from April 12th meeting presented:

Supervisor Grant asked if any corrections or amendments. Councilman Gadd asked page 2 be amended to say we would consider a bond proposal. Councilman Mohun asked to move a statement referencing the size of stones to another line. A motion was made by Mohun/Frounick to approve the minutes of April 12th, voting all ayes, carried.

Correspondence:

The Town Clerk received Certificate of Analysis from Biotrax. The town received a postcard from the Arts Council regarding Art Beyond the Classroom series. Received a letter from Spectrum regarding background

information from the last quarter of 2016. Supervisor Grant received two letters from NY Ag & Markets that they conducted an inspection of the County Dog Shelter and the report was found to be satisfactory. Certificate of Insurance received from Hojnowski Transport.

Hear Public Concerns: NONE

Hear Comments on Public Hearings:

Will remain open until 7:50pm

Departments:

Assessor: Assessor Wittmeyer reported that she sent out 210 notices of Assessment changes. Grievance Day is May 24th in which residents must have an appointment. The Town received a certification that Brian Waite completed training. He will not be in town for grievance day.

Zoning/Planning - Home Occupation renewals were presented to the board with only a two outstanding applications that had not come in. Town Clerk Busch will send out reminders. Discussion held to remove one application and deny the renewal. Three Special Use Permit renewals were sent out on May 3rd.

Resolution #2017-5-2 Annual Renewal of Home Occupation Permits-

Be it Resolved, that the Town Board of the Town of Bennington, upon review and no complaints being filed against any of the applicants, hereby approves the one year renewal of Home Occupation Permits, excluding Bissell Law Office as submitted to the Town Clerk and duly noted in the minutes of this meeting.

Motion made by Frounick Seconded; by Mohun. Ayes 4 Noes: 0 Absent: 0 Abstain: 0

Highway Department: Superintendent Czworka spoke with a representative of Soil & Water Conservation regarding North Burrough Rd. They will assess the problem and let the town know if there is funding to repair the damage. Regarding Tooley Rd., the representative believes that there is funding to fix the deep ditches on this road. Soil & Water will also look at Eck Hill Road to see if there is a way to divert the ditches to the south side into the ravine. Superintendent Czworka received pricing from County Line Stone to get estimates for paving costs for all roads in the town (26.2miles). There are 65.8 miles total in the town, this number is in single lane miles and did not include dead end roads. To pave the existing 38.7 miles of asphalt roads with 1.5in topping and 26miles of gravel road that includes top surfacing only with no drainage work, the cost would be \$7,942,000.00. To add drains and ditch repair on dirt roads the cost is about \$180,000.00 per mile x 26.2 miles to do all roads.

It would cost nearly \$16 million to covert gravel roads to paved roads if all goes smoothly. These quotes do not include shoulders, which may be an additional \$2 million. Superintendent Czworka prepared a cost by road for the councilmembers and distributed. He recently bought stone (crusher run) for Sierk and Eck Roads. He worked on these roads and some work was done to Geise Road. He will go back to fill potholes.

Attorney DiMatteo worked up costs to all taxpayers if a bond proposal was submitted. Our debt limit right now is only \$2.5 million. He read this aloud to all residents that were present. This is a significant expense to the taxpayers of the town. Based on our assessed rate of 45%, we can only borrow so much funding. Quoted \$2.5million, but maybe we could get up to \$6 million. We would need to have a revaluation. The quoted bond resolution proposal was

based on a 15 year borrow cycle, we cannot get more time. Brian Waite asked if taxes would go back down after the 15 year debt is paid off. Also asked about buying equipment and using our labor to cut costs. Attorney DiMatteo dissuaded as paving companies have more expertise. Supervisor expressed her gratitude to County Line Store for getting a proposal together so quickly for review. We did receive additional CHIPS funding this year, so maybe this may help some.

Discussion was held regarding the purchase of a new pickup for the Highway Department. Superintendent Czworka received a quote for the trade in of his current truck in the amount of \$23,500. A new truck will cost \$36,000. Motion was made to declare the current truck as surplus equipment and to authorize the Superintendent to purchase a new truck. Motion made by Hoy, Frounick, voting 3 ayes Mohun abstained, motion carried. Due to the amount of the purchase, the Superintendent will have to put it out to bid.

Parks/Recreation: Port a Johns have been put up at the park and the Historical property. Advertising went in for swimming sign ups at Byrncliff.

Water District: Discussion was held on the progress of Highland Glen and their tap in to the main line. The County Engineer said that we have enough water for this, but how will it be allocated. Town should look at the bigger picture as there are plans drawn up for a subdivision currently. If that comes to fruition, the supply could be affected.

Transfer Station: Trash Tracker rep came and met with board members Frounick, Mohun and Supervisor Grant on 5/5/17. Company rep submitted a rendering and they will provide the equipment to include scales and cards. Town is working with Chet Zymowski from the Bennington Fire Department to host a town wide electronic drop off at the Fire Hall tentatively scheduled for June 17, 2017.

Motion made to close the Public hearing, Gadd/Frounick voting all ayes, carried.

OLD BUSINESS:

Reserve Gas: Atty. DiMatteo gave a draft franchise agreement to two reps that were in attendance from Reserve Gas. The representatives said that their system is not up and running, but that is their intent. On page 3 of the agreement, the town asked that over a specific time period they add additional customers than just the proposed two homes. They said that again this was their intent, but not sure if they could in the specified time periods laid out. In order to have twenty customers a substation would need to be erected and a new well installed. Atty. DiMatteo asked for a potential service map. Reps said that Dersam and County Line Road are targets at this time, but can provide additional information at the next meeting. Councilmember Mohun asked about costs to customers, the average customer would be about \$6,000 per household. On page 4 of the draft agreement, the town also asked for a 1% gross customer revenues. Reserve Gas does not currently do that for any of the towns that they service. Our attorney has requested copies of other town's franchise agreements, but nothing has been given. Supervisor Grant asked that they take some time to review the agreement and come back to the June meeting.

Resolution #2017-5-3 Adoption of Local Law #1, 2017 - Amending the Town Comprehensive Plan

Whereas, the Town of Bennington , having completed the SEQR review process as Lead Agency and declaring no significant impact, and

Whereas, the County and Town Planning Boards having no opposition to said Local Law;

Now, Therefore, Be It Resolved, that the Town of Bennington hereby approves the adoption of Local Law #1, 2017, Amending the Comprehensive Plan of the Town of Bennington to include alternative and green energy systems and uses, and hereby authorizes and directs the Town Clerk to submit the said Local Law to the Department of State of the State of New York for filing.

Motion made by Mohun Seconded; by Hoy. Ayes 4 Noes: 0 Absent: 0 Abstain: 0

Resolution #2017-5-4 Adoption of Local Law #2, 2017 - Amending the Zoning Law of the Town

Whereas, the Town of Bennington , having completed the SEQR review process as Lead Agency and declaring no significant impact, and

Whereas, having advertised and held a public hearing on the 12th day of April 2017 at the Bennington Town Hall, and receiving no public comment or opposition, and

Whereas, the County and Town Planning Boards having reviewed and offered comment and recommendations for adoption;

Now, Therefore, Be It Resolved, that the Town of Bennington hereby approves the adoption of Local Law #2, 2017, Amending the Zoning Law of the Town of Bennington to Regulate Solar Energy Systems, with the recommended addition by the County Planning Board of “including, but not limited to, height and setback requirements.” To section 13, 3 B; and

Be it further resolved, that the Town Clerk is hereby directed and authorized to submit the said Local Law to the Department of State of the State of New York for filing.

Motion made by Mohun Seconded; by Gadd. Ayes 3 Noes: 1 Absent: 0 Abstain: 0

Motion was made to amend 2017 Fee schedule. Zoning permit will be required for all Solar Projects. Roof Mounted systems will have no fee, but ground mounted systems will be \$50.00. Over 10 acre projects will require a Special Use Permit. A motion was made by Gadd/Hoy to approve, voting all ayes, carried.

Communication Tower: County Emergency is putting together an application to apply for this project to locate the tower at the Town Park on Lapp Rd. They will need a variance due to setbacks are not within regulations. Fee will be waived. County Highway Department will construct a driveway in the park. Possibility that Erie County will locate their transponder on this tower as well. Town would receive a fee for this placement.

New Business:

The Voting Booths will be here at the Town Hall on Tuesday, May 16th for the Attica School Districts Budget Vote from 1pm – 9pm.

The Back wall of the Town Hall needs to be power washed. Councilman Gadd will get price quote for the next meeting.

77 Construction checking to see if we can get money back for bad shingles on the Town Hall Building. Last wind storm did some damage to the roof and small repairs need to be made.

Highway Superintendent asked if the Salt Shed Roof was going to get replaced. Superintendent Czworka will follow up with the company that installed it. Mixing Pad is broke up and needs to be repaired/replaced.

There being no further business, a motion was made by Mohun to adjourn.
Meeting adjourned at 9:51 PM.

Respectfully submitted,

Carolyn Busch, Town Clerk

June 14, 2017

Work Session

7:05 PM

Supervisor Grant along with Council Members Mohun, Hoy, and Frounack audited the Highway, General Fund and Special District claims.

Superintendent Czworka asked Supervisor Grant if she had heard anything in regard to the repair of the salt shed roof. Town Attorney DiMatteo notified the board members of a joint upcoming Public Hearing scheduled to discuss the Varysburg Fire District. A brief discussion was held regarding conflict of interest.

June 14, 2017

Regular Meeting

7:39 PM

Supervisor Grant declared the meeting open and asked Councilman Mohun to lead the pledge to the flag. Present were Council Members Frounack, Hoy, Mohun and Town Clerk Busch. Councilmember Gadd was absent. There were also a couple of residents in attendance.

Financial Matters:

General Fund claims #114-136 totaling \$14,219.31 presented. Motion made by Frounack/Mohun to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #85-97 totaling \$29,723.81 presented. Motion made by Hoy/Frounack to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #31-37 totaling \$2,264.69. Motion made by Mohun/Hoy to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #6 in the amount of \$180.77 presented. Motion made by Hoy/Frounack to approve the Cowlesville Street Lighting District claim, voting all ayes, carried.

Supervisor's Financial Statements for May:

Supervisor Grant asked if any questions. Motion made by Mohun/Hoy to accept the Financial Reports, voting all ayes, carried.

Minutes of previous meetings - Town Board Minutes from May 10th meeting presented:

Supervisor Grant asked if any corrections or amendments. A motion was made by Mohun/Frounack to approve the minutes of May 10th, voting all ayes, carried.

Correspondence:

The Town Clerk received Certificate of Analysis from Biotrax. The Town Clerk received a Certificate of Insurance from Eugene Jaworski Contracting. The Town received a letter regarding sponsorship in the Tour De Perry to benefit The Arc of Livingston-Wyoming. The Town Clerk received information on Canine License Registry, Clerk Busch will look into this program further. Supervisor Grant received a Certificate of Insurance from Eastman Tree Service and an annual report from GLOW Solid Waste. Supervisor Grant received a letter from the Department of Tax and Finance regarding the town's equalization rate of 45%. Selective Insurance sent a letter to the town regarding a property damage claim that was filed from two residents. The town received information from Attorney DiMatteo regarding Conflict of Interest concerns that had come up.

Hear Public Concerns: Town resident Mark Wildey has a concern regarding a neighbors shooting guns on an adjoining property. He has contacted the Sheriff's department multiple times and they have come out to speak with the resident, but no law is being broken. He has approached the town to see if there is anything that can be done. Attorney DiMatteo addressed the

resident saying that there is verbiage on shooting ranges in a residential neighborhood for properties with at least 100 acres. The Attorney said we will look at the laws on file now in the town and respond to him. Gladys Robbins was also in attendance to speak about her land separation. She will have to come to the planning meeting the following week to get her concern addressed.

Departments:

Assessor: Assessor Wittmeyer reported that she heard four hearings on Grievance Day. Waiting for outcomes. STAR program is keeping the same program for one more year yet. Assessor Wittmeyer will be attending a class.

Zoning/Planning: The town received a resignation letter from Donna Hummel as Secretary of the Town of Bennington Zoning Board of Appeals effective June 7, 2017. Supervisor Grant asked for a motion to have the Town Clerk advertise the opening. Motion was made by Mohun/Frounick, voting all Ayes, carried. Supervisor Grant asked that Town Clerk Busch send Donna a letter thanking her for her service to the Town.

The Town received a Home Occupation renewal from Mark Wildey for a beauty parlor on Sinn Rd. Supervisor Grant asked for a motion to approve the renewal. Motion made by Frounick/Hoy, voting all ayes, carried.

The Town received Special Use Permit renewals from Kimo Brandon and Brian Sulzbach. As no complaints have come into the town for these businesses, Supervisor Grant asked that a motion be made to approve these for three years. Motion made by Frounick/Hoy, voting all ayes, carried.

Zoning officer Marble received a response from the County Building Codes Department regarding the Boshart property. The additions are non-conforming and they are not inspecting. Katie will send a letter to the owners.

Highway Department: Superintendent Czworka noted that a new pickup has been ordered from Joe Basil, it will come at the end of September. Superintendent Czworka spoke to Lenny about quotes for the Salt shed walls and he came back with a quote of \$1500 per section. Maxon Road is currently getting paved. Countyline Stone is doing the work and this should be a two or three day project. Ken called Auction International regarding putting up the old #128 on their website. The Teamsters local president sent in paperwork to advise the town that the current contract expires this fall and they will be negotiating new terms.

Parks/Recreation: The annual agreement came in between the Town of Bennington and Byrncliff Resort to hold the Town Swim lessons at their property for this summer. The Rate will be \$1470 and the town will provide the lifeguards.

Resolution #2017-6-1 Contract with Byrncliff Resort for Youth Recreation Program

Be It Resolved, that the Town Supervisor is hereby authorized and director to execute a contract with Byrncliff Conference Center and Resort in the amount of \$1,470 for the use of their swimming pool, miniature golf and related facilities for the period July 11, 2017 through August 17, 2017 for the Town of Bennington Youth Recreation Swimming and Craft Program.

Motion made by Hoy Seconded; by Mohun. Ayes 3 Noes: 0 Absent: 1 Abstain: 0

Water District: Information was received from Highland Glens regarding their participation in Out of District connection to the Cowlesville Water District. Supervisor Grant to meet with the county to discuss next steps.

Transfer Station: E-Waste day to be held on Saturday, June 17th. There will be four people working there to assist in collections. Currently there are 20 people that have registered to make drop-offs. Sunnking will collect the waste the week after collection.

OLD BUSINESS:

Reserve Gas: Some correspondence has been received by reps from Reserve Gas. Resolution was drawn up. Attorney DiMatteo will get a copy from Alden for a copy of their resolution. Supervisor Grant will speak with residents about their interest in getting hooked up.

Communication Tower: Zoning Board of Appeals held a public hearing to discuss the construction of a Communication Tower at the Town Park. A Cowlesville Fireman volunteered to approach the Keichers and ask permission to locate the tower on their property. The Keichers agreed and are not looking for payment. They would want to install the tower at least 400ft from the property line.

Resolution #2017-6-2 Declare the Town of Bennington Lead Agency for SEQR Purposes for construction of a Communications Tower and Waive Fees

Whereas, the Town of Bennington , and the County of Wyoming are pursuing New York State approval for the use of state funding for the siting, construction, and operations of an emergency services communications tower to be located on property owned by Keicher on the north side of Clinton Street, Route 354, Town of Bennington; and

Whereas, the approval process may require approval of zoning and land use requirements, including but not limited to application to the Town of Bennington Zoning Office, Zoning Board of Appeals, and Planning Board, and the Wyoming County Planning Board and Building and Fire Codes; and

Whereas, increased communications will benefit first responders and emergency personnel, as well as the residents of the Town of Bennington and neighboring areas; therefore

Be It Resolved, that the Town Board of the Town of Bennington hereby declares that it will serve as Lead Agency for the purpose of completion of the State Environmental Review; and be it

Further Resolved, that the Town of Bennington hereby waives any application fee which may be due from a municipality during the review and approval process related to the construction of the said tower.

Motion made by Hoy Seconded; by Mohun. Ayes 3 Noes: 0 Absent: 1 Abstain: 0

Varysburg Fire District consolidation: A Public Hearing has been set on July 10, 2017, 7:00 PM at the Varysburg Fire Station 2446 Rt. 20A Varysburg, NY 14167, to consider Fire District Extension of a fire district in the area now comprising the Varysburg Fire Protection District within the Town of Bennington. Attorney DiMatteo asked Supervisor Grant to sign the SEQR and Supervisor Grant asked that Town Clerk Busch advertise the meeting information in the Batavia Daily, the Town's official newspaper.

Resolution #2017-6-3 Resolution to Hold Public Hearing to Consider Fire District Extension

Whereas, Town Law §170(2) authorizes the town boards of one of more towns acting jointly by a majority vote of the members of each of such boards may extend a fire district in such towns outside of any incorporated

village or city or existing fire, fire alarm or fire protection district therein, after a public hearing thereon provided all of the territory in such fire district shall be contiguous, and

Whereas, there has been duly established in the Towns of Orangeville, Sheldon and Bennington, a Fire Protection District known as the Varysburg Fire Protection District, embracing certain territory within said Towns of Orangeville, Sheldon and Bennington and such territory is more fully described in a resolution adopted on the 18th day of June, 1961, and

Whereas, it appears to the Town Board of the Town of Bennington that the consideration of the extension of a fire district in the area now comprising the Varysburg Fire Protection District within the Town of Bennington may be in the public interest, and a public hearing on the extension of a fire district should be held for such purposes, pursuant to Town Law §171;

Now Therefore, it is hereby Resolved, that the Town Board of the Town of Bennington shall convene and conduct a joint public hearing with the Town Board of the Town of Sheldon and the Town Board of the Town of Orangeville on July 10, 2017 at 7:00pm at Varysburg Fire Station, 2446 Route 20A, Varysburg, New York 14167 for the purpose of considering the extension of a fire district and that notice thereof be given by the Town Clerk as required by law.

Motion made by Hoy Seconded; by Mohun. Ayes 3 Noes: 0 Absent: 1 Abstain: 0

New Business:

Building Work: Councilman Frounick asked the Board if the floors of the town hall were going to receive their annual stripping in waxing. The Town Clerk will make arrangements for the timing and Councilman Frounick will contact our contractor.

Supervisor Grant received an estimate for work on the Bennington Town Hall roof. The town has applied for a grant for the Highway Building Roof to offset the costs, but it has not been finalized yet. We also have some insurance money, but will wait until we know if the grant was approved. The estimates were for shingles or a steel roof. We would still need to get additional bids, but this gives us a starting point. The Town Museum needs repairs along with some shrubs and trees removed. After the trees are removed, repairs may be needed to the foundation/basement. The outside exterior needs to be scraped down and re-painted along with some work to the benches.

Excavation of Town Roads

Town Website: Email was received from Kyle Dluhy stating that he no longer wants to manage the Town's website. Zoning officer Marble volunteered to take over the management of the Town's website.

There being no further business, a motion was made by Mohun to adjourn.
Meeting adjourned at 8:52 PM.

Respectfully submitted,

Carolyn Busch, Town Clerk

**PUBLIC HEARING - EXTENSION OF VARYSBURG FIRE DISTRICT
JOINT MEETING OF THE TOWN BOARDS OF SHELDON, ORANGEVILLE,
BENNINGTON**

July 10, 2017 at the Varysburg Fire Hall

The Public Hearing to consider the extension of the Varysburg Fire District was called to order at 7:10 p.m. Supervisor May opened the hearing on behalf of the Town of Orangeville; Supervisor Grant opened the hearing on behalf of the Town of Bennington; Supervisor Becker opened the hearing on behalf of the Town of Sheldon.

Present Town of Orangeville: Supervisor Susan May, Councilman Hans Boxler, Jr., Councilman James Herman, Councilman Andy Flint, Councilman Joe Ahl, Town Clerk Rosann Lowder

Present Town of Bennington: Supervisor Ellen Grant, Councilman James Hoy, Councilman Bernard Fontrick
Absent: Councilwoman Joyce Mohun, Councilman Michael Gadd, Town Clerk Carolyn Busch

Present Town of Sheldon: Supervisor Brian Becker, Councilman Jim Fontaine, Councilman Vince Kirsch, Town Clerk Carol Zittel
Absent: Councilman Mike Armbrust, Councilman Joe Meyer

Attorney representing the Varysburg Fire District: Mark Butler

Attorney representing the Towns of Bennington, Orangeville and Sheldon: David DiMatteo

A signed list of those present is on file in the offices of the Town Clerks of Orangeville, Bennington and Sheldon.

Introductions

Attorney Mark Butler introduced himself and explained the purpose of tonight's public hearing, which is to extend the Varysburg Fire District so that the boundaries are the same as the fire protection district. The Varysburg Fire District is governed by a Board of Commissioners. To sit on the Board of Commissioners, one has to be a resident of the Varysburg Water District which is composed of only approximately 100 residences. This makes it difficult to recruit people interested in sitting on the Board of Commissioners. The hope is that by extending the district, there could be potentially more interest in people willing to sit on the Board.

Len Knaggs, Treasurer for the Fire District, introduced himself and stated that the hope was that by opening it up to more people there would be more participation. Mr. Knaggs explained that presently, the Varysburg Fire District covers the same boundaries as the Varysburg Water District, which has approximately 100 customers. By extending the Fire District to also cover the Fire Protection District the Fire District would gain another approximately 900 parcels in their area.

Bill Geitner, Fire Commissioner for the last 10 years, introduced himself and expressed his opinion that the fire commissioner job has gotten very tough and that maybe by opening the district up we would get more people involved.

Attorney Butler informed those in attendance that fire commissioners do not get paid for their services. Mr. Butler also explained that Town Board members, Town Justices and Fire Chiefs cannot be fire commissioners.

Question Re: Levying of Taxes

Jim Kelly asked for clarification on who would levy the fire taxes and if the Town Boards would no longer have contracts. Attorney Butler answered that the Fire District would levy the taxes and that the Town Boards would no longer contract with the fire district.

Question Regarding Dissolution of Board of Commissioners

Resident and former fireman, Adam Vetter, addressed those present asking if we know of anyone interested in these commissioner positions in the extended area. Mr. Vetter expressed his opinion that he would personally like to see the Board of Commissioners dissolved and the Town Boards take over. Mr. Vetter also expressed his disappointment that only one fire commissioner was present tonight.

Mason Meyer, North Java fireman, asked what would happen if dissolution is on the table then the assets have to be sold at fair market value. Mr. Butler agreed, adding that these funds would come from the Towns so in essence, the taxpayers would be paying twice. Mr. Geitner asked why the idea of dissolution is still being discussed adding that this is not the purpose of the meeting. Mr. Butler made one more point, that the Town Boards cannot dissolve the Board of Commissioners.

Question Regarding Consolidation of Fire Departments

Paul McGoldrick, resident of the Town of Sheldon, asked if there has been any discussion of fire departments merging. Mr. McGoldrick said we need to look towards the future and that fire departments need to talk to each other and merge. He added that he hopes that Wyoming County Emergency Services can sit down and negotiate deals (for equipment, etc.) for all fire departments in the County. There was a short discussion of the issue. Attorney DiMatteo added that any talk of merging has to come from within the fire companies or in the future it may come straight from Albany. Attorney Butler said his office has been trending at 70% dissolution and 40% of our business doing merging/consolidation work.

Mutual Aid

Jim Kelly reported that the Varysburg Fire Department and North Java have been working on cooperative efforts with mutual aid agreements. Mr. Kelly said that many companies share talents and equipment. At the scene of a fatal car accident in Varysburg over the weekend, there were five companies that responded.

Next Step After Extension?

Andy Flint, Councilman from Orangeville, asked what happens after the extension is granted? Attorney DiMatteo responded that if the Boards decided to extend the Fire District then the next step would then be to dissolve the Fire Protection District.

What are the Benefits of Extending the District?

Attorney Butler responded that the Fire District is an existing organization, that it provides continuity by having all the taxpayers paying the same rate, and it gets the Towns out of the fire business.

Wind Turbines

Attorney DiMatteo asked Attorney Butler how the assessment of the wind towers and the PILOT agreements would be impacted. Attorney Butler responded that the PILOT would not be affected. Supervisor Becker expressed his concern over what happens when the PILOT agreement expires.

Supervisor May asked Jim Kelly to assist in determining how many turbines from the Town of Orangeville are in the Varysburg Fire District. The answer was 28.

Resolution of Negative Declaration under SEQRA in Connection with Extending the Varysburg Fire District

WHEREAS, the Town Boards of the Towns of Bennington, Orangeville and Sheldon having duly jointly considered the short form EAF presented to it in connection with dissolving the Bennington, Orangeville and Sheldon Fire Protection District pursuant to General Municipal Law Article 17A and extending the Varysburg Fire District pursuant to Town Law Article 11,

NOW, THEREFORE IT IS

RESOLVED, that extending the Varysburg Fire District pursuant to Town Law Article 11 could not create any adverse effects as described in Part 2 section C of the EAF because the proposal entails no new construction or activity and is simply a change in the method of delivering fire protection and emergency services which is already being provided, and it is further

RESOLVED, that the Town issues a negative declaration in connection with the SEQRA review of this project, and it is further

RESOLVED, that the Towns’ Supervisors are authorized by each of the Towns’ Boards and directed to endorse the said negative declaration on Part 3 of the short-EAF attached hereto.

For the Bennington Town Board, Board Member Hoy moved, and Board Member Frounick seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor Grant	<u>Aye</u>
Board Member Frounick	<u>Aye</u>
Board Member Hoy, Jr.	<u>Aye</u>
Board Member Mohun	<u>Absent</u>
Board Member Gadd	<u>Absent</u>

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Bennington.

Carolyn Busch, Town Clerk
Town of Bennington

For the Orangeville Town Board, Board Member Flint moved, and Board Member Ahl seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor May	<u>Aye</u>
Board Member Boxler Jr.	<u>Aye</u>
Board Member Herman	<u>Aye</u>
Board Member Flint	<u>Aye</u>
Board Member Ahl	<u>Aye</u>

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Orangeville.

Rosann Lowder, Town Clerk
Town of Orangeville

For the Sheldon Town Board, Board Member Fontaine moved, and Board Member Kirsch seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor Becker	<u>Aye</u>
Board Member Fontaine	<u>Aye</u>
Board Member Kirsch	<u>Aye</u>
Board Member Meyer	<u>Absent</u>

Board Member Armbrust

Absent

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Orangeville.

Carol Zittel, Town Clerk
Town of Sheldon

Closing of the Public Hearing

At 8:10 p.m. the following motions were made to close the public hearing.

Town of Orangeville: A motion was made by Sue May and seconded by Andy Flint to close the public hearing and adjourn. Ayes: (5) May, Flint, Boxler, Ahl, Herman No: (0)

Town of Bennington: A motion was made by Bernard Frounick and seconded by Ellen Grant to close the public hearing and adjourn. Ayes: (5) Grant, Frounick, Hoy No: (0)
Absent: (2) Mohun, Gadd

Town of Sheldon: A motion was made by Brian Becker and seconded by Vince Kirsch to close the public hearing and adjourn. Ayes: (5) Becker, Kirsch, Fontaine No: (0)
Absent: (2) Meyer, Armbrust

Motions carried.

Respectfully submitted,
Carol Zittel, Sheldon Town Clerk

July 12, 2017

Work Session

6:35 PM

Supervisor Grant along with Council Members Mohun, Gadd, and Frounick audited the Highway, General Fund and Special District claims. Supervisor Grant notified the Board that Councilman Hoy would not be in attendance for tonight's meeting. Discussion held regarding a neighbor dispute on Bailey Rd. Attorney DiMatteo came in to discuss legal matters with the board concerning a shooting range on private property along with the Joint resolutions of extending the Varysburg Fire District. Another meeting in the fall will take place for dissolution. Brief discussion held on fire contracts for the upcoming year. Attorney DiMatteo asked the Town Clerk to send over the current contracts to his secretary for review. Supervisor Grant would like them all to get one the same schedule and renew at the same times. A discussion was held regarding water hookup to Highland Glens. The original plans excluded the Glens from the Water District. A meter will need to be installed out at the road on Clinton Street. A resolution on Reserve Gas will be proposed tonight. The town will charge a one-time application fee of \$150. Discussion held on the communications tower placement. Superintendent Czworka is looking over a proposal from the attorney regarding installation of residential and commercial driveway culverts within the town. The town received the County Snow and Ice agreements for next season. The town will be paving Maxon Rd. next week. Trees on Schoellkopf and Folsomdale Roads need to come down. The road crews were able to get $\frac{3}{4}$ of the town's shoulders mowed. Superintendent Czworka notified the board that he will be off for a couple of months and that Paul Schroeder will be standing in as Deputy Town Superintendent.

July 12, 2017

Regular Meeting

7:30 PM

Supervisor Grant declared the meeting open and asked Councilman Frounick to lead the pledge to the flag. Present were Council Members Frounick, Gadd, Mohun and Town Clerk Busch. Councilmember Hoy was absent. There were also a couple of residents in attendance.

Financial Matters:

General Fund claims #137-163 totaling \$11,813.17 presented. Motion made by Mohun/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #98-114 totaling \$43,051.28 presented. Motion made by Frounick/Mohun to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #38-44 totaling \$2,116.24. Motion made by Gadd/Frounick to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #7 in the amount of \$181.81 presented. Motion made by Mohun/Gadd to approve the Cowlesville Street Lighting District claim, voting all ayes, carried.

Supervisor's Financial Statements for June:

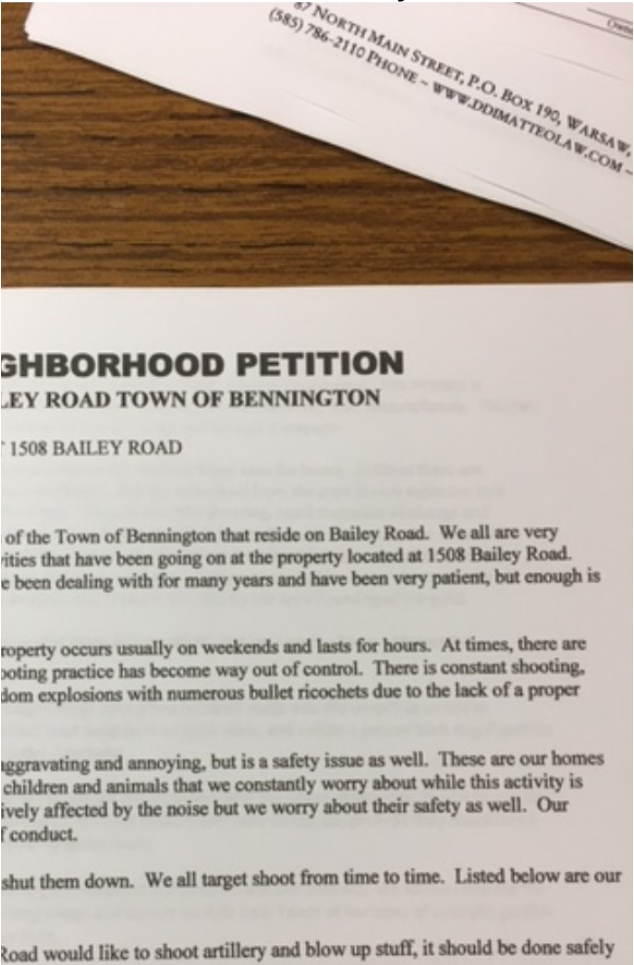
Supervisor Grant asked if any questions. Motion made by Mohun/Gadd to accept the Financial Reports, voting all ayes, carried.

Minutes of previous meetings - Town Board Minutes from June 14th meeting presented: Supervisor Grant asked if any corrections or amendments. A motion was made, but Councilman Frounick did not have an opportunity to review them prior to the work session. Tabled till next meeting.

Correspondence:

The Town Clerk received Certificate of Analysis from Biotrax. The Town Clerk received a letter from the Cowlesville Fire Company regarding the expiration of their Fire Contract at the end of this year. They are not asking for an increase to their yearly rate, but ask for 50,000 gallons of water for training purposes each of the three years at no cost. Received a schedule of summer events at Letchworth State Park. Program details are posted on the official Town bulletin board. The Town Clerk received email communication that Governor Cuomo signed legislation ending Child Marriage in New York State. Supervisor Grant and Town Clerk Busch received letters from Williamson Law Book notifying us that service contracts for 2018 will be going up 2%. Supervisor Grant received a notice of a Show and Tell event at the Bennington Historical Society on July 25th at the Historical Building. The Supervisor also received a Certificate of Insurance from KCM Custom Built Garages. A letter was received from Wyoming Country Real Property Tax Services regarding Tax Bills Final Roll Preliminary Taxable Values for 2018. The town will have an equalization rate of 45%. A letter was received regarding NYS Retirement for personnel. Town Board members also received copies of the Town Clerk’s reports from March, April and May 2017. A Medicare 101 informational meeting will be held at the Wyoming County Office of the Aging on Tuesday, July 18th in Warsaw.

Hear Public Concerns: Town resident Mark Wildey from Bailey Rd spoke about the follow-up to his public concern from last month’s meeting. Mr. Wildey presented petitions that he received from 6 residents, totaling 11 signatures. Attorney DiMatteo spoke regarding where we are procedurally. This resident has been encouraged to apply for a special use permit. The issue will more than likely not be resolved this year.



Teri Wildey	1506 Bailey Rd
Hunter Wildey	1506 Bailey Rd
Mark Wildey	1506 Bailey Rd
Connie Marinaccio	1589 Bailey Rd
Christina Hallick	1543 Bailey Rd
Rodney DeGroot	1521 Bailey Rd

Stephanie Laskowski	1521 Bailey Rd
Jonathan Kroll	1573 Bailey Rd
Carin Jordan	1573 Bailey Rd
Ron Christopher	1564 Bailey Rd

Eagle Scout Candidate Timothy Herter presented a proposition for his Eagle Scout Project. Tim would like to revitalize the Bennington Historical society building in the town of Cowlesville. The project would include scraping and repainting the main building, power washing the back side where the vinyl siding is and repainting and lettering the sign out front. The Town Board approved the project at a cost not to exceed \$1,000. Supervisor Grant asked for a motion, Motion was made by Mohun, seconded by Frounick. Voting all ayes, motion was carried. Councilman Gadd thanked Tim for thinking of the town for his project.

Departments:

Assessor: Assessor Wittmeyer was not in attendance for tonight’s meeting.

Zoning/Planning:

Highway Department: Superintendent Czworka noted that the 2018-2019 County Snow and Ice Contract has been received.

Resolution #2017-7-1 Approval of the 2018-19 agreement with Wyoming County for Snow and Ice Control on County Roads

Be It Resolved, that the Town Board hereby approves the 2018-19 Agreement with the County of Wyoming for Snow and Ice Control on County roads located within the Town of Bennington at a rate of \$6,892.00 per centerline mile for a total of 14.44 miles of roadway, with provision for a rate increase of \$100 per mile in the event the state snow index factor goes above 1.4

And Be It Further Resolved, that the Supervisors is hereby authorized to sign and execute such agreement on behalf of the Town.

Motion by Frounick Seconded
by Gadd
Ayes: 3 Noes: 0 Abstain: 0
Absent: 1

Parks/Recreation: Supervisor Grant stated that there are 68 kids signed up for the Town of Bennington Swim Program. Tomorrow night Terry Buchwald will perform at Pine Tree Park.

Water District: Highland Glen out of district purchasing is being negotiated. Chatfield Engineers, Attorney DiMatteo and Supervisor Grant met last week to go over the proposed use. Supervisor Grant would like to hold a public hearing to discuss rates and will add upcharge for out of district costs. Councilman Gadd questioned what happens if the town goes over our allotted amount of water. Currently 13,000 gallons a day is allotted to the Town of Bennington. Rate does not jump if we go over that amount, but our rate does go up in the summer.

Resolution #2017-7-2 Set Public Hearing to Amend Rates for the Cowlesville Water District

WHEREAS, The Town of Bennington has established rates for use of water within the Cowlesville Water District as well as for other costs associated with operation of the District, and such rates have been duly amended, from time to time, by this Board to reflect increases in the cost of doing business; now therefore,

Be It Resolved, That the Clerk of this Board is hereby authorized and directed to advertise for a public hearing to be held on the 9th day of August 2017 at 7:30 p.m. for consideration of rate and fee modifications to the existing Cowlesville Water District Fee Schedule.

Motion by Mohun; Seconded by Frounick

Ayes; 3 Noes: 0 Abstain: 0

Absent: 1

4

Transfer Station: A statement was received from SUNNKING that they picked up 18 pallets totaling 11,206lbs of Electronic Waste from the collection day that the town held. We have not received a bill yet. A thank you notice was published in the Attica Penny Saver to the Bennington Fire Department for assisting in the Town's E-Waste Day. Information was received from New York State for a grant that would cover half of the cost.

OLD BUSINESS:

Reserve Gas: The Town of Darien gave us information on their Franchise agreement that they have with Reserve Gas. Reserve Gas pays an annual fee to the Town of Darien. The Town of Bennington held a public hearing and found no one came to speak against it.

Resolution #2017-7-3 Resolution Authorizing a Non-Exclusive Franchise Agreement with Reserve Gas Co., Alden NY

WHEREAS, Reserve Gas Company, Inc, is currently servicing certain homes and establishments in proximity to the Town of Bennington with natural gas; and

WHEREAS, Reserve Gas Company, Inc. has duly applied in writing to the Town Board of the Town of Bennington, Wyoming County, New York that a consent be granted to it, its successors and assigns, to lay pipelines for the transmission of gas in, along, under and across the streets, highways, and public places in the Town of Bennington, New York and to transport gas in such lines; and

WHEREAS, a public hearing within the Town of Bennington has been duly held for the purpose of considering said application upon due notice pursuant to law; and

WHEREAS, the granting of said application is deemed by this Town Board duly convened to be in the furtherance of the public instance;

NOW, THEREFORE, BE IT RESOLVED, that non-exclusive permission, authority and consent be, and hereby is, granted to Reserve Gas Company, Inc., its successors and assigns to lay pipelines for transmission of gas in, along, under and across the streets, highways and public places of the Town of Bennington and to transport gas in such lines. Such Reserve Gas Company Inc., its successors and assigns shall at all times indemnify and keep harmless the Town of Bennington, its officers and agents from any and all loss, liability and damages and will pay to said Town of Bennington all damages which it shall sustain in any manner arising from the construction,

maintenance, use or operation of said gas lines, or from any negligence, fault or misconduct on the part of Reserve Gas Company, Inc., its successors or assigns or its agent, servants, or employees, and from any failure on its part to observe and comply with the conditions of this consent. The Reserve Gas Company, Inc., shall list the Town of Bennington as an additional insured on a policy of insurance of no less than \$10,000,000.00.

The applicant shall pay an application fee of \$150.00 to the Town within sixty (60) days of this resolution.

Travel upon the streets or highways shall not be hindered or inconvenienced needlessly and the street or highway shall be restored to as good condition in all respects as it was before being disturbed, and all dirt, refuse and unused material promptly removed.

This is a non-exclusive authorization for any area with the Town of Bennington.

Reserve Gas Company Inc. shall comply with the Town of Bennington Highway Superintendent and apply for and receive Highway Use Permits prior to construction within right of way.

Future expansion of the applied for service delivery area within the Town of Bennington shall require a minimum of ninety (90) days written notice to the Town Clerk and completion of the State Environmental Quality Review. The Town reserves the right to name itself or its designee as Lead Agency for said SEQR purpose. Notice shall also be given to the Town Highway Superintendent of such planned expansion and impacts on Town, County and/or State highways therein.

This Resolution shall not be effective unless said Reserve Gas Company Inc. shall, within ten (10) days after the passage of this resolution, accept the same and the terms and conditions thereof, and agree to the faithful performance of said conditions, which said acceptance shall be in writing and shall be filed with the Town Clerk of the Town of Bennington within the time above mentioned.

Motion to adopt Frounick seconded by Gadd

Ayes: 3 Noes: 0 Abstain: 0

Absent: 1

Communication Tower: The details of this project are still being worked on and a suitable location is still being determined.

Varysburg Fire District Consolidation: Town Clerk Busch read aloud the joint resolution and order extending the Varysburg Fire District.

Resolution #2017-4 Resolution On Varysburg Fire District Extension

WHEREAS, Town Law §170(2) authorizes the town boards of one or more towns acting jointly by a majority vote of the members of each of such boards may extend a fire district in such towns outside of any incorporated village or city or existing fire, fire alarm or fire protection district therein, after a public hearing thereon provided all of the territory in such fire district shall be contiguous, and

WHEREAS, there has been duly established in the Towns of Orangeville, Sheldon and Bennington, a Fire Protection District known as the Varysburg Fire Protection District, embracing certain territory within said Towns of Orangeville, Sheldon and Bennington and such territory is more fully described in a resolution adopted on the 18th day of June, 1961, and

WHEREAS, it appears to the Town Board of the Town of Bennington that the consideration of the extension of a fire district in the area now comprising the Varysburg Fire Protection District within the Town of Bennington may be in the public interest, and a public hearing on the extension of a fire district should be held for such purposes, pursuant to Town Law §171;

NOW THEREFORE, it is hereby Resolved, that the Town Board of the Town of Bennington shall convene and conduct a joint public hearing with the Town Board of the Town of Sheldon and the Town Board of the Town of Orangeville on July 10, 2017 at 7:00 p.m. at Varysburg Fire Station, 2446 Route 20A, Varysburg, New York 14167 for the purpose of considering the extension of a fire district and that notice thereof be given by the Town Clerk as required by law.

Motion by Frounick ; Seconded: Mohun
 Ayes: 3 Noes: 0 Abstain: 0
 Absent: 1

New Business:

Resolution in Support of Senate and Assembly Bills Prohibiting the Co-location of children and adult mental health inpatient services. Assemblyman Kern's office phoned and asked for support to try to persuade the Governor to keep the Children's Psych Center open and not move them to the Mental Health adult facility.

**Resolution #2017-7-5 RESOLUTION OF SUPPORT - A6505 / S4630 -
Relates to prohibiting the collocation of certain children's facilities
with adult facilities in Erie County.**

WHEREAS: The Western New York Children's Psychiatric Center opened in West Seneca in 1970. The center takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties. . The 19 different counties in New York State include: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates; and

WHEREAS: Despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the readmission rates are low; and

WHEREAS: Governor Cuomo in his 2017 Budget proposed that the West Seneca Children's Psychiatric Center be moved to the Buffalo Psychiatric Center, an adult facility and campus. Moving these children into an adult setting would not be therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

WHEREAS: The medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings have been documented in many medical journals and academic papers. The

Governor's proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

WHEREAS: The New York State Assembly and Senate unanimously passed A6505 / S4630 which prohibit the collocation of certain children's facilities with adult facilities in Erie County; and

WHEREAS: Governor Cuomo needs to sign this bill and save WNY Children's Psychiatric Center in West Seneca.

NOW THEREFORE BE IT RESOLVED: The (town, village, city or county) legislative body supports the passage of the above bills in the New York State Legislature and also strongly encourages Governor Cuomo to immediately sign this necessary legislation into law.

Motion by Mohun ; Seconded: Frounick
Ayes: 3 Noes: 0 Abstain: 0
Absent: 1

Attica Central School – Use of building request on January 25, 2018 for a Board Meeting.

RESOLUTION #2017-7-5 Authorize Use of Town Hall for Board of Education Meeting

Be It Resolved, that the Town Board hereby authorizes the use of the Town Hall the evening of January 25, 2018 by Attica Central School for the purpose of a Board of Education Meeting.

Motion: Gadd Second: Frounck
 Ayes: 3 Noes: 0 Abstain: 0
 Absent: 1

September Board Meeting: The September Town Board Meeting may need to move to a Tuesday evening due to a Supervisor's Conference Event taking place that Supervisor Grant needs to attend.

Supervisor Grant advised the Board members that the County Supervisors Meeting was held yesterday. Two public hearings were held. The first one was in regards to a 911 surcharge on pre-paid phone cards. The second public hearing was allowing concealed carry in Government buildings in Wyoming County. Advocates spoke for and against this proposed resolution. The County Board of Supervisors tabled the decision and will accept written comments from the public. New York State law supersedes this proposed action with regard to the County Hospital and some other buildings.

Superintendent Czworka asked if the Town has heard anything back from insurance regarding the Salt Storage building or the roof. Supervisor Grant has not heard anything back yet.

There being no further business, a motion was made by Mohun to adjourn.
Meeting adjourned at 9:01 PM.

Respectfully submitted,

Carolyn Busch, Town Clerk

Town of Bennington
Special Session – July 24, 2017

Present: Supervisor Grant, Councilmen Frounick, Councilman Mohun and Town Clerk Busch.

Absent: Councilman Hoy and Gadd

Meeting called to order at 7:33 p.m. by Supervisor Grant.

Supervisor Grant asked Councilman Mohun to lead the Pledge to the Flag.

Supervisor Grant Explained the Resolution before the board to the Firemen that were in attendance and had seen the notice posted regarding the Dissolution Plan. Town Clerk Busch read aloud the Resolution in it's entirety.

**Resolution #2017-7-7 Resolutions for consideration of the
Dissolution of the Varysburg Fire Protection District**

Resolutions for Consideration of the Dissolution of the

Varysburg Fire Protection District

WHEREAS, pursuant to General Municipal Law §773 the Town Board of the Town of Bennington ("Town Board"), as the governing body of the Varysburg Fire Protection District, a local government entity pursuant to General Municipal Law §750, may, by resolution, endorse a proposed dissolution plan for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law; and

WHEREAS, the Town Board is considering the dissolution of the existing Varysburg Fire Protection District ("Fire Protection District") and the extension of the Varysburg Fire District may be in the public interest; and

WHEREAS, the Town Board, as the governing body of the Fire Protection District, has received and considered a Proposed Dissolution Plan for the Varysburg Fire Protection District, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law, a copy of which Proposed Dissolution Plan is attached to these Resolutions as Exhibit 1;

NOW THEREFORE, it is hereby

RESOLVED, that no later than five business days after adoption of these Resolutions, a copy of the Proposed Dissolution Plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the Varysburg Fire Protection District; and it is further

RESOLVED, that the Proposed Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the Varysburg Fire Protection District where a copy thereof may be examined, shall be displayed on the website maintained by the Town of Bennington; and it is further

RESOLVED, that a descriptive summary of the Proposed Dissolution Plan and a reference to the public place or places within the Varysburg Fire Protection District where a copy of the Proposed Dissolution Plan may be examined, be published at least once each week for four successive weeks in a newspaper having a general circulation within the Varysburg Fire Protection District; and it is further

RESOLVED, that the Town Board of the Town of Bennington shall convene and conduct a meeting and joint public hearing with the Town Boards of the Towns of Sheldon and Orangeville on September 11, 2017 at 7:00 p.m. at the Varysburg Fire Station, 2446 Route 20A,

Varysburg, New York 14167 for the purpose of considering the Proposed Dissolution Plan of the Varysburg Fire Protection District, which public hearing shall be at least 35 days and not more than 90 days after commencement of dissolution proceedings pursuant to GML 774, and that notice thereof shall be given by the Town Clerk as required by law.

Board Member Mohun moved, and Board Member Frounick Seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor Grant	<u>Aye</u>
Board Member Frounick	<u>Aye</u>
Board Member Hoy, Jr.	<u>Absent</u>
Board Member Mohun	<u>Aye</u>
Board Member Gadd	<u>Absent</u>

The foregoing Resolutions were thereupon declared duly adopted by the Town Board of the Town of Bennington this 24th day of July, 2017.

Carolyn Busch, Town Clerk
Town of Bennington

Proposed Dissolution Plan
Varysburg Fire Protection District

1. The name of the local government entity to be dissolved is the "Varysburg Fire Protection District" (the "Fire Protection District") which was previously established by resolutions of the Town Board of the Towns of Bennington, Sheldon and Orangeville.
2. The territorial boundaries of the Fire Protection District is within portions of the Towns of Bennington, Sheldon and is wholly outside of any city or other village and as such territory is more fully described in the resolution adopted on June 18, 1961 forming such fire protection district.
3. The type of local government entity is a fire protection district under Town Law Article 11.
4. The fiscal estimate of the cost of dissolution is minimal, consisting only of the costs for legal, publication and filing fees, if any, attributable to the process of dissolution.
5. There will be no transfer or elimination of public employees in the dissolution of the Fire Protection District.
6. The Fire Protection District has no assets, including but not limited to real and

personal property.

7. The Fire Protection District has no liabilities and indebtedness, bonded or otherwise.

8. There are no agreements entered into with the Towns of Bennington, Sheldon and Orangeville in order to carry out the dissolution.

9. The manner and means by which the residents of the Fire Protection District will continue to be furnished municipal services following the dissolution of the Fire Protection District is the extension of the existing Varysburg Fire District into the whole of the existing Fire Protection District and upon such extension of the Varysburg Fire District, it will provide all the same fire and emergency services currently provided through the Fire Protection District by the Varysburg Fire District under contract with the Towns.

10. The Fire Protection District's most recent assets (tax collections for 2017) have been fully disbursed in 2017 for meeting all of its fire service contract obligations. There will be no further asset acquisition, liabilities or indebtedness incurred in 2017.

11. There will be no local laws, ordinances, rules or regulations of the Fire Protection District which shall remain in effect after the effective date of the dissolution or that will remain in effect for a period of time other than as provided in General Municipal Law 789.

12. The proposed dissolution shall take place upon the extension of the Varysburg Fire District and the formation of such joint Fire District is a condition precedent to the within dissolution.

13. The time and place for the public hearing on the proposed dissolution plan shall be made pursuant to General Municipal Law 776.

Dated: July 12, 2017

TOWN BOARD OF THE
TOWN OF BENNINGTON

Resolution #2017-7-8 Amend Resolution #2017-7-3 Authorizing a Non-Exclusive Franchise Agreement with Reserve Gas Corp.

Be it Resolved, that this Board hereby amends Resolution #2017-7-3 to require that Reserve Gas Company, Inc. shall list the Town of Bennington as an additional insured on a policy in a corrected amount of no less than \$1,000,000.00.

Motion by: Mohun Seconded: Frounick

Ayes: 2 Noes: 0 Abstain: 0 Absent: 2

Councilman Mohun asked about flooding. Supervisor Grant stated that so far it has been estimated that there is about 2.2 million dollars in damage between Bennington and Attica following the flood on July 20th. French Rd. and the Reilein Bridge have been badly damaged. Commissioner Santoro told Supervisor Grant that there were 51 calls for assistance the day of the flood, mostly basements and roads. A proposal has been put together to seek federal monetary assistance to help homeowners.

Motion was made at 8:47 p.m. to adjourn by Mohun.

Ayes: 2 Noes: 0 Abstain: 0 Absent: 2

Respectfully submitted,

Carolyn Busch, Town Clerk

August 9, 2017
PM

Work Session

6:30

Supervisor Grant along with Council Members Mohun, Frounick and Gadd audited the Highway, General Fund and Special District claims.

Supervisor Grant reported that Wayne Peirick has been approached by a solar company to install solar panels on his property, 20 year agreement which could extend to 30 years, but when he contacted them they were not willing to pay him very much, now looking into another solar company.

Reported that Tyler Stachowiak will be doing some painting maintenance at the town hall. Supervisor Grant gave him a letter to take to the hardware store so he may purchase the material needed.

Discussed: Updating Water rate schedule for the Cowlesville Water District with relation to Highland Glens; Water System Operators will be doing the water chemical sampling and Supervisor Grant will be getting 5 samples required for copper & lead testing, hope to have all testing done by the end of September; July flooding damage/issues, (noted that over \$600,000 damage in Wyoming County, over \$350,000 in Bennington); need to set date of public hearing for the Emergency Communications Tower Special Use application on Blood Road.

August 9, 2017
PM

Regular Meeting

7:30

Supervisor Grant called the meeting to order and asked Councilman Gadd to lead the pledge to the flag. Present were Council Members Gadd, Frounick and Mohun. Councilman Hoy excused.

Supervisor Grant opened the Public Hearing on Cowlesville Water District Rate Revisions.

Financial Matters:

General Fund claims #164 - 186 totaling \$10,782.20 presented. Motion made by Mohun/Gadd to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #115-123 totaling \$28,849.53 presented. Motion made by Frounick/Gadd to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #45-52 totaling \$2336.71 presented. Motion made by Mohun/Frounick to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #8 in the amount of \$181.81 presented. Motion made by Mohun/Frounick to approve the Special District claim, voting all ayes, carried.

Transfer of Funds from Trust & Agency Account - Supervisor Grant reported that there is a \$6000.00 running balance in the Trust & Agency Account which has been there way before June started working for the town. The Trust & Agency Account is a clearing account for the General, Highway and Water Funds, which should always be balanced out to zero, mainly used for payroll (put the gross total of payroll including all taxes due in that account and distribute the money from there). Town Bookkeeper researched it and it appears that instead of putting the exact amount to be distributed, they rounded up to an even dollar amount. Need to clear this out and

appropriate back to Highway, General Fund, Water etc. Supervisor Grant read the following resolution:

Resolution #2017-8-1 - Transfer of Funds from T&A Account to General/Highway/Water Funds

Transfer from Trust and Agency Account the amount of \$6000.00

Transfer into the following:

General Fund A1990.4 Contingent Account
\$2,324.52

Highway Fund DA5119.1 General Repairs – Personal Services
\$3,594.91

Cowlesville Water District Fund SW1-8310.1 Administration – Personal Services \$ 80.57

Motion made by Councilmember Mohun, seconded by Councilman Gadd

Voting: Ayes 4 Nays: 0 Abstain: 0 Absent: 1

Supervisor's Financial Statements for June:

There being no questions, a motion was made by Gadd/Mohun to accept the Financial Reports for July, voting all ayes, carried.

Minutes: June, July Regular Meetings, Public Hearing on July 19th and the Special Session on July 24th: There be no corrections or amendments, a motion was made by Mohun/Gadd to approve the minutes, voting all ayes, carried.

Correspondence:

Notice from The Board of Directors of Reserve Gas Co accepting the franchise to lay gas lines in the street of the Town of Bennington along with a copy of their Certificate of Insurance naming the Town of Bennington as additional insured.

Notice from GLOW Region Solid Waste of their 2017 Household Hazardous Waste/Pharmaceutical Collection Program scheduled for September 16th in Mt. Morris.

Notice of the Wyo. County Real Estate Tax Foreclosure Auction scheduled for Aug. 24th at the North Java Fire Hall with a listing of all of the properties in Wyoming County up for sale.

Notice from New York State Dept. of Health with info on the Cancer Services Program. Brochures available in the hall.

Town Justice report received for June.

Letter from Attorneys Cropsey & Cropsey re: Public Hearing on Concealed Carry.

Public Concerns: None

Public Hearing Comments/Close: Cowlesville Water District Rate Schedule

Supervisor Grant reported that the only change other than cleaning up the verbiage a little, was under “B”, the “Out of District Customer Rate”. They (Highland Glens) will be paying 150% of the water rate of the in district customers. David & Kathy Ludwig were present and asked how this was going to work, heard a lot of rumors, they are concerned about the water quality and pressure. Supervisor Grant explained that Highland Glens has a right of way off Clinton Street and intends to run a line back to their holding

tank. The Glen will be installing and paying for a meter pit on Clinton Street as well as the line going back to the Glens. They will only be taking in water on an “as needed” basis, will still be using their own system (last year when it was so dry, they had to haul water in). There being no further questions/comments, a motion was made by Frounack/Gadd to close the Public Hearing, voting all ayes, carried. Public Hearing closed at 8:03 PM.

Departments:

Assessment: Assessor Wittmeyer excused, had another commitment.

Zoning/Planning: Nothing going on right now.

Highway Department: Supervisor Grant reported that the Highway Department has been doing remediation work since the flood, cleaning/replacing drainage pipe, and Cleaning/clearing ditches of debris. Application has been submitted to the federal Government to see if they will reimburse/cover some of the cleanup costs. Monday and Tuesday of next week, the Highway Dept. will be paving Maxon Road, trying to get back on schedule. Superintendent Czworka has had surgery and is expected to be off 4-6 weeks, Deputy Superintendent Paul Schroeder filling in for him.

Parks/Recreation - Terry Buchwald will be performing at the park on August 31st, 6:30 PM. There will be a fall baseball league, believe it's for teenagers 14-17, (will need a certificate of insurance), Swim Program at Byrnclyff is wrapping up next week, had approx. 62 attend.

Water Department - Supervisor Grant read the following resolution:

Resolution #2017-8-2 - Modify Cowlesville Water District Rates and Fees Schedule

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding modifications to the rates and fees of the Cowlesville Water District on this 9th day of August 29,2017 at the Bennington Town Hall;

Now, Therefore, Be It Resolved, that following the consideration of any and all comments regarding said modifications, the Town Board hereby approves said 2017 rates and fees for the Cowlesville Water District, to be effective as of the close of business this day.

Motion to adopt made by Councilmember Mohun, seconded by Councilman Gadd

Voting: Ayes 4 Nays: 0 Abstain: 0 Absent: 1

Transfer Station - Tire Recycling. Reported Town clerk is looking into companies that chips tires. Councilman Gadd doesn't think that will work. Supervisor Grant will contact someone to come and get them. Councilman Frounack feels the hopper needs attention before winter, getting pretty rusty in spots. Will check it out on Saturday. Supervisor Grant reported the bill from Sunnking for the recycling day was received, 11,206 pounds of e-waste was collected. Can now apply for the grant from the state for half of the fee to be refunded.

Old Business:

DASNY Grant Approval - bidding for work

Supervisor Grant read the following resolution:

Resolution #2017-8-3 Authorize Bidding on Highway Roof and Salt Storage Building Repairs

Whereas, The Town of Bennington is in receipt of approval from the Dormitory Authority of the State of New York for replacement and repairs to the Highway garage roof, Salt Storage building roof and related concrete structure repairs, and

Whereas, The Town of Bennington has authorized and budgeted an amount of \$8000 in matching funds to finance said improvements; now, therefore,

Be It Resolved, that the Town of Bennington Highway Superintendent and the Town Clerk are hereby authorized to advertise for said improvements, in whole or in part, and that the opening of such bids shall take place at the Town Clerk's Office, 905 Old Alleghany Road, Attica, NY 14022 at 5:30 PM, September 6, 2017. Awarding of bids in compliance with stated specifications, including proof of insurance and statement of non-collusion, shall take place at the September 12, 2017 Town Board Meeting.

Motion to adopt made by Councilman Frounick, seconded by Councilmember Mohun

Voting: Ayes 4 Nays: 0 Abstain: 0 Absent: 1

Emergency Communications Tower - Supervisor Grant read the following resolution.

Resolution #2017-8-4 Set Public Hearing on Communications Tower Application

Be It Resolved that the Town Board of the Town of Bennington hereby authorizes the Town Clerk to advertise for a public hearing regarding a Special Use Application - Telecommunications Tower/Communications Tower - from the Wyoming County Emergency Services Office, Warsaw, New York for the purpose of construction of an emergency services communications tower on Blood Road, Cowlesville, New York. Said public hearing to be held on Tuesday September 12, 2017 at 7:30 PM at the Bennington Town Hall.

Be It Further Resolved, that said applicant shall deliver by hand or United States Postal Service complete copies of said application to all members of this Town Board no later than ten (10) days prior to the public hearing, and

Be It Further Resolved that the Bennington Town Board hereby reserves the right to serve as Lead Agency for the purposes of State Environmental Review for said application.

Motion to adopt made by Councilman Gadd, seconded by Councilman Frounick

Voting: Ayes 3 Nays: 1 (Mohun) Abstain: 0 Absent: 1

Varysburg Fire District Consolidation

Supervisor Grant reported nothing going on right now, just need to get all of the advertising done, there is a Public Hearing scheduled for September 14th at 7 PM.

New Business:

Financial Services agreement with Municipal Solution for BAN work.
Supervisor Grant reported that Municipal Solution has been working with town since the creation of the Water District and read the following resolution.

Resolution #2017-8-5 - Agreement with Municipal Solutions

Be It Resolved, that the Town of Bennington hereby agrees to the terms and conditions of services for financial management of borrowings on behalf of the Town, including but not limited to bonds and bond anticipation notes, and other general financial services as proposed by Municipal Solutions, 62 Main St., LeRoy, New York 12282 and

Be It Further Resolved, that the Supervisor is hereby authorized to sign said agreement for a period of two years with Municipal Solutions on behalf of the Town.

Motion to adopt made by Councilmember Mohun, seconded by Councilman Frounck

Voting: Ayes 4 Nays: 0 Abstain: 0 Absent: 1

September Board Meeting date - Change to Tuesday Sept. 12th
Resolution #2017-8-6 - Change Date of September Town Board Meeting

Be It Resolved, that the September Town Board Meeting of this Town shall be held at 7:30 PM, Tuesday September 12, 2017 at the Bennington Town Hall, and

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

Motion to adopt made by Councilmember Mohun, seconded by Councilman Gadd

Voting: Ayes 4 Nays: 0 Abstain: 0 Absent: 1

July Flooding - Supervisor Grant reported that all of the paperwork, material collected with relation to the damage caused by the flooding, has been submitted to Washington, now have to wait and see if they approve any funding for it. New York State has offered assistance (had a mobile unit in Attica last week) to assist residents who have insurance but the insurance companies are giving the policy holders a hard time. The state will defend their cases to the insurance companies making sure policy holders get reimbursed. Supervisor Grant reported she has prepared a spreadsheet with 15-20 property owners with damage, also met with the SBA and FEMA reps, took a tour around Attica and Bennington. Councilmember Mohun asked if this would lead to a creation of a new flood map. Not sure. Supervisor Grant feels right now just looking at what kind of funding, assistance the property owners may get to help out with the damage, ie. low interest loans, dollar grants etc. Supervisor Grant also noted and thanked the firemen, put in a long day, pumping cellars, closing roads etc.

Block Party- Sargent Street, Cowlesville - permission to close street Sept. 10th

Resolution #2017R-8-7 - Permission to close a section of Sargent Street, Cowlesville on September 10th

Be It Resolved, that the Bennington Town Board hereby grants permission to residents on Sargent Street, Cowlesville to close and barricade a section of the street from the North intersection with Church Street to the South intersection of Church Street for the purpose of a block party from 1:00 PM to 8 PM, with the condition that no structures or apparatus shall be placed within the roadway that may impede the access of emergency vehicles to the area at any point.

Motion to adopt made by Councilman Frounick, seconded by Councilman Gadd

Voting: Ayes 4 Nays: 0 Abstain: 0 Absent: 1

Supervisor Grant asked if any other business to address. Dave Ludwig asked when the street lights in Cowlesville will be fixed, quite a few are out. Supervisor Grant has been contacting them but they don't seem to repair them. Councilmember Mohun reported you have to go on line fill out a form, give them pole numbers and approx. location to intersections etc. and they usually come out repair them, at least they did anytime she has contacted them. Short discussion held.

There being no further business, a motion was made by Mohun to adjourn, meeting adjourned at 8:32 PM.

Respectfully submitted,

Judith Brown,
Deputy Town Clerk

VARYSBURG FIRE PUBLIC HEARING
Dissolution of Fire Protection District
Joint Meeting of the Sheldon, Orangeville and Bennington Town Boards
September 11, 2017 at the Varysburg Fire Hall

The Special Joint Meeting of the Sheldon, Orangeville and Bennington Town Boards held September 11, 2017 at 7:14 p.m. at the Varysburg Fire Hall, 2446 Route 20A, Varysburg, NY 14167 was called to order by each respective Town Board.

Present Town of Sheldon: Supervisor Brian Becker, Councilpersons: Joe Meyer, Jim Fontaine
Recording Secretary: Town Clerk Carol Zittel
Absent: Councilpersons: Mike Armbrust, Vince Kirsch

Present Town of Orangeville: Supervisor Susan May, Councilpersons: Hans Boxler Jr., James Herman, Andy Flint, Joseph Ahl, Town Clerk Rosann Lowder

Present Town of Bennington: Supervisor Ellen Grant, Councilpersons: Bernard Frounick, Joyce Mohun
Absent: Councilpersons: James Hoy, Jr., Michael Gadd

Attorney DiMatteo was present representing all three towns.

Open Floor to Comments

Attorney DiMatteo addressed those present with a brief explanation of the purpose of the meeting. The floor was then opened for comments.

Attorney DiMatteo read aloud the findings and determinations relating to the Dissolution of the Varysburg Fire Protection District.

Findings and Determinations Relating to the Dissolution of the Varysburg Fire Protection District

WHEREAS, pursuant to General Municipal Law §773, the Towns Boards of the Towns of Sheldon, Bennington and Orangeville (the “Towns Boards”), as the governing body of the Varysburg Fire Protection District, a local government entity pursuant to General Municipal Law §750, previously received and considered a proposed Dissolution Plan for the Varysburg Fire Protection District, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law (“GML”); and

WHEREAS, that the Towns Boards convened and conducted a public hearing on September 11, 2017 at 7:00 p.m. at the Varysburg Fire Station, 2446 Route 20A, Varysburg, New York for the purpose of considering the proposed Dissolution Plan of the Varysburg Fire Protection District and that notice thereof was given by the Towns Clerks as required by law.

NOW, THEREFORE, the Towns Boards of the Towns of Sheldon, Bennington and Orangeville hereby FINDS AND DETERMINES as follows:

That a proceeding for the dissolution of the Varysburg Fire Protection District pursuant to GML 773(2)(a) was commenced on July 20, 2017 by resolutions of the Towns Boards, that being the governing body of the Varysburg Fire Protection District, a local government entity as defined by GML 750(13).

That a copy of the proposed Dissolution Plan, along with a descriptive summary thereof, was displayed and readily accessible to the public for inspection in a public place within the Varysburg Fire Protection District as required by General Municipal Law.

That the proposed Dissolution Plan, along with a descriptive summary thereof and a reference to the public place or places within the Varysburg Fire Protection District where a copy thereof may be examined, was displayed on the websites maintained by the Towns of Sheldon, Bennington and Orangeville.

That a descriptive summary of the proposed Dissolution Plan and a reference to the public place or places within the Varysburg Fire Protection District where a copy of the Proposed Dissolution Plan could be examined, was published at least once each week for four successive weeks in a newspaper having a general circulation within the Varysburg Fire Protection District.

That, pursuant to notice, the Towns Boards convened and conducted a public hearing on September 11, 2017 at 7:00 p.m. at the Varysburg Fire Station, 2446 Route 20A, Varysburg, New York for the purpose of considering the proposed Dissolution Plan of the Varysburg Fire Protection District and that notice thereof was given by the Towns Clerks as required by law.

That public hearing was held not less than thirty-five days and not more than ninety days after commencement of dissolution proceedings pursuant to GML 774.

That all interested persons were given a reasonable opportunity to be heard on any aspect of the proposed dissolution.

That the proposed Plan of Dissolution was considered by the Towns Boards after all persons were heard at the Public Hearing as aforesaid.

That the Varysburg Fire Protection District upon its dissolution shall continue to be governed as before dissolution until the effective date of the dissolution specified in the dissolution plan, pursuant to GML 778.

That upon the successful completion of these dissolution proceedings, the Towns Boards shall wind-down the affairs thereof, dispose of its property as provided by law, make provisions for the payment of all indebtedness thereof and for the performance of its contracts and obligations, if any, and if applicable and appropriate under law, levy taxes and assessments as necessary to accomplish the dissolution, pursuant to GML 787(1).

That in furtherance of its duty to wind down the affairs of the local government entity, the Towns Boards shall cause notice to be given, in the same manner as notice for a proposed dissolution plan pursuant to GML 775, requiring all claims against the dissolving local government entity, excluding any of its outstanding securities, to be filed within three months of the date of such notice and all claims not so filed shall be forever barred, pursuant to GML 787(2).

That no action for or against the Varysburg Fire Protection District shall abate, nor shall any claim for or against it be affected by reason of its dissolution, pursuant to GML 788(1).

That upon the dissolution of the Varysburg Fire Protection District, all its records, books and papers, if any, shall be deposited with the Town Clerk of the Town of Sheldon, being the town in which such entity is principally situated, and that such records, books and papers shall thereupon become a part of the records of the Town of Sheldon pursuant to GML 788(2).

That upon dissolution of the Varysburg Fire Protection District the outstanding debts, liabilities and obligations of the Varysburg Fire Protection District, if any, shall be assumed by the Towns of Sheldon, Bennington and Orangeville, being the towns in which portions of the dissolved entity was situated and shall be a charge upon the taxable property within the limits of the dissolved entity, collected in the same manner as town taxes. The Towns Boards shall have all powers with respect to the debts, liabilities and obligations as the governing body of the dissolved entity possessed prior to its dissolution, including the power to issue town bonds to redeem bond anticipation notes issued by the dissolved entity, pursuant to GML 790.

For the Sheldon Town Board, Board Member Joe Meyer moved, and Board Member Jim Fontaine seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor Becker	Aye
Board Member Kirsch	Absent
Board Member Fontaine	Aye

Board Member Meyer	Aye
Board Member Armbrust	Absent

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Sheldon.

Carol Zittel, Town Clerk
Town of Sheldon

For the Bennington Town Board, Board Member Joyce Mohun moved, and Board Member Bernard Frounick seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor Grant	Aye
Board Member Frounick	Aye
Board Member Hoy, Jr.	Absent
Board Member Mohun	Aye
Board Member Gadd	Absent

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Bennington.

Carolyn Busch, Town Clerk
Town of Bennington

For the Orangeville Town Board, Board Member James Herman moved, and Board Member Andrew Flint seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor May	Aye
Board Member Boxler Jr.	Aye
Board Member Herman	Aye
Board Member Flint	Aye
Board Member Ahl	Aye

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Orangeville.

Rosann A. Lowder, Town Clerk
Town of Orangeville

September 11, 2017

Resolutions Dissolving the Varysburg Fire Protection District

WHEREAS, pursuant to General Municipal Law §773, by resolutions of the Town Boards of the Towns of Sheldon, Bennington and Orangeville, as the governing body of the Varysburg Fire Protection District, a local government entity pursuant to General Municipal Law §750, previously endorsed a proposed Dissolution Plan for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law on July19, 2017 by the Town of Sheldon, on July12, 2017 by the Town of Bennington and on July13, 2017 by the Town of Orangeville; and

WHEREAS, the Towns Boards of the Towns of Sheldon, Bennington and Orangeville, as the governing body of the Varysburg Fire Protection District, have previously received and considered a proposed Dissolution Plan for the Varysburg Fire Protection District, for the purpose of commencing dissolution proceedings under Article 17A of the General Municipal Law; and

WHEREAS, the Towns Boards of the Towns of Sheldon, Bennington and Orangeville convened and conducted a public hearing on September 11, 2017 at 7:00 p.m. at the Varysburg Fire Station, 2446 Route 20A, Varysburg, New York for the purpose of considering the proposed Dissolution Plan of the Varysburg Fire Protection District and that notice thereof was given by the Towns Clerks as required by law; and

WHEREAS, that the Towns Boards of the Towns of Sheldon, Bennington and Orangeville, following such Public Hearing adopted certain Findings and Determinations Relating to the Dissolution of the Varysburg Fire Protection District; and

NOW, THEREFORE, be it

RESOLVED, that the proposed Plan of Dissolution dated July 20, 2017 is hereby adopted as the Plan of Dissolution for the Varysburg Fire Protection District, and it is attached hereto as Exhibit A, and it is further

RESOLVED, that the Varysburg Fire Protection District is hereby dissolved upon the extension of the Varysburg Fire District and the formation of such Fire District is a condition precedent to the within dissolution, all pursuant to the Plan of Dissolution so made and adopted, and it is further

RESOLVED, that the Clerk of the Town of Sheldon, on behalf of the Towns of Sheldon, Bennington and Orangeville, is authorized and directed to cause a certified copy of these Resolutions to be duly recorded in the office of the Clerk of Wyoming County and shall further, within 10 days cause a certified copy of these Resolutions to be filed with the state department of audit and control at Albany, New York, all pursuant to Town Law 173(1).

For the Sheldon Town Board, Board Member Jim Fontaine moved, and Board Member Joe Meyer seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor Becker	Aye
Board Member Kirsch	Absent
Board Member Fontaine	Aye
Board Member Meyer	Aye
Board Member Armbrust	Absent

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Sheldon.

Carol Zittel, Town Clerk

Town of Sheldon

For the Bennington Town Board, Board Member Joyce Mohun moved, and Board Member Bernard Frounick seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor Grant	Aye
Board Member Frounick	Aye
Board Member Hoy, Jr.	Absent
Board Member Mohun	Aye
Board Member Gadd	Absent

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Bennington.

Carolyn Busch, Town Clerk
Town of Bennington

For the Orangeville Town Board, Board Member James Herman moved, and Board Member Andrew Flint seconded, and the Town Board voted as follows:

Name:	Voting: Aye or Nay:
Supervisor May	Aye
Board Member Boxler Jr.	Aye
Board Member Herman	Aye
Board Member Flint	Aye
Board Member Ahl	Aye

The foregoing Resolution was thereupon declared duly adopted by the Town Board of the Town of Orangeville.

Rosann A. Lowder, Town Clerk
Town of Orangeville

September 11, 2017

Filing of Paperwork from Dissolved Fire Protection District

Attorney DiMatteo advised Len Knaggs that he should file old contracts and budgets from the fire protection district being dissolved with the Town Clerk of Sheldon.

Closing of Public Hearing

At 7:30 p.m. the public hearing was closed by each Town Board.

Adjournment

At 7:30 p.m. the meeting was adjourned by each Town Board.

Respectfully submitted,

Carol Zittel
Sheldon Town Clerk

September 12, 2017
6:45 PM

Work Session

Supervisor Grant along with Council Members Mohun, Frounick and Gadd audited the Highway, General Fund and Special District claims.

Councilmember Gadd reported that he received a call from a resident on Schad Rd. with concerns about the condition of the road.

Zoning Officer Marble has been working on the website for the town. She will be updating the site, adding meeting minutes and an event calendar.

The Eagle Scout project at the Historical Society is going well. The project at the Town Hall is complete.

September 12, 2017
7:32 PM

Regular Meeting

Supervisor Grant called the meeting to order and asked Councilman Hoy to lead the pledge to the flag. Present were Council Members Gadd, Frounick, Hoy and Mohun.

Supervisor Grant opened the Public Hearing for the Emergency Services Communication Tower at 7:33pm.

Financial Matters:

General Fund claims #187-212 totaling \$10,782.21 presented. Motion made by Hoy/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #124-132 totaling \$46,021.74 presented. Motion made by Mohun/Gadd to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #53-57 totaling \$2,213.86 presented. Motion made by Frounick/Hoy to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #9 in the amount of \$181.81 presented. Motion made by Gadd/Mohun to approve the Special District claim, voting all ayes, carried.

Supervisor's Financial Statements for August:

There being no questions, a motion was made by Mohun/Hoy to accept the Financial Reports for August, voting all ayes, carried.

Minutes from the August 9th Meeting: There be no corrections or amendments, a motion was made by Gadd/Mohun to approve the minutes, voting all ayes, carried.

Public Hearing Comments: Councilman Mohun recused herself from the dais due to a conflict of interest on the Public hearing. Supervisor Grant explained the scope of the project. The proposed tower would be 260ft. in height, blinking lights that are FAA required, and a driveway and fence enclosure. There would be no guy lines, but there would be a small shed to house a backup generator that would only be running when power went out. Since this tower is over the limit of height in the town, a variance would also be needed due to setback as well.

Mr. Sturm from Kern Rd asked if a concrete slug would be used for the foundation and if so would explosives be used to go through any shale/slate that may be in the way. Emergency Services Coordinator Santoro said soil testing would be done at the site to determine whether concrete would be

used or pylons. There would be a red light at 120ft and one at the top. Mr. Sturm also asked whether the generator would be running continuously, Santoro answered no, in emergency only.

Sandra Fialkowski from Sinn Rd did not receive a notice in the mail and did not see a notice in the Penny Saver. She was also concerned about the lights and the brightness. Supervisor Grant replied that only residents who had land bordering the property where the tower was going to be constructed received a notice. Also the Batavia Daily is the Town's official newspaper, the Penny Saver is not a newspaper.

Chet Zymowski a 42year veteran of the Bennington Fire Department explained about the communication issues with the central hub of Warsaw, Sherriff, Fire and State Police.

Scott Jarmas asked if a study was done and if this spot was the best location in the town. Would property values be lowered? Would the town be lowering the property taxes? Supervisor Grant stated that it would not negatively affect property values. Councilman Gadd stated that this is for the betterment of the community as a whole. Supervisor Grant explained that other locations have been looked at. The other 4 were not a good fit or feasible. Other resident concerned that the tower would interfere with his TV signal.

Fred Schaefer from Kern Rd. liked the rural area and is concerned that the flashing light at night will not be conducive to his view. He also stated he has nothing against Emergency Services.

Dave Dombrowski is a 50yr veteran of the Cowlesville Fire Department. He stated that the proposed site is one of the best spots in the town to combat the dead zones in service. Currently the fire department has to rely on Erie County when they need mutual aid. This tower will be better aligned to communicate with Erie County's tower.

Gary Weber of Kern Rd asked where exactly the tower would be placed on the 105 acre parcel. Would this be better placed by the Folsomdale tower? He disagrees that this will affect property values. He would be looking for compensation to the affected homeowners by way of a decrease in taxes. Will rent be offered to the owner of the property and how much? Supervisor Grant addressed his concern regarding property values. She was able to get information from the town of Attica where a similar project was conducted. There was no effect on property values, and they increased every year. Mr. Weber asked if they went up at the same rate as other properties that didn't have the view of the tower. He was not happy about this tower being in his backyard.

Kathy Ludwig of Kern Rd. stated that the Folsomdale tower is 800ft and this one is considerably smaller. It will not be as bright as the Folsomdale tower as this one will be outfitted with LED lights. The light will go from white to red at night.

Emergency Services Coordinator Santoro spoke and understands that no one wants to see the tower, but it is for the betterment of the community. Councilman Frounck stated that towers are being built every year in his backyard. The commissioner stated that we only have a year and a half to use the grant for this project.

Russ Haentges of Urf Rd. asked how much this project is costing. The project will be fully funded by a state grant in the amount of \$450,000. This money has been collected by Emergency Services from the local tax collected from cell phone bills. The County will be maintaining everything on this tower. Mr. Haentges asked why 911 is being routed to Genesee County. The commissioner explained the process of routing calls by both cell and landline calls.

Mr. Sturm would like to see repaving of his road to be included for Urf Rd.

No money has been negotiated at this time with the property owner where the tower would be located. Another similar case for a communications tower has that homeowner receiving approximately \$2,000/yr.

Mr. Haentges asked if Verizon wants to add a receiver on this tower, would a letter be sent out to notify the same homeowners. Supervisor Grant stated that they could add this as a stipulation.

Supervisor Grant said that town residents have complained to her that the cell signal is nil to none in certain areas of the town. There won't be much room on the tower for other antennae's. The only thing that you would see visually is a 3ft. satellite dish on the tower and the total footprint is only 21ft.

Mr. Ludwig wanted to know why it couldn't go in Pine Tree Park. The Zoning Board had concerns about that location and didn't approve it.

Joyce Mohun asked if the grant money could be used towards rent on the already existing Folsomdale tower. Commissioner Santoro stated that the grant had to be used within a two year period and the rent for the Folsomdale tower is \$2,500/month. It can also not go on a turbine as it kills the microwave signal.

Supervisor Grant had spoken to Sheriff Rudolph to ascertain his view of the project. He told Supervisor Grant about a domestic call that was called in from a residence on Schoellkopf Rd. As the deputy was responding, he lost all communication with Warsaw once he turned onto this road, along with his laptop and cell phone. He had to make a tough decision whether to respond or stand back and wait for backup.

John Taylor from Sinn Rd. is in favor of the addition of a cell phone attachment on this tower as it is very important to Emergency Services.

Nick Szuniewicz from the Cowlesville Fire Department commented that communication save lives. He spoke about a recent call where firemen were heading into a volatile scene. They had no service and couldn't get a message out. The cell phone apps jeopardize the safety of law enforcement. This will benefit the community as a whole and of great need to the residents.

Motion made by Frounack/Gadd to close the Public Hearing, voting all ayes, carried. Public hearing was closed at 8:37pm.

Councilman Mohun returned to her seat to re-join the board.

Correspondence:

Town clerk Busch received a letter from the NYS Department of Public service requesting to hold a public statement hearing here at the Town Hall on September 27th, 2017 at 7:00pm to hear any public concerns regarding

Reserve Gas franchise in the Town Of Bennington. The Town clerk also received the monthly statement from Biotrax on water testing of the Town water supply. Supervisor Grant received the Town Court monthly report as well as notification from Tax & Finance on the final equalization rate of 45% for the town. Received fliers from the Wyoming County Office of the Aging which we have posted on the bulletin board. Supervisor Grant received an email from the Wyoming County Board of Supervisor's clerk regarding paid family leave. It is not mandatory, participants must opt in. Tompkins Insurance sent a notice that there will be an additional premium on the new highway pickup truck. Governor Cuomo declared a major disaster for the July 13th flood, we are waiting for a determination on relief for the town and private residents. Received a COI from the Boys of Baseball schedule for September and October and from KCM Custom Built Garages.

Departments:

Assessment: Assessor Wittmeyer excused, due to change in meeting date.

Zoning/Planning: Zoning Enforcement Officer Marble excused, due to change in meeting date. Katie is attending training to perform extra duties. She also has updated the Town website. She added a complaint form for residents to fill out when they want to report a property problem.

Highway Department: Supervisor Grant reported that the Highway Department has been repairing roads and ditches from the July 13th flood. This is taking the majority of their time this fall on Tooley and Eck Rd.

Parks/Recreation - Terry Buchwald was unable to perform due to a family emergency, hopefully this will get rescheduled next year. The Recreation program has concluded for the year. Supervisor Grant reported that there were needed repairs to the mower at the park.

Water Department - Supervisor Grant stated that the copper/lead testing was completed this week. We should have the results soon.

Transfer Station - Councilman Frounick stated that the tire bin is full and needs to get hauled away. The public asked about E-waste day in regards to how much was hauled away. The town website has been updated with the new transfer station rates and fees that were changed at the January meeting. No bids were submitted for the work on the highway roof, the town clerk was asked to run another ad in the penny saver.

Old Business:

Emergency Communications Tower - Councilman Mohun recused herself from this discussion. The SEQR along with a special use permit were submitted. The Town Board declared themselves lead agency for the project at the last meeting. Supervisor Grant read through the Full Environmental Assessment and asked the board members if there were any questions. They made two changes to page 9 of 10 to add moderate to large impact to ones referencing light.

Supervisor Grant asked for a motion on a determination of significance sighting no significant adverse impacts. Motion made by Hoy/Frounick, voting three ayes and one abstaining, motion carried.

Special Use Permit Application

Resolution #2017-9-2 Special Permit Application for Emergency Communications Tower

Whereas, the Town Board of the Town of Bennington conducted on this date a duly advertised public hearing regarding the application for the County of Wyoming for the construction of an emergency services communication tower on property at 1185 Blood Road, Cowlesville, NY,

And Whereas, the Bennington Town Clerk notified each adjacent landowner of said property of the public hearing and their ability to make comment on said application.

And Whereas, the Bennington Town Board, at a meeting held on August 9, 2017, declared that it would serve as lead agency for the purposes of the State Environmental Review Act, and said Board has reviewed the information submitted with the application and make a determination of no adverse impact – negative.

Now therefore, Be it Resolved, that the Town Board of the Town of Bennington hereby approves/disapproves said application for the construction of an emergency communications tower;

And Be It Further Resolved, that the Zoning Board of Appeals shall schedule a public hearing to determine the variance application associated with said project for the issues of tower height and side set back.

Councilman Gadd asked what the next step would be if approved. This matter would go to the Zoning Board of Appeals the first Wednesday in October. Notices would again be sent to the affected residents and a notice would be published. The ZBA would look at variances, property setbacks and they would vote on a permit as well. Options would be to table until the ZBA meets and makes a determination. The County will be notified after that and will get in touch with the property owner to work out a lease agreement. The project would not begin until the spring of 2018 in all likelihood. Councilman Gadd asked if there would be adverse actions if the board tabled the resolution and instead waited on the determination from the ZBA. Councilman Gadd made a motion to table the resolution and Hoy seconded it. Three Ayes and one abstain, motion carried.

Councilman Mohun re-joined the Board members.

Varysburg Fire Redistricting - A joint public hearing was held at the Varysburg Fire Department on Monday, September 11, 2017. They have dissolved the larger district and expanded the smaller one. We will no longer be contracting with them for the South Eastern part of the town.

Eagle Scout Projects - There are two Eagle projects going on in the town at this time. At the Town Hall, painting was done along with lighting, landscape and driveway sealing. At the Historical Society building they have been scraping down the old layers of paint and painting a fresh coat.

Reserve Gas Public Hearing - Town Clerk Busch read the letter sent to her from the NYS Dept. of Public Service. This department will hold a public statement hearing on September 27th, 2017 here at the town hall to hear public comments regarding this proposed franchise in the Town of Bennington.

New Business:

Public Hearing on Fire Contracts -

Resolution #2017 -9-3 Set Date of Public Hearings on Fire Company Contracts

Be it resolved, that the Town Board of the Town of Bennington hereby sets the date of 10/11/17 for the purpose of public hearings on the Fire

Company Contracts between the Town and the Bennington Fire company, the Cowlesville Fire Company and the Harris Corners Fire Company;

And Be it Further Resolved, that each Fire Company shall notify the Town Clerk, in writing of the dollar amount and period for each contract no later than the 27th day of September, 2017;

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

Motion made by Gadd, Seconded by Mohun, Voting all Ayes, carried.

2018 Town Budget -

Resolution #2017-9-4 Set Date of Budget Workshop Meeting

Be it Resolved, Pursuant to Town Law, the Town Board of the Town of Bennington will hold a workshop meeting of the Town Board Members to receive and review the tentative 2018 Town Budget. Said meeting shall be held on October 4, 2017 at 7:30pm at the Bennington Town Hall;

And Be it Further resolved that the Town Clerk is authorized and directed to advertise the same in the legal publication of this Town.

Motion made by Mohun, Seconded by Hoy, Voting all Ayes, carried.

Motion made by Mohun to adjourn the meeting at 9:21pm.

Respectfully submitted,

Carolyn Busch
Bennington Town Clerk

October 11, 2017
PM

Work Session

6:54

Supervisor Grant along with Council Members Mohun, Frounick, Hoy and Gadd audited the Highway, General Fund and Special District claims.

Superintendent Czworka spoke with the electric company regarding tree removal assistance on corner of Schoellkopf and Folsomdale Roads. The electric company will not help financially so the town will be responsible for the expense. He received three estimates ranging from \$3,000-\$7,000.00. He also spoke to the board members about a deer removal service as the town does not have a way to dispose of deer killed on the town roads. This service charges \$37.00 per pickup and removal. The town gets about 12-15 calls a year to remove deer.

A motion was made by Councilman Gadd and seconded by Councilman Mohun to move into executive session at 7:14pm. Clerk Busch and Superintendent Czworka were excused.

October 11, 2017
PM

Regular Meeting

7:36

Supervisor Grant called the meeting to order and asked Councilman Mohun to lead the pledge to the flag. Present were Council Members Gadd, Frounick, Hoy and Mohun.

Supervisor Grant opened the Public Hearing on Fire Company Contracts: Bennington, Cowlesville and Harris Corners at 7:37pm.

Financial Matters:

General Fund claims #187-210 totaling \$11,955.01 presented. Motion made by Mohun/Hoy to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #133-147 totaling \$263,715.14 presented. Motion made by Hoy/Gadd to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #58-64 totaling \$2,767.46 presented. Motion made by Frounick/Mohun to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #10 in the amount of \$181.81 presented. Motion made by Hoy/Gadd to approve the Special District claim, voting all ayes, carried.

Supervisor's Financial Statements for September:

There being no questions, a motion was made by Mohun/Frounick to accept the Financial Reports for September, voting all ayes, carried.

Will move funds from general fund to highway fund in order to cover improvements to Maxon Rd. Reimbursement to come in December. The money will come out of the CD as it was liquidated last week and moved to the checking account.

Minutes from the September 12th Meeting: There being no corrections or amendments, a motion was made by Hoy/Gadd to approve the minutes, voting all ayes, carried.

Correspondence:

Town Clerk Busch received a thank you letter from Scott Dean regarding the use of the hall to hear public concerns regarding Reserve Gas coming into the Town to service a few residents. Received a monthly

certificate of analysis from Biotrax for town water testing. The Town Clerk received an invitation to a meet the candidate day on 10/31 in Warsaw from Independent Living of the Genesee Region. Supervisor Grant received a flyer that will be posted from the Wyoming County Office of the Aging regarding an Alzheimer's Support Group meeting on 11/16 in Warsaw. Received a letter from the Bank of Greene County considering financing programs. A thank you letter was received from the Folsom Trailblazers for allowing the trail system to run through the Town Park. Supervisor Grant received information from the NYS Association of Counties regarding the vote on the State Constitutional Convention. She handed packets out to the board members that gave information on the pros & cons of the propositions. Councilman Mohun received an email from Trash Tracker regarding additional interest in their program.

Hear Public Concerns:

Elmer Sturm from Kern Rd. Was interested in whether the Board was going to make a decision on the Emergency Communications Tower. Supervisor Grant stated that it would not be discussed until the November board meeting.

Public Hearing Comments:

Bennington Fire Contract 1 Year Contract: \$95,000 for a one year contract in 2018

Harris Corners Fire Contract 2 Year Contract: \$29,804.40 for 2018
\$30,400.49 for 2019

Cowlesville Fire Contract 3 Year Contract: \$79,590.60 per year for 3 years

The Cowlesville Volunteer Fire Company is also requesting a stipulation that they receive 50,000 gallons of water per year, free of charge, to be used in their training exercises. Councilman Gadd asked how we tracked the water usage. Supervisor Grant answered that it is easier to track through the hydrants. Councilman Gadd asked that all of the Volunteer Fire Departments go on a three year renewal. The town requested this from all of the Fire Departments for this year, but these were the proposals that were received. Supervisor Grant asked Mr. Kirsch from the Harris Corners Fire Department if the additional charge for the rescue department would also go up 2% each of the two years. Mr. Kirsch replied affirmatively that it would.

Departments:

Assessment: Assessor Wittmeyer reviewed the Cold War Exemption program. The town will need to pass a resolution/law to remove the sunset exemption before March 1, 2018. Supervisor Grant will have the town attorney look over and draw up a local law for the November meeting. The assessor attended conference in Lake Placid. The entire state assessor's computer system will be getting an upgrade in 2019.

Zoning/Planning: Zoning Enforcement Officer Marble has been attending state training to become a certified Zoning Enforcement Officer. She would also like the members of the Zoning Board of Appeals to attend training. There will be two classes coming up November 11th for basic classes. Supervisor Grant asked for a motion that Town Clerk Busch advertise again for the Secretary opening on the Zoning Board of Appeals. Motion made by Mohun/Hoy, voting all ayes, carried.

Highway Department: Superintendent Czworka reported that there is a tree on the corner of Schoellkopf and Folsomdale Road that needs to come down. The Electric Company cannot help with the removal and it will be have to be paid fully by the town. The Superintendent contacted three different tree removal services and the prices ranged from \$3,000-\$7,000 just to take

it down. The homeowner would take care of cleanup. The Superintendent will contact a couple of other services for price quotes. Motion made by Mohun/Frounick to get this project done for under \$3,000. Voting all ayes, carried.

The town is no longer able to remove and dispose of deer killed on the town roads. A service has come forward that can remove the carcass at a cost of \$37 per deer. Supervisor Grant will add this expense to the 2018 Budget.

Superintendent Czworka reported that there is a lot of ditch work needed on Tooley and Eck Rd. He will need to purchase rock to take care of it. He will also be hauling sand and salt in for this winter. The Town of Sheldon gave us their Brine Tank that was no longer needed by them. Carwell sprayed undercoating on the last Highway department pickup truck. Ken would like the new pickup sprayed with Rustikote. This new product is a little better and will cost \$165/work truck, \$100/pickup truck and \$135/utility vehicles. Total project would be about \$1,000.

The Cross culvert at Church and Geise roads washed out. The 20ft length of pipe needs to be replaced. There is also a deep hole that needs to be fixed. Should be addressed, but not till spring. Will be a lot of work and a large cost. The town crew can do the work.

Parks/Recreation - The Fall baseball league is wrapping up with the last games at the end of October. The Port a Johns that are at the park and the Historical Society will be removed at the end of October. Winterizing of the bathrooms to be coordinated with the highway department crew. Supervisor Grant asked that it be completed the following week.

Water Department - Supervisor Grant met with the engineer and there is sufficient water to accommodate Highland Glens. They will be limited to 12-13,000 gallons of water per day or 1/3 of daily consumption.

Resolution #2017-10-7 Amending Bulk Sale Water Agreement with Erie County Water Authority

Whereas, pursuant to a request by the residents of the Highland Glen development within the Town of Bennington to purchase water from the Cowlesville Water District to support their water supply to residents, and

Whereas, the Town Engineer, Wyoming County Health Department and the Erie County Water Authority are in agreement that sufficient water is available to supply the needs of Highland Glen through the storage facilities and water mains of the Erie County Water Authority without having a detrimental impact on the customers within the Cowlesville Water District, now therefore,

Be it Resolved, that the Town Supervisor is hereby authorized and directed to approve an amended Bulk Sale Water Agreement with the Erie County Water Authority to allow out-of-district sales for the purposes above.

Motion: Frounick Second: Hoy

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

Motion made by Frounick/Mohun to close the Public Hearing at 8:08pm. Voting all ayes, carried.

Resolution #2017-10-2 Bennington Fire Protection District Contract

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2018 Contract between the Town and the Bennington Fire Company for the Bennington Fire Protection District on this 11th day of October, 2017 at the Bennington Town Hall;

Now, Therefore, Be It Resolved, that following consideration of any and all comments regarding said Contract, the Town Board hereby approves said 2018 Contract in the amount of \$95,000, said amount to be levied upon the 2018 Town and County tax bills for parcels located within said District.

Motion by Mohun; Seconded by Hoy

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Resolution #2017-10-3 Cowlesville Fire Protection District Contract

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2018, 2019 and 2020 Contract between the Town and the Cowlesville Fire Company for the Cowlesville Fire Protection District on this 11th day of October, 2017 at the Bennington Town Hall;

Now, Therefore, Be It Resolved, that following consideration of any and all comments regarding said Contract, the Town Board hereby approves said Contract in the amount of \$79,591 per year, with an annual allocation of 50,000 gallons of public water, said amounts to be levied upon the Town and County tax bills for parcels located within said District each year.

Motion by Gadd; Seconded by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Resolution #2017-10-4 Harris Corners Fire Protection District Contract

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2018 and 2019 Contract between the Town and the Harris Corners Fire Company for the Harris Corners Fire Protection District on this 11th day of October, 2017 at the Bennington Town Hall;

Now, Therefore, Be It Resolved, that following consideration of any and all comments regarding said Contract, the Town Board hereby approves said Contract in the amount of \$29,804.40 for 2018 and \$30,400.49 for 2019, said amounts to be levied upon the Town and County tax bills for parcels located within said District each year.

Motion by Hoy; Seconded by Gadd

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Transfer Station - Discussion held regarding Trash Tracker program. Supervisor Grant asked what the process would be to get a compactor for the recyclables. The Supervisor feels that the compactor would be of good use to the town to reduce the number of trips that Waste Management comes to tip the recycle bin. Councilman Mohun will contact Trash Tracker to get details.

Old Business:

Emergency Communications Tower - Councilman Mohun recused herself from this discussion. Emergency Fire Coordinator Santoro needs to provide more information to the Town Board for the next meeting in November.

Resolution #2017-10-1 Table Application for Emergency Services Communication Tower

Whereas, the Town of Bennington has held a public hearing on the application for an emergency services communication tower, and

Whereas, it has been determined that the application received is incomplete and that additional information is required prior to making an informed decision,

Now, therefore, be it resolved, that the Town Board hereby tables action on the application for an emergency communications tower to the next scheduled Town Board Meeting, Wednesday, November 8, 2017 at 7:30 p.m. at the Bennington Town Hall.

Motion by Hoy; Seconded by Gadd

Ayes: 4

Noes: 0

Abstain: 1

Absent: 0

The Zoning Board of Appeals adjourned the public hearing held on October 4, 2017 and will re-open the meeting at the next meeting scheduled to take place on November 1, 2017.

Councilman Mohun re-joined the Town Board.

New Business:

Public Hearing on 2018 Town Budget - The Board members received a copy of the tentative 2018 Town budget. They went over various components. Supervisor Grant asked that the Board members get back to her via phone/email with any questions. She is waiting for assessments to come back to see what they the levy will be.

RESOLUTION #2017-10-5 Set date of Public Hearing for 2018 Town Budget

Be It Resolved, that pursuant to Town Law, the Bennington Town Board will hear all interested parties regarding the 2018 Town Budget on Wednesday, November 8, 2017 at 7:30 p.m. at the Bennington Town Hall,

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

Motion: Hoy ;Second: Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Resolution #2017-10-6 Employee Assistance Program

Whereas, this Town Board has determined it to be in the best interests of its employees and the Town to provide an employee assistance program to provide localized assessment and short-term counseling services to employees and family members experiencing personal difficulties that could impact job performance; now, therefore,

Be it Resolved, that the Bennington Town Board hereby authorizes the Town Supervisor to enter into an agreement with Educational Resource Associates of Pittsford and Batavia, NY, for a period of one year, effective September 20, 2017 through September 19, 2018 in an amount not to exceed \$350.

Motion: Mohun Second: Hoy

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

Supervisor Grant asked the Board members if there is any other business to come before the Board. There being no other business the regular meeting was adjourned at 8:29pm

Supervisor Grant asked for a motion to move into Executive Session. Motion made by Gadd/Hoy, voting all ayes carried.

Motion to leave Executive Session made at 9:25pm by Frounack/Mohun, voting all ayes carried.

Supervisor Grant informed Board members that copies of the minutes from all the meetings regarding the dissolution of Varysburg Fire Protection District and the expansion of Varysburg Fire District into the new Varysburg Fire District #1 are on file with the Clerk if anyone wishes to review them. All of our steps in the process have been completed.

Motion made by Mohun to adjourn. Meeting adjourned at 9:26 p.m.

Respectfully submitted,

Carolyn Busch
Bennington Town Clerk

November 8, 2017
6:48 PM

Work Session

Supervisor Grant along with Council Members Mohun, Frounick, Hoy and Gadd audited the Highway, General Fund and Special District claims.

A representative from Di Pietro's office came in to see if there were any issues within the town he can take back to talk about. The Board members said that they need additional funds to get the dirt roads in the town paved. Money goes to the County and the State for road maintenance, but never filters down to the Town for the local roads.

A resident from Reilein Rd. sent a letter regarding their driveway. It was reported that water was backing up and washing out their driveway. Superintendent Czworka went up and looked at the problem and determined that the resident needs to clean out the lawn debris from the receiver.

The Town Highway vehicles were sprayed with Rustikote. Sand and Salt are being hauled in for preparation for the winter weather. Washouts on a couple of town roads that needed to be addressed. Ken's Tree Service will come out and take care of the tree on Schoellkopf Rd. Waiting on insurance certificate before work can be scheduled.

Information came in from the Employee Assistance Program that the Town signed up for. Supervisor Grant handed out contact cards to the Board Members.

Supervisor Grant updated the Board that she is getting quotes on a compactor for the recycling center.

Town Clerk Busch spoke to the Board about the Canine Registry program that many of the other neighboring towns are using. It is a service that would send out postcards to gain information about dog enumeration and dissolve the need for a Town Dog Enumerator. The Clerk will give additional information to the Town Board at the next meeting.

October 11, 2017
PM

Regular Meeting

7:35

Supervisor Grant called the meeting to order and asked Councilman Hoy to lead the pledge to the flag. Present were Council Members Gadd, Frounick, Hoy and Mohun.

Supervisor Grant opened the Public Hearing on the 2018 Town Budget at 7:36PM.

Financial Matters:

General Fund claims #211-235 totaling \$12,360.14 presented. Motion made by Hoy/Frounick to approve the General Fund claims presented. Voting all ayes, carried.

Highway claims #148-160 totaling \$39,039.32 presented. Motion made by Mohun/Gadd to approve the Highway Fund claims. Voting all ayes, carried.

Special District Claims:

Cowlesville Water District claims #65-71 totaling \$2,184.35 presented. Motion made by Frounick/Hoy to approve the Water District claims, voting all ayes, carried.

Cowlesville Street Lighting - Voucher #11 in the amount of \$181.81 presented. Motion made by Hoy/Gadd to approve the Special District claim, voting all ayes, carried.

Supervisor's Financial Statements for October:

Highway CHIPS money coming 12/15 in the amount of \$234,000. Councilman Mohun asked that the Town Clerk supply monthly reports. The Town Clerk will catch up from the last four months and disperse at the next board meeting. Moving forward the Town Clerk will have these included in the Councilman's packets on a monthly basis. There being no questions, a motion was made by Mohun/Hoy to accept the Financial Reports for October, voting all ayes, carried.

Minutes from the October 11th Meeting and the Varysburg Fire District Dissolution meeting held on September 11, 2017 in Varysburg: There being no corrections or amendments, a motion was made by Gadd/Mohun to approve the minutes, voting all ayes, carried.

Correspondence:

Town Clerk Busch received the monthly certificate of analysis from Biotrax for town water testing. The Town Clerk received an invitation to training hosted by the Association of Towns for newly elected Town Officials. The Town Clerk also received an information page to update all of the officials in the Town Of Bennington. The Town Clerk asked that the Councilman give her updated contact information. Supervisor Grant received a letter from the State Comptroller's office for needed information on the states retirement system. Supervisor Grant received a letter from the Town Attorney regarding the Highland Glens water extension. Chatfield Engineering requires some additional information in order to finish the process of extending the water district to include Highland Glens. The Supervisor also received a letter regarding new requirements for solid waste from the DEC. They will amend permits for Town Transfer Stations. There will be a fundraising auction to benefit the Wyoming County Arts on 11/11/17 in Perry. We received a follow up letter regarding organized use of firearms for a property on Bailey Rd. The homeowner's attorney requested additional information regarding the clarification of town law. The Zoning officer has not received any complaint calls since the cease and desist letter was issued. The Town Clerk and the Supervisor received a letter from Assemblyman DiPietro's office regarding a new program to "Commemorate our Hometown Heroes 2018 Bridge and Road Name Program". The Zoning officer will put the nomination forms on the Town Website.

Hear Public Concerns:

None

Departments:

Assessment: Assessor Wittmeyer spoke about the Cold War Exemption program. The town will need to pass a resolution/law to remove the sunset exemption before March 1, 2018. Supervisor Grant asked about raising our assessed values. The Supervisor would rather the equalization rate be included on the statements. The Assessor said it would cost money to get this done and it wouldn't go into effect until 2019. Councilman Hoy asked that the assessor set up a time to further explain to the board the equalization rates and what they mean to the taxes for the residents. Assessor Wittmeyer will look at her calendar and schedule an informative session. Assessor Wittmeyer stated that the property Tax Freeze checks will be mailed out soon from the state.

Zoning/Planning: Zoning Enforcement Officer Marble spoke briefly about the Special Use Permit that was included in the Board Members packets tonight.

Highway Department: Superintendent Czworka had nothing else to comment on other than what he spoke about during the work session.

Parks/Recreation - Supervisor Grant reported that the bathrooms at the Town Park have been winterized and the port-a-johns have been removed from the Park and Historical Society building.

Water Department - Sale of the BAN for the town went to the lowest bidder, Greene County Bank at a rate of 1.48%. There were four bids altogether, all under 2%. Letters of interest have been coming in from this bank regarding their interest in loaning the town money. The town was able to make the first of five installments on the truck and pay down the interest with this money.

Transfer Station - Trash Tracker, getting price quotes on compactors for the recycling center. Ballpark estimates will cost the town \$20-\$25,000. Hopefully a good rate will come in and then the building can be started to house this. Councilman Frounck asked that the tires get hauled away as the pile is getting extremely large.

Old Business:

Emergency Communications Tower - Councilman Mohun recused herself from this discussion.

Emergency Fire Coordinator Santoro called Supervisor Grant and will have a complete application to the Zoning Officer by next week. Copies will go to the ZBA and Town Board Members. The Supervisor was informed that the grant money could be used to make a rental payment, but only for one year. Zoning Officer Marble will be sending something to Mr. Santoro that there would be no way to put a tower up under 150ft. Question was asked if the previous public hearing is valid since the location is moving 100ft over on the proposed property. Question was asked if the grant can be applied to every year. Joyce Mohun asked about grant money for the tower. We would be unable to prepay the rent as it has to be used in full within that time period. It is not known at this time how long the funding will be available. Rent money for the landowner will come from the county and is not part of the grant. Brian Waite asked about the FAA Rules. The County would notify the FAA about the tower. Councilman Frounck asked if the grant money would be lost if the Town Board keeps tabling the issue. The grant paperwork has to be in by January 2018.

Resolution #2017-11-1 Table Application for Emergency Services Communication Tower

Whereas, the Town of Bennington has held a public hearing on the application for an emergency services communication tower, and

Whereas, it has been determined that the application received is incomplete and that additional information is required prior to making an informed decision,

Now, therefore, be it resolved, that the Town Board hereby tables action on the application for an emergency communications tower to the next scheduled Town Board Meeting, Wednesday, December 13, 2017 at 7:30 p.m. at the Bennington Town Hall.

Motion by Gadd; Seconded by Hoy

Ayes: 4
Absent: 0

Noes: 0

Abstain: 1

The ZBA members do not have full binders of Town Zoning Law. Supervisor Grant will speak to Judy Brown about this as she had made binders for all members last year. Joyce Mohun stated one ZBA member had a conflict of interest and was asked to recuse themselves by the Town Attorney. Mike George will be asked to attend the meeting on December 6th as an alternate.

Councilman Mohun re-joined the Town Board.

New Business:

Adopt local law #3 to adopt a law permitting the town to exceed the property tax cap. Zoning Officer Marble will post the date of Saturday, November 18, 2017 at 9am on the town website to announce the Public Hearing regarding this matter.

Resolution #2017-11-2 Local Law #3, 2017 - Permit the Town to Exceed the 2018 Property Tax Cap

Be It Resolved, that the Town Board of the Town of Bennington hereby sets the date of the Public Hearing to hear comments on the proposed Local Law #3, Year 2017, a Local Law Authorizing the Town Board to Exceed the NYS Property Tax Cap for the 2018 Town Budget, to occur at 9am on Saturday, November 18, 2017; and

Be It Further Resolved, that the Clerk of this Board is hereby authorized and directed to advertise the same in the legal publication of the Town within the prescribed timeframes.

Motion by: Mohun; Seconded by: Frounick

Ayes; 5
Absent: 0

Noes: 0

Abstain: 0

2018 Town Budget- Supervisor Grant opened the floor for any comments regarding the Town Budget. The levy will go up by \$83,000 with the passage of Local Law #3-2018. These funds will all go into the Highway line. The County Tax Levy will be at an increase right around 2%. The County Budget Hearing will be at 6pm on Tuesday, November 21st. No questions from the floor. Motion made by Gadd/Hoy to close the Public Hearing.

Resolution #2017-11-3 2018 Bennington Town Budget

Whereas the Town of Bennington has held a public hearing on the proposed 2018 Town Budget on this 8th day of November 2017; and

Whereas it has been determined that the proposed 2018 Town Budget will necessitate a levy growth to exceed the approved 2018 New York State Tax Cap amount and will require the adoption of a Local Law to exceed the property tax cap;

Now, therefore, be it Resolved, that the Town Board hereby tables the voting and adoption of the 2018 Town Budget until November 18 , 2017 at 9am at the Bennington Town Hall, and

Be it further Resolved, that the Town Clerk is hereby authorized and directed to advertise the Special Session of the Town Board for such purpose.

Motion by: Mohun; Seconded by: Hoy

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Authorize the re-levy of water balances onto tax bills – Anything over \$200 outstanding will go onto the 2018 Tax Rolls. Judy Brown will have a statement and the Town Clerk will send over the list to Real Property Tax Services.

Resolution #2017-11-4 Authorize Re-Levy of Unpaid Cowlesville Water District Bills

Whereas, the Cowlesville Water District Clerk has prepared a statement of unpaid water bills in arrears that have not been paid after billing the responsible owner/user; now therefore

Be It Resolved, that the Town of Bennington Town Board hereby authorizes the re-levy of unpaid bills payable to the Cowlesville Water District onto the 2018 Town and County Tax Bills;

And, Be It Further Resolved that the Clerk will forward a copy of this resolution and listing of the property owners, property tax number and amount due to the Wyoming County Real Property Tax Office in Warsaw, NY.

Motion by: Frounick; Seconded by: Gadd

Ayes; 5

Noes: 0

Abstain: 0

Absent: 0

RESOLUTION #2017-11-5 Advertise Seasonal Maintenance Roads

Be It Resolved that the Bennington Town Clerk is hereby authorized and directed to advertise in local publications that certain roads within the Town of Bennington are designated seasonal minimal maintenance during the months of November 1 through April 30, as posted.

Motion: Mohun; Second: Hoy

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Resolution #2017-11-6 Advertise Winter Parking Restrictions

Be It Resolved that the Bennington Town Clerk is hereby authorized to advertise in local publications that there is a legal parking restriction on all roads in the Town of Bennington during winter months Nov. 1 through April 30 from 2 a.m. to 7 a.m., as per Local Law # 1 Year 1978.

Motion: Hoy; Second: Mohun

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Supervisor Grant asked that the Town Clerk advertise for seasonal help at the Town Highway Department.

Set Date of Public Hearing – Special Use Permit Dominion & Grimm

Resolution #2017-11-7 Set date of Public Hearing - Special Use Permit Application

Whereas, the Town has received a Special Use Permit Application by Dominion & Grimm to conduct commercial sales of maple syrup equipment from a building located at 2065 Clinton Street, Attica New York; and

Whereas, a Public Hearing is required to be held to receive comment on the proposed activity;

Now, therefore, be it Resolved, that the Town Board shall hold a public hearing on the above application on December 8, 2017 at 7:30 p.m. at the Bennington Town Hall; and

Be it Further Resolved, that the Town Clerk is hereby authorized and directed to advertise the same.

Motion: Gadd; Second: Frounick

Ayes; 5

Noes: 0

Abstain: 0

Absent: 0

Website - Updates to the Town Website are nice and well received by residents. The Property Roster and District Map are on the site now as well. Board members are encouraged to give Katie updates.

Town Clerk to attend Notary Class - The Town Clerk is seeking permission from the Board to attend training at GCC on December 13th 2017 for Notary Public Review Class.

Resolution #2017-11-8 Authorize Town Clerk training for Notary Public

Be it Resolved, that the Town Board hereby authorizes the Town Clerk to attend Notary Public training and to apply for Notary Public testing to facilitate her employment duties and responsibilities; and

Be it Further Resolved that the Town shall reimburse the Clerk for any fees related to such training, testing and licensure.

Motion: Frounick; Second: Gadd

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Supervisor Grant asked the Board members if there is any other business to come before the Board. Motion made by Mohun, there being no other business the regular meeting was adjourned at 9:05pm.

Supervisor Grant asked for a motion to move into Executive Session to discuss union negotiations. Motion made by Mohun/Hoy, voting all ayes carried.

Motion to close Executive Session made at 10:00 pm by Hoy/Mohun, voting all ayes carried.

Motion made by Mohun to adjourn. Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Carolyn Busch
Bennington Town Clerk

Special Session – November 18, 2017

Be it Resolved, that, following a duly advertised Public Hearing held on the 8th day of November 2017, the Bennington Town Board hereby adopts the Proposed 2018 Town of Bennington Budget with a total levy of \$1,262,621 and authorizes the amounts therein to be levied upon the real property within the Town of Bennington on the 2018 Town and County tax bills.

Motion Frounick; seconded Mohun.

Ayes: 3

Noes: 0

Absent: 2

Any other business to come before the Board. 2018 Tax Collection Bank Account approved as Five Star Bank. Supervisor Grant asked for a motion; motion made by Frounick/Mohun, voting all ayes, carried.

Supervisor Grant asked the Board members if there is any other business to come before the Board. Motion made by Mohun, there being no other business the regular meeting was adjourned at 9:40am.

Respectfully submitted,

Carolyn Busch, Town Clerk

December 20, 2017

Work Session

6:47 PM

Supervisor Grant along with Council Members Mohun, Frounack, Hoy and Gadd audited the Highway, General Fund and Special District claims.

Discussion was held on dog enumeration. Post cards will not be used for 2018 based on the Town Clerk's recommendation.

Superintendent Czworka is in the process of trying to find a temp worker for the Highway department for one employee's medical absence.

Discussion was held on special use permit. Initial permit will be issued for one year then will go to three years if approved during the meeting.

January 3rd, 2018 will be the Organizational meeting for the New Year, no meeting will be held on the 10th. Town Clerk was instructed to advertise for the Special Meeting.

December 20, 2017

Regular Meeting

7:31pm

Supervisor Grant called the meeting to order and asked Council Member Hoy to lead the pledge to the flag.

Present were Council Members Frounack, Gadd, Hoy and Mohun.

Supervisor Grant opened the Public Hearing to consider the Special Use Permit application submitted by Dominion & Grimm to sell maple syrup making equipment commercially. The Public hearing will be open for a minimum of a half hour.

Supervisor Grant presented the renewal of a service agreement from Eagle Systems for the copier for the 2018 year. Supervisor asked for a motion to approve. Motion made by Hoy/Mohun to approve the agreement. Voting all ayes, carried.

Financial Matters

General Fund claims #236-263 totaling \$12,061.98 presented. Motion made by Frounack/Gadd to approve the General Fund claims presented. Voting all ayes, carried.

Highway Claims #161-179 totaling \$41,779.99 presented. Motion made by Mohun/Hoy to approve the Highway claims presented. Voting all ayes, carried.

Special District Claims

Cowlesville Water District claims #72-79 totaling \$2,182.23 presented. Motion made by Gadd/Frounack to approve the water district claims, voting all ayes, carried.

Cowlesville Street lighting claim #12 totaling \$181.81 presented. Motion made by Hoy/Mohun to approve the lighting district claims, voting all ayes, carried.

Supervisor's Financial Statements for November:

Councilman Hoy asked if the Financial Report included CHIPS money. Supervisor Grant said that it does not, will be in next month's report. Councilman Mohun asked if left over money stays in Highway Funds. Supervisor affirmed that this money does stay. It can be used to bring down taxes or used if a major catastrophe takes place. Motion made by Gadd/Hoy to accept the Financial Reports for November, voting all ayes, carried.

Minutes: November 8th Regular Meeting:

Supervisor Grant asked if there were any corrections/amendments to the minutes. Motion made by Mohun/Gadd to approve the minutes as corrected, voting all ayes, carried.

Correspondence:

Letter received from the Department of State verifying their receipt of Town of Bennington's Local Law #3 2017 was filed on December 5, 2017.

Email received from the Varysburg Fire District regarding their recent Fire District Elections and list of Officers.

Flyers received from the Arts Council of Wyoming County. Flyer is posted on the Town Clerk's Bulletin Board that lists all of the upcoming activities for the Winter months.

Certificate of Analysis received from BioTrax for the monthly testing.

Certificate of Workers Compensation received from Hojnowski Transport.

Letter received from the Erie County Water Authority regarding an error of late payment billings from the last six years. The Town's account will be credited \$878.61 on the next January billing due to errors of late payment fees charged to the town from the last six years.

Certificate of Workers Compensation Insurance and Liability Insurance received from Ken's Tree Service.

Supervisor Grant received a notice of public hearing from the Strykersville Volunteer Fire Department regarding an application to expand Ambulance Service in the area.

Meeting will be held December 28, 2017 at the Strykersville Fire Hall.

Supervisor Grant received the Town Clerk's monthly report for November.

Supervisor Grant received an annual report from the DEC on Transfer stations.

A letter was received from Chatfield Engineering asking to be re-appointed for 2018.

An email was received by Supervisor Grant regarding re-filing our financial activity report for 2017.

Supervisor Grant opened the floor for public comment on the Special Use Permit application for Dominion & Grimm.

A question from the floor came from Michelle Botkins. She asked why the permit now as they are already there. Councilman Hoy explained that it was originally permitted as an agriculture business, but now wanted to be a commercial business. One letter was received by a neighbor against the proposed business. This homeowner had concerns about large trucks coming in and out of the property. Brian Burnison explained that one semi comes in and out once every other week

this time of the year. Supervisor Grant explained that if the permit was approved, a one year provisional permit would be issued and then if there were no problems reported during the next year, a three year permit would be granted. The time currently being 7:47pm, the public hearing will continue to be open.

Supervisor Grant asked if there were any other concerns from the audience. One resident, Mr. Quinn from Friedman Road received a letter from the Zoning Department regarding a shed that was constructed at his home and inquiry of a home based business. He is a sub-contractor for Pella Windows, so he is not running a business from his home. He has to have a business name in order to sub-contract for Pella, but does no other work outside of Pella. The Board decided that he does not need a permit of any kind due to him working as a sub-contractor.

A representative from Cellino Water Treatment was present to build brand recognition for their water treatment services. He intends to market free water tests to the residents of our town. He would like to distribute literature throughout the town, advised to put information in Penny Saver boxes.

Departments:

Assessment: Assessor Whittmeyer was not able to make the meeting tonight.

Zoning/Planning: Zoning Officer Marble was not able to make the meeting tonight.

Highway Department: Supervisor Czworka reported that one of the trucks went down and needed to be towed.

Parks/Recreation: Nothing to report.

Water District: Supervisor Grant reported that there is still work going on regarding the Highland Glen project. Meeting will be held on January 9th to meet with Highland Glen, Attorneys, County Health Department and Town Engineers. Erie County Water Department needs more information from Highland Glen. Highland Glen trying to ascertain information from the Town's Engineer, but were instructed to hire their own for advice.

Transfer Station: Nothing new received from Trash Tracker.

Supervisor Grant asked for a motion to close the Public Hearing at 8:03pm. Motion made by Mohun/Frounick. Voting all ayes, carried.

Old Business:

Supervisor Grant read through the SEQR application on property. Supervisor Grant asked for a motion for a negative declaration.

Resolution #2017-12-1 Dominion & Grimm Special Use Permit Application - Syrup Equipment Sales

Whereas, the Town has received a Special Use Permit Application by Dominion & Grimm to conduct commercial sales of maple syrup equipment from a building located at 2065 Clinton Street, Attica New York; and

Whereas, a duly advertised Public Hearing has been held this 20th day of December 2017 to allow for any comment on said application; and

Whereas, the Town Board has completed the SEQR Part II and Part III with findings of no significant environmental impact and has prepared a negative declaration;

Now, therefore, be it Resolved, that the Town Board hereby approves for an initial period of one year the Special Use Application with the following conditions: None at this time.

Motion: Hoy Second: Mohun

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

New Business:

Resolution #2017-12-2 Set Date for 2018 Organizational Meeting

Be it Resolved, that the date and time of the 2018 Annual Organizational Meeting of the Bennington Town Board shall be at 7:30 p.m. on January 3, 2018, and be it

Further Resolved, that all of the said meetings shall be held at the Bennington Town Hall, Bennington Center, NY, and be it

Further Resolved, that the Clerk of this Board is hereby authorized and directed to advertise the same in the legal publication of this Town.

Motion made by Hoy ; seconded by Frounck.

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

Resolution #2017-12-3 Audit Services

Be It Resolved that the Bennington Town Board is hereby authorized to contract with Don Pryzbyl, 312 Townline Road, Lancaster New York 14086 for the purpose of conducting an audit of the financial records of the Town Supervisor, Town Clerk/Collector, Water Clerk and Town Justice Court, and to present any and all findings to this Board.

Motion made by Mohun ; seconded by Gadd.

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

Resolution #2017-12-4 Set date for Public Hearing on Local Law #1 Year 2018 and Declare Town Board as Lead Agency for SEQR Purposes.

Be it Resolved that the Town Board hereby directs and authorizes the Town Clerk to advertise for a Public Hearing on January 13, 2018 at 7:30 p.m. at the Bennington Town Hall for the purpose of hearing comment on Proposed Local Law #1 Year 2018, A Local Law Exemption from Real Property Taxes for Real Property Owned by Veterans who Rendered Military Service to the United States of America during the Cold War.

Be it Further Resolved, that the Bennington Town Board hereby declares itself to serve as Lead Agency for the purposes of conducting a State Environmental Quality Review on the above application.

Motion made by Frounick; seconded by Hoy.

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

Resolution #2017-12-5 Create 1 Full-Time Temporary/Seasonal Motor Equipment Operator position

Be It Resolved, there is hereby created one (1) full-time temporary/seasonal Motor Equipment Operator position within the Town of Bennington Highway Department effective December 14, 2017 at a salary of \$ per hour; and

Be it Further Resolved that this position, as per the current Collective Bargaining Unit Agreement with Teamsters Local 264, is not entitled to the protection and benefits under the Unit Agreement; and

Be it Further Resolved that this position shall be entitled to only those benefit required by law.

Motion: Mohun; seconded by: Frounick.

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

Councilman Frounick further clarified that when the Full Time person comes back that this persons position will be eliminated.

Further clarification is needed by Five Star Band to clarify that the Town Tax Collector is Carolyn Busch for banking procedure.

Resolution #2017-12-6 Appoint Carolyn Busch as 2017 Tax Collector

Whereas, the Bennington Town Board has appointed Carolyn Busch 251 Sargent Street Cowlesville New York as Town Clerk effective January 1, 2017 through December 31, 2017 to fill the unexpired term of Judith Brown;

Now, Therefore, Be it Resolved, That the Bennington Town Board hereby appoints Carolyn Busch, 251 Sargent Street, Cowlesville New York at Tax Collector effective January 1, 2017 through December 31, 2017 to fill the unexpired term of Judith Brown.

Motion: Hoy; seconded by Frounick.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Any other Business to come before the Board:

Supervisor Grant asked that Town Clerk Busch order a name plate for our new board member Brian Waite. Supervisor Grant thanked Councilman Hoy for his years of service to the Town.

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 8:18pm.

Respectfully Submitted,

Carolyn Busch, Town Clerk