

**2020 Organizational Meeting
And Regular January Town Board Meeting
January 8, 2020 – Town Hall**

Work session began at 6:40pm. Board members Frounick, Mohun, Gadd and Waite audited the bills. Supervisor Grant asked that recently elected officials sign the Oath of Office book. The Town Clerk passed out the book and completed for Frounick, Mohun, Grant, Busch and Czworka. Superintendent Czworka spoke about the need for a new pickup truck. Discussion held on Folsomdale Rd. and the millings. The grader is down right now and the Superintendent is working on scheduling repairs to it. Discussion held on whether the Board should put forth a referendum changing the Highway Superintendents position from an elected position to a Board Appointed position, along with a change to the term of office.

Meeting Called to Order at 7:34PM

Supervisor Grant asked Councilman Frounick to lead the Pledge of Allegiance

Acknowledgment of Oaths of Office by Board Members & Elected Officials

A. Salaries, Fees & Financial Matters:

2020 Town Salaries:

Supervisor	\$	5,300.00
Town Councilmen 4 @		1,944.00
Town Justice 2 @		7,000.00
Highway Superintendent		52,000.00
Town Clerk/Collector/Registrar		16,000.00
Dep. Town Clerk		15.00/hr
Budget Director		550.00
Town Assessor (sole)		22,300.00
Dep. Assessor, Temp.		40.00/hr.
Zoning Officer/Fair Housing Officer		15.00/hr.
Dep. Zoning Officer		13.25/hr
Office Clerk		13.25/hr
Planning Bd/Zoning Bd of Appeals member		25.00/mtng.
Planning Bd/ZBA Chair		30.00/mtng
Planning Bd/ZBA/Assess. Review Secretary		13.25/hr.
Bd of Assessment Review Members		13.25/hr.
Court Clerk		8,000.00
Town Bookkeeper		4,800.00
Town Custodian		2,000.00
Town Historian		235.00
Attorney for the Town of Bennington		as per voucher
Town Park Maintenance Person		5,250.00
Prosecutor		4,000.00
Dog Enumerator		1.50 per dog

Motor Equipment Operator (PT Seasonal)	12.00/hr
Water System Operator	16.00/hr.
Asst. Water Syst. Operator	14.75/hr
WSO/Assist WSO Emerg. Call Out	3.00/hr premium
Water Clerk	600.00
Swim Instructors	13.25/hr
Lifeguards	13.00/hr
Youth Recreation Coordinator	500.00

Zoning Fees:

Variance	\$ 225.00
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 permit – ponds	25.00
Home Occupation Permits	50.00
Home Occupation – yearly renewal	10.00
Sale of Zoning Books	50.00
Application to re-zone	500.00
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

Other Fees:

Park Rental	50.00
Park Security Deposit	50.00
Copies of official documents	.25 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 – Carolyn Busch, authorized signer

Justice Court Funds – Mark Linsey and Lani Brandon, authorized signers

Motion to approve by Mohun /Waite 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 workshop session beginning at 6:30 pm
Planning Board	Third Wednesday, 7:00 pm, Town Hall
Zoning Board of Appeals	First Wednesday, 7:00 pm Town Hall
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 Clerks, Town Hall, Bennington Center, NY

Motion to approve by Frounick/Gadd voting all ayes; carried

C. Appointments:

Appointments:

Attorney for the Town	David DiMatteo
Zoning & Fair Housing Officer	Katie-Nicole Marble
Deputy Town Clerk	Denise Kless & Judith Brown
Historian	Lesa Van Son
Registrar	Carolyn Busch
Bookkeeper	June Spencer
Budget Director	Ellen Grant
Town Prosecutor	James Wujcik
Court Clerk	Christa Dake
Planning Board Chairman	Robert Gadd
Secretary, Planning Board	Donna Hummel
Town Hall Custodian	Carolyn Mruczek
Office for the Aging Representative	Faith McQueen
Town Park Custodian	John Perl
County Planning Board Represent.	Robert Gadd
Assessor	Kandace Wittmeyer
Deputy Assessor	Tina McQuillen
Water System Operator	Mark Pruitt
Water Clerk	Judith Brown
Deputy Supervisor	Michael Gadd

Zoning Board of Appeals
Dog Enumerator

Michael George - 1/1/20 – 12/31/24
Carolyn Mruczek

No Enumeration will be done in 2020 as we will only need one completed every 3 years.

Motion to approve by Mohun /Gadd voting all ayes; carried

January Town Board Meeting Agenda

Financial Matters General Fund vouchers #01 to #11 \$5,897.75
 Highway Fund vouchers #01 to #09 \$20,488.18
 Cowlesville Water vouchers #01 to #03 \$601.61
 Cowlesville Light vouchers - none

Motion to approve by Waite/Gadd voting all ayes; carried

Financial Reports

Motion to approve by Mohun/Waite voting all ayes; carried

Minutes of previous Town Board Meeting - None at this time – Table Year end

Correspondence – Invitation to attend Disability Education & Awareness for Municipalities on 1/24/20 at the Amherst Police Department. The Supervisor received Justice Court activity for November and December. A Certificate of Insurance was received from Reserve Gas Co. and from Solar Liberty Energy. Supervisor Grant received an annual letter from Unified Court system requesting end of year audit information; Don Przybyl will come out to review. Letter from DEC on annual report of Transfer station operation.

Hear Public Concerns & Petitions: Karen DeYoung, said that website is still showing the Transfer station is open; Will address with the Webmaster. She also had questioned some of the fees that the Town charges and signers of accounts.

Departments:

Clerk – The Clerk disbursed the December Town Clerk's report along with the 2019 annual report. Slightly more money was received over 2018. Certified copies and Special Use permits income doubled year over year. The Clerk explained the spike in Certified Copies is due to the need of Real Id's from the DMV. The Town of Bennington Tax warrant for 2020 is \$4.6 million to be collected now through the end of March.

Assessor – Kandace has submitted a letter of retirement to the Town and a letter of intent to be re-appointed on 1/29/20.

Resolution #2020-1-1 Accept the notice of retirement of Kandace Wittmeyer; re-appoint Assessor

Be It Resolved, that the Town Board hereby accepts the notice of retirement of Town Assessor Kandace Wittmeyer effective close of business January 25, 2020; and

Be it Further Resolved, that the Town Board hereby appoints Kandace Wittmeyer, 11474 Stolle Road, East Aurora NY 14052 to the position of Town Assessor, effective January 29, 2020 through September 30, 2025.

Motion to approve by Gadd/Frounick. Voting all ayes; carried.

Zoning/Planning – Schedule presentation by Wyo. Co. Zoning Dept. The County would like to come to our regularly scheduled February Board meeting. It will be a 10-15-minute presentation. Letter from Town Atty. Regarding Babin property for another meeting to be held if the owners wish.

Highway – Superintendent updated the Board during work session. He is out tonight due to inclement weather.

Park/Recreation – Nothing at this time.

Water District – Accept quote of from JD Northrup on under road bore for Highland Glen project

Resolution #2020-1-2 Accept bid and authorize under road bore on Route 354 for Highland Glen water connection

Whereas, the Town of Bennington, through its' engineering consultant, MRB Group, has solicited quotations from construction companies to perform an under road bore to facilitate the connection of the Highland Glens to the Cowlesville Water District main as an out of district purchaser, and

Whereas the Town has received two quotes on said work in conjunction with the Town's purchasing policy, the lowest responsible bidder being deemed JD Northrup, now, therefore,

Be it Resolved that the Town hereby authorizes the acceptance of the quote by JD Northrup in the amount of \$ 5,675.00, and that the work be completed pending approval of the project by the New York State Department of Transportation.

Motion by Mohun; seconded by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Work to be started when NY State approves and the weather permits.

Old Business:

The moratorium on burials on private property in the Town of Bennington was approved at the end of year meeting held on December 30, 2019.

New Business:

The Bennington Senior Citizen's annual report was presented to the Board.

The Cowlesville Fire Company Truck committee attended this meeting and addressed the Board on the need for a new Fire truck. Atty. Jennifer Strong recommended that the committee get approval from the Town Board to purchase a truck. Mr. George Kumpf stated they will not be borrowing the money from NYS. The company (Community

Leasing Partners) that is selling them a truck will be providing the loan over a 15-year period. This company works with the truck provider. Their current truck is a 1986 model and will be sold after the new one comes in.

Resolution #2020-1-3 Cowlesville Fire Company Truck Purchase Approved

Whereas, The Cowlesville Fire Company, serving residents of this town with fire and rescue services, is desiring to purchase a new truck to replace a 1986 model which is no longer able to provide the necessary services required, and

Whereas, the Cowlesville Fire Company will be acquiring financing to purchase this truck,

Now, Therefore, Be it Resolved, that the Bennington Town Board hereby supports the purchase of the necessary equipment by the Cowlesville Fire Company to upgrade their truck fleet and any necessary borrowing needed to make said purchase.

Motion by Gadd; seconded by Frounck

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

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

Supervisor Grant said that we will need to address an upgrade to the software programs on Office computers as Windows 7 will no longer have support at the end of January. Supervisor Grant provided the Board with a code of ethics. On December 19th the County Highway Department held a meeting regarding the Schoellkopf Rd. Bridge. They provided two options to replace this bridge, one open and one covered. It will remain a one lane bridge and will accommodate all types of vehicles. Once approved work would start next spring. Comment forms are due this coming Friday.

Adjournment by Mohun at 8:21 pm

Respectfully Submitted,

Carolyn Busch
Bennington Town Clerk

**Bennington Town Board Meeting
February 12, 2020**

Work session began at 6:45pm with all Board members present. Supervisor Grant went over the agenda for tonight's meeting. Board members Mohun, Frounick, Waite and Gadd audited the vouchers. The IDA will have a public meeting at the Town Hall on Tuesday, February 18th at 3pm regarding the Niagara Solar Project. Ken reported on issues with the Gradall, sent to Advantage Equipment. Will cost \$3,200 to fix the cylinder. Another piece of track equipment needs repair as well, estimating \$12,000 for this repair and it will be out of commission for a month. The Superintendent is continuing to purchase sand/salt for the roads due to icy conditions. He also wanted to have discussion about the pickup on whether to trade it in or keep it. Would like to turn in this ½ ton for a 1 ton. The Board asked that he get estimates.

Supervisor Grant called the meeting to Order at 7:32 PM
Supervisor Grant asked Councilman Gadd to lead the pledge of allegiance.

Financial Matters: General Fund vouchers #12 to #33 \$58,059.91.
 Highway Fund vouchers #10 to #30 \$63,692.24
 Cowlesville Water vouchers #4 to #7 \$2,272.13
 Cowlesville Light vouchers #1 to #2 \$221.82.
 Fire Department vouchers Benn. Fire #1 \$30,000.

Motion made by Mohun/Frounick; voting all ayes, carried.

Financial Reports – Supervisor gave the monthly report for January. This does not include all payments that came in from taxes for January.

Supervisor Grant asked for a motion to approve. Motion made by Waite/Gadd; voting all ayes, carried.

Minutes of previous Town Board Meetings – Year End dated 12/30/2019 and 2020 Organizational/Regular meeting on 1/8/2020. Motion made by Mohun/Waite to approve; voting all ayes, carried

Correspondence: Letters were received from residents that came with tax payments regarding garbage service. Correspondence received by Supervisor Grant from Association of Towns meetings and their proposed 2020 legislative programs. Certificate of Insurance received from Hojnowski Transport. Copies requested by Office of the State Courts asking for a copy of the independent audit report from the Court Clerk.

Departments:

Clerk – The Clerk gave the Board members a copy of the 2019 Town Clerk's Annual report along with January 2020 monthly report. The Clerk reported on the status of Tax

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Collection in the Town. 85% of the payments have come in. The Tax Collector has paid the Supervisor the Town's portion of the collection in full, totaling \$1,365,052.64.

Assessor – Nothing

Zoning/Planning –Presentation by Wyo. Co. Zoning Dept; advertise for members/alternates/ZBA secretary/Dep. Zoning Officer.

Alyssa Cutcliffe gave a presentation to the Board on the services that the Wyoming County Zoning Department can offer to our Town. There was a grant written in 2016 and a program was created in 2017 in which two municipalities turned Zoning services over to the County. In 2018 six more municipalities have gone to the County program. Currently they have 11 municipalities that they work with throughout the County. Their grant requires them to come to the Municipalities in Wyoming County and let the Board's know what they can offer. Their offices are open Monday through Friday 8am to 4pm and take care of permits, enforce zoning laws for the various Towns and attend zoning board meetings. Their cost to the Town of Bennington would be \$2.72/parcel or \$5,856.16 annually. They estimate a savings to the Town of Bennington of \$1,986.16 annually based on current salary of the Zoning Officer and the permit revenues. They are also certified to give training to the ZBA and Planning Boards. This is contingent on the Board signing up with this program.

Special Permit renewals: Two Special Use permit renewals for Marchewka. Motion made by Mohun/Gadd to approve; voting all ayes carried.

One Special permit renewal for Kaminski. Motion to approve by Frounick/Waite; voting all ayes carried.

Supervisor Grant asked that the Clerk advertise for open positions on ZBA and Deputy Zoning officer. Motion to approve by Mohun/Frounick; voting all ayes carried.

Highway –Chris Domes from the Roads Advisory Committee handed out a summary to the Board members. Karen DeYoung stated that the summary are actually questions from the committee for information that they need from the Board to help them make recommendations. She asked that the Town advertise the meetings on the Town's website. The Clerk will give the dates and times to the Webmaster for input. Supervisor Grant would like an intern from Cornell come to work with the Highway Superintendent and assist in looking at our revenues and expenditures to make recommendations for repair to the Town roads. Supervisor Grant advised the audience that they intend to put forth a referendum changing the position of the Highway Superintendent from a two-year elected term to a Board appointed position. The Town would vote on this referendum in November. The Roads Committee would like responses back for their next meeting on the 21st.

Park/Recreation – Supervisor Grant asked Councilman Gadd to develop specs for a mower purchase. He will have for the next meeting.

Water District – Highland Glen Project – NYS DOT undertaking agreement

Resolution #2020-2-1

NYS DOT Undertaking Agreement for Highland Glen water line installation and future highway projects.

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WHEREAS, the Town of Bennington, (hereinafter referred to as "Permittee"), from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. Site Restoration. Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the

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Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

Motion made by Mohun: Seconded by Waite:

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Hear Public Concerns & Petitions: Karen DeYoung asked that the Board consider the presentation given by Wyoming County Zoning Department and convert the Zoning responsibilities over to the County to manage. Bob Padak asked what the Roads Advisory Committee were working on.

Old Business:

ConnectGEN is the Solar project being planned for Bennington and Sheldon. Information was received from the NYS Board on Electric Generation Siting and the Environment, letting the Town know that they will oversee this project (Case #19-F-0591) pursuant to Article 10. The Town Supervisor is required to nominate 4 candidates to serve as ad hoc public members. The Town Supervisor from Sheldon along with the Chairman of the County Board of Supervisors will also select 4 candidates each. From this pool, two people will be appointed by the President Pro Tem of the NYS Senate and one will be appointed by the Speaker of the NYS Assembly to serve on this committee. Supervisor Grant asked Board members to submit names to her over the next week.

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Audit draft – State Comptroller sent their draft audit and Supervisor Grant had an exit interview with them today. The Board has till March to submit a response to them. When they receive, they will respond within 90 days with the final audit.

DEC/GLOW Annual Reports – Copies were distributed to the Board members on operations of the Transfer station for 2019. The Town had 132.93 tons of solid waste collected, 51 tons of recyclable material. GLOW will receive a report from the Town showing income and expenditures of the transfer station for 2019.

Cowlesville Fire Co. truck purchase – The company will schedule a public hearing on the proposed financing of a new fire truck.

Resolution #2020-2-2

Cowlesville Fire Company Truck Purchase

Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “code”), the Town of Bennington hereby approves the entering into by Cowlesville Fire Company, Inc. of an Agreement in an aggregate principal amount not to exceed \$356,534.00 to finance equipment consisting of one (1) new Rosenthal Pumper which will be located at the fire house of the Cowlesville Fire Company, Inc. This approval does not in any way constitute any financial involvement or obligation of the Town of Bennington.

Furthermore, the Town of Bennington acknowledges that for consideration, the receipt and sufficiency of which are hereby acknowledged, the Cowlesville Fire Company, Inc., hereby agrees to meet the requirement to continue to provide firefighting and other services to the Town of Bennington.

Motion made by Mohun: Seconded by Waite:

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Councilman Frounck asked that we make arrangements to get the junk tires picked up. Councilman Mohun and Gadd discussed the positions of a highway department intern and whether this should be a secretarial role or an advisory role and whether we would be paying someone to complete this work.

New Business:

Results of building inspection: An inspection was completed for the Town Hall and the Highway department on February 5th. The emergency lights are not operational at this time. Discussion on whether a generator should be purchased to eliminate this problem.

Duke Energy – WYCO IDA has scheduled a public Hearing on Tuesday, February 18th at 3pm. They will discuss the PILOT agreement at this time.

Set dates for Holiday closures:

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Resolution #2020-2-3**Town Office Closures:**

Be it Resolved, that the Town Board hereby approves the following office closures during 2020 and authorizes the Town Clerk to advertise the same:

1/20	Martin Luther King Jr. Day	Town Court
2/17	President's Day	Town Court & Town Clerk's Office
4/13	Easter (Observed)	Town Court
5/25	Memorial Day	Town Court & Town Clerk's Office
7/4	Independence Day	Town Court & Town Clerk's Office
9/7	Labor Day	Town Court & Town Clerk's Office
10/12	Columbus Day	Town Court & Town Clerk's Office
11/11	Veteran's Day	Town Court & Town Clerk's Office
12/26	Christmas Observance	Town Clerk's Office

The Town Clerk's office will be closed May 23 through May 29th.

Motion made by Waite: Seconded by Frounck:

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

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

Motion to Adjourn made by Councilman Mohun at 8:55 pm

NOTE: This is a draft version and pending approval by the Town Board.

**Bennington Town Board Meeting
March 11, 2020**

Work session began at 6:30. Councilmembers Gadd and Waite are absent and excused from tonight's meeting. Councilmembers Frounick and Mohun audited the bills. The Board members reviewed meeting minutes from the Roads Committee meeting. Councilman Mohun asked the Superintendent about his meeting with the Roads Committee and what projects the crew is currently working on. Crusher Run #2 is being spread on South Geise, Krieger, Sierk, and Manley over the next two days. Crusher Run #1 is being used to fill potholes on Tooley and Bailey Rd. Cold Patch is being used to fill holes on Getman, Hoover, Dersam and Lapp. Once these roads are repaired, crews will go to the other end of Getman and North Burrough. When the weather breaks, Sinn Rd/Ed Aldridge's pipe will be replaced. The Superintendent is waiting for Soil & Water. One of our Highway crewmen is out due to an injury. Ken gave the Board members pricing for a new 2021 pickup truck of \$38,426. 3/4ton 4 wheel drive pickup with v-plow and 8ft box. Gradall and excavator are back from repair.

Call Meeting to Order at 7:32PM; Supervisor Grant asked Councilman Mohun to lead the Pledge of Allegiance. Supervisor Grant asked for a moment of silence due to the passing of Kandace Wittmeyer, the Town's Assessor.

Financial Matters General Fund vouchers #34 to #51 \$6,896.81
Highway Fund vouchers #31 to #51 \$78,561.33
Cowlesville Water vouchers #8 to #14 \$3,980.07
Cowlesville Light vouchers – Credit on account due to conversion of LED lights.
Fire Department vouchers Varysburg #2 & #39 \$10,250.19

- Motion by Frounick, seconded by Mohun to approve March vouchers
Ayes: 3 Noes: 0 Abstain: 0 Absent: 2

Authorize the repayment of General Fund Due To transaction

- Motion by Mohun, seconded by Frounick to authorize the Bookkeeper to make the appropriate transactions and journal entries to repay the General Fund \$950 from Harris Corners Fire Special Fund.
Ayes: 3 Noes: 0 Abstain: 0 Absent: 2

- Motion by Mohun, seconded by Frounick to approve the following transfers within accounts:

General Fund – From A1990.4 Contingent Account	\$6,136.00
To A8160.4 Garbage & Refuse Contractual	1,700.00
A9010.8 State Retirement	4,436.00

And

Cowlesville Water Fund

From SW1-8340.4 Transmis & Distrib Contr. \$ 191.00
To SW1-9010.8 State Retirement 191.00

Ayes: 3 Noes: 0 Abstain: 0 Absent: 2

Financial Reports and Transfers

- Motion by Frounick, seconded by Mohun to approve the Financial Reports ending February 29, 2020.

Ayes: 3 Noes: 0 Abstain: 0 Absent: 2

Minutes of previous Town Board Meeting. Motion to approve by Frounick/Mohun; voting all ayes carried.

Correspondence: The Town Clerk received Local Law #1-2020 from the Town of Alden entitled "Amendment to Zoning Law of the Town of Alden, NY and Zoning Map of the Town of Alden, NY. The Town Clerk received Letters of Intent from two residents for the openings on the ZBA Boards. The Town Clerk received the Annual Report from GLOW Region Solid Waste Management Committee. The Town Clerk received a postcard regarding dog enumeration services. A Certificate of Insurance was received from Driven Inc. for work in the Town. Independent living will hold workshops in April and May. Community action free tax return preparation for residents making less than \$69K. Dementia workshop is held every month in Warsaw, more information is available at the Town Hall. NY Emergency Response Team is meeting on 4/22 in Depew. National Fuel sent a letter regarding projects in the area that would impact their pipelines. Office of State Justice reports were received from Judge Linsey and Brandon. Certificate Of Insurance from Reserve Gas Co. New York State Ag and Markets sent the Town their annual inspection report for the Dog Control Officer and the shelter that the county operates. They received a satisfactory rating. County Treasurer report. Folsom Trailblazers sent a thank you letter for the use of the town property (Park) for their season. They are having a breakfast on Sunday 3/19. Certificate of Insurance was received from CIR electrical construction Corp. Ed Aldridge sent in an email regarding work on Sinn Rd.

Departments:

Clerk – Updated Board on status of tax collection. Currently \$450K still yet to collect. The Town Clerk distributed the Town Clerk's monthly report for February.

Assessor – Amend Res. 2019-12-1 Deputy Assessor; Advertise for Assessor

Resolution 2020-3-1 Amend resolution 2019-12-1 Creating Deputy Assessor Position and Appointment

Be it Resolved, that Resolution 2019-12-1 is hereby amended to extend the period of employment of the Deputy Assessor to expire April 30, 2020, and to increase the weekly hours to three hours per week (3) at a rate of \$40 per hour.

• Motion by Frounick, Seconded by Mohun:
Ayes: 3 Noes: 0 Abstain: 0 Absent: 2

• Motion by Frounick, seconded by Mohun to authorize the Town Clerk to advertise for the Town Assessor position.
Ayes: 3 Noes: 0 Abstain: 0 Absent: 2

Zoning/Planning – Home Occupation renewals from Sunset Printing, D&L Trains, Cheryl's Pampering Pond, Gary Arcese Enterprises & Design A Tea; Motion by Frounick, seconded by Mohun to approve the renewal of the existing Home Occupation Permits in the Town for 2020.

Ayes: 3 Noes: Abstain: Absent: 2

Special Use Renewal from Kimo Brandon for Sugarbush Armory.

Motion by Frounick, seconded by Mohun to approve the 3 year renewal of Kimo's Special Use Permit.

Ayes: 3 Noes: Abstain: Absent: 2

GFLRPC workshops – Flyer received on spring workshops. Zoning officer plans on attending and will be shared with members of the Planning Board as well.

Highway – Resolution to the State for Highway Funding; Appt Office Clerk to Highway Dept.

Resolution 2020-3-2 Resolution to Urge the State to Provide Additional Financial Resources to Towns for Highway Improvements

Whereas, the Town of Bennington is comprised of state, county and town roads, the latter of which are over sixty-five miles of paved and unpaved roadways; and

Whereas, the care and maintenance of said town roads are financed through the levy of property taxes upon the people of this town as well as state funding through the Consolidated Highway Improvement Program (CHIPS), and PAVE-NY; and

Whereas the current NYSDOT capital plan, a report used to prioritize municipal improvements, establish preventive maintenance cycles and to identify both anticipated costs and sources of revenue for needed improvements is scheduled to expire in 2020; and

Whereas, statutorily empowering local highway superintendents, town boards and engineering professionals to make decision regarding the required maintenance, reconstruction and construction of local low-volume and minimum maintenance roads would reduce costs and allow towns to better prioritize and fund repairs and maintenance; and

Whereas, towns' ability to participate in long-range capital planning is limited due to statutory restrictions on the amount they can annually levy to fund highway equipment purchases with engaging in the expense of a referendum;

Now, Therefore, Be It Resolved, that the Town of Bennington hereby calls on the Governor, the Legislature and the New York State Department of Transportation (NYS DOT) to enact a new five year capital plan that includes local roads, bridges and culverts

and the appropriate funding for the CHIPS, PAVE-NY, BridgeNY and other local funding programs, and

Be it Further Resolved, that the Town of Bennington calls on the Governor and Legislature to increase the base funding for CHIPS, PAVE-NY and BridgeNY; and

Be it Further Resolved, that the Town of Bennington calls on the New York Congressional Delegation to renew the federal FAST Act and provide an increased and dedicated funding commitment to local and state transportation infrastructure projects without it being used to offset existing funding; and

Be it Further Resolved, that the Town of Bennington supports amending Highway Law Section 271 to authorize towns to increase the amount of taxes they can levy annually without the expense of a referendum to purchase highway equipment.

Motion by Mohun Seconded by Frounick

Ayes: 3

Noes: 0

Abstain: 0

Absent: 2

- Motion by Mohun, seconded by Frounick to appoint Judith Brown, 904 Folsomdale Rd., Cowlesville NY to fill the vacant Office Clerk position and she is assigned to duties at the Highway Department not to exceed four hours per week, effective March 12, 2020 through December 31, 2020.

Ayes: 3

Noes: 0

Abstain: 0

Absent: 2

Councilman Mohun updated the residents present of the projects that the Highway Superintendent will be working on once weather permits. This is noted above in the work session minutes.

Park/Recreation – Mower purchase;

Resolution #2020-3-3 Approve the Specifications and authorize the Town Clerk to advertise for bids for a new mid-mount, zero turn mower with suspension and dual hydrostatic transmissions.

Be it Resolved that the Town of Bennington hereby approves the purchase of a new zero turn mower for Pine Tree Park, to be paid from 2020 Park Equipment funds and

Be it Further Resolved, that the Town Clerk is hereby authorized and directed to advertise in the legal newspaper of this town that the Town will be soliciting sealed bids for the above purchase, said bids to be opened at 6:45 p.m. on April 8, 2020 in the office of the Town Clerk at 905 Old Alleghany Road, Attica NY.

Motion made by Frounick: Seconded by Mohun:

Ayes: 3

Noes: 0

Abstain: 0

Absent: 2

Easter Egg Hunt will take place at the Bennington Fire Department grounds on April 4th

Water District – Still working on hooking up Highland Glens water project.

Hear Public Concerns & Petitions: Charles Young from Blood Rd. is not happy with the state of his road. Kathy Baran from Blood Rd wondering when the other half of their road will be done. Concerned that Blood Rd was not one of the roads on Ken's list to fix this spring. She also asked what the amount is that the Town gets refunded by CHIPS; \$164,000 needs to be used on a project that will last a minimum of 10 years. Would it be more cost effective to have an outside contractor do the paving work? We have to guarantee work to our Union highway employees before we brought in outside entities. Ed Aldridge from Sinn Rd. thanked the Town Board for answering his questions that he emailed in. Had questions about the Roads Committee meeting and what they have been working on. They are looking for outside funding and cost savings to the Highway department. They had requested an Office Clerk to go through the records and put information together on projects and roads that have been done in the Town. Supervisor Grant spoke about surplus equipment from NYS that the Town may be able to bid on that is pennies on the dollars and update our current equipment. Karen DeYoung from Bailey Rd stated that she hopes that they take some recommendations from the committee. She took a tour of the Town sheds and feels that we have a lot of equipment currently, and this may not be the best use of Town funds. Jeff Ripstein from Folsomdale Rd. came in to speak about the shoulders that are now a mess on his road. Shoulders were laid down by the County and the snow plow operators from the Town pushed it into the lawns of the residents. Supervisor Grant is negotiating with the County to see if they can work with the Town to clean it up.

Old Business:

Cowlesville Fire Co. truck purchase - reapprove

Resolution #2020-3-4 Cowlesville Fire Company Truck Purchase

Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "code"), the Town of Bennington hereby approves the entering into by Cowlesville Fire Company, Inc. of an Agreement in an aggregate principal amount not to exceed \$356,534.00 to finance equipment consisting of one (1) new Rosenthal Pumper which will be located at the fire house of the Cowlesville Fire Company, Inc. This approval does not in any way constitute any financial involvement or obligation of the Town of Bennington.

Furthermore, the Town of Bennington acknowledges that for consideration, the receipt and sufficiency of which are hereby acknowledged, the Cowlesville Fire Company, Inc., hereby agrees to meet the requirement to continue to provide firefighting and other services to the Town of Bennington.

Motion made by: Mohun, Seconded by Frounick:

Ayes: 3

Noes: 0

Abstain: 0

Absent: 2

New Business:

Eagle Scout Court of Honor

- Motion by Mohun, seconded by Frounick to permit the use of the upper hall for an Eagle Scout Court of Honor on March 26, 2020

Ayes: 3

Noes: 0

Abstain: 0

Absent: 2

Dumpster for Town offices

- Motion by Frounck, seconded by Mohun to authorize the use of Scofield Roll-Off Services of Stafford NY for a dumpster for the Town Offices, to be placed at the Highway Department.

Ayes: 3

Noes: 0

Abstain: 0

Absent: 2

Requesting the Withdrawal of the State Budget's Energy Siting Amendment

Resolution #2020-3-6 Requesting the Withdrawal of the State Budget's Energy Siting Amendment

Whereas, NYS is a Home Rule State, which basically means that any and all powers of the State emanate from the people; and

Whereas, Per the NYS Constitution, Article IX, it is our statutory obligation to protect the health, safety and welfare of citizens of our community; and

Whereas, On Feb 21, 2020, Governor Cuomo proposed a Budget Amendment "to dramatically speed up the permitting and construction of renewable energy projects"; and

Whereas, This amendment could be passed with the Budget by April 1st, replacing the current Article 10 process with a radically new method for siting renewable energy projects; and

Whereas, The stated purpose of this proposed far-reaching change is to enhance the execution of the *Climate Leadership and Community Protection Act* (CLCPA); and

Whereas, This amendment will effectively remove any meaningful input from citizens, towns, counties, local environmental groups, and community businesses regarding the siting and regulation of renewable energy projects; and

Whereas, The new process is structured such that scientific data, or testimony from qualified experts, will have little bearing regarding siting regulations and approval; and

Whereas, When an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is complete. If the ORES decision is not made in that time, the application is automatically deemed complete; and

Whereas, Once an application is determined to be complete, ORES has 12 months to approve the project. If the ORES decision is not made in that time, the application is automatically approved. There is no provision for extending this time limit; and

Whereas, The Governor's proposal also seems to indicate that the State might get into the ownership and/or operation of renewable energy generation. Such a profound change would also severely limit the ability of local communities to regulate such industrial projects; and

Whereas, All of these proposed changes are not only in conflict with our Home Rule rights, but are also contrary to our obligation to protect the health, safety and welfare of our constituents; now, therefore,

Be It Resolved that the Town of Bennington formally requests that this Budget Amendment be withdrawn before the Budget is voted on. Additionally, we petition the State to respect our Home Rules rights, and to defend our authority to regulate renewable energy projects as the citizens of our community see fit.

Motion made by Mohun: Seconded by Frounick:

Ayes: 3

Noes: 0

Abstain: 0

Absent: 2

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

The next Roads Committee meeting will be on Thursday, March 19th.

Ed Aldridge submitted a complaint of an overweight vehicle on Sinn Rd.

Supervisor Grant stated that we are still looking for Board members to the Zoning Board of Appeals. They meet as needed, generally 6-8 times a year. Mandatory training every year would also be required.

Motion to Adjourn by Mohun at 8:39PM

Bennington Town Board Meeting

April 8, 2020

7:30 p.m.

6:30 Workshop – Bid Opening at 6:40pm - Town Clerk Busch & Supervisor Grant present only.

Bids were received for a 2020 Ferris ISX3300 Zero Turn Mower from the following in response to a Legal ad posted in the Batavia Daily: Buck's Motorsports, Schaub Equipment Rental, Alexander Equipment, Landpro Equipment (2) and Bison Turf.

Business Name	Bid	Non-Collusive Bid Certificate Received
Buck's Motorsports	\$12,074.00	Yes
Schaub Equipment	\$11,479.00	No
Alexander Equipment	\$11,479.18	Yes
Landpro (John Deere Z960M)	\$9,790.00	Yes
Landpro (John Deere Z970R) Ztrack	\$11,750.00	Yes
Bison Turf (Cub Cadet Z960)	\$9,359.22	Yes

The bids received by Landpro and Bison Turf were not for the requested mower and are notated above with the make/model of their bids.

Due to the current COVID-19 pandemic situation, the bills were audited by Board members Waite, Mohun and Frounck prior to the Board meeting taking place tonight.

Call Meeting to Order at 7:31PM.

Supervisor Grant asked Councilman Gadd to lead the Pledge of Allegiance.

Present at tonight's meeting are Supervisor Grant, Councilman Gadd, Councilman Mohun, Town Clerk Busch and Councilman Waite via Phone. The Supervisor took extra safety measures this evening and put out chairs that were s using proper social distancing measures should any residents show up to this open and publicly advertised regular Board Meeting session. The emergency door was propped open and Board members were asked to arrive promptly at 7:30pm using this door rather than the main entrance.

Financial Matters

Annual Renewals with Williamson Law Book Clerk & Payroll Software Maintenance

- Motion by Mohun, seconded by Gadd to approve renewal of Williamson Law Book software support: \$590 Town Clerk & \$791 Town Payroll.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Transfer within accounts

- Motion by Mohun, seconded by Waite to Transfer the following funds: From General Fund #A1430.4 Personnel to #A1340.4 Budget \$200.00 for purchase of checks.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

General Fund vouchers #52 to #69 \$6,528.96

Highway Fund vouchers #52 to #65 \$30,916.48

Cowlesville Water vouchers #15 to #18 \$2,723.99

Cowlesville Light vouchers #3 \$131.81

Fire Department vouchers HCFC \$31,008.50; BFC \$70,000; CFC \$79,590.60

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

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Financial Reports

- Motion by Mohun, seconded by Waite to approve the Financial Reports ending March 31, 2020.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Old Business:

Award Bid for Park Mower

Resolution #2020-4-1 Award Bid for Purchase of Zero Turn Mower for Town Park

Whereas, the Bennington Town Board, upon receipt and review of bids submitted for the purchase of a Ferris ISX 3300 Mid-Mount Zero Turn mower, has determined that Alexander Equipment of Alexander, NY

Has submitted the lowest responsible bid in the amount of \$11,479.18 and has met all specifications including the submission of a non-collusive bidding certificate,

Now, therefore, be it resolved, that the Town Board hereby awards the bid to Alexander Equipment in the above amount; and

Be it further resolved, that this Board hereby declares the existing park mower to be surplus property and authorizes and directs the Clerk to advertise for bids for the sale of such property to the highest bidder, said bid to be awarded at the May Town Board Meeting. The Town Board has the power to reject or approve any or all bids.

Motion by Waite, seconded by Mohun

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

New Business: Home Occupation Renewals for 2020

Renewals were received from the following Home Occupations; Precision Cylinder, Ed's Woodworks, C-shore Design, Acquard's Professional Dog Grooming, Rispoli's Bakery, Premier Kitchen, Aerie Designs, Ancient Future and Alden Real Estate. – Councilman Mohun questioned the renewal of Ancient Future, a property owned by Richard Schlenker. She would like to refer this renewal to the Zoning Officer. All are approved except for this property.

- Motion by Mohun, seconded by Gadd to approve the renewal of the above mentioned Home Occupation Permits in the Town for 2020.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Resolution #2020-4-2 Contract for the Completion of the Town Tax Roll

Be it Resolved, that the Town Board authorizes the Supervisor to enter into an agreement with a qualified individual Mary Kern or entity to complete the necessary work, including inventory assessment and valuation data, to complete the Town of Bennington Tax Roll for 2020 in an amount not to exceed \$2,000.00/month.

Motion by Gadd, seconded by Waite

Ayes: 4

Noes: 0

Abstain: 0

Absent: 1

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

Councilman Mohun would like the Supervisor to get in touch with Spectrum regarding follow up to the issue of offering services to all residents in the Town. Due to the Covid-19 pandemic, many residents in the Town of Bennington have no internet services. The majority of residents have been ordered by the Governor to work from home or take their school classes from home and many are without internet service to perform their jobs or complete school work.

Councilman Gadd shared that National Fuel gas is placing pipeline on Getman Rd. in the Town of Bennington. He does not believe that the Town of Bennington has been notified by National Fuel. Supervisor Grant will contact the Town Attorney to determine next steps in contacting National Fuel.

Adjournment by Mohun at 8:19 PM.

Bennington Town Board

April 22, 2020

7:00 p.m.

Special Session

Supervisor Grant called the meeting to Order at 7:01pm; Supervisor Grant asked Councilman Mohun to lead the pledge of allegiance. Councilman Frounick, Gadd, Mohun, Supervisor Grant and Clerk Busch were present. Councilman Waite joined by phone.

Old Business:

Resolution #2020-4-3 Contract for the Completion of the Town Tax Roll

Be it Resolved, that the Town Board hereby appoints Mary Kern, 1146 French Road, Attica NY 14011 as Interim Assessor for the period April 1, 2020 through May 31, 2020 for the purpose of completing the necessary work, including inventory assessment and valuation data, record updates and sales recording to complete the Town of Bennington Tax Roll for 2020 at a rate of \$2,200 per month.

Motion by Gadd, seconded by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

New Business:

Resolution #2020-4-4 Appoint Donald Roberts Deputy Zoning Officer

Be it Resolved, that Donald J. Roberts, Pike NY, is hereby appointed as Deputy Zoning Officer for the period April 22 through June 30, 2020, at a rate of \$38 per hour.

Motion by Gadd, seconded by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Set Date for Public Hearings:

- Local Law #B – Change the term of office of the Town Highway Superintendent from two years to four years

Motion by Mohun, seconded by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

- Local Law #C – Change the Town Highway Superintendent position from elected to appointed

Motion by Gadd, seconded by Waite

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Proposed Local Law #B & #C are subject to public referendum 11/3/20

- Local Law #D – Change the date of the Town Assessment Grievance Day for 2020 to May 28, 2020.

Motion by Mohun, seconded by Waite

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Any other Business to Come before the Board:

Supervisor Grant distributed copies of COVID 19 updates to the Board members.

Supervisor Grant will send Councilman Waite copies of the applications that have been received for the open position of Town Assessor.

Supervisor Grant has been contacted by Waste Management and they have stressed that recyclables must be clean in order for them to be recycled.

Councilman Mohun asked if the Highway Department is currently working. Supervisor Grant answered yes and that other Departments in the County are also working.

Councilman Waite asked about a proposed increase to hazard pay for Highway workers. Supervisor Grant said that this will not apply to the Town's Highway Department and is for the State Authority only. All of the Town's Highway workers have been given masks and have sanitizer in their trucks. They are able to use proper social distancing to complete their daily tasks.

Motion to Adjourn by Councilman Mohun at 7:24pm.

Bennington Town Board Meeting

May 13, 2020

7:30 p.m.

Supervisor Grant Called the Meeting to Order at 7:33PM; the pledge of allegiance was waived. Councilman Frounick, Councilman Mohun, Supervisor Grant and Clerk Busch were present at the Town Hall. Councilman Waite and Gadd joined via Zoom meeting.

Open Public Hearings at 7:34PM on Proposed Local Laws B, C & D

The Clerk read two emails that were received from Mr. Bonadona from Urf Rd. and Jeff Napieralski. The Supervisor explained the reasons behind changing the Superintendent position. Councilman Mohun said that this was one thing that people commented on and wanted to see changed. She feels that the Board would have more control over the position and entice a qualified candidate. Councilman Frounick said he feels the same way. Supervisor Grant asked for comments to be limited to 3 minutes. Councilman Gadd via Zoom wanted to mention that this would be an appointed position and at this time the Board does not have control over this position. The Board can take proper steps if changes need to be made to an appointed position. There is a safeguard if a change needed to be made after an appointment was made.

Motion to close public hearings B&C by Mohun; seconded by Frounick. Voting all ayes, carried.

Opened public hearing on Local Law D at 7:47pm. Change to Grievance Day to the fourth Tuesday in May. This will be a change to all future Grievance Days. Ed Aldridge asked if this grievance was for this year's tax roll and asked to know where he could find this information. Supervisor Grant answered that a meeting can be set up to look at this information for next years tax roll.

Motion to close public hearing D by Frounick; seconded by Waite. Voting all ayes, carried.

Financial Matters

Transfer within accounts

- Motion by Frounick, seconded by Gadd to Transfer the following funds: From General Fund #A1990.4 Contingent Account to #A8160.4 Refuse & Garbage for ongoing refuse expenses \$2,773. And from Highway Fund #DA 5142.1 Snow Removal to #DA5148.1 Services for Other Governments \$15.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

General Fund vouchers #70 to #85 \$4,685.90

Highway Fund vouchers #66 to #85 \$62,426.07

Cowlesville Water vouchers #19 to #25 \$2,719.39

Cowlesville Light vouchers #04 \$164.81

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

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Financial Reports

- Motion by Waite, seconded by Gadd to approve the Financial Reports ending April 30, 2020.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Old Business:

**Resolution #2020-5-1 ADOPT LOCAL LAW B OF 2020, ENTITLED,
"INCREASE HIGHWAY SUPERINTENDENT POSITION FROM A TWO YEAR
TERM TO A FOUR YEAR TERM"**

WHEREAS, the Town Board of the Town of Bennington met for a Public Hearing via live *Zoom* broadcast due to COVID-19 regulations on the 13 day of May, 2020, commencing at 7:30 p.m., thereafter a regular board meeting was held at which time and place the following members were present: Supervisor Grant, Councilman Frounick, Councilman Mohun, and via *Zoom*, Councilman Waite and Councilman Gadd.

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo's Executive Order 202.1 dated March 7, 2020 and 202.15 dated April 9, 2020, said meeting was broadcast live and the public had ample notice of when and how to access the video conference; and

WHEREAS, the live *Zoom* hearing of the Town Board of the Town of Bennington is being recorded and will later be transcribed and made available for public access in addition to the meeting minutes; and

WHEREAS, a Notice of Public Hearing was duly published in the Town's official newspaper and said public hearing was virtually held on May 13, 2020 via *Zoom*, due to COVID-19, at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

WHEREAS, pursuant to a resolution adopted May 13, 2020, the Town Board of the Town of Bennington adopted Local Law B of 2020 to change the Highway Superintendent term of office from two (2) years to four (4) years term, subject to mandatory referendum; and

WHEREAS, by acknowledgement of said approval the Town of Bennington, pursuant to Local Law B of the year 2020 hereby changes the Highway Superintendent term of office from two (2) years to four (4) years.

NOW ON MOTION OF Councilman Mohun, which has been duly seconded by Councilman Frounick, therefore, be it

RESOLVED, by acknowledgement of said approval the Town of Bennington, pursuant to Local Law B of the year 2020 hereby changes the Highway Superintendent term of office from two (2) years to four (4) years; and be it

RESOLVED, that the Proposition to be voted on shall be in the General Election shall be:

Proposition No. 2

Shall there be approved and adopted a Local Law in the Town of Bennington, entitled "Increase Highway Superintendent Position from a Two Year Term to a Four Year Term", as approved by the Town Board of the Town of Bennington, to change the term of office of Highway Superintendent from a two (2) year term to a four (4) year term, effective January 1, 2022.

Please choose one of the following options:

Yes ☐

No ☐

FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: 5 Nays: 0 Absent: 0 Abstain: 0

Councilman Mohun would like this advertised prior to the election so that residents know about these propositions.

Resolution #2020-5-2 ADOPT PROPOSED LOCAL LAW #C OF 2020, ENTITLED "A LOCAL LAW TO CHANGE THE OFFICE OF HIGHWAY SUPERINTENDENT FROM AN ELECTED POSITION TO AN APPOINTED OFFICE", SUBJECT TO MANDATORY REFERENDUM

WHEREAS, the Town Board of the Town of Bennington met for a Public Hearing via live *Zoom* broadcast due to COVID-19 regulations on the 13th day of May, 2020, commencing at 7:30 p.m., thereafter a regular town Board meeting was held.

Present: Supervisor Grant, Councilman Frounck, Councilman Mohun, and via *Zoom*, Councilman Waite and Councilman Gadd.

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo's Executive Order 202.1 dated March 7, 2020 and 202.15 dated April 9, 2020, said meeting was broadcast live due to COVID-19, and the public had ample notice of when and how to access the video conference; and

WHEREAS, the Town Board of the Town of Bennington held a virtual public hearing due to COVID-19 regulations on the proposed adoption of said local law on the

13th day of May 2020 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

WHEREAS, the live *Zoom* hearing of the Town Board of the Town of Bennington is being recorded and will later be transcribed and made available for public access in addition to the meeting minutes; and

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

NOW ON MOTION OF Councilman Gadd which has been duly seconded by Councilman Waite, be it

RESOLVED, that the Town Board of the Town of Bennington feels it is in the best interests of the Town of Bennington to adopt Local Law No.C of 2020 entitled, "A Local law to Change the Office of Highway Superintendent from an Elected Position to an Appointed Office"; and be it further

RESOLVED, that said local law is subject to mandatory referendum and shall become effective upon filing in the office of the New York Secretary of State after approval by a majority of the electors voting in the General Election thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law; and be it further

RESOLVED, that the Proposition to be voted on shall be in the General Election shall be:

Proposition No. 1

Shall there be approved and adopted a Local Law in the Town of Bennington, entitled "A Local Law to Change the Office of Highway Superintendent from an Elected Office to an Appointed Office", as approved by the Town Board of the Town of Bennington, to change the elected position of Highway Superintendent to position appointed by the Town, effective January 1, 2022.

Please choose one of the following options:

Yes ☐

No ☐

; and be it further

RESOLVED, that the Town Clerk be and she hereby is authorized and directed,

at least ninety (90) days prior to the election, to transmit to each Board of Elections a certified copy of the text of this referendum and a statement of the form in which it is to be submitted with the date of such election.

Ayes: 5 Nays: 0 Absent: 0 Abstain: 0

Councilman Mohun wanted to make it clear that these are two separate referendum. Supervisor Grant stated that most Superintendents in the County are on a four-year term. Most are elected and a couple are appointed.

**Resolution #2020-5-3 ADOPT LOCAL LAW #D, YEAR 2020 ENTITLED
"CHANGING THE DATE OF GRIEVANCE FOR REAL PROPERTY TAX
ASSESSMENT FOR THE TOWN OF BENNINGTON AS THE FIRST
THURSDAY AFTER THE FOURTH TUESDAY IN MAY"**

WHEREAS, the Town Board of the Town of Bennington met for a Public Hearing via live *Zoom* broadcast on the 13th day of May, 2020, commencing at 7:30 p.m., thereafter a regular Town Board meeting was held. Present: Supervisor Grant, Councilman Frounck, Councilman Mohun, and via *Zoom*, Councilman Waite and Councilman Gadd.

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Governor Andrew Cuomo's Executive Order 202.1 dated March 7, 2020 and 202.15 dated April 9, 2020, said meeting was broadcast live and the public have ample notice of when and how to access the video conference; and

WHEREAS, the Town Board is considering adopting a proposed local law entitled, "Changing the Date of Grievance for Real Property Tax Assessments for the Town of Bennington as the First Thursday after the Fourth Tuesday in May"; and

WHEREAS, the purpose of this local law is to establish Grievance Day as the first Thursday after the fourth Tuesday in May, and hold Grievance Day on the first Thursday after the fourth Tuesday in May each and every year thereafter until changed by local law or otherwise; and

WHEREAS, a Notice of Public Hearing was duly published in the Town's official newspaper and said public hearing was virtually held on May 13, 2020 via *Zoom* due to the COVID-19 pandemic, at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

WHEREAS, the live *Zoom* hearing of the Town Board of the Town of Bennington is being recorded and will later be transcribed and made available for public access in addition to the meeting minutes; and

WHEREAS, the Town Board of the Town of Bennington finds it in the best interest of the Town of Bennington to adopt said law.

NOW ON MOTION OF Councilman Waite which has been duly seconded by Councilman Mohun, therefore be it;

RESOLVED, that the Town Board of the Town of Bennington hereby adopts Local Law No. D of 2020 entitled, "Changing the Date of Grievance Day for Real Property Tax Assessments for the Town of Bennington as the First Thursday after the Fourth Tuesday in May"; and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York forthwith.

Ayes: 5 Nays: 0 Absent: 0 Abstain: 0

Councilman Mohun wanted a clarification as Supervisor Grant read the resolution a mistake was made to the wording.

New Business:

Establish reserve funds – General Fund: equipment \$10,000;

Building maintenance/improvements \$20,000; recycling and environment \$60,000.

Resolution #2020-5-4 Establishment of Reserve Funds

Be it Resolved, that the Bennington Town Board hereby approves the establishment of reserve funds from General Fund balance in the following amounts and purposes:

\$20,000	Building Repairs and Improvements
\$10,000	Information Technology Equipment Upgrades
\$60,000	Recycling and Environmental Programs

Motion by Mohun, seconded by Waite

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

Councilman Frounack felt that the Recycling line was a little high. Supervisor Grant would like to schedule an electronics recycling event in the future for the Town residents.

Approve 2019 Audit as performed by Town Auditor

Resolution #2020-5-5 Audit of 2019 Financial Records

Whereas, the Bennington Town Board, by law is required to audit the fiscal records of all the Town's financial accounts on an annual basis; and

Whereas, the Bennington Town Board retained Donald Przybyl, an independent municipal accountant, to perform such review on the financial records of the Town Clerk, Tax Collector, Supervisor, Water Clerk and Justice Court for 2019;

Now, Therefore, Be it Resolved, that the Bennington Town Board hereby accepts the audit report of Donald Przybyl, which concludes all of the Town's records to be in compliance, as per a motion by Mohun, seconded by Frounick.

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

Approve audit action plan

Resolution #2020-5-6 Audit Action Plan

Whereas, the Town of Bennington has prepared a corrective action plan in response to recommendations made by the New York State Comptroller's Office Report of Examination #2019M-249; and

Whereas, a copy of said plan has been submitted to and reviewed by each member of this Town Board;

Now, Therefore, Be it Resolved, that the Bennington Town Board hereby approves and agrees to participate in the proposed action steps as outlined in the plan, and hereby authorizes the Town Supervisor to submit said plan to the NYS Comptroller's Office as the Town's official response.

Town of Bennington
Financial Management
2019M-249

For each of the Key Recommendations included in the audit report, the following are our corrective actions taken or proposed.

Key Recommendations

Review budget to actual reports & past trends to develop budgets

The Supervisor/Budget Director reviews the Monthly Statement of Expenditures and Revenues to compare actual amounts (year to date) to the budgeted amounts within each fund throughout the year and utilizes the August year to date amounts in developing the next year's budget. Those amounts, combined with a review and inclusion of prior year's figures from September through December, as well as any anomalies (unusual expenditures/revenues from current and prior years) and any anticipated revenue changes (town fee schedules, state or county aid adjustments.) Those dollar amounts, as well as requests from department heads – equipment needs, projects, etc. – are incorporated into the Tentative Budget. These past practices will be formalized into a ***budget development policy*** for use by current and future fiscal staff. The need to control budget growth for both the state tax cap and local taxpayers capabilities is a difficult task when there is little growth in the assessed value of property and minimal other revenue sources. The impact of a weather related crisis to our infrastructure or replacement needs of our aging

highway fleet are challenging to plan for when every dollar is already stretched thin. We will continue to utilize month financial records, planning discussions of board members and department heads, and make efforts to maximize available revenue resources.

The Town Board members are now receiving copies of the Monthly Expenditures and Revenues reports for comparison of actual to budgeted amounts. These are provided prior to each monthly meeting for review. Efforts have been made to prepare necessary ***budget transfers prior to each Board meeting*** for approval on a timely basis and a ***review of account coding for vouchers will be made*** monthly to ensure that expenditures are being charged to accounts where funds have been budgeted.

Develop & adopt multiyear financial plans & capital plans

The Supervisor participated in the Comptroller's Office webinar on Multi-year Fiscal Planning (4/30/20.) Utilizing the Excel spreadsheet, a multi-year plan is being developed for General, Highway and Water Funds, with historic data from 2017-2019, current budget amounts and projecting out for the next four years. The second step the Town will take in the development of a MFP is for the Board to ***review future needs for capital expenditures***, such as building improvements and major equipment purchases or upgrades. ***A time frame and estimated costs for those components will be established and a reserve fund included annually into the budget process.*** This phase should be accomplished by August 15, 2020.

A review of Highway Department equipment – age, condition, usage and replacement cost, will be conducted by the Superintendent and Board prior to August 1, 2020 to facilitate replacement planning. The Highway Department participates in buy-back programs for several pieces of equipment and replaces pickup trucks every two years with a plan developed by the Town Board and Superintendent to keep the fleet of smaller trucks matching the department's work needs. A similar program has been utilized in the past with mowing equipment for the Town Park, with only occasional success depending on the amounts being offered to buy the old equipment. The Highway Department also has purchased equipment in the past, including the most recent dump truck and plow equipment using serial bond funding, spreading the payments over a five year period. Purchases such as this, as well as capital projects such as the Water District construction, are financed through consultation with our fiscal consultants Municipal Solutions of LeRoy, NY.

Additionally, the ***Town has agreed to undertake a property assessment revaluation*** during the next two years that will bring property values to the current market value. This has not been done in over thirty years and will help identify any properties that have been undervalued due to additional improvements not on record. The reval will more equitably apportion the tax levy and potentially add value and additional tax revenues to the Town budget as the property inventory is updated. Due to the recent death of the Town Assessor and staffing changes in the County Real Property Tax Office (who would be assisting with the reval), there may be several months of delay in this process, but the Board is committed to the project.

Consider establishing & funding reserve funds

During the past decade, the Town established a reserve that was not noted on the budget form but was on the budget detail sheets for three years to dedicate funds for

improvements to the town transfer station. This total of \$60,000 remains as it was decided to close the transfer station and utilize curbside collection starting January 2020. The funding is still on record to be used for future services that benefit all residents such as a no-fee used electronics collection drive.

As noted above in Multi-Year Planning, the *Board will be considering the establishment of other reserve funds (most notably highway equipment)* and including financing them as part of the budget process annually, starting with the 2021 budget. At year end, *remaining fund balance outside of the reserves will be reviewed and 10% added to the reserves* to expedite achieving the Multi-Year Financial Plan's targets.

Annual Highway Agreement

Information from winter/spring workshop sessions with the Highway Superintendent will be used to complete the annual Highway Agreement, noting anticipated allocations of funds for identified projects.

The Town Board, Supervisor and Highway Superintendent have agreed to work together to implement the above actions as outlined above, and as approved at the May 13, 2020 Town Board Meeting.

Motion by Mohun, seconded by Gadd

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Approve bidding to purchase new pickup truck for Highway Dept and declare old pick up and tires as surplus equipment and advertise for bids to sell.

Resolution #2020-5-7 Authorize the Solicitation of Bids for the Purchase of a new pickup truck for the Highway Department, declare the 2010 Ford F250 pickup as surplus equipment and advertise for sale.

Be it Resolved, that the Town Board hereby authorizes and directs the Highway Superintendent to provide bid specifications to the Town Clerk for the purchase of a new pickup truck for the Highway Department; and

Be it Further Resolved, that the Town Clerk is hereby authorized and directed to advertise for the purchase of a new pickup truck for the Highway Department, bids to be opened on June 10, 2020 at the Town Clerk's Office at 6:30 p.m. and awarded to the lowest responsible bidder; and

Be it Further Resolved, that the Board hereby declares the 2010 Ford F250 pickup truck as surplus equipment and authorizes and directs the Town Clerk to advertise the same as well as surplus tires for sale by sealed bid, said bids to be opened on June 10, 2020 at the Town Clerk's Office at 6:30 p.m.

Motion by Frounack, seconded by Waite.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Councilman Mohun asked if this expense was in the 2020 budget. Supervisor Grant advised that it was not and there would need to be a transfer of funds. Councilman

Mohun asked if it has to be a new vehicle. Councilman Gadd said that the State bid would be better on a new vehicle.

Authorize the Town to participate in various purchasing cooperatives for future equipment purchases by the Town.

Resolution #2020-5-8 Authorize the Town to Utilize Purchasing Cooperatives

Whereas, it is in the best interests of the Town of Bennington to obtain the lowest possible pricing on equipment and services purchased for Town departments; and

Whereas, there are several purchasing cooperatives that are available for use by municipalities throughout the United States;

Now, Therefore, Be it Resolved, that the Town Board hereby authorizes the use of purchasing cooperatives such as *BuyBoard* and *HGACBuy* in order to obtain competitive pricing on future purchases of equipment, supplies and services for benefit of the various Town departments, effective immediately.

Motion by Mohun, seconded by Gadd.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Councilman Gadd explained this process a little better as the State is going to be getting out of this program. These cooperatives deal with everything from toilet paper to equipment. It will replace the NY state bid process. Most companies bidding would be from our surrounding counties. The advantage is that you don't have to go through a 3 bid process. It could save the Town money.

Extend the term of employment of the Interim Assessor for 1 month

Resolution #2020-5-9 Extend the terms of agreement with the Interim Assessor

Be it Resolved, that the Bennington Town Board hereby agrees to extend the term of employment with Mary Kern, Interim Assessor for an additional month, said term to expire June 30, 2020, with all other terms of employment to remain the same.

Motion by Frounick, seconded by Waite.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

The Town Board would like to schedule interviews to meet with the potential candidates. They would like to have someone hired by the next meeting in June. Mary is willing to sit through the interview process with the Board members.

Any other Business to Come before the Board/County Matters: Planning Board terms are up for this year. They are interested in being re-appointed. Councilman Frounick made a motion, seconded by Waite. Voting all ayes, carried.

Supervisor Grant shared re-opening plans for the various Town departments.

Councilman Mohun received a text asking when the Solar Project was going to be started. Nothing is going on at this time due to COVID 19. Held discussion on sneeze shield for the judge's bench.

Mark Overall asked to address the Board on Buffalo Solar Solutions. Clean Energy Program. Mark gave an overview of the program that he would like the Board to review for clean energy purposes. Entities are eligible to receive a grant. Next round of grants will be given in the next 60 days.

Supervisor Grant received a proposed land lease from AT&T regarding a telecommunications tower.

Adjournment by Mohun at 9:13 PM

Respectfully submitted by Carolyn Busch
Bennington Town Clerk

Bennington Town Board Meeting
June 10, 2020, 7:30 p.m.

Work session began at 6:40pm with Councilman Mohun, Frounick, Waite and Gadd auditing the vouchers. Supervisor Grant updated the members that New York State plans on funding the Chips program this year, but will most likely cut funding reimbursement by 20%. Short discussion on Aldridge property work to be done. Old mower needs to be put out for surplus equipment. Youth rec swim program will run this year as scheduled. Byrnclyff will provide the venue and director is on board to run the program. May need to reduce the number of participants. Discussion held on summer concerts. Discussion held on Local Law proposal concerning burials on private land in the Town of Bennington. Discussion held on Assessor appointment.

Supervisor Grant called the meeting to order at 7:35 PM; Supervisor Grant asked Councilman Frounick to lead the pledge of allegiance.

Financial Matters

General Fund vouchers #86 to #103 \$15,585.28

Highway Fund vouchers #86 to #99 \$32,909.26

Cowlesville Water vouchers #26 to #31 \$3,620.91

Cowlesville Light vouchers #5 \$164.81

- Motion by Gadd, seconded by Frounick to approve the vouchers for payment.
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Financial Reports

- Motion by Mohun, seconded by Waite to approve the Financial Reports ending May 31, 2020.
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

Communications: The Town Clerk received the summer edition of Art News from the Arts Council of Wyoming County. A certificate of Insurance was received from The Vinyl Outlet and Driven Construction. The Certificate of Analysis was received from Biotrax for April and May. Ellen received letter from Comptrollers acknowledging receipt of the action plan from the audit. Office of the State Court reports with very little activity from the last couple of months. They are now in the office processing and accepting payments, but Court is not yet in session.

Minutes of Previous Meetings: Supervisor Grant asked if anyone has any questions regarding past meeting minutes. The Town Board has not approved them for the last few months due to COVID. March/April/ May meeting minutes. Motion by Mohun; seconded by Gadd to approve the March, April and May meeting minutes; All ayes, carried.

Departments:

Highway -- State Aid funding; equipment bidding

Superintendent received news that the State has determined that they will be cutting up to 20% of the CHIPS funding. CHIPS reduced amount is now \$142,687.42. Extreme winter

recovery did not change from last year. Pave NY funding will be \$37,610.75. On the County side, NYS association of Towns is applying to the federal govt. to ask for federal money to help do a 'Generational' project. The County is looking to put in some of their bridge projects, work on the hospital and Supervisor Grant wants to put something in for the Town of Bennington as well. She plans on asking for money to pave all roads in the Town as well as broadband for the entire town.

Resolution #2020-6-1 Amend Resolution 2020-5-7 Bidding for Highway Equipment

Be it Resolved, that Resolution #2020-5-7 is hereby amended to set the date of the opening of bids for the purchase of a new pickup truck for the Highway Department to be June 24, 2020 at 6:30 p.m. at the Town Clerk's Office, to be awarded to the lowest responsible bidder at a Special Session of the Town Board to be held on June 29, 2020 at 7:00 p.m. at the Bennington Town Hall, and

Be it Further Resolved, that the Board hereby directs the Town Clerk to advertise the 2010 Ford F250 pickup truck, as well as surplus tires, for sale by sealed bid, said bids to be opened on June 24, 2020 at the Town Clerk's Office at 6:30 p.m., said bids to be awarded on June 29, 2020 at 7:00 p.m. at the Town Hall.

Motion by Gadd, seconded by Waite

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Mr. Aldridge's Sinn Rd. Project. Paperwork received by Soil and Water, no definitive date on their schedule, but will have to meet again with them and the Highway Superintendent. The Superintendent is planning to do the work right after the 4th of July holiday. Mr. Aldridge asked if the neighboring properties were notified. Supervisor Grant will handle after a meeting date is scheduled. He also wanted to let the Board know that a neighbor is bringing large tanker trucks down Sinn Rd. that he believes are 50 tons. He asked that the Town contact him or does the DOT have to be contacted? Supervisor Grant said that since it is going to a destination, it is allowed to go on that road. Supervisor Grant will speak with the Highway Superintendent and the Town Attorney. Judy Brown has been working at the Highway offices on organizational projects. There are records that the Town Clerk has been asked to sign off on to destroy per the Retention schedule.

Park/Recreation – Surplus equipment bid; Swim program; concerts

Resolution #2020-6-2 Advertise for bids for surplus park mower

Be it Resolved, that the Town Board hereby declares the Ferris Pro Cut S mower at the Town Park to be surplus equipment and authorizes and directs the Town Clerk to advertise the same for sale through sealed bids. Said bids to be opened at the Town Clerk's Office on June 24, 2020 at 6:30 p.m. and to be awarded by the Town Board at a meeting on June 29, 2020 at 7:00 p.m.

Motion by Frounick, seconded by Mohun

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

The Town will still hold the summer swim program at Byrnclyff. State health office recommends that we reduce the number of participants. The Town Board would like to limit it to no more than 10 participants per class. They will most likely eliminate the open swim portion at the end of the classes. The Town will still keep one concert on schedule if the band is still comfortable with performing. Will hold this concert in the front ball park area where social distancing can be maximized. Supervisor Grant will speak with the Health Department to get their input.

Assessor – Extend STAR Exemption filing period

Resolution #2020-6-3 Extend STAR Exemption Filing Period

Be it Resolved, as per Chapter 92 of the Laws of 2020, by the authority of the Governor of New York State, the Town Board hereby grants an extension for the filing for STAR Exemptions to residents of the Town of Bennington to a period not later than July 15, 2020, and

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

Motion by Mohun, seconded by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Zoning –

Resolution #2020-6-4 Appoint Donna Hummel Alternate Member of the Planning Board

Be it Resolved that Donna Hummel, 994 Sierk Road Attica NY is hereby appointed to a five-year term as Alternate Member of the Town of Bennington Planning Board for the period January 1, 2020 through December 31, 2024.

Motion by Frounick, seconded by Waite

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Councilman Mohun asked about training for the members. Supervisor Grant said that some of them have been going for training.

Supervisor Grant put together a spreadsheet of the zoning permits that have been issued thus far for 2020.

Two Home Occupation renewals have been received for renewal; Rumley's Nuisance Wildlife and Mark Dusen for Dusen Marketing.

Motion by Mohun, seconded by Frounick to approve the renewals. Voting all ayes; carried.

Water District – Highland Glens connection; Lines have been connected under Clinton Street. Will continue to lay line connection to their lines.

Clerk – The Clerk distributed copies to all of the Board members of the May monthly Clerk's report. The Clerk updated the Board members that a number of properties zoned

as manufactured housing had been left off of the Recycling district line item of the 2020 Tax bills. Real Property is contacting those affected and billing them appropriately. This was brought to the Clerk's attention from a concerned citizen. The Clerk received a complaint from a resident on Manley Rd. regarding excessive junk vehicles and unkept conditions on a neighboring property.

Old Business:

The Moratorium on burials on privately owned land in the Town of Bennington is coming up for expiration. The Town of Eagle is in a similar situation and the County is in discussion on making a County-wide law. The Town Attorney has drafted verbiage on a Local Law prohibiting private burials in the Town of Bennington. His position is that a full burial should be in a cemetery and not on private property.

A Motion to advertise for a Public hearing on July 8th to enact local law E to prohibiting burials on private property in the Town of Bennington and to declare the Town as lead SEQR was made by Councilman Mohun; seconded by Councilman Gadd. Voting all ayes, motion was carried.

Assessor position – Candidates have been narrowed down to two people. Interviews will be scheduled on June 29th at 7pm. Bids will be awarded at a special meeting on June 29th at approximately 7:15pm.

Ed Aldridge had a question regarding Grievance Day.

Resolution #2020-6-5 Extend the terms of agreement with the Interim Assessor

Be it Resolved, that the Bennington Town Board hereby agrees to extend the term of employment with Mary Kern, Interim Assessor for an additional month, said term to expire July 31, 2020, with all other terms of employment to remain the same.

Motion by Frounick, seconded by Waite

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

New Business:

Councilman Mohun asked that we set up a meeting with the County to discuss moving the Zoning Department to the County. Supervisor Grant will ask that they attend July's meeting for review. Katie will be contacted to get information regarding the Website, including hosting and log in information. Councilman Gadd and Mohun remarked that she will be missed and was very knowledgeable and professional in all Zoning matters.

USDA – European Cherry Fruit Fly pest. Supervisor Grant would like to give them access to the Town Park and the Museum site for testing. Should be up for two months.

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

Cowlesville Drinking Water report came out in May and was sent out to the households that utilize it. No issues were detected. Councilman Mohun asked if National Fuel stopped work, Councilman Gadd said that they have completed the project. Corner of Getman and Gadd has a deep divot from the plow that creates a pond when it rains. It

needs to be addressed and repaired as the water has nowhere to go and will continue to ruin the road.

Supervisor Grant wanted to note the passing of Florence Merle, the oldest resident in the Town of Bennington at 105 years old.

Adjournment by Councilman Mohun at 8:55PM.

Respectfully submitted by,

Carolyn Busch – Town Clerk

Special Session June 29, 2020

Meeting called to order at 7:00 p.m. with Supervisor Grant, Councilmen Waite and Mohun present.

Bidding results: No bids were received on the new 2021 pickup truck for the Highway Department. One bid was received for the 2010 used pickup of \$250 and one bid of \$100 for the 2 used tires. No bids were received on the park mower. Motion was made by Mohun, seconded by Waite to re-bid for the new pickup truck, re-bid the used pickup for sale, with bids to be opened at 6:30 p.m. August 12, 2020. The Board accepts the bid from Roger Reiner on the 2 used tires in the amount of \$100 and elects not to re-bid the park mower at this time. All ayes; motion carried.

Motion was made by Waite, seconded by Mohun to recess the meeting in order to conduct a Town Assessor interview. All ayes; motion carried and meeting recessed at 7:15 p.m.

Motion was made by Mohun, seconded by Waite to reconvene the meeting at 9:20 p.m. All ayes; carried.

Motion was made by Waite, seconded by Mohun to present an offer of employment to James Kirsch for Town Assessor, with terms and benefits as discussed, at an annual salary of \$12 per parcel. Dates for the appointment term will be confirmed with the NYS Office of Real Property Tax Services. All ayes; carried.

Supervisor Grant informed the Board members of a recent meeting held by the County Highway Department with property owners on Schoellkopf Road regarding the proposed bridge replacement scheduled for 2021.

Motion was made by Mohun to adjourn the meeting at 9:28 p.m. All ayes; carried.

Bennington Town Board

July 8, 2020

7:30 p.m.

Meeting

Workshop meeting began at 6:39pm with Council members Frounck, Waite, Gadd and Mohun auditing the bills. Supervisor Grant asked how the members felt about holding summer concerts. Discussion held on the Virtual Easter Egg Hunt that was held, thinking we should do another event possibly in the fall. Discussion on the Solar Project that was submitted by Buffalo Solar for the Bennington Fire Department. Discussion on the Local Law and the County's comments. Superintendent Czworka will not be in attendance tonight, Supervisor Grant communicated that he would like to retire sometime in September.

Supervisor Grant called the meeting to order at 7:33pm; Supervisor Grant asked Councilman Frounck to lead the pledge of allegiance.

Supervisor Grant opened the Public Hearing on Local Law E, Year 2020 at 7:33PM.

Financial Matters:

General Fund vouchers #104 to #122 \$5,099.86

Highway Fund vouchers #100 to #114 \$118,662.60

Cowlesville Water vouchers #32 to #38 \$9,015.03

Cowlesville Light vouchers #6 \$164.81

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

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Financial Reports:

Motion by Waite, seconded by Gadd to approve the Financial Reports ending June 30, 2020.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Communications: Certificate of Analysis was received from Biotrax for the month of June; several residents contacted the Town Clerk regarding road conditions and fireworks in the village. The Councilmembers were notified via email and the Highway Superintendent were sent emails to follow up with the residents. Supervisor Grant received a check from the Office of the State's Attorney General for \$13.52. This was from a class action lawsuit regarding computers purchased with fraudulent microchip pricing. Tompkins Insurance sent a refund in the amount of \$225.00 due to less driving on Automobile policies from the last 2 months due to COVID. Teamsters completed the examination of payroll records from the highway department. No audit liability is needed from 2019. A letter was received by NY Electrical Inspection Agency that included a Certificate of Insurance. The letter also included certified inspectors for our region.

Certificate of Insurance was received from KCM custom built garages for work they are doing in the Town.

Minutes of Previous Meetings:

Motion by Mohun, seconded by Gadd to approve the previous Board Meeting Minutes.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Departments:

Highway – Mr. Kumpf from 498 Lapp Rd came in to speak on the speed limit on Lapp Rd. He would like to have it changed to 45mph. It is 45mph on the Alden side and makes sense to lower it on our side as well. Supervisor Grant addressed his concern and told him that the State sets the speed limits. He will type up his concerns with a petition from other residents of Lapp Rd. and submit to the Supervisor. Supervisor Grant will give to the Traffic Safety Board for consideration. CHIPS work is being done on Lapp Rd, Schad Rd and Bear Rd.; Equipment bids were opened last month. No response received on a new pickup truck. Will re-advertise for the August meeting;

The Sinn Rd project at the Aldridge property will be under \$20K, therefore it won't need to be bid out. The Town attorney is working on preparing easements from the neighboring property owners. Councilman Gadd asked what liability the owner will be responsible for; answer was none. Two neighboring property owners will be contributing to the project with pipes and material along with Soil & Water and the Town of Bennington to fund this project.

Supervisor Grant asked that they move into Executive session at 7:53pm to discuss Personnel matters. Regular session called back at 8:03pm.

Discussion held on the Snow and Ice agreement with the County regarding next year's contract.

Resolution #2020-7-1 Sinn Rd. Drainage Project Easements

Be it Resolved, that the Town Board hereby authorizes the Town Supervisor to sign any and all easements with property owners for work related to the Sinn Road drainage project, as prepared by the Town Attorney.

Motion made by Mohun seconded by Frounick; voting all ayes; carried.

Park/Recreation – Surplus equipment bid, will rebid next spring as no bids came in.

Resolution #2020-7-2 Youth Recreation Program Contract with Byrnclyff

Be it Resolved, that the Town Board hereby authorizes the Town Supervisor to sign an agreement with Byrnclyff Resort, Humphrey Road, Varysburg NY for the use of their facilities for the youth swimming instruction program for the period July 14, 2020 through August 20, 2020 at an amount of \$ 1680.00.

Motion by Mohun, seconded by Gadd

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Supervisor Grant was approached by an Alden Men's baseball league to hold a couple of games at Pine Tree Park this summer; Procedures are in place to be safe for the games per direction of the NY State Health Department. Councilman Gadd questioned whether a fee should be charged to use the Park. Brief discussion held. The Town will keep it mowed, but not add enhancements to the grounds. Supervisor Grant will contact a group to see if they are willing to perform a concert at Pine Tree Park for August.

Councilman Gadd was approached regarding residents on Gadd Rd asking about ditching. Supervisor Grant will pass the message along to the Superintendent.

Assessor –

Resolution #2020-7-3

Assessor Appointment

Be it Resolved, that James E. Kirsch, 3454 Humphrey Road, Varysburg NY 14043 is hereby appointed as Town Assessor, for a term effective August 5, 2020, to expire September 30, 2025 at a rate of \$12 per parcel, plus benefits as agreed to in writing.

Motion by Mohun, seconded by Waite

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Zoning –

Home Occupation renewal from Mary Jean Durfee for MJ Graphics was received. Councilman Frounck made a motion to approve, seconded by Mohun; voting all ayes, carried.

The County was supposed to have a presentation tonight, but did not come.

Katie Nicole-Marble resigned her position as Zoning Officer effective June 10, 2020.

Councilman Gadd requested that a letter of appreciation for her service to the Town be sent out. Supervisor Grant will send one. A letter of intent was received for the open position of Zoning Officer. This was distributed to the Board members.

Water District –

Highland Glens water connection is underway. They applied for a Zoning permit to erect a shed to house the hook up.

Hear Comments on Local Law E; Jim Schlick asked how many private burial grounds are in the Town of Bennington right now. Supervisor Grant responded that we had an individual inquire regarding private burial last year and that this information is not known.

Motion made by Mohun to close public hearing at 8:33PM; seconded by Gadd; voting all ayes carried.

Old Business: Local Law #E Burials on privately owned lands
The County Planning Board reviewed the Local Law and had additional questions. They tabled their decisions until their next meeting on August 3rd.

**Resolution #2020-7-4 PROPOSED LOCAL LAW #E OF 2020,
A LOCAL LAW ENTITLED, "A PROHIBITION OF PRIVATE PROPERTY
BURIALS IN THE TOWN OF BENNINGTON"**

WHEREAS, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices of the Town of Bennington, on the 8th day of July, 2020, commencing at 7:30 p.m. at which time and place the following members were:

<u>Present:</u>	Supervisor	Ellen Grant
	Councilman	Bernard Frounick
	Councilman	Michael Gadd
	Councilman	Joyce Mohun
	Councilman	Brian Waite

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, pursuant to Governor Andrew Cuomo's Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines put in place during Phase III of New York Forward, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

WHEREAS, the Town Board is considering adopting a proposed local law, entitled, "A Prohibition of Private Property Burials in the Town of Bennington"; and

WHEREAS, The Town Board is reviewing two versions of the proposed local law: Local Law Option 1 and Local Law Option 1A; and

WHEREAS, the purpose of the proposed local law is to prohibit the burial of human remains or the establishment of burial grounds on privately owned property in the Town of Bennington; and

WHEREAS, pursuant to section 239 1-m of the General Municipal Law, said local law with all supporting documents was submitted to the Wyoming County Planning Board for its comments; and

WHEREAS, the Town Board of the Town of Bennington did hold a public hearing to consider the adoption of said local law; and

WHEREAS, the Town Board of the Town of Bennington does find it in the best interest of the Town to adopt said local law.

NOW ON MOTION OF Gadd which has been duly seconded by Waite, be it

RESOLVED, the Town Board of the Town of Bennington feels it is in the best interests of the Town to adopt the local law entitled, "A Prohibition of Private Property Burials in the Town of Bennington," a copy of which is attached hereto and made a part of this resolution.

Ayes: 5 Nays: 0 Absent: 0 Abstain: 0

New Business:

Bennington Fire Dept submitted a project application to the Town for a solar array to be installed on their property. They will need a special permit, use variance, zoning permit and area variance. All have been received and will be reviewed by the Zoning Board of Appeals and the County Planning Board. They may have a joint meeting to have all Boards meet together at the same time. The Fire Department will receive \$25K over the next 25 years and a reduction in their electric service for the installation of the project. Supervisor Grant will keep the Board members apprised of any developments.

Any other Business to Come before the Board/County Matters: Councilman Mohun commented that new telephone poles are being installed that are much taller than the current ones in the Town. Supervisor Grant distributed the Zoning Permit spreadsheet that shows new applications to the Town.

Adjournment by Mohun at 8:44 pm.

Bennington Town Board

August 12, 2020

7:30 p.m.

Meeting

Work session began at 6:30 with Board members Mohun, Frounick, Gadd and Waite present. The Town Clerk opened the bids that were received for the 2021 Chevy Silverado Pickup. One bid was received by from Joe Basil Chevrolet, Inc. in Depew, NY. The bid was for \$37,290.00 and included the plow as specified. One bid was received for the used Ford Pickup from Ray Reiner in the amount of \$400, he also bid \$100 for the two used tires.

Quotes came in for the work on Sinn Rd. Low quote was from D. Smith and Sons in Alexander at \$9750. Superintendent is working on his Chips claims for 2020. All oil and stone work around \$100K. There is \$115K remaining yet. With the remainder of the funding he could do Schad Rd. (\$43K) and a section of Burrough Rd. (\$65K). OR he could do North Burrough (\$115K).

Supervisor Grant called the Meeting to Order at 7:31 PM; she asked Councilman Mohun to lead the pledge of allegiance.

Financial Matters:

General Fund vouchers #123 to #147 \$7,480.87.

Highway Fund vouchers #115 to #128 \$18,720.49.

Cowlesville Water vouchers #39 to #43 \$2,525.96.

Cowlesville Light vouchers #7 \$164.81.

Motion by Gadd, seconded by Frounick to approve the vouchers for payment.

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

Financial Reports were presented to the Board by Supervisor Grant for month ending 7/31/20 as well as the Accounting reconciliation for the various funds.

Motion by Gadd, seconded by Waite to approve the Financial Reports ending July 31, 2020.

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

Presentation by Road Advisory Committee: Jeff Napieralski gave a presentation to the Board. The committee was formed in June of 2019. The committee was asked by the Town Board to determine project recommendations, funding road repair to the roads in the Town of Bennington and best practices in road construction and maintenance. Mr. Napieralski stated that the roads and the highway department are not in a good state currently. Bennington has 79.16 miles, 65.58 miles of these are maintained by the Town. Gravel or dirt roads total 26 miles or 40% of the Town's roads while the County average is 4.6miles per Town or just under 12% of Town roads by mile. They met with the County Superintendent and he supplied them with a road maintenance guide that the DOT uses. Some of the problems with the roads are caused by the snowplows. They met with the Highway Superintendent in February to discuss the operations of his department.

Mr. Napieralski stated that the committee was told by Ken that he is not involved with the budget planning. Mr. Napieralski also stated that the Highway Superintendent stated that to the best of his knowledge, there is no comprehensive plan. The Road Advisory committee made the following recommendations; 1 - Improve the Highway Dept. 2 - Hold discussions on the County take over our highway operations, 3 - Sub-contract all road maintenance and improvement projects with a private company. They recognize the Board is now taking action to make changes to improve the Highway Department by putting forth two referendums on the November ballot, changing the position from elected to appointed and changing the term of the Superintendent to four years rather than 2 years. They recommend a comprehensive plan be worked on to lay out a plan to encompass goals for road repair/maintenance over the next 15-20 years. There are no grants that are available to pay for the upgrades that are needed to repair our roads. The only grant money available is for bike paths in the Town. They believe a bond should be taken out to pay for road upgrades, but not till the comprehensive plan is complete and a new Superintendent is in place.

Supervisor Grant thanked Jeff for the presentation and the thoroughness of his presentation. He handed out the presentation to the Board members and the Supervisor.

Councilman Waite asked for clarification on the sub-contractor point. Are you asking to abolish those full-time positions? Yes, it may be a viable option and create more efficiencies. Point 2 regarding the County taking over the road; what are the parameters for the County to take them over? Per Todd Gadd it would have to be discussed by the Board of Supervisors. Bennington has the largest percentage of locally maintained roads than any other Township in the County. Supervisor Grant explained that the majority of the Supervisors would have to approve this and our Snow and Ice removal revenues that the Town receives would be affected/decreased.

Councilman Mohun asked about the revaluation that is being planned for the Town. When the homes/properties in the Town are re-assessed, this will not mean that more money will come in or be generated. The budget may not change just the assessments would be re-adjusted. Mr. Napieralski clarified that the Town should be able to receive a larger bond when the property values of the homes in the Town are updated and re-evaluated.

Councilman Waite asked: What are the Advisory committee's recommendation of who should write the comprehensive plan for the Town. Mr. Napieralski said it should be someone that is knowledgeable of our Town and familiar with construction practices.

Presentation by the Wyoming County Zoning Office: Don Roberts gave a presentation with Jenna Marley on a program that was started three years ago due to a need in the County. Currently they service 11 Towns in this county streamlining the process and enforcement of Zoning law. They are open 8-4 Monday through Friday to service all needs of residents regarding permits or to answer zoning and property maintenance questions. When the program started, they tried to entice the Towns to utilize their program and set the cost at \$2.72/parcel. They have reviewed the Town of Bennington, and estimate that we will pay a little more than what we are currently paying in salaries. Property maintenance gets handled two different ways. They would look under the local laws and then look at NY's laws. This is the area where they have the most complaints come in and spend the most time working on. They are proposing that the County would

be hired by the Town to take over the Zoning Department operations for Bennington. They would still meet with the ZBA and Planning Departments and come to those meetings. Currently they do not offer training, but it is something that they have discussed. By Bennington joining, the parcel cost could come down due to the size of our Town. The residents would take care of the zoning permits through the Warsaw office, and we would not have anyone locally for residents to speak with. Councilman Gadd asked what the timeline is to take over the work; they can take care of it right away. They will bill the Town quarterly for these services. The Board thanked them for coming in tonight to speak to them regarding this service.

Communications: The monthly Certificate of Analysis was received from Biotrax regarding water testing. Letter and posters from GLOW Region Solid Waste Mgmt. Committee. This year's household hazardous waste collection will be on 9/19 in Mt. Morris. This year's electronic collection will be held on 9/26 in Mt. Morris. Both of these require appointments to be made. More information is posted at the Town Hall and on the Town's Facebook page. The Town Clerk reached out to the Deputy Commissioner of Elections to verify that two referendums will be added to the Town of Bennington November election ballots. Julie Santullo responded they were all set. Supervisor Grant received reports from the Justices on activity in the Court. Processing fines and paperwork only as no court proceedings have been held. Info from DOT regarding their website. Supervisor Grant received a letter from Williamson Law book regarding no increase for software maintenance in 2021. A membership letter from the Association of Towns arrived with a renewal fee of \$900 for 2021. Town Topics magazines were mailed to our Elected Town officials for August. It included an Article about Star exemptions that will be posted to the town website.

Minutes of Previous Meetings:

Motion by Mohun Seconded by Waite to approve the minutes from the July Meeting.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Petitions and public concerns: Mr. Klumpf came in last month to discuss the speed limit on his road. He contacted his neighbors and asked that they sign his petition to lower the speed limit on Lapp Rd. to 45MPH as it is on the Alden side of the road. He sent a letter to all residents that live on Lapp Rd. (32 letters) and got 22 signatures; 15 live on Lapp road and 7 do not, but have used the park on occasion. He gave the original petition along with the letter to Supervisor Grant. Supervisor Grant will present to the Wyoming County Highway safety and they will send on to the State for them to study. Supervisor Grant asked Mr. Klumpf if any signatures gathered were from residents of Highland Glen and he answered no. Per Supervisor Grant, our Highway Superintendent has been speaking with the Town of Alden and have asked them to post weight limit signs on the road.

Departments:

Town Clerk – The Town Clerk discussed Dog Enumeration choices for 2021 with the Board. We may opt to go with a postcard mailing rather than a house to house enumeration. The Town Clerk distributed her monthly report to the Board members

during work session. Hunting Licenses (DECALS) became available to purchase on October 10th. NY State has a new system and printer for this year's tags. Highway – CHIPS work; The Supervisor briefed the residents in attendance on the work going on currently. (see notes from Work session) We opened bids during the work session. (see notes above); Supervisor Grant asked for a motion to accept the bid from Joe Basil;

Resolution #2020-8-1 Accept and award bid for purchase of Highway Dept. pickup truck

Whereas, the Town Clerk has received sealed bids for the purchase of a new pickup truck for the Highway Department as per specifications and the authority granted to her by the Town Board; and

Whereas, sealed bids were opened by the Clerk at her office at 6:00 p.m. on August 12, 2020; now, therefore

Be It Resolved, that the Town Board hereby authorizes the purchase of a 2021 Chevrolet Silverado pickup with snow plow from Joe Basil in the amount of \$37,290.00. being deemed the lowest responsible bidder by this Board.

Motion by Gadd Seconded by Mohun

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Received a bid on the 2010 pickup in the amount of \$400. Councilman Gadd made a motion to reject the bid and Waite seconded; voting all ayes carried. Town will send it to auction. Sinn Rd project; we received three quotes to do the work by an outside contractor. Low quote was from Don Smith and sons at \$9750. The Superintendent is fine with this quote and is currently working with the attorney on the easements of the adjoining property. Mr. Aldridge is not happy about the progress that this project is making. The Supervisor does not have a timeline to give him. Councilman Mohun asked what he has done to protect his property. He said that National Fuel put a berm up to keep the water back.

Park/Recreation – The Terry Buchwald concert took place on 8/8 along with a fireworks show and all went well. Don Roberts said that no complaints came in to the County regarding this event.

Assessor – James Kirsch has been appointed the Assessor position and started this past Wednesday. He will be in the office every Wednesday from 4pm to 7pm, but is available by phone or email Monday through Thursday. He is preparing to do the Revaluation work for next year.

Zoning – Councilman Waite made a motion to approve moving the Zoning Office duties to the County and it was seconded by Councilman Gadd; Further discussion was held on current fees and the amount that the county still pays to fund this program as it does not pay for itself yet. Councilman Gadd would like to have it set up as contingent on questions that need to be answered regarding large scale projects in the Town. We should be able to keep a percentage of the fee. Voting all ayes, carried with the contingencies stated.

Water District – ISO Insurance Company will be checking hydrants in the Town of Cowlesville to make sure that they are in proper order. Will lower insurance rates for homeowners in the Town. Highland Glens project is underway and nearing completion.

Old Business:

Bennington Fire Co. Solar project – Set date for Special Permit public hearing. Mr. Zymowski is attending to let the Board know that he wishes to withdraw the permit due to complaints/concerns from neighbors. The fire company held a meeting for its members and chose to keep the neighbors happy and disband the project.

Councilman Gadd asked about the plow on the truck that was approved earlier; was it a straight blade or curved plow? Supervisor Grant advised that it was a 9.5ft MVP3 plow and it is a V blade.

New Business:

Computer purchases for upgrades to the Town Hall. The Wyoming County IT department will be transferring files over from the current computers and move software to the new computers. Supervisor Grant is looking for a new printer for the Assessor's office. Councilman Mohun knows of someone that may be able to take the old computers and re-purpose them.

Court room upgrades were made recently as plexiglass was installed along the entire length of the bench. A panel was also installed in the Assessors office since the Prosecutor's office utilizes that office once a month as well.

Resolution #2020-8-2

Adopt Retention & Disposition Schedule New York Local Government Records.

Resolved, by the Town of Bennington Town Board that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and contain legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein; and be it

Further Resolved, that in accordance with Article 57-A:

- (a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

Motion by Mohun Seconded by Frounck

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

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

Attica High School Board would like to use the Town Hall on January 28, 2021; Motion by Mohun and seconded by Gadd; voting all ayes carried.

Skylighters voucher was not processed, would like approval from the Board to process it when it comes in. Amount was \$2K. Gadd made a motion to approve, Mohun seconded; Voting all ayes carried. Supervisor Grant asked that all people fill out their Census cards that were sent out to all homes.

Councilman Waite made a motion to make the Lifeguard rate \$15/hour, seconded by Mohun Voting was 4 ayes and one opposed.

Councilman Waite and his wife are working on the upstairs meeting room to move some items from the historical society to the hall.

Motion to adjourn the meeting by Mohun at 9:37PM.

Respectfully submitted,
Carolyn Busch
Town Clerk

Bennington Town Board
September 9, 2020
7:30 p.m. Meeting

Work session began at 6:30pm with Councilmembers Mohun, Gadd and Frounick auditing the bills. Councilman Waite is excused due to illness. Supervisor Grant updated the Board that the County highway department can assist with the Sinn Rd. project with the labor needed.

Supervisor Grant called the Meeting to Order at 7:31pm; Supervisor Grant asked Councilman Gadd to lead the pledge of allegiance.

Financial Matters

General Fund vouchers #148 to #174 \$11,596.70

Highway Fund vouchers #129 to #141 \$31,061.79

Cowlesville Water vouchers #44 to #47 \$2,451.16

Cowlesville Light vouchers #8 \$98.81

- Motion by Mohun, seconded by Frounick to approve the vouchers for payment.
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Financial Reports

- Motion by Gadd, seconded by Frounick to approve the Financial Reports ending August 30, 2020.
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Communications: The Town Clerk received a certified letter from Delaware River Solar regarding their intent of building a solar project in the Town. The Town Clerk received a letter of gratitude from the Folsom Trailblazers for the use of the park in their trail system. A Certificate of Insurance was received from KCM Custom Built Garages and NYS Snowmobile Assoc. (Folsom Trailblazers) for work that is being done in the Town. The monthly certificate of Analysis from Biotrax was received. The Clerk received a full report from Amherst Alarms inspection of the Town Hall. Supervisor Grant received Office of the State Comptroller; no fiscal activity for either judge last month. The Arts council fall edition newsletter was received. Of note on Sept. 26, a book release party 11am-1pm for "As I see it", which was written by Mr. Weatherbee from the Town of Bennington will be held. Certificate of Insurance from Erie Ins. Renewal by Anderson. Letter from resident making us aware of a waterfall south of Bennington center on the west side (private property) very beautiful, very steep.

Minutes of Previous Meetings:

- Motion by Mohun, seconded by Gadd to approve the Meeting Minutes for the August 2020 meeting.
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Petitions and public concerns: Ed Aldridge asked to speak on his property on Sinn Rd regarding the work on the project. Will it be delayed, is there a start date?

Departments:

Town Clerk – Monthly Report; Office closure for computer upgrades

Highway – Hwy Supt FMLA; Superintendent Czworka has applied for a leave that was effective 9/4/2020. County Highway and our current crews will be working on Sinn Rd. by the end of next week to begin work.

- Motion by Mohun, seconded by Frounick to approve an application for a Family Medical Leave Act unpaid leave by the Town Highway Superintendent, effective September 4, 2020

• Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Highway Consultant; Due to the temporary leave of the Highway Superintendent, a Highway Consultant will be needed for a Temporary Appointment. Interviews; Projects
Resolution #2020-9-1 Create the position of Highway Consultant, Temporary and make appointment

Whereas, the Town Board has approved a leave of absence for the Highway Superintendent, and

Whereas, the Highway Department requires supervision and direction to carry out necessary road and maintenance projects in the interim, now therefore

Be It Resolved, that the Town Board hereby creates one position of Highway Consultant (Temporary) to supervise the work at the Highway Department as well as make any recommendations for future projects as may benefit the town, and be it

Further resolved that the Board sets a salary of \$35 per hour with only those benefits mandated by law, for a period not to exceed four (4) weeks/160 hours, effective September 7, 2020; and be it

Further resolved, that the Board hereby appoints Christopher Olivieri, Ortner Road, Darien Center to the position of Highway Consultant.

Motion by Frounick; Seconded by Gadd.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Supervisor Grant has been receiving applications for people that are interested in the position of Highway Superintendent. One applicant is highly qualified and the Supervisor will be in touch to see if an appointment will be needed if FMLA lasts longer than anticipated. Equipment maintenance is taking place right now. They received notification that the CHIPS/Extreme Winter funding has been cut 20% or \$46K to their highway budget. There are some funds available yet for this year, but they may look at rolling those funds to 2021.

Park/Recreation: A few events are still taking place utilizing the shelter. Bennington seniors on 9/14 and Strykersville Seniors on 9/21. Alden Men's League played at the Town Park.

Assessor: Jim Kirsch has been working updating files. Supervisor Grant will ask him to come in and update the Board at the September meeting.

Zoning: The County will take over effective 10/1. The Clerk and Supervisor Grant will need to give copies of zoning permits that have been issued over the last couple of years. Councilman Mohun had some concerns about Zoning Law and updates that should be addressed. Councilman Gadd asked about the fee schedule and if some of the large-scale projects' fees will come to the Town. Supervisor Grant said that some of the fees that the County has are less or more than what our fee structures are.

Water District: No updates.

Old Business: None

New Business:

Set date for Public Hearing on 2021 Contract with Bennington Fire Company

Resolution #2020-9-2 Set Date of Public Hearings on Bennington Fire Company Contract

Whereas, the Town Board of the Town of Bennington has received a proposed 2021 contract amount from the Bennington Fire Company of \$100,000 for fire and rescue services within their district;

Be It Resolved that the Town Board hereby sets the date of October 14th, 2020 at 7:30 p.m. at the Bennington Town Hall for the purpose of a public hearing on the Bennington Fire Company Contract between the Town and the Bennington Fire Company;

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 by Mohun, Second: Frounick

Ayes: 4

Noes: 0

Abstain: 0

Absent: 1

Set date for Budget Workshop meeting of Town Board

Resolution #2020 – 9-3 Set date of 2021 Town Budget Workshop Session

Be it Resolved, that the Town Board hereby sets the date of the 2021 Town Budget Workshop Session as the 7th day of October, 2020 at 7:30pm at the Bennington Town Hall, and hereby authorizes and directs the Town Clerk to advertise the same in the legal publication of this town.

Motion by Frounick; Seconded by Mohun.

Ayes: 4

Noes: 0

Absent: 1

Abstain: 0

Councilman Gadd will not be able to attend this meeting on the 7th.

Supervisor Grant would like to upgrade the Assessment Office printer

Purchase of copier/printer/scanner for Assessor/Bookkeeper

- Motion by Gadd, seconded by Frounick to authorize the purchase of a new copier/printer/scanner for the Assessor & Bookkeeper's office under NYS bidding contract.

Ayes: 4

Noes: 0

Absent: 1

Abstain: 0

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

Supervisor Grant wanted to bring up the subject of trick or treating in the Town for 2020.

Gadd would like to move forward with it, unless the State provides direction otherwise.

Councilman Mohun wanted to bring up that there would be two referendums regarding the position of the Highway Superintendent on the ballot in November. This will be put on the Webpage, Facebook page and an ad in the Pennysaver regarding the proposals along with the reasons why these are being proposed.

Adjournment by Mohun at 8:12 PM.

Respectfully Submitted by Carolyn Busch
Bennington Town Clerk

Special Session of the Bennington Town Board

September 21, 2020 7:00PM

The meeting was called to order by Supervisor Ellen Grant with all Board members in attendance. It was noted that the notice of the meeting was posted on the door of the Town Hall and then to the Town website following receipt of the correspondence from Superintendent Czworka.

A letter of resignation was received from Highway Superintendent Ken Czworka, following 41 years of service to the Town. Resignation effective today, September 21, 2020. Motion was made and seconded (Waite/Frounck) to accept the resignation with regret. All ayes; carried.

The Board reviewed the five applications that were received for the position over the past 14 months. Several did not have the relevant background or had poor reference responses. Board members reviewed the results of the interview with Andrew Koch and his references. Motion was made and seconded (Gadd/Frounck) to appoint Andrew Koch, currently residing at S870 Four Rod Road, Alden, as Highway Superintendent, effective 9/22/20 through 12/31/21 at a 2020 salary of \$52,000 per annum with full benefits. Our Highway Consultant will provide orientation and consultation to Mr. Koch as he starts the job.

Motion was made (Mohun) and the meeting adjourned at 7:23 p.m.

Respectfully submitted,
Ellen Grant - Supervisor

Work session began at 6:30 with Board members Waite, Gadd, Frounick and Mohun present. Assessor Jim Kirsch came and addressed the Board about his duties as assessor. He was able to correct some school tax bills, purging old files, setting up files that needed to be purged at a later date, meeting with residents and answering questions about the revaluation. Supervisor Grant advised that his laptop had been received and sent to the County to get set up with the proper software. Highway Superintendent Koch was present and discussed his goals for the next few weeks; mainly getting the equipment ready for winter, ditching and using the grader properly to get rid of potholes. He discussed the equipment the Town needed to properly take care of the roads. He realizes there is a lot of work that needs to be done on the roads in the town and wants to ensure the work is done correctly and money involved will be put to good use. He is assessing the skills of the crew and how best to utilize them on the work needed to be done. Supervisor Grant told him to let the crew know the County Soil & Water District Board and Board of Supervisor members had inspected the Sinn Road project and was very complimentary of the results.

Bennington Town Board

October 14, 2020

7:30 p.m.

Meeting

Supervisor Grant called the meeting to order at 7:35 p.m. She asked Councilman Gadd to lead the pledge of allegiance. There was a moment of silence for lifetime resident James Hoy, Sr. who recently passed away.

Public hearing on 2021 Bennington Fire Contract was opened by motion made by Councilman Mohun and seconded by Councilman Frounick.

Supervisor Grant asked for a motion to transfer funds of \$5,702.39 from the contingency account to Supervisor account in the amount of \$810.27 for equipment; \$392.31 for the assessor equipment; \$1620.54 Town Clerk equipment; \$810.27 Personnel Equipment and \$2,070.00 Central Printing for purpose of purchasing and upgrading and purchase of computer and photocopier for assessor office. Motion by Councilman Mohun and seconded by Gadd to approve the transfers within the accounts.

Financial Matters:

General Fund vouchers: #175 to #194 \$16,142.70

Highway Fund vouchers: #142 to #153 \$36,266.48

Cowlesville Water vouchers: #48 to #53 \$2,713.87

Cowlesville Light vouchers: #10 \$98.82

Motion made by Councilman Waite, seconded by Councilman Frounick to approve the vouchers for payment. All ayes; carried.

Financial reports were presented to the Board by Supervisor Grant for month ending 9/30/2020 as well as the accounting reconciliation for the various funds. Motion made by Councilman Mohun and seconded by Councilman Frounick to approve Financial Reports. All ayes; carried.

Communications: Received email regarding no public water shutoffs during pandemic. As of March 31st, payments for water bills must resume, and prior bills will need to be paid.

Letter from Union rep to municipalities in Wyoming & Genesee Counties regarding layoffs and hiring out of union employees.

Booklet regarding Letchworth State Park activities.

Certificates of liability received from WNY Plumbing.

Justice Court activity reports received from Bennington Justice Court

Approval of Minutes of September 2020 were tabled to November meeting upon a motion by Councilman Mohun and a second by Councilman Frounick. All Ayes; carried.

Public Concerns: Chris Domes of Stedman Road was present and asked about better internet service in town. With school and employees working from home, the Town needs a better internet system for all households in the Town.

Departments:

Town Clerk: Town Board received Town Clerk's monthly report for September 2020.

Highway: Highway Superintendent Andrew Koch was present. He is working with crew fixing potholes and ditching. They are getting highway trucks ready for winter. Ordering salt and sand for roads for winter months. Gradall broke down while being used for ditching. It was sent out for repair and fixed. The other equipment is being looked at to see what repairs are needed prior to winter use and seasonal storage. Highway crew went back to a five-day schedule (7 a.m. to 3:30 p.m.) Supervisor Grant advised that the final payment for the highway truck will be made next year.

Parks/Recreation: Final maintenance on lawn equipment being done to be stored for winter. Bathrooms are being winterized.

Assessor: Assessor correcting school tax bills, purging files and organizing files to be purged at later dates. He has met with residents and answered questions about reval and exemptions. The laptop has been received and sent to the County to get set up with proper software for his use.

Zoning: Contract for Zoning Department went into effect with Wyoming County as of October 1, 2020.

Water District: Highland Glens water meter and final hookup is being finalized. Bond payment is due at the end of October.

Public Comments regarding Bennington Fire Department 2021 Fire Contract. They are asking for a one-year contract in the amount of \$100,000 as well as 20,000 gallons of water from the town's water system in Cowlesville for training purposes. The Fire Department fundraising, meetings, and trainings were suspended due to the COVID-19 pandemic. Councilman Waite asked Company President Jamie Zymowski how their budgets are figured ie (size of district, value of houses in the district or per parcel.) A budget was presented and Mr. Zymowski addressed how all aspects of the budget are increased mainly due to rising costs. There was more discussion about the mandatory cancer insurance costs for certain firemen that enter burning houses, gas and diesel cost increases. A motion was made by Councilman Frounick and seconded by Councilman Waite to close the public hearing.

Old Business: In follow up to last month's approval, the Town will be purchasing a copier/printer/scanner from Eagle Systems. \$5500. Service contract included. The assessor will be able to do color copies and scanner will be more effective.

RESOLUTION #2020-10-1 Bennington Fire Protection District Contract

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2021 Contract between the Town and the Bennington Fire Company for the Bennington Fire Protection District on this 14th day of October, 2020 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 2021 Contract in the amount of \$100,000 with provision for water for training purposes, said amount to be levied upon the 2021 Town and County tax bills for parcels located within said District.

Motion by Councilman Waite; seconded by Councilman Gadd. All ayes; carried.

New Business:

RESOLUTION #2020-10-2 Set Date of Public Hearing on Cowlesville Fire Company Contract

Whereas, the Town Board of the Town of Bennington has received proposed 2021-2023 contract amounts from the Cowlesville Fire Company of \$81,190 for 2021, \$82,815 for 2022, and \$84,472 for 2023 for fire and rescue services within their district;

Be It Resolved that the Town Board hereby sets the date of November 4, 2020, at 7:30 p.m. at the Bennington Town Hall for the purpose of a public hearing on the Cowlesville Fire Company Contract between the Town and the Cowlesville Fire Company;

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 by Councilman Mohun; seconded by Councilman Frounick. All ayes; carried.

Due to schedule conflicts with Town Board, it was decided that November 5th would be a better date for all board members to be present for our public hearings and meeting.

Motion made by Councilman Gadd and seconded by Councilman Waite to amend Resolution #2 and move date to November 5th for all meetings and public hearings.

RESOLUTION #2020 -10-3 Set date of 2021 Town Budget Public Hearing and November Regular Session of the Town Board

Be it Resolved, that the Town Board hereby sets the date of the 2021 Town Budget Public Hearing and the November Regular Session of the Town Board as the 5th day of November, 2020 at 7:30 p.m. at the Bennington Town Hall, and hereby authorizes and directs the Town Clerk to advertise the same in the legal publication of this town.

RESOLUTION # 2020-10-4 Set Date and Times for Trick or Treating in the Town

Be it Resolved that the Bennington Town Board hereby declares that the times for Halloween Trick or Treating throughout the town shall be Saturday October 31, 2020 from 5:00 pm to 8:00 pm and that the Town Clerk is directed to advertise the same.

Discussion was held on safety precautions both households and parents will need to take to ensure the holiday can be enjoyed safely.

Motion by Councilman Frounck; seconded by Councilman Gadd. All ayes; carried.

RESOLUTION #2020-10-6 Authorize the Clerk to advertise Seasonal Maintenance Roads within the Town and Season/Winter Parking Restrictions on Town Roads

Be it Resolved, that the Bennington Town Clerk is hereby authorized and directed to advertise in local publications that certain roads (namely Geise Road between Clinton and Stedman, Hodge Road and Graff Road between Poland Hill and Hodge) within the Town of Bennington are designated seasonal maintenance during the months of November 1 and April 30, as posted; and be it

Further Resolved, that the Bennington Town Clerk is hereby authorized and directed to advertise in local publications that there is a legal parking restriction on all roads in the Town of Bennington during winter months November 1 through April 30, from 2:00 a.m. to 7:00 a.m. as per Local Law No. 1, Year 1978.

Motion by Councilman Waite, seconded by Councilman Frounck. All ayes; carried.

Resolution #2020-10-7 Annual Snow and Ice Control Agreement

Be it Resolved, that the Town Board hereby instructs the Town Supervisor to sign the 2021-2022 Snow and Ice Control Contract with Wyoming County for \$6,992.00 per centerline mile for 14.44 miles of County roads within the Town of Bennington for a total expenditure of \$100,964.48; and

Be it Further Resolved, that said contract may be adjusted due to varying intensity and severity of the winter season, utilizing the New York State Department of Transportation's index factor for Wyoming County, with a minimum of at least a .69 index factor.

Motion was made by Councilman Gadd and seconded by Councilman Mohun. All ayes; carried.

Resolution #2020-10-8 Agreement to Spend Highway Funds – 2020

Be it Resolved, that the Town Highway Superintendent, Town Supervisor and Town Councilmembers are hereby authorized and directed to sign the 2020 Agreement to Spend Highway Funds, with the amount of \$835,900 to be spent for the maintenance and improvements to 65.58 miles of town highways, including sluices and culverts. Motion was made by Councilman Frounck, seconded by Councilman Gadd. All ayes; carried.

County Matters/Other Business:

Supervisor Grant spoke on the County being mandated to investigate and enforce the State's regulations on COVID or they will be fined \$10,000 per day. The County Budget is in process and efforts are being made to keep the tax levy growth as low as possible. The Supervisor stated that the Town will be under the Tax Cap for 2021.

There being no further business, the meeting was adjourned by Councilman Mohun at 8:45 p.m.

Respectfully submitted,
Ellen Grant - Supervisor

Bennington Town Board
November 5, 2020 7:30 p.m.
Meeting Minutes

Work Session began at 6:39pm. Councilmembers Mohun, Frounick and Waite audited bills. Councilman Gadd is excused tonight due to illness. Discussion on Delaware Solar and a project they are performing in the Town. Discussion on progress of solar project that was approved by the Town earlier this year. Payment was made on the Serial Bond for the highway truck and water project. There are still 12 years to go on payments for the water project. Discussion on Highland Glens water hook up.

Supervisor Grant called the meeting to order at 7:31pm; Supervisor Grant asked Councilman Waite to lead the pledge of allegiance.

Open Public Hearing on Cowlesville Fire Co. 2021-23 Services Contract and 2021 Town Budget

Motion by Frounick, seconded by Mohun to open Public Hearing on Cowlesville Fire Co. Contract 2021-23 and Public Hearing on 2021 Town Budget.
Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Financial Matters:

Transfers within accounts

General Fund: From: Zoning A8010.1 \$5,750 and from Buildings A1620.4 \$6,671 for a total of \$12,421; To: Assessor A1355.1 \$7,506 & A1355.4 \$940; Central Communications A1650.4 \$3,200; Concerts A7270.4 \$550; Historical Property A7520.4 \$225.

Highway Fund: From: Permanent Improv. DA5112.4 \$87,856.71 and General Repairs DA5110.4 \$16; To: Permanent Improv. DA5112.2 Capital Outlay \$87,856.71, and to Services to Other Govts DA5148.1 \$16.

Cowlesville Water District: From: Source of Supply SW1-8320.4 \$4,000 and Transmission & Distribution SW1-8340.4 \$1,730; To: SW1-8310.4 Admin \$5,730.

Motion to transfer funds by Waite, seconded by Frounick

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

General Fund vouchers #195 to #214 totaling \$6,566.29.

Highway Fund vouchers #155 to #170 \$43,659.78.

Cowlesville Water vouchers #55 to #60 totaling \$2,841.24.

Cowlesville Light vouchers: No bill at this time.

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

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Financial Reports: Motion by Waite, seconded by Frounick to approve the Financial Reports ending October 31, 2020.

Ayes: 4 Noes: 0 Abstain: 0 Absent: 1

Communications:

The Clerk received monthly testing results from Biotrax. The Town Clerk received proposed Local Law #2-2020 from the Alden Town Clerk entitled Revisions to the Town of Alden Residency Requirements. A public hearing was held on November 3rd. The Supervisor received a thank you note from the Bennington Fire Co. for approving their contract for 2021.

Minutes of Previous Meetings:

Motion to approve minutes for September and October, 2020, made by Waite,
Seconded by Mohun.

Ayes: 4 Noes: 0 Absent: 1 Abstain 0

Petitions and public concerns: Ed Aldridge wanted to thank the Town for taking care of the culvert on his property on Sinn Rd.

Councilman Mohun would like the Town to get in touch with our Town attorney regarding increasing coverage in the Town of Bennington from Spectrum for cable and internet service. Supervisor Grant will get in touch with him tomorrow. Ed Aldridge commented that they are slowing down the speed services to him during the day.

Departments:

Town Clerk – The Town Clerk spoke to the Board about the changes she would like to make to the Dog Enumeration process for 2021 and forward. We will no longer utilize a dog enumerator, but will instead utilize a postcard system that a service will send out to all residents in Bennington. Personal safety, health safety and cost savings were first and foremost in making this decision

Motion to approve utilizing dogenumeration.com for services was made by Waite,
Seconded by Mohun.

Ayes: 4 Noes: 0 Absent: 1 Abstain 0

Voting all ayes, carried.

The Town Clerk also spoke to the Board about her intent to sell EZ Pass from her office. The Town would make \$4 per sale of the unit. Cashless tolls start across the state this week. The Board members did not have any objections, so the Clerk will look into the process.

Highway – The Highway Superintendent was unable to attend tonight's meeting. They are currently doing work on the roads since we have some good weather. A resident on Krieger called to thank the Highway department for the fine work that they did on her road. Results of referendums: First referendum to change the position from elected to appointed, was defeated. Second referendum to change the term from two years to four years, was approved. This will go into effect for the 2021 election, 2022 term of office.

Park/Recreation - The Park is closed at this time. The snowmobile club will be putting up signs for the trail that runs through a part of the park.

Assessor – The Assessor will be doing a mass mailing on Ag exemptions to those residents that have previously filed.

Zoning – The County is handling this now and a few permits have come over since that change was made on 10/1/20. Councilman Mohun asked about training hours for the ZBA members, she would like to look into further to make sure they are up to date.

Water District – Water operator would like to purchase a metal detector to help detect the lines. The new meter for the Highland Glen connection may need to be read by a different reader. County may be able to assist in that.

Court – Security measures; election results. New door window has been installed for contactless payments and exchanging of paperwork. James Wawrzyniak was elected to the position of Judge beginning 1/1/21.

Hear Public Comments on Cowlesville Fire Co. 2021-23 Contract

No questions from the two members that are in attendance this night, Nick Szuniewicz and John Strzelec. Mr. Szuniewicz said that insurance, medical supplies especially during COVID and equipment maintenance have all gone up over the last three years. This has culminated in asking for additional funds over the next three years from the Town residents to cover their expenses. Councilman Mohun asked about the insurance that they are mandated by NYS to cover for all interior firefighters. If a resident wanted to hook up a dry hydrant, what is the process? Fire departments need to work with the DEC and the homeowner needs to contact their homeowner's insurance. Supervisor Grant asked that a budget be submitted to the Town Clerk per NYS law.

Motion to close the Cowlesville Fire co. 2021-23 Contract meeting by Mohun, seconded by Frounick.

Ayes: 4

Noes: 0

Abstain: 0

Absent: 1

Resolution #2020-11-1

Cowlesville Fire Protection District Contract

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2021-2023 Contract between the Town and the Cowlesville Fire Company for the Cowlesville Fire Protection District on this 5th day of November, 2020 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 2021-2023 Contract in the amounts of \$81,190 for 2021; \$82,815 for 2022 and \$ 84,472 for 2023, with provision for water for training purposes, said amount to be levied upon the 2021, and subsequent 2022 and 2023 Town and County tax bills for parcels located within said District.

Motion by Frounick; Seconded by Waite.

Ayes: 4

Noes: 0

Abstain: 0

Absent: 1

Hear Public Comments on 2021 Town Budget

Supervisor Grant asked if there were any comments or questions regarding the budget. The Town budget will be staying under the Tax Cap for the 2021 budget. The Board members reviewed the budget at an October workshop meeting, levying \$1,390,807.18 to the residents for all line items in the budget. Councilman Waite questioned property exemptions for veterans in the Town. Ed Aldridge has questions on Assessor's rate of pay which is \$12/parcel. This is on par with other Towns. He will also be undertaking the revaluation and will receive a stipend which will encompass a 15 month period, the stipend will end after that ends. Councilman Mohun and Supervisor Grant discussed the Highway budget. CHIPS funding came in and the Town is rolling over some of these

funds into 2021. Ed Aldridge asked who the Highway Superintendent is now that Ken Czworka retired. Andrew Koch has taken this position. Councilman Waite asked if changes that were made be notated on a copy of the budget for the Board members review next year.

Motion to close the public hearing on 2021 Town Budget by Mohun, seconded by Waite.

Ayes: 4

Noes: 0

Absent: 0

Abstain: 1

Old Business:

Councilman Mohun asked if there were any updates on the new Schoellkopf Rd. Bridge. Construction bidding and award to take place late winter.

New Business:

Resolution #2020-11-2

Adopt 2021 Town Budget

Be it Resolved, that, following a duly advertised Public Hearing held on the 5th day of November 2020, the Bennington Town Board hereby adopts the Proposed 2021 Town of Bennington Budget with a total levy of \$1,390,807.18, and authorizes the amounts therein to be levied upon the real property within the Town of Bennington on the 2021 Town and County tax bills.

Motion by Mohun; Seconded by Waite:

Ayes: 4

Noes: 0

Absent: 0

Abstain: 1

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

The County is working on their budget now. A lot of expenses due to COVID this year, some aid has come in, but not enough. Lost revenues at the County Hospital due to lack of elective surgeries. Currently looking at an increase of around 9.86% at this time.

Motion to adjourn by Councilman Mohun at 8:23pm.

Respectfully submitted,

Carolyn Busch
Town Clerk

Bennington Town Board
December 9, 2020
7:30 p.m. Meeting

Work session began at 6:30pm with Councilman Frounick, Mohun, Gadd and Waite auditing the vouchers. Highway Superintendent Koch was in attendance to update the Board on the work that has been done in the Town this past month. Superintendent advised the Board of Covid protocols at the Highway Department. The new pickup truck should have been delivered in November, but have not heard from the dealership. Supervisor Grant will follow up. Supervisor Grant needs to create a protocol by the end of January to submit to the Highway Departments Union. The County has a plan in case whole Town departments are closed down due to Covid illness. They have routes and will be able to step in and assist the Towns should they need it. The Town would only be responsible if overtime hours are incurred.

Supervisor Grant called the meeting to Order at 7:32 pm; She asked Councilman Mohun to lead the pledge of allegiance.

Financial Matters

Transfers within accounts

Motion to transfer funds

- To: General Fund
- A1355.1 Assessor Personal Services \$7,800;
- A1355.2 Assessor Equipment \$940;
- A1650.4 Central Communications \$3,300
- A7270 Band Concerts \$550;
- A7520.4 Historical Properties \$300
- From: General Fund A1620.4 Buildings \$12,890
- To: Highway Funds
- DA5130.4 Machinery Contractual \$6,000
- DA5142.4 Snow Removal Contractual \$11,500
- From: Highway Fund DA5110.4 General Repairs Contractual \$17,500.
- To: Cowlesville Water SW1 8310.4 Admin Contractual \$6,400
- From: Cowlesville Water SW19730.7 Bond Interest \$6,400

Motion by Mohun, seconded by Frounick to approve the transfers.

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

General Fund vouchers #215 to #237 \$12,916.64

Highway Fund vouchers #171 to #186 \$19,703.20

Cowlesville Water vouchers #61 to #65 \$2,603.25

Cowlesville Light vouchers # 11 to #12 \$114.71

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

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

Financial Reports

Motion by Waite, seconded by Gadd to approve the Financial Reports ending November 30, 2020.

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

Communications: The Town Clerk received a letter from Reality Check. They are offering free no smoking signs for the Town Park as well as a limited time only offer of free nicotine gum to aid in smoking cessation for NY residents. More information is available at the Town Hall. A certificate of analysis was received from BioTrax. The Town of Alden sent a copy of their proposed Local Law #3, "Tree Care Rezone".

Reports from OSC for Linsey and Brandon for November. Paul Chatman from MRB asking to be their engineers for 2021. Selective Insurance expiration of our present coverage of policy. Mike Hardy will be in touch with applications for insurance coverage. A letter regarding the HRA accounts was received for balances as of Dec. 1st. Month end collateral from M&T and Five Star. 2021 annual meeting and training school will be all virtual this year. They have scaled back considerably. No zoning or court clerk classes will be available.

Minutes of Previous Meetings:

Motion to approve minutes for November 11, 2020, made by Mohun, Seconded by Gadd.

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

Petitions and public concerns: Mr. Janish asked about the Highway Superintendent and how things are working out. Supervisor Grant introduced Andrew Koch who is in attendance this evening. Superintendent Koch advised that they are getting a plan set for next year on the roads. His crew is working on ditching now. Mr. Janish is concerned about the stone that is getting wasted when the roads are plowed. There will not be laying of stone until the Spring. Bob Padak; do we have any liability when the ditches get wore down and someone goes into the ditch? Supervisor Grant to check with the insurance carrier. Mr. Aldridge asked about the increase to the County Tax which will be an 8.5% increase over last year. Asked what the Waste Management fee will be; \$258 per residence for 2021. Does that rate stay the same for the next three years; depends on the market for recyclables. Factoring a 1.6% increase for inflation.

Departments:

Town Clerk – EZ Pass Sale Approval

Resolution #2020-12-1 Resolution authorizing Town of Bennington to enter into an agreement with the New York State Thruway Authority to sell E-Z Pass Tags.

Whereas, The Bennington Town Clerk's Office wishes to retail E-Z Pass Tags through the New York State Thruway Authority's E-Z Pass On-the-Go Program; and

Whereas, Bennington Town Clerk will purchase E-Z Pass tags for the cost of \$21.00 per Tag from the Thruway Authority and sell the Tags at a cost of \$25.00 per tag, allowing the Town of Bennington to keep \$4.00 per sale, and

Now, therefore be it Resolved, that the Town of Bennington Town Board hereby authorizes the Town Clerk's Office to enter in an agreement with the New York State Authority to sell E-Z Pass Tags provided all legal requirements are complied with.

Motion by Mohun, seconded by Waite

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

Highway – Superintendent Koch reported that he was grading and ditching roads. Maintenance on equipment that needed repair.

Assessor – Jim Kirsch provided lists to the Town Board and Clerk on the list of exemptions that apply to residents and businesses in the Town of Bennington. Councilman Waite advised of the qualifications to meet the requirements for combat zone vs. non-combat exemptions. Residents must supply paperwork to the Assessor to adjust the changes to their military related exemptions. Supervisor Grant had a question about the Clergy and Religious exemptions as the total number differed. The Board thanked Jim for the explanation and presentation.

Zoning – At the last Zoning Board of Appeals, we had a visit from the County to work with the board. They will be available as needed for meetings throughout the year. The County did supply the Clerk with a copy of the permits that have been issued in the Town for the month of November.

Water District – Nothing to report. Councilman Gadd asked if Highland Glen is hooked up; no not yet.

Court – The Supervisor received notice that the Court has suspended all in person court appearances as of 12/9/20 until further notice due to the resurgence of Covid cases in NYS. Supervisor will post to the Town website and the Clerk will post to the Facebook page. The Court Clerk will continue to work and make sure paperwork is filed.

Old Business:

Results from Election Day regarding moratorium and Local Laws – Local Law #3 did not Pass so the Highway Superintendent position will remain an elected position. Local Law #4 did pass regarding the term of office changing from a 2-year to a 4-year term.

New Business:

Resolution #2020-12-2 Set Date for 2020 Year End Meeting and the 2021 Organizational Meeting and January Town Board Meeting

Be it Resolved, that the Year End Meeting of the Bennington Town Board, for the purposes of approving final 2020 accounts payables payments and any other business as may come before the Board is hereby scheduled for 6:30 p.m. December 30, 2020 at the Bennington Town Hall; and

Be it Further Resolved that the 2021 Organization Meeting and Regular January Town Board Meeting shall be held on January 6, 2021 at 6:30pm, with workshop session to be held at 6:00.; and

Be it Further Resolved that the Town Clerk shall advertise said meetings dates and times and post such on the Town Clerk's Bulletin Board.

Motion by Mohun; Seconded by Gadd.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Resolution #2020-12-3 Approve Agreement for Audit of Finance Records

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 2020 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 Frounack; Seconded by Waite:

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

- Appoint Vicki Kantor, 2578 Cotton Hill Road, Attica to the positions of Zoning Board of Appeals Member and ZBA Secretary, effective 1/1/21 through 12/31/21.

Motion by Mohun; Seconded by Gadd:

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

Resolution #2020-12-4 Reappoint Members to Various Town Boards

Be it Resolved, that the following individuals are hereby reappointed to the Planning Board:

Robert Gadd, 1339 Clinton St., Attica NY 14011 term 1/1/21 to 12/31/24

Charles Dusel, 154 Kern Rd., Cowlesville NY 14037 term 1/1/21 to 12/31/21; and

Be it Further Resolved, that the following individuals are hereby reappointed to the Zoning Board of Appeals:

Albert Files, 648 Burrough Road, Attica NY 14011 term 1/1/21 to 12/31/22

Tim Pszczynski, 123 Clinton St., Alden NY 14004 term 1/1/21 to 12/31/24.

Motion by Frounack, Seconded by Mohun:

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Councilman Mohun asked if they could attend the virtual training that is available.

Supervisor Grant to share with the Board members and encourage their participation to meet the required 4 hours of training per year.

Resolution #2020-12-5 Approve agreement with DiMatteo & Roach for attorney services to the Town of Bennington

Be it Resolved, that the Town Supervisor is hereby authorized and directed to sign an agreement with DiMatteo & Roach, Attorneys at Law, 87 North Main Street, Warsaw NY 14569 for Basic Services as outlined in the agreement at a rate of \$150 per hour attorney time and \$80 per hour for support staff time, with Additional Services, as outlined, to be billed at \$250 per hour attorney time and \$80 support staff time. Said services will be performed on an as requested basis.

Motion by Gadd, Seconded by Mohun

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

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

Chris Domes had questions about Spectrum and better internet service. Supervisor Grant has been in touch with Spectrum and they have been in the Southeast part of the Town addressing some areas that had no service. The Town is interested in using franchise money to increase coverage for residents. An old map showed some gap areas where new homes have gone up in the last 20 years. Councilman Mohun asked if it would help to have residents send letters in asking for coverage; couldn't hurt.

Addressing Covid measures: Tax collector is required by law to be open 3 days a week for in-person tax collection in the month of January. She has a plan to utilize the Court

room for those collections and create a one-way path to have people come in and leave in the two different doors as we used during voting. Councilman Gadd felt that if we turn to orange, we should move the meetings to Zoom meetings and not have residents attend in person. Supervisor Grant updated the Board that the Covid floor is full at the County hospital with many new cases and 2 new deaths this past week in the County. Our Town highway department has a plan (see work session notes). Councilman Mohun said we should utilize the sign in sheet that is put out for meetings for contact tracing purposes. The Highway Department is closed to salesman coming in to solicit business.

Motion to adjourn by Councilman Mohun at 8:54 pm.

Respectfully submitted,

Carolyn Busch
Bennington Town Clerk

Bennington Town Board
Special Session – Year End Meeting
December 30, 2020
6:30 p.m.
Meeting Agenda

Work session began at 6:15pm. Councilman Mohun, Frounick and Gadd audited the vouchers. Councilman Waite is running late. Supervisor Grant called the meeting to Order at 6:44pm; Councilman Frounick was asked to lead the pledge of allegiance.

Financial Matters:

General Fund vouchers #238 to #247 \$1,110.23

Highway Fund vouchers #187 to #192 \$40,099.77 – includes the \$37K for the new pickup truck that was delivered a couple of weeks ago.

Cowlesville Water vouchers #66 to #68 \$2,186.17

Motion by Mohun; Seconded by Gadd.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Councilman Waite joined the meeting at 6:47PM.

Discussion on senior property tax exemption filings per email from Town Assessor

Local option to forego 467 and 459-c renewals for 2021

Last week, Governor Cuomo issued Executive Order No. 202.83, which makes it possible for senior citizens and persons with disabilities to have their 2021 property tax exemptions renewed without filing renewal applications, as requested by the New York State Assessors Association.

The option granted under this Executive Order rests solely with assessing units. If the governing body of an assessing unit adopts a resolution pursuant to this Executive Order eliminating the renewal requirement for these two exemptions on the 2021 assessment roll, the resolution will eliminate the renewal requirement for purposes of all jurisdictions that levy taxes on the 2021 assessment roll of that assessing unit. So for example, where a town is an assessing unit, and county, village and school district taxes are levied on the town's assessment roll, and they all offer the 459-c and 467 exemption, then if the town opts in, then 459-c and 467 exemptions may be renewed on the town's 2021 assessment roll without a renewal application for county, town, village and school district purposes.

This order will enable these vulnerable individuals to have their exemptions continued for another year without risking in-person visits to their assessors' offices in the midst of the pandemic's resurgence.

Resolution #2020-12-6 Extension of Senior and Individual with Disabilities and Limited Income Exemption

Whereas, the state disaster emergency has resulted in limited hours in municipal offices and rendered seniors and individuals with disabilities homebound; and

Whereas, many seniors and individuals with disabilities do not have the ability to file their real property tax exemption applications in person due to safety precautions and lack the ability to file such applications online; and

Whereas, Governor Cuomo has issued Executive Order 202.83, which grants local governments the ability to adopt a resolution extending the exemption status for those seniors and individuals with disabilities entitled to certain real property tax exemptions;

Now, Therefore, Be It Resolved, That the Town of Bennington Assessor shall extend the 2020 exemption status for those individuals receiving the senior exemption and the persons with disabilities and limited income exemption through 2021 without a renewal application except in the circumstances stated below; and

Be It Further Resolved, That the Assessor may require a renewal application if he or she believes that an owner that qualified for the 2020 exemption has since changed their primary residence, added another owner to the deed, transferred the property to a new owner, or died.

Motion by Gadd; Seconded by Frounick

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Zoning Officer agreement: Supervisor Grant sent out an email to the Board regarding the County's price to the Town will go from \$2.72/parcel costing us \$5856.16 to \$5.91/parcel billed quarterly. Supervisor Grant briefed the Board on what happened. Zoning submitted a budget and it didn't balance. What they were charging was only covering 2/3 of the cost and the rest of their budget paid it. Why were the Towns not participating paying for this as it was explained that it was supposed to be self sufficient and billed to the Towns that were utilizing the service. Consultations were not getting billed when the Towns contacted the County for advice on local issues. There are 6-7 Towns participating and this is being spread between all. Councilman Gadd stated; Whereas we thought we were spending \$5856, we will be billed \$12.8K annually and this is not what we agreed to. Councilmembers discussed other options since this is so costly and more than what was budgeted for. Councilman Waite asked if they could come to speak with us again to explain the changes. Councilman Waite asked if we could table it till they come in; we could, but Councilman Gadd asked to what end? Didn't think that would accomplish much. Councilman Frounick asked about the abandoned houses and what is the County's role in helping to take care of them. Discussion about training, the Clerk read the meeting minutes from the August meeting as a reference. Question, can we amend the contract; yes. Councilman Gadd would also like to table this decision. Supervisor Grant will look into what other Zoning officers are getting paid and if they are interested in a shared service agreement. One report has been received for November only. Councilman Gadd said we should do everything we can to save money to repair our roads. We had budgeted

\$10K this year and with this expense coming in so much higher, funds would have to be moved to cover this for the year.

Councilman Gadd made a motion to table the decision to contract with the County for Zoning services and it was seconded by Councilman Mohun. Voting all ayes, carried.

TABLED

Resolution #2020-12-7 Authorize Agreement with County for Zoning Officer

~~Be it Resolved, that the Town Supervisor is hereby authorized to sign an Intermunicipal Agreement with the County of Wyoming for the enforcement of Town Zoning Law for the period January 1, 2021 through December 31, 2021 at a rate of \$5.91 per parcel, to be paid in quarterly installments.~~

~~Motion by: _____ Seconded by _____
Ayes: _____ Noes: _____ Abstain: _____ Absent: _____~~

Any other Business to Come before the Board/County Matters: Supervisor Grant has been working on an Emergency Plan for the Highway Department. She presented to the Board tonight, but is still working on it. Councilman Gadd asked if we were still looking for someone to work as an Office Clerk to assist the Superintendent? Would like to see someone work up to 12 hours a month. Supervisor Grant will speak with Judy Brown to see if she would like to continue to assist. Councilman Frounck asked if we have heard anything about the Solar farm on 77. Nothing new has been communicated.

Motion to adjourn was made by Councilman Mohun at 7:56 pm.

Respectfully submitted,

Carolyn Busch
Town Clerk