

Town of Bennington
October 8 2025
FINAL

Workshop Session 6:30 p.m.
Audit of bills; Highway Dept report; review Board meeting agenda

In attendance: Supervisor Ellen Grant, Council Members Jeff Burger, Bernard Frounick, Chris Domes, Joyce Mohun. Highway Superintendent Jacob Jensen. Clerk Joanne Rosenthal.
Absent from meeting: Chris Domes

Regular Board Meeting 7:30 p.m.

Call Meeting to Order 7:30 pm. Pledge of Allegiance led by Council Member J. Burger.

Set Agenda - one amendment; there will be no vote on Resolution #1.

Conflict of Interest - none

Open Public Hearing Local Law to Extend Moratorium on Wind Energy Systems

<u>Financial Matters</u>	Transfers within accounts	none	
	General Fund vouchers	#610 to #628.	\$ 14,518.43.
	Highway Fund vouchers	#422 to #441.	\$192,035.27.
	Cowlesville Water vouchers	# 59 to # 60.	\$ 3,352.84.
	Cowlesville Light vouchers	# 8.	\$ 171.89.

Motion by J. Burger, seconded by J. Mohun to approve vouchers for payment.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

Supervisor's Monthly Report Monthly Report of Supervisor for September 2025

Motion by J. Mohun, seconded by B. Frounick to approve Supervisor's Monthly Report.

Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

Hear Comments on Proposed Local Law to Extend Wind Energy Systems Moratorium

- March 12, 2024 Local law 4-2025 adopted.

A local law extending for a period of six-months the terms of local law #4 year 2024 of the Town of Bennington (4-2024) Establishing an eight-month moratorium on applications, approvals, and/or construction or installation of wind energy systems and/or wind farms and/or wind energy storage systems.

- The Town Board, through workshops, continues to work on the details of establishing wind laws for the Town of Bennington.
- 594 results (Survey Monkey) to the 1200 wind surveys mailed to residents in September 2025.

1. Have you been approached by a wind energy company in the past two years regarding a wind project? **Yes: 120. No: 372.**

2. Would you be in favor or opposed to a wind energy project if it would provide significant benefits to the town's taxpayers? **In favor: 240. Opposed: 249.**

3. If you are in favor of a wind energy project, which of the following factors is most important to you? **Reduction in taxes: 144. Fixing roads: 63. Purchase of town equipment: 4. Environmental conservation: 37.**

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4. If opposed, why? **Health/safety: 116. Environmental impact: 185. Town infrastructure: 116. Visual impact: 180.**

5. What are your primary concerns with the Town hosting a wind project? **Noise: 151. Shadow flicker: 138. Groundwater/soil: 159. Viewshed: 176. Wildlife: 165. Fire hazard: 75. Infrastructure: 167.**

Motion by J. Mohun, Seconded by J. Burger to Close Public Hearing.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

Unfinished Business

Resolution #2025-10-1

**Resolution Establishing an Additional Six (6) Month
Moratorium on Applications, Approval, and/or Construction
or Installation of wind energy systems and/or wind farms
and/or wind energy storage systems**

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

WHEREAS, The Town Board of the Town of Bennington, held public hearing on the proposed adoption of said Local Law on the 8th day of October 2025 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed local law were heard; and

WHEREAS, The Town Board of the Town of Bennington wishes to establish a temporary land use moratorium prohibiting the development of new wind energy and related energy storage projects within the Town of Bennington, and the Town of Bennington recognizes and acknowledges that the Town needs to further analyze many considerations that affect the preparation of local legislation to regulate all wind energy installations; and

WHEREAS, The Town Board of the Town of Bennington recognizes that this local law is a Type II Action under SEQR, and therefore a SEQR review will not be required as there are no adverse environmental impacts; and

NOW, on a Motion by **No Motion**, which has been duly Seconded by **No Second**,

BE IT RESOLVED, By the Town Board of the Town of Bennington, that it feels it is in the best interests of the Town to adopt a proposed Local Law entitled "A Local Law to Extend the Temporary Moratorium on Wind Energy Systems in the Town of Bennington."

No vote until Wyoming County Planning Board response in November 2025.

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New Business

Resolution #2025-10-2 NY State and Local Retirement System Standard Work Day

Be it Resolved, that the Town of Bennington/30722 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day	Name	SSN	Reg #	Term	Record of Activities
Highway Supt	8	Jacob Jensen	**3433	**199	12/25	27.15
Justice	6	Mark Linsey	**2456	**317	12/25	3.1666
Councilperson	6	Joyce Mohun	**0516	**309	12/27	1.5311
Assessor	6	James Kirsch	**0088	**977	09/25	4.444
Board Member	6	Donna Hummel	**5783	**049	12/28	0.333

Motion: J. Burger. Second: B. Frounick.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

Above information to be displayed on Town website: benningtonny.com, the Clerk's public bulletin board and filed with the NYS Retirement System.

Resolution #2025-10-3 Set date of Public Hearing Local Law Providing for a 2026 Tax Cap Override"

Be It Resolved, that the Town Board of the Town of Bennington hereby sets the date of the Public Hearing to hear comments on the proposed Local Law Authorizing the Town Board to Exceed the NYS Property Tax Cap for the 2026 Town Budget, to occur at 7:30 p.m. on the 12th day of November, 2025 at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY; and

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

Motion: J. Mohun. Second: B. Frounick.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

Resolution #2025-10-4 Set Date of Public Hearing for Proposed 2026 Town Budget

Be it Resolved, that the Town Board hereby sets the time and date for the Public Hearing on the Proposed 2026 Town Budget to be held on Wednesday, November 5, 2025 at 6:30 p.m. at the Bennington Town Hall, 905 Old Allegany Rd., Attica NY 14011; and

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

Motion: J. Burger. Second: J. Mohun.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

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Resolution #2025-10-5

Advertise Seasonal Use Roads & Overnight Parking Ban

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 through 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: J. Mohun. Seconded by: B. Frounick.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

Resolution #2025-10-6

Sets 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 Friday October 31, 2025 from 5:00 pm to 8:00 pm and that the Town Clerk is directed to advertise the same in local publications.

Motion: J. Burger. Second: B. Frounick.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

Resolution #2025-10-7

Set Date of Public Hearing on 2026 Bennington Fire Company Contract

Be it Resolved, that the Bennington Town Board will hold a Public Hearing on November 12, 2025 at 7:30 p.m. on the proposed 2026 Bennington Fire Co. fire and emergency medical services contract in the amount of \$109,500.00, and

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

Motion: J. Burger. Second: J. Mohun.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

Resolution #2025-10-8

Accept and Award Bid for 2026 Dump Truck

Be It Resolved, that the Town Supervisor, pursuant to General Municipal Law Section 104(b), is hereby authorized and directed to award a bid and sign a purchase order with Freightliner & Western Star of Batavia, 8190 State Street Road, Batavia NY 14020, on behalf of the Highway Department for a 2026 dump truck (Western Star 49X cab and chassis) in an amount not to exceed \$170,054.00, contingent on the availability of funds.

Motion: J. Mohun. Second: J. Burger.
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. (Domes)

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Minutes of Previous Meetings - Stand as submitted by the Clerk.
September 17, 2025 Town Board minutes
October 1, 2025 Highway Bid

Communications

Clerk

- Presented Certificate of Liability Insurance for Western NY Plumbing Inc./Ellicott Plumbing & Remodeling Co. Inc.
- Notice from Jenny Loewenstein of G/FLRPC regarding the development of a Wyoming County first ever Comprehensive Plan. Three open house dates, survey to scan and respond.

Supervisor

- Green County Commercial Bank available services information.
- Wyoming County Real Property Tax Services 2025 Exemption Impact Report used for Levy of 2026 Town and County taxes.
- NY Bennington I, LLC Church Rd. Solar System Inspection form.
- Municipal Solution Inc. Principal & Interest Due Reminder 2018 Public Improvement Serial Bond for Water District.
- Association of Towns Supervisor's Roundtable meeting October 10, 2025 regarding Battery Energy Storage in NY. 2025 Site Tours available in NYC.
- Town of Bennington Justice Court monthly reports for August-September 2025.
- IRS Department of the Treasury receipt of tax-exempt bond form.

Departments

Highway

- New plow/dump Truck #125 has arrived.
- A new Profile Packer (to compact dirt roads) has arrived.
- Roadside moving and ditching continues.

Town Clerk/Tax Collector

- Presented Town Clerk monthly report for September 2025
- Dog enumeration update - From mid August to October 6, there have been 99 original (new) dog licenses issued. Total active dog licenses on file: 611.
- Vital statistics 2025 YTD. Births: 0. Marriage permits issued: 3. Deaths: 8.

Assessor

- Available for discussion/comment as needed.

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Zoning/Planning

- Notice of upcoming meetings:
Planning Board: October 15. Time: 6:00 pm. Town Hall offices.

Town Board workshops in developing new zoning regulations: October 16th, 30th. November 6th, 20th. Time: 6:30 pm. Town Hall offices.

Public Hearing for 2026 Proposed Budget Varysburg Fire District: October 21st. Time: 6:00 pm. Varysburg Fire Station, 2446 Route 20A, Varysburg.

Town Board meeting: November 12. Time: 7:30 pm. Town Hall offices.

- **Wyoming County Zoning Department** - Monthly report for September 2025.

Recreation/Park

- Confirmation letter to Christopher Knapp from Wyoming County Office for the Aging & Youth regarding approved grant funding for \$2,000 to the Alden Youth Baseball (AYB) organization 10/1/2025 - 9/30/2026. Funds: \$1,200 for equipment, uniforms and supplies for AYB, \$800 for new benches at Pine Tree Park. The AYB serves the communities of Alden, Alexander, Attica, Bennington and Marilla. This is a yearly grant.
- Services at Pine Tree Park are closed for the season; bathrooms closed, water shutoff. The Town to address possible leak in spigot at Park that will also be shut down to avoid future problems.

Water District

- The Town of Pike Supervisor recommended to Supervisor Grant a Water Service Operator (WSO) to install/replace the remaining water meters in the Cowlesville Water District approved in a grant of late 2024. Bennington WSO Mark Pruitt is retiring and his replacement is needed. Certification from NYS Health Department is required to become a WSO. An ad will be placed for the job opportunity.

Historical Society

- Programs in September were well attended.
- The Museum is being painted this week with private funding.

Petitions and public concerns

- Petitions: none submitted.
- Update on dog law. The public hearing discussions suggested editing the proposed dog law with continued workshops with the Town Board, Town Attorney, and local residents to amend. When a new draft of the dog law is completed, another public hearing will be scheduled.
- NYS Comptroller Fiscal Stress Monitoring System ending 2024 - Bennington 53.8 score.
- A resident requested a copy of the Solar System inspection form. Council Member Burger forwarded his copy.
- A resident requested permission to review available grant permits for park improvements. OK'd by Supervisor Grant. The current Town Comprehensive Plan can serve as backup for the grant application.

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Petitions and public concerns

- A resident inquired on the status and training of AED units. Fire Dept. will be contacted to set up a training schedule.

Any other Business to Come before the Board/County Matters

- The Wyoming County Fire Training Center on Wethersfield Rd., Gainesville, NY renovation/construction has been completed.
- The Wyoming County \$15 million grant with Broadband will be near completion by the end of 2026. The matching funds by Wyoming County were \$4 million; this project has been on-going for five-six years. This funding is for internet service throughout the County; competition to Spectrum.
- Wyoming County has a job opportunity for a Planner position.
- Annual Workers Compensation contract with Bennington has a price reduction of \$5,000 due to no work safety issue the past year.
- NYSCA Community Arts Grant 2026. Proposed Bennington Town Hall Project by J. Brian Pieffer

Adjourn: 8:37 pm.
Motion by J. Mohun
Attendance: 6