

**2023 Organizational Meeting**  
**January 4, 2023 – Town Hall**  
Organizational Meeting: 6:30 p.m.

Meeting was called to order by Supervisor Ellen Grant with Councilmen Mohun and Domes in attendance as well as Deputy Clerk Nikiel.

Pledge of Allegiance to the Flag was led by Deputy Clerk Nikiel

**Acknowledgment of Oaths of Office by Board Members & Elected Officials** – oaths will be administered to Clerk Brown and Superintendent Jensen this week and to Deputy Clerk Wolcott prior to her starting work.

**A. Salaries, Fees & Financial Matters:**

2023 Town Salaries:

Supervisor	\$	6,400.00
Town Councilmen 4 @		1,950.00
Town Justice 2 @		7,000.00
Highway Superintendent		73,100.00
Town Clerk/Collector/Registrar		16,900.00
Deputy Town Clerk I/Collector		20.00/hr
Deputy Town Clerk II/Collector		18.50/hr
Budget Director		600.00
Town Assessor (sole)		26,750.00
Assessor Revaluation stipend		3,750.00
Office Clerk		15.00/hr
Planning Bd/Zoning Bd of Appeals member		25.00/mtng.
Planning Bd/ZBA Chair		30.00/mtng
Planning Bd/ZBA/Assess. Review Secretary		17.50/hr.
Bd of Assessment Review Members		25.00/hr.
Court Clerk		8,000.00
Town Bookkeeper		5,000.00
Town Custodian		2,300.00
Town Historian		350.00
Attorney for the Town of Bennington	as per voucher	
Town Park Maintenance Person		5,400.00
Prosecutor		4,000.00
Motor Equip. Oper. w/CDL (PT/Seasonal)		23.50/hr.
Highway Laborer (PT Seasonal)		17.50/hr
Water System Operator		19.00/hr.
Asst. Water Syst. Operator		17.00/hr
WSO/Assist WSO Emerg. Call Out		3.00/hr premium
Water Clerk		600.00
Swim Instructors		16.00/hr
Lifeguards		16.00/hr

Youth Recreation Coordinator 500.00

Fees:

Driveway Pipe Installation (initial)	\$300.00
Sale of Zoning Books	50.00
Tower Special Use Permit Fee	\$2,000.00
Building Permit fee 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
Park Rental	50.00
Park Security Deposit	50.00
Copies of official documents	.50 per page

Official rate for Mileage while on Town Business: .45 per 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	Five Star Bank
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, authorized signers; Ellen Grant and June Spencer authorized electronic/wire transfers.

Town Clerk and Tax Collector Accounts – Judith Brown and Carolyn Busch, authorized signers

Justice Court Funds – Mark Linsey and James Wawrzyniak, authorized signers

**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 workshop session beginning at 6:30 pm
Planning Board	Third Wednesday, 7:00 pm, Town Hall
Zoning Board of Appeals	First Tuesday, 7:00 pm, Town Hall, as needed
Official Election Places	District #1, 2, and 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 Center, NY

**C. Appointments:**

Appointments:

Attorney for the Town	DiMatteo & Roach
Deputy Town Clerk II	Carolyn Busch, Jill Wolcott
Historian	Lesa Van Son
Registrar	Judith Brown
Bookkeeper	June Spencer
Budget Director	Ellen Grant
Town Prosecutor	Chelsie Hamilton
Court Clerk	Christa Dake
Planning Board Chairman	Robert Gadd
Secretary, Planning Board	Donna Hummel
Secretary, Zoning Board of Appeals	Peggy Schmidt-Wlostowski
Town Hall Custodian	Carolyn Mruczek
Office for the Aging Representative	Faith McQueen
Town Park Custodian	John Perl
County Planning Board Represent.	Robert Gadd
Assessor	James Kirsch
Water System Operator	Mark Pruitt
Deputy WSO	Keith Borden
Water Clerk	Judith Brown
Deputy Supervisor	Chris Domes
Planning Board member	Deb Nye
Zoning Board of Appeals member	Alfred Files

Motion by Mohun, seconded by Domes to approve the above actions A. Salaries, Fees and Financial Matters, B. Notices of Meeting Dates, Times, Locations and other legal notices, and C. Appointments.

Ayes: 3                      Noes: 0                      Abstain: 0                      Absent: 2, Frounick & Bryman

**Resolution #2023-1-1                      2023-2027 Agreement with Teamsters #264**

Be it Resolved, that the Supervisor is hereby authorized and directed to execute the 2023-2027 agreement with Teamsters Local #264 for the Highway Department employees on behalf of the Bennington Town Board as agreed upon.

Motion by: Domes                      Second by: Mohun

Ayes: 3                      Noes: 0                      Abstain: 0                      Absent: 2, Frounick & Bryman

**Resolution #2023-1-2                      Highway Garage Lighting Improvements**

Whereas, the Highway Superintendent, in conjunction with NYSEG and Willdan, has determined the need to replace obsolete fluorescent lighting fixtures in the garage to achieve better and more cost effective lighting; now therefore,

Be it Resolved, that the Supervisor is hereby authorized and directed to execute an agreement with Willdan, 31a Elk Terminal, Buffalo NY 14204 to replace 26 fluorescent fixtures within the Highway Department Garage. Total upgrade cost of \$8,907.43, less utility incentive \$3,909.43 resulting in a final cost of \$4,998, with an estimated return on investment to be achieved in 32 months.

Motion by: Mohun                      Second by: Domes  
Ayes: 3                      Noes: 0                      Abstain: 0                      Absent: 2, Frounick & Bryman

**Resolution #2023-1-3                      Intermunicipal Agreement to distribute Senior Citizens Exemption Notices**

Whereas, the NYS Legislature enacted new legislation requiring that a second notice of Senior Citizen Tax Exemption be mailed to all property owners thirty days prior to the March 1, 2023 exemption filing deadline; and

Whereas, the Wyoming County Real Property Tax Services is in the position to contract with the organization which mailed out 2023 tax bills and can facilitate the additional mailing prior to January 30, 2023 at a cost not to exceed \$350.00 to the Town;

Now, Therefore, Be it Resolved that the Town Supervisor is hereby authorized and directed to enter into an intermunicipal agreement for said services with the Wyoming County Real Property Tax Services.

Motion: Domes    Second: Mohun  
Ayes: 3                      Noes: 0                      Abstain: 0                      Absent: 2, Frounick & Bryman

**Resolution #2023-1-4                      Set date of Public Hearing for Special Use Permit Sugarbush Armory**

Whereas, Kimo Brandon, Handgun Headquarters, dba Sugarbush Armory has submitted an application to modify the existing Special Use Permit, to extend the building length by means of a 1,480 square foot addition to the building at 2065 Clinton Street, Attica NY, SBL 18.-1-85;

Now, therefore be it resolved, that the Town Board hereby sets the date of a public hearing on said application to be held at 7:30 p.m. on January 11, 2023 at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY 14011. Any and all interested parties will be heard and may also submit written comments to the Town Clerk.

Motion by Mohun, second by Domes  
Ayes; 3                      Noes: 0                      Abstain: 0                      Absent: 2, Frounick & Bryman

Councilman Mohun moved to adjourn the meeting. Meeting adjourned 8:23 p.m.

Bennington Town Board  
January 11, 2023  
Meeting Minutes

Workshop session was attended by Supv Grant, Councilman Mohun, Domes, and Bryman, Deputy Clerk Nikiel and Supt. Jensen. Bills were audited by the Board for payment. Supt. Jensen updated the Board on recent work activities. Members discussed the cold storage building: location, size, construction, other options for storage. Reviewed map of the property and utility locations.

Regular Session was called to order at 7:30 p.m. by Supervisor Grant, with Councilman Mohun leading the pledge to the flag. Present were Supv. Grant, Councilmen Mohun, Domes & Bryman; absent – Frounick.

Motion by Mohun, second by Bryman to open Public Hearing on Special Use Permit application, Kimo Brandon, Handgun Headquarters

Ayes: 4          Absent: 1 – Frounick    Carried. Hearing opened at 7:32 p.m.

**Financial Matters:**    General Fund vouchers #1 to #15 \$4,410.84  
                                 Highway Fund vouchers # 1 to #19 \$162,157.16  
                                 Cowlesville Water vouchers #1 to #2 \$268.22  
                                 Cowlesville Light vouchers # 1 \$119.90  
                                 Financial Reports & Transfers

Motion by Mohun, seconded by Domes to approve vouchers for payment.

Ayes: 4          Absent: 1 – Frounick

Motion by Domes, seconded by Bryman to approve the Financial Reports ending Dec 31, 2023. Ayes: 4          Absent: 1 - Frounick

Supervisor Grant opened the floor for comment regarding the application to amended the Special Use Permit for Kimo Brandon, Handgun Headquarters d/b/a Sugarbush Armory at 2065. Mr. Brandon was present and confirmed that the change is to extend the building to the north to accommodate requirements for the HVAC air quality system for the interior shooting range. No one present made comment or asked questions.

Motion by Bryman, second by Domes to close the Public Hearing

Ayes: 4          Absent: 1 – Frounick. Hearing closed at 7:37 p.m.

**Resolution #2023-1-7          Approve Special Use Permit Amendment – K. Brandon**

Whereas, the Town of Bennington is in receipt of an amended Special Use Permit application by Kimo Brandon, Handgun Headquarters d/b/a Sugarbush Armory located at 2065 Clinton Street, Attica New York, to increase the building size by 1,480 square feet, said addition extending to the rear/north side of the building, and

Whereas, the Town Board has conducted a duly advertised Public Hearing on this 11<sup>th</sup> day of January 2023 at 7:30 p.m. to hear any and all parties who wish to comment, as well as receiving any comments at the Office of the Town Clerk, and

Whereas, the Town Board has reviewed the application and given consideration to the proposed change in relation to the original application approved by this Board, as well as to any comments by the public,

Now, therefore, be it Resolved, that the Bennington Town Board hereby approves the amended Special Use Permit for a period of one year, commencing on the original date of Permit approval.

Motion: Bryman            Second: Domes  
Ayes: 4            Absent: 1 – Frounick. Carried.

Mr. Brandon asked about fencing requirements and was instructed to consult with our Zoning Officer for direction.

**Communications:** Teamsters Health & Hospital Fund participating agreement for 2023-2025; Association of Towns information on Business Meeting and budget.

**Minutes of Previous Meetings:** Tabled to February meeting

**Petitions and public concerns:** Nick Kersch and Ron Janish spoke to the Board regarding their concerns on the condition of Tooley Road and south end of Burrough Road, both as firemen and as property owners. Difficulty for heavy equipment such as a fire truck to get in and out during some of the muddy and soft road conditions. Suggested that different approaches to plowing/wing use, such as adding a wingman could help, which will be shared with the Highway Superintendent.

Mr. Kersch also asked about the status of solar project in the Town. Nothing has been heard on the proposed project in the southwest portion of the Town since before COVID. The Bennington Center project has been sold to a different company who is still pursuing approval for energy credits in Albany. Contact was made with them several weeks ago but they had no update. Credits are awarded once or twice a year.

**Departments:**

**Highway –** Highway Supt reported in the workshop session on work being done to stabilize dirt roads, equipment repair, donation of a 1959 Oshkosh to the Town from Texas Brine, and quotes on lighting changes in the garage.

**Town Clerk/Tax Collector-**

**Resolution #2023-1-5            Accept Resignation of Deputy Town Clerk II**

Be it Resolved, that the Town Board hereby accepts the resignation of Deputy Town Clerk/Collector Carolyn Busch, 251 Sargent Road, Cowlesville NY effective January 8, 2023, and be it

Further Resolved, that the Town Board hereby extends its gratitude and appreciation to Ms. Busch for her years of service to the Town.

Motion: Mohun            Second: Bryman  
Ayes: 4            Absent: 1 – Frounick            Carried.

**Resolution #2023-1-6            Appoint Deputy Clerk II**

Be it Resolved, that the Town Board hereby appoints Joanne Rosenthal, 1264 Urf Rd., Cowlesville NY 14037 as Deputy Town Clerk II, effective January 12, 2023, pending completion of required employment documents and screening;

And Be it Further Resolved, that Joanne Rosenthal is hereby designated as a signee on the Alden State Bank Town Clerk bank account and the Five Star Bank Tax Collection bank account.

Motion: Bryman Second: Domes

Ayes: 3 Abstain: 1 - Mohun Absent: 1 - Frounick

**Zoning/Planning** – Nothing to report

**Water District** – Awaiting receipt of new meters late winter.

**Old Business:** Cowlesville and Bennington have both received bills from ALS providers as per the 2022 legislation. Harris Corners does not provide ambulance service, it is contracted through Strykersville. The following resolution is modeled after one that was recently adopted by the Wyoming Co. Board of Supervisors:

**Resolution #2023-1-8 A Resolution Urging Gov. Kathy Hochul to Amend Paragraph C of General Municipal Law 209-B, Subdivision 4, to Allow ALS Intercept Agencies to Bill Directly.**

Whereas, Volunteer fire departments play a vital role in public safety; and

Whereas, The majority volunteer fire departments are supported through a combination of municipal funding and community donations, and they do not bill patients or insurers for services provided; and

Whereas, Many non-billing agencies are not able to provide Advanced Life Support (ALS) services to their communities; and

Whereas, Those agencies are required to request ALS services when needed for patient care, as may ALS agencies when ALS volunteers are unavailable; and

Whereas, Paragraph C of Section 209-B, Subdivision 4, of the General Municipal Law, as amended effective July 8, 2022, requires ALS providers to bill transporting agencies for services provided, and prohibits the direct billing of patients or insurers; and

Whereas, This structure requires non-billing agencies to either begin billing patients/insurers in order to recover those costs, or to seek additional funding from their municipalities and through donations; and

Whereas, Existing funding through municipal and community support is not sufficient to cover the increased costs associated with ALS intercepts; and

Whereas, non-billing fire departments have neither the funding nor the personnel necessary to implement a billing apparatus; and

Whereas, several fire departments do not have access to funding that would support other losses incurred through increased operating expenses, insufficient reimbursements, or non-payments; and

Whereas, The undue financial burden placed upon our non-billing fire departments will result in the continued depletion of effective EMS operations in many Counties, which are necessary, life-saving services that the Town Board is desirous that anyone living, working, and visiting any of our communities receives when requested; now, therefore

Be it Resolved, That the Bennington Town Board urge Governor Kathy Hochul to amend Paragraph C of Section 209-B, Subdivision 4 of the General Municipal Law to allow ALS intercept agencies to bill directly; and be it

Further Resolved, that the Town Clerk shall forward copies of this resolutions to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Majority Leader Crystal D. Peoples-Stokes, Assembly Minority Leader William Barclay, New York State Senator George Borello, New York State Assemblyman David DiPietro, Assemblywoman Marjorie Byrnes and the New York State Association of Towns.

Motion by: Mohun      Seconded by: Bryman

Ayes: 4, Grant, Mohun, Domes, Bryman      Absent: 1 – Frounick      Carried.

### **New Business:**

#### **Resolution #2023-1-9      Authorize Audit of 2022 Financial Records**

Be It Resolved that the Bennington Town Board is hereby authorized to contract with Don Pryzbyl for the purpose of conducting an audit of the 2022 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 by      Mohun      seconded by Bryman

Ayes: 4      Absent: 1 – Frounick      Carried.

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

Discussed potential tax exemptions available to volunteer firemen and ambulance workers. Town Attorney DiMatteo has drawn up a draft for adoption. Assessor Kirsch would like to discuss this with the Board. Firemen present tonight stated that we need to ensure that it is for active, responding members and not just anyone who belongs to a company and wants a tax break. Would need verifying eligibility with the fire companies. This will be on the agenda for February.

Lighting project in garage – motion to contract with Czubaj Electric to replace garage lighting with LED fixtures was made by Domes, seconded by Bryman.

Ayes: 4      Absent – 1- Frounick. Carried.

Bennington Senior Citizen Club shared their revised by-laws as well as a financial report on 2022 activities.

Supervisor Grant presented the 2023 NYSLRS retirement bill for the Town totaling \$39,188 as the town share. The bill is due by Feb 1<sup>st</sup> and will be split between General, Highway and Water funds according to the wages and retirement tiers of our participating workers. Motion by Domes, seconded by Mohun to approve for payment. Ayes: 4      Absent: 1- Frounick.

Councilman Domes led a discussion on using the Cornell intern program to perform a local roads survey to rate and rank the road conditions and repairs needed. This would be a guide to decision making and we can have a meeting to get a rough plan on when to approach repairs on each road. The application is available and due in by March. Will have it available for discussion at the February meeting. The Town's obligation would be to provide information, a vehicle and minimal funding. The work would take place over the summer.

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