

**2022 Organizational Meeting  
And Regular January Town Board Meeting  
January 5, 2022 – Town Hall**

Work session began at 6:40pm. All Board members were present and audited the vouchers. Discussion held on the successful online auction of a grader for the Town Highway department. The Town Clerk had Brandon Bryman, Chris Domes, Ellen Grant and herself Carolyn Busch sign the Oath of Office book. Discussion on Zoning Books for the new Board members.

Supervisor Grant called the meeting to Order at 7:41pm; She asked Councilman Frounick to lead the Pledge of Allegiance.

**Acknowledgment of Oaths of Office by Board Members & Elected Officials**

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

2022 Town Salaries:

Supervisor	\$ 5,400.00
Town Councilmen 4 @	1,950.00
Town Justice 2 @	7,000.00
Highway Superintendent	70,000.00
Town Clerk/Collector/Registrar	16,000.00
Dep. Town Clerk	15.00/hr
Budget Director	600.00
Town Assessor (sole)	25,944.00
Assessor Revaluation stipend	15,000.00
Office Clerk	13.50/hr
Planning Bd/Zoning Bd of Appeals member	25.00/mtng.
Planning Bd/ZBA Chair	30.00/mtng
Planning Bd/ZBA/Assess. Review Secretary	13.50/hr.
Bd of Assessment Review Members	15.00/hr.
Court Clerk	8,000.00
Town Bookkeeper	5,000.00
Town Custodian	2,100.00
Town Historian	350.00
Attorney for the Town of Bennington	as per voucher
Town Park Maintenance Person	5,400.00
Prosecutor	4,000.00
Motor Equip. Oper. w/CDL (PT/Seasonal)	20.00/hr.
Highway Laborer (PT Seasonal)	13.20/hr
Water System Operator	17.75/hr.
Asst. Water Syst. Operator	16.50/hr
WSO/Assist WSO Emerg. Call Out	3.00/hr premium
Water Clerk	600.00
Swim Instructors	15.00/hr

Lifeguards	15.00/hr
Youth Recreation Coordinator	500.00

Fees:

Driveway Pipe Installation (initial)	\$300.00
Sale of Zoning Books	50.00
Tower Special Use Permit Fee	\$2,000.00
Building Permit fee for Towers	
First 100 feet	\$1,000.00
Next 100 feet (or part thereof)	600.00
Each 100 feet thereafter or part thereof	400.00
Co-location Application fee	\$1,000.00
Co-location Building Permit fee	\$1,000.00
Park Rental	50.00
Park Security Deposit	50.00
Copies of official documents	.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 James Wawrzyniak, authorized signers

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

Official Meeting Dates:

Town Board	Second Wednesday 7:30 pm at Town Hall, with workshop session beginning at 6:30 pm
Planning Board	Third Wednesday, 7:00 pm, Town Hall
Zoning Board of Appeals	First Tuesday, 7:00 pm, Town Hall, as needed
Official Election Places	District #1, 2, and 3 – Bennington Town Hall

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

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

**C. Appointments:**

Appointments:

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

- Motion to approve A, B & C made by Mohun, Seconded by Frounick.  
Ayes: 5      Noes: 0      Abstain:0      Absent:0

**January Town Board Meeting Agenda**

**Financial Matters**

General Fund vouchers #1 to #13 \$55,810.16  
Highway Fund vouchers #1 \$7,960.40  
Cowlesville Water vouchers #1 to #2 \$207.69  
Cowlesville Light vouchers # None \$ \_\_\_\_\_

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

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

**Financial Reports**

Councilman Mohun had a question on the water accounts; Supervisor Grant explained.  
Motion by Mohun, second by Frounick to approve the following transfer

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Motion by Bryman seconded by Domes to approve the Financial Reports ending Dec 30, 2021.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

### **Minutes of previous Town Board Meeting**

Motion to approve minutes for December Regular meeting made by Mohun, Seconded by Bryman.

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

**Correspondence:** The Town Clerk received the monthly testing report from BioTrax for December. The Town Clerk read correspondence received from The Association of Towns regarding annual training school and meeting February 20-22, 2022. The Town Clerk already returned the Certificate of Designation in December. Annual Membership dues of \$900 was approved in the vouchers for payment.

**Hear Public Concerns & Petitions:** None

### **Departments:**

Clerk – Tax collection has begun.

Assessor – Discussion held, but Resolution was not necessary as Assessor has already done this by mailing/calling qualified residents.

### **Resolution #2022-1-1 Authorizing Town Assessor to Grant Exemptions**

Whereas Governor Kathleen Hochul has issued Executive Order 11.1 on the 26<sup>th</sup> day of December 2021 pertaining to measures to be taken regarding curtailing the spread of the COVID-19 virus and its variations; and

Whereas, said Executive Order 11.1 authorizes governing bodies of assessing units such as the Town Board of the Town of Bennington to direct the Town Assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who receive that exemption on the 2021 roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for Assessors to mail renewal applications to such persons; and

Whereas the Town Board may require procedures by which the Assessor may require a renewal application to be filed when he has reason to believe that an owner who qualified for the exemption on the 2021 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died;

Now, Therefore, Be it Resolved, that the Bennington Town Board hereby authorizes the Town Assessor to grant exemptions pursuant to such section on the 2022 assessment roll to all property owners who receive that exemption on the 2021 roll, thereby dispensing with the need for renewal applications from such persons. The

Assessor is hereby directed to contact in writing such individuals as received said exemptions notifying them of the same, providing the information that new application must be submitted to the Assessor no later than March 31, 2022 in the event that the property owner may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died.

Motion by \_\_\_\_\_; seconded by \_\_\_\_\_  
Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

**Highway** – Grader auction/purchase. The Town won an auction through Auctions International for a grader for the Highway Department use. We will use Municipal Solutions to handle the loan, should be a 4-year loan and rates are low right now.

**Park/Recreation** – nothing to report

**Water District** – nothing to report

**Old Business:**

**New Business:**

**Resolution #2022-1-2 Authorize Audit of 2021 Financial Records**

Be It Resolved that the Bennington Town Board is hereby authorized to contract with Don Pryzbyl for the purpose of conducting an audit of the 2021 financial records of the Town Supervisor, Town Clerk/Collector, Water Clerk and Town Justice Court, and to present any and all findings to this Board.

Motion by Mohun; seconded by Frounick

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

**Resolution #2022-1-4 Agreement with Hodgson Russ as Bond Counsel**

RESOLVED, that Hodgson Russ LLP is hereby appointed Bond Counsel for the Town pursuant to the terms set forth in the engagement letter as presented.

Motion by Frounick; seconded by Bryman

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

Hodgson Ross would like to be our Bond Counsel for the Town. Their fee would be billed at an hourly rate of \$140/hr.

**Resolution #2022-1-5 Bond Resolution for Grader Purchase**

**A BOND RESOLUTION, DATED JANUARY 5, 2022, OF THE TOWN BOARD OF THE TOWN OF BENNINGTON, WYOMING COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING THE ACQUISITION OF A**

**MAINTENANCE VEHICLE AND APPARATUS FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$245,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$245,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SUCH PURPOSE, SUCH AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

WHEREAS, the Town Board has identified a need for the acquisition of a maintenance vehicle and apparatus (grader with plow) for use by the Town.

BE IT RESOLVED, by the Town Board of the Town of Bennington, in Wyoming County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire a maintenance vehicle and apparatus for use by the Town including, but not limited to, a grader with plow, including all preliminary costs and necessary equipment, warranties and other such costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The estimated maximum cost of the Purpose is \$245,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an aggregate principal amount not to exceed \$245,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, such amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such Purpose is to be paid by the levy and collection of taxes on all real property in the Town to pay the principal of such bonds and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is a class of objects or purposes described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 15 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, will mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes

authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town hereby determines that the Purpose is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") are required.

SECTION 14. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 15. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with as of the date of publication of this notice were not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication of this notice; or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 16. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the official newspaper(s) of the Town, or if no newspaper(s) have been so designated, then in a newspaper having general circulation in the Town, which newspaper shall be designated by the Town Board in a separate resolution.

SECTION 17. This Resolution is effective immediately.



The question of the adoption of the foregoing resolution was motioned by Bryman and seconded by Mohun and duly put to vote on a roll call, which resulted as follows:

AYES: 5            NOES: 0            ABSENT: 0            ABSTAIN: 0

The foregoing resolution was thereupon declared duly adopted.

Discussion by Board members on transporter services to bring the grader here to the Town.

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

Councilman Mohun made a motion to Adjourn at 8:22 pm.

Respectfully Submitted,  
Carolyn Busch  
Town Clerk