

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

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

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

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

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

2023 Town Salaries:

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

Youth Recreation Coordinator 500.00

**Fees:**

|  |              |
|--|--------------|
| Driveway Pipe Installation (initial)     | \$300.00     |
| Sale of Zoning Books                     | 50.00        |
| Tower Special Use Permit Fee             | \$2,000.00   |
| Building Permit fee for Towers           |              |
| First 100 feet                           | \$1,000.00   |
| Next 100 feet (or part thereof)          | 600.00       |
| Each 100 feet thereafter or part thereof | 400.00       |
| Co-location Application fee              | \$1,000.00   |
| Co-location Building Permit fee          | \$1,000.00   |
| Park Rental                              | 50.00        |
| Park Security Deposit                    | 50.00        |
| Copies of official documents             | .50 per page |

Official rate for Mileage while on Town Business: .45 per mile

**Banking Accounts:**

|                            |                                   |
|----------------------------|-----------------------------------|
| General Fund Checking      | Five Star Bank                    |
| Highway Fund Checking      | Five Star Bank                    |
| Trust & Agency Account     | Five Star Bank                    |
| Town Clerk Account         | Alden State Bank                  |
| Tax Collector Account      | Five Star Bank                    |
| Justice Court Funds        | Five Star Bank                    |
| Cowlesville Water District | Five Star Bank                    |
| Certificates of Deposit    | Banks with the best interest rate |

**Authorized Personnel to Maintain Banking Accounts:**

General Fund/Highway Fund/Cowlesville Water Fund/Trust & Agency Account – Ellen Grant and Bernard Frounck, authorized signers; Ellen Grant and June Spencer authorized electronic/wire transfers.

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

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

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

**Official Meeting Dates:**

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

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

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

**C. Appointments:**

Appointments:

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

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

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

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

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

Motion by: Domes                      Second by: Mohun

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Bennington Town Board  
January 11, 2023  
Meeting Minutes

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

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

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

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

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

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

Ayes: 4            Absent: 1 – Frounick

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

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

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

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

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

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

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

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

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

Motion: Bryman      Second: Domes

Ayes: 4      Absent: 1 – Frounick. Carried.

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

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

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

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

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

**Departments:**

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

**Town Clerk/Tax Collector-**

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

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

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

Motion: Mohun      Second: Bryman

Ayes: 4      Absent: 1 – Frounick      Carried.

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

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

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

Motion: Bryman Second: Domes

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

**Zoning/Planning** – Nothing to report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion by: Mohun      Seconded by: Bryman

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

**New Business:**

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

Be It Resolved that the Bennington Town Board is hereby authorized to contract with Don Pryzbyl for the purpose of conducting an audit of the 2022 financial records of the Town Supervisor, Town Clerk/Collector, Water Clerk and Town Justice Court, and to present any and all findings to this Board.

Motion by      Mohun      seconded by Bryman

Ayes: 4      Absent: 1 – Frounick      Carried.

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

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

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

Ayes: 4      Absent – 1- Frounick. Carried.

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

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

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

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

Bennington Town Board  
February 8, 2023  
Workshop Session 6:30 p.m.

Supervisor Grant, Councilmembers Frounick, Mohun, Domes & Bryman, Highway Superintendent Jensen and Deputy Clerk Rosenthal were present at the Workshop Session. Supt. Jensen reviewed recent work activities. Discussion was held on potential cold storage/garage addition (6600 sf) to enable equipment to be stored out of weather conditions, with estimates on various components. He will continue to get pricing and determine the base costs. Darien Highway may have a surplus truck available later in the year, if we are interested. Recent insurance claims and repairs were reviewed including header damage to a truck door and deer collision damage to a truck, as well as repairs on 2 trucks/equipment. The department can do much of the repairs. A local farmer is exploring running lines under the road/through culverts to pump manure for spreading. Board discussed employee handbooks and staff training, as well as benefits for the newer employees, such as insurance and retirement, and providing additional information on pay stubs.

Regular Board Meeting 7:30 p.m.  
Meeting Minutes

Supervisor Grant called the meeting to order, with Councilman Frounick leading the pledge of allegiance. Councilman Frounick was welcomed back from a health leave. A moment of silence was held to observe the recent passing of Town Historian Lesa Van Son.

**Financial Matters:** Motion by Mohun, seconded by Bryman to approve the annual support agreement with WLB – Accounting software. Ayes: 5 Noes: 0  
Abstain: 0 Absent: 0

General Fund vouchers #16 to #30 \$62,598.29

Highway Fund vouchers #20 to #45 \$111,418.62

Cowlesville Water vouchers #3 to #5 \$4,165.05

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

Motion by Mohun, seconded by Bryman to approve the monthly Financial Reports for January. Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

**Communications:** Copy of correspondence sent by Town Attorney regarding exemption application by Against All Odds; reminder on March bond payment for grader; Court reports for Justice Linsey for December 2022; Sen. Borello acknowledges receipt of our resolutions regarding cemetery regulations and EMS billing; utility emergency contact info.

**Minutes of Previous Meetings:** Motion was made by Domes, seconded by Mohun to approve the minutes from the January Board meetings.

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

Motion was made by Frounick, seconded by Domes to approve the minutes from the December Board meetings. Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

**Departments: Highway** – Superintendent reviewed plowing and grading work in the workshop session, provided new pricing on a building addition, equipment repairs, and insurance claims. The Supervisor presented information on a booster for cell phone service at the Highway garage that was recommended by the tech person at Cowlesville Fire Hall. Would cover up to 35,000 sq ft area. Motion by Domes, seconded by Mohun to purchase the weBoost for Business Office 200 at a price of \$1,699.99. All ayes; carried.

**Resolution #2023-2-1      Town Accepts Responsibility for Old Clinton Street**

Whereas, Old Clinton Street, located on the west side of State Route 354 Clinton Street, was originally a portion of State Route 354 until the 1960's when a redesign and straightening of the state road was completed and a section was by-passed as part of the state road; and

Whereas, the Town of Bennington has maintained this section of roadway performing routine maintenance as well as snow and ice removal since the 1960's yet no formal acceptance is on record; now, therefore,

Be it Resolved, that the Town of Bennington accepts responsibility for the maintenance and repair of Old Clinton Street, including snow and ice removal, roadside mowing and ditching; and

Be it Further Resolved that Old Clinton Street be included on the Local Highway Inventory for the New York State Department of Transportation.

Motion: Mohun                      Second: Frounick  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0

The Highway Superintendent will submit the above resolution as well as the annual highway inventory to NYS DOT

**Resolution #2023-2-2      Authorize Participation in Cornell Asset Management Program**

Whereas, the Town Board recognizes the benefits of participating in the development of a pavement management system through the analysis of the local roads in the Town, documentation of conditions, area, necessary improvements and related costs thereof, and

Whereas, the Cornell Local Roads Program provides student interns, software and technical knowledge to develop a five year maintenance plan; now, therefore,

Be it Resolved, that the Town Board hereby authorizes the application to participate in the 2023 CAMP – Cornell Asset Management Program – for the Bennington Highway Department, including the participation of Town highway employees in training and plan development.

Motion: Domes                      Second: Bryman  
Ayes: 5                      Noes; 0                      Abstain: 0                      Absent: 0

Councilman Mohun recommended the Town Board look at how to borrow or finance the funding needed to complete a five year improvement plan.

Supervisor Grant reported that the NYS DOT approved lowering the speed limit on only the north end of Schoellkopf Road. This will take in effect later in 2023 and the town will post it when the final paperwork is received. The remainder of Schoellkopf and Urf Roads will remain at the current speed limits.

Board members agreed to having the Superintendent purchase a booster for cell phone service at the highway garage.

**Town Clerk/Tax Collector-**

**Resolution #2023-2-3 Establish Over/Under Property Tax Payment Limits**

Whereas, The Town Clerk/Collector may receive payment for property taxes that are contain errors in the amount paid; and

Whereas, it is in the best interests of both the Town and the property owner to make and receive timely payment of taxes due; now, therefore,

Be it Resolved, that the Town Clerk/Collector may, at his/her discretion, accept as payment in full amounts that are over or under paid no less, nor greater than, one (\$1.00) dollar and no cents variant from the amount due.

Motion: Mohun                      Second: Domes  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0

**Resolution #2023-2-4 Accept Resignation of Town Clerk**

Be it Resolved, that the Town Board hereby accepts the resignation of Town Clerk/Collector Judith Brown, 903 Folsomdale Road, Cowlesville NY effective close of business February 8, 2023, and be it

Further Resolved, that the Town Board appoints Judith Brown as Deputy Town Clerk/Collector II, effective February 9, 2023 through April 15, 2023; and be it

Further Resolved, that the Town Board hereby extends its gratitude and appreciation to Mrs. Brown for her dedication and many years of service to the Town.

Motion by Mohun, second by Frounick  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0

**Resolution #2023-2-5 Appoint Clerk/Collector and Designate Account Signees**

Be it Resolved, that the Town Board hereby appoints Joanne Rosenthal, 1264 Urf Rd., Cowlesville NY 14037 as Town Clerk/Collector, effective February 9, 2023;

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

Motion by Domes, second by Bryman  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0

**Zoning/Planning** -- Supervisor Grant asked Board members to compile any recommendation for zoning law changes. The ZBA has one they would like to see

adopted. Information was received from MRB Group engineers on the process to change the laws.

**Water District** – Still awaiting the delivery of the new meters and scheduling the installation.

**Assessor** – Vol. firefighter property tax exemption: information was sent by our Attorney regarding this new option. If we adopt the exemption, we would set the limit of the exemption as well as the minimum number of service years. This would all be through Local Law and would not take effect until the 2024 Town tax bills. Schools and the County would need to separately adopt similar legislation for their billing. Local residents Bob DeFedericis (Varysburg FD) and Richard & Carolyn Mruczak (Bennington FC) spoke on the exemption and asked the Board to support enactment.

**Old Business:** None

**New Business:**

**Resolution #2023-2-6**

**Representative to Wyoming Co. Traffic Safety Board**

Be it Resolved, that the Bennington Town Board hereby nominates Richard Jensen, 1909 Clinton Street, Attica NY 14011 to serve as the Town's Representative to the Wyoming County Traffic Safety Board.

Motion: Frounick      Second: Bryman  
Ayes: 0      Noes: 0      Abstain: 0      Absent: 0

Supervisor Grant will share the above resolution with the County Board of Supervisors to adopt.

The Supervisor also led a discussion on installing AED units for both the Town Hall and the Highway Department and getting employees trained on their use. She was directed to contact the County regarding pricing and potential grant programs for municipal buildings.

**Petitions and public concerns:** Cowlesville FC Squad 10 was thanked for their support to Bennington FC and others during the recent house fire on Maxon Road.

Bennington FC supplied a copy of the first set of billing for EMS that they received from Monroe Ambulance, totaling \$295 for one call. Mr. DeFedericis offered to share information on billing companies with Councilman Mohun

Councilman Mohun has received some information on an internet service "Green Light" and will do further research to see if this would be useful for our residents.

There being no further business, a motion was made by Councilman Mohun to adjourn. Meeting adjourned at 9 p.m.

Bennington Town Board  
March 8, 2023  
Workshop Session 6:30 p.m.

Meeting was attended by Supv. Grant, Councilmen Frounick, Mohun, Bryman & Domes, Supt. Jensen and Clerk Rosenthal. Supt. Jensen reviewed several prices and options on the storage building. Truck #129 needs a new plow and he had several quotes on that item. Truck leasing was discussed – approx. \$70K per year for 5 years for a completely fitted truck. There is surplus equipment and materials that is being reviewed for disposal. The F550 truck will need replacing in about a year and he recommends a gas vehicle. The Caterpillar loader needs new forks and the '91 Oshkosh is having repair work done in Buffalo. The new overhead doors have been installed and the header will be repaired soon. The Supervisor spoke on First Amendment audits and how Town employees should respond.

**Regular Board Meeting**

The Meeting was called to order by Supervisor Grant at 7:30 p.m. with Councilman Bryman leading the pledge of allegiance.

**Financial Matters:** Motion was made Mohun and seconded to approve contracts with Williamson Law Book for Water Billing & Town Clerk software support for 2023. All ayes; carried.

General Fund vouchers #31 to #50 \$18,333.89

Highway Fund vouchers #46 to #70 \$128,355.40

Cowlesville Water vouchers #6 to #8 \$7,555.75

Fire Company vouchers totaling \$203,676.28

Motion by Frounick and seconded to approve vouchers for payment.

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

• Motion by Bryman and seconded to approve the Financial Reports ending February 28, 2023.

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

• Motion by Mohun and seconded to approve the following transfer of funds: From General Fund Acct A1990.4 Contingent to A1910.4 Unallocated Insurance \$3,000.00

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

***Motion by Mohun and seconded to approve the following transfer:***

Transfer funds between Highway Fund and General Fund: permanently transfer \$400,000 from General Fund unallocated funds to Highway Fund for 2022 and authorize the repayment of \$200,000 from Highway Fund Due To General Fund established in 2022.

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

• Motion by Frounick and seconded to authorize the payment of principle \$50,000 and interest \$2,165 to Greene County Commercial Bank for the grader purchased in 2022.

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

**Communications:** Clerk Rosenthal reported on Certificates of Insurance received; Supv. Grant shared a letter from Folsomdale snowmobile club, NYS Office of Court Administration reminding about the need for 2022 auditing, water system operation

report, Wyoming Co. OES letter assigning a street number for the Sierk Road cell tower, Town Justice Court reports for Judge Linsey (1/23) and Judge Wawrzyniak (1/23 and 12/22), Tompkins Insurance notification of compliance with NYS Regulation 87, Vacant Building Registration form & payment for 1300 Alleghany Rd., and insurance policy changes.

**Minutes of Previous Meetings:** There being no changes or additions, the February 2023 minutes were accepted as distributed.

**Departments: Highway –** Reviewed the discussion during the workshop session on equipment repairs, building estimates and work being done.

**Resolution #2023-3-1            Approve purchase of used truck box**

Be it Resolved, that the Town Highway Superintendent is hereby authorized and directed to complete the purchase of a used stainless steel truck box from Dutchers Salvage of Morrisville, NY in an amount not to exceed \$12,000.00 for use on truck number 127.

Motion made by Mohun and seconded to approve.

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

**Resolution #2023-3-2            Approve Highway Supt Attendance at Roads School**

Be it Resolved, that the Highway Superintendent is hereby authorized and directed to attend the 2023 Cornell Local Roads Program Highway School June 5 – 7<sup>th</sup> in Ithaca.

Motion made by Mohun and seconded to approve.

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

**Town Clerk/Tax Collector-** Town Clerk's February report distributed.

**Resolution #2023-3-3            Appoint Town Registrar**

Be it Resolved, that the Bennington Town Board hereby appoints Town Clerk Joanne Rosenthal, 1264 Urf Road, Cowlesville NY 14037 to serve as the Town Registrar and to perform all such duties and responsibilities of the position, effective immediately.

Motion made by Bryman and seconded to appoint.

Ayes: 4 – Grant, Frounick, Domes, Bryman Noes: 0 Abstain: 1 - Mohun Absent: 0

**Zoning/Planning –**

**Resolution #2023-3-4            Appoint Zoning Board of Appeals Member**

Be it Resolved, that Peggy Wlostowski, 1006 Maxon Road, Attica 14011, is hereby appointed as a Member of the Zoning Board of Appeals, to fill the unexpired term of David Best. Said appointment is effective immediately through December 31, 2023.

Motion made by Mohun and seconded to appoint.

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

**Resolution #2023-3-5****Inter-municipal Agreement for Zoning Services**

Be it Resolved, that the Town Supervisor is hereby authorized and directed to enter into an agreement with the Wyoming County Zoning Office for Zoning Officer services for the period January 1, 2023 through December 31, 2023 in an amount not to exceed \$21,173.73.

Board members discussed the cost increase noted in the contract for 2023. Supervisor Grant informed them that Don Roberts, who oversees the program, believes that with the receipt of fees and fines, the 4<sup>th</sup> quarter billing will not be needed and the total contract will be 75% of the amount. Board members would like to see included in the language the ability for either party to terminate the agreement upon sixty days written notice. This will be passed along to the County Attorney and Mr. Roberts. *No motion was made to approve Resolution 2023-3-5 and the matter will be further discussed at the April Board Meeting.*

**Water District** – Awaiting word on the installation of the new meters.

**Assessor** – Firefighter property tax exemption. The County is discussing adopting the exemption and several towns are also planning on doing so. The Supervisor was asked to see what numbers for years of service and percentage of exemption were being used by the others. Also, is there a cap on the dollar amount the exemption could be?

**Unfinished Business:** EMS Billing discussion – Councilman Mohun has held conversations with the billing agency and received material from them. She would like to set up a meeting with the billing agency and reps from both Cowlesville and Bennington Fire Companies (possibly Varysburg as well) to be held by Zoom. She will get several dates and times the company is available.

Board members received copies of correspondence from Attorney DiMatteo regarding the assessment of AAOAA on Church Road. He will attend the April Board meeting to discuss the calculations and a possible agreement on the matter. Councilman Mohun shared that the Dog Control Officer informed her that there is a new state law regarding dangerous dogs.

**New Business:** Information on Spring Planning Workshops was shared and the Planning & Zoning Boards will be informed.

Easter Egg Hunt will be held April 1<sup>st</sup> at the Bennington Fire Hall.

**Any other Business to Come before the Board/County Matters:** None

Motion was made and carried to adjourn. Meeting adjourned at 8:48 p.m.

**Bennington Town Board**  
**April 12, 2023**  
**Workshop Session 6:30 p.m.**

Workshop Session was attended by Supervisor Grant, Councilmen Frounick, Bryman, Mohun & Domes, Clerk Rosenthal and Superintendent Jensen. Board members audited bills for payment at the April meeting. Supt Jensen discussed highway department work, repairs to vehicles. Discussion was also held on future equipment purchases with a complete truck at \$300K and replacing the Gradall at \$250K. The booster for the cell phone service at the shop has been ordered. The department has excess materials – stone and pipe – and would like to sell it through the bid process. He would also like to hire someone to do roadside mowing for several months May – October. Attorney DiMatteo also attended to speak to the Board regarding a claim for tax exempt status for property taxes, sharing correspondence and seeking guidance from the Board. He was instructed to proceed with sending the draft that he had prepared.

**Regular Board Meeting 7:30 p.m.**

Supervisor Grant called the meeting to order with Councilman Frounick leading the pledge of allegiance.

**Financial Matters:** General Fund vouchers #54 to #82 \$19,275.90  
Highway Fund vouchers #71 to #94 \$79,482.01  
Cowlesville Water vouchers #10 to #16 \$17,339.15  
Cowlesville Light vouchers # 18 \$132.90

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

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

Financial Reports & Transfers Motion by Mohun, seconded by Frounick to approve the following transfers within accounts:

From Cowlesville Water SW1-9010.8 Retirement  
To Cowlesville Water SW1-8389.4 Water Other Contractual \$58  
From Highway Fund DA9010.8 Retirement  
To DA9055.8 Unemployment Insurance \$146

Ayes: 5 Noes: 0 Abstain: 0 Absent: 0 Carried.

**Communications:** Supervisor – Assoc. of Towns newsletter; Genesee Finger Lakes Planning Council workshops (several Planning/ZBA members will be attending); info on GOGov citizen notification system; GLOW Solid Waste Annual Report; IRS statement on receiving our bond information; Justice Court reports for Feb & Mar for Justice Linsey. Clerk – Certificates of Liability for KCM Custom Built Garages; NYS Parks calendar and request to convert to email calendar notification; Town of Alden Local Law regarding rescinding residency requirements for employees; NYS Senate info on UTV potential legislation.

**Minutes of Previous Meetings:** Motion by Mohun, seconded by Bryman to approve the March meeting minutes

Ayes: 5    Noes: 0    Abstain: 0    Absent: 0    Carried.

**Departments:            Highway**

**Resolution #2023-4-1            Agreement to Spend 2023 Highway Funds**

Be It Resolved, that the Bennington Town Board hereby approves the 2023 Plan and Agreement to Spend Highway Funds on Permanent Improvements and General Repairs in the amount of \$867,884.00.

Motion: Mohun            Second: Bryman

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

All Board members signed the agreement.

Shared Services Agreement w/DOT – tabled to May meeting for further discussion; The Superintendent completed the petroleum bulk storage permit and the fee is in the vouchers for payment; agreed on the payout of HRA fund balance for one employee with a 2022 balance. Part Time Mower – Board tabled until May and would like more information on the work scheduled for the regular crew that necessitates an additional employee.

- Motion was made to authorize the advertisement of the sale of excess corrugated tile line and two inch stone from the Highway Department. Sealed bids will be due to the Town Clerk by 6 p.m. May 1, 2023 and opened at 6:30 p.m.. Tile may be bid in whole or two separate lots. Bids will be awarded at the May Town Board Meeting and the Board reserves the right to reject any/all bids.

Motion by Domes, seconded by Mohun

Ayes: 5            Noes: 0    Absent: 0    Abstain: 0    Carried.

**Town Clerk/Tax Collector-** Monthly report for March activities and receipts distributed to Board members.

**Zoning/Planning –**

Motion was made by Frounick, seconded by Bryman to approve three year Special Permit renewals for the following businesses – Kaminski Plumbing, Kissell Gravel Pit; JMM Construction & Office; D. Smith Auto Repair. Ayes: 5    Noes: 0  
Absent: 0    Abstain: 0 Carried.

**Resolution #2023-4-2            Intermunicipal Agreement for Zoning Services**

Be it Resolved, that the Town of Bennington hereby agrees to enter into an intermunicipal agreement with the County of Wyoming for the provision of Zoning Enforcement Services for the year 2023 at an amount not to exceed \$21,713.73 a rate of \$9.78 per parcel for 2,165 parcels on record; and

Be it Further Resolved, said contract shall be invoiced and paid on a quarterly basis by the Town to the County; and

Be it Further Resolved, said agreement may be terminated by either party upon sixty days written notice to the other party.

Motion: Domes                      Second: Mohun  
Ayes: 5                      Noes: 0      Abstain: 0      Absent: 0      Carried

Board members discussed some of the zoning issues that need to be addressed with law revisions: accessory buildings, dogs/kennels, property maintenance, hamlets, home occupations & Special Use Permits.

**Water District:**

**Resolution #2023-4-3                      Payment of Interest on Bond – Cowlesville Water**

Be it Resolved that the Town Supervisor and Town Bookkeeper are hereby authorized to issue a payment or wire transaction in the amount of \$7,238.38 to Depository Trust Company for the semi-annual interest payment on the bond issuance for water district construction/improvements.

Motion: Bryman                      Second: Mohun  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0      Carried

**Resolution #2023-4-4                      Accept Letter of Resignation/Retirement – Mark Pruitt**

Be it Resolved, that the Town Board hereby accepts the resignation of the Water System Operator Mark Pruitt, effective close of business April 28, 2023, and be it Further Resolved, that the Town Board hereby extends its gratitude and appreciation to Mr. Pruitt for his dedication and years of service to the Town.

Motion: Frounick                      Second: Bryman  
Ayes: 5                      Noes: 0                      Abstain: 0                      Absent: 0      Carried

**Old Business:**                      Against All Oddz Animal Alliance - Board met with Attorney DiMatteo regarding a tax exempt status request from the property owner and provided him with instruction on how to proceed.

Firefighters/ambulance worker property tax exemption – Awaiting information from other towns/county on their policies and criteria.

**New Business:**

**Resolution #2023-4-5                      2022 Audit of Town Financial Records**

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

Whereas, the Bennington Town Board retained an independent audit to be performed by a retired municipal accountant on the financial records of the Town Supervisor, Town Clerk, Tax Collector, Town Court and Water Collector's records for 2022;

Now, Therefore, Be It Resolved, that the Bennington Town Board, at a duly held meeting on April 12, 2023, accepted Donald E. Pryzbyl's audit report, which concludes all of the Town's records to be in compliance; and

Be it Further Resolved that said audit shall be filed with the NYS Unified Court System upon approval.

Motion by Mohun, seconded by Bryman

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

**Petitions and public concerns: None**

**Any other Business to Come before the Board/County Matters: None**

Motion was made by Councilman Mohun to adjourn. Meeting adjourned.

Bennington Town Board  
May 10, 2023

Workshop Session 6:30 p.m.  
Audit of bills; Highway Dept report; Meet with Attorney

Workshop session was attended by Supervisor Grant, Councilman Frounick, Bryman, Mohun & Domes, Clerk Rosenthal. Board members audited bill for payment prior to the May meeting. Attorney DiMatteo in attendance to further discuss with the Board regarding tax exempt status claim.

Regular Board Meeting 7:30 p.m.

Supervisor Grant called the meeting to order; pledge of allegiance led by Councilman Bryman.

**Financial Matters:** Approve 2023 WLM Support agreement for Payroll software Motion by Mohun. Seconded by Bryman to approve 2023 WLB Support Agreement.

General Fund vouchers #83 to #105. \$16,726.61  
Highway Fund vouchers #95 to #115. \$45,123.04  
Cowlesville Water vouchers #17 to #21. \$6,943.98  
Cowlesville Light vouchers # 19. \$132.90  
Financial Reports & Transfers

Motion by Bryman, seconded by Domes to approve vouchers for payment  
Ayes: 5. Noes 0. Abstain 0. Absent 0. Carried.

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

General Fund: From Contingent Account #A1990.4 \$7,150  
To: Town Clerk Account #A1410.4 \$ 300  
Unallocated Ins. Acct #A1910.4 2,850  
Garage Account #A5132.4 4,000

- Motion by Bryman, seconded by Domes to approve vouchers for payment.  
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0
- Motion by Mohun, seconded by Bryman to approve the Financial Reports ending April 30, 2023.  
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

**Communications:** Supervisor Grant –

- Grant submitted for AED equipment for use at Town Hall and Highway Dept. A cell phone signal booster order placed for the Highway Dept so cell service can be used. The ATT & Verizon tower on Sierk Rd; tower behind Bennington Lanes is installed but not utilized yet. WyCo. Planning Dept submitted copy of broad band map for review; variety of properties not covered; WYCOPD will gladly receive corrections, send to county planner.
- Locksmith to be sent to Pine Tree Park to repair/replace broken lock.

- **Clerk Rosenthal** – update on certificates of insurance sent in, Utilities Service being performed in area on poles, genealogy service request from Jean Spencer.

**Minutes of Previous Meetings: Approval of April minutes.**

Motion. Mohun. Seconded. Domes

Ayes: 5. Noes: 0 Abstain. 0. Absent. 0 Carried

**Departments: Highway** – award bids for sale of surplus materials

**Resolution #2023-5-1 Award Bid for Surplus Materials**

Whereas, the Bennington Town Board has advertised and accepted bids for the sale of excess surplus materials as per a motion carried at the April 8, 2023 Town Board Meeting; and

Whereas, the Town Clerk received three sealed bids for said materials prior to 6:00 p.m. on May 1, 2023 and opened the same at 6:30 p.m. on the same date in the presence of the Town Supervisor; and

Whereas, the highest bidder for surplus stone was from Thorpe's Organic Family Farm in the amount of \$2,100.00, and the highest bidder for surplus tile was from Thorpe's Organic Family Farm in the amount of \$1,380.00

Now therefore, Be It Resolved, that the Town Board hereby accepts the above bids and authorizes and directs the Highway Superintendent to dispose of the materials to the bidder(s) in a timely manner.

Motion: Bryman. Second: Mohun

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

**Town Clerk/Tax Collector** – Monthly report.

**Assessor** – Grievance Day 5/25 4-8 pm; AAOAA tax-exempt status. New construction, sales of Boy Scout Camp on Schoellkopf Rd. and 170 residential property changes added 5.6 million to assessment rolls.

**Recreation** – Summer Concert schedule – July 2023 includes 4 Thursday performances.

Swim program continues to proceed at Byrneliff Golf Resort Tuesdays/Thursdays 9 am – 2 pm. Dates not firm. Need to confirm counselor to run program for Youth Recreation.

**Zoning/Planning** – Tax exempt status for AAOAA; no new discussion until June 2023.

- Motion by Frounick, seconded by Bryman to approve the following Home Occupation renewal: The Bettinoll Co., Burrough Road.

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

**Water District** – Appoint WSO

**Resolution #2023-5-2**

**Appoint Water System Operator**

Be it Resolved, that Mark A. Pruitt, 1398 Kellogg Street, Alden NY 14004 is hereby appointed to the position of Water System Operator (PT) for the Cowlesville Water District, said appointment effective as of May 1, 2023 through December 31, 2023. Keith Borden as assistant.

Motion: Frounick. Second: Mohun  
Ayes: 5. Noes: 0. Abstain: 0. Absent: 0

**Old Business: Firefighters/ambulance worker property tax exemption**

The Board is still interested in allowing the exemption to firefighters. Process being reviewed with other towns so everyone has same exemption.

**New Business: Authorizing Fees and Charges for EMS and Ambulance Services – Cowlesville Fire Co. 2023-5-3 Resolution for fee schedule discussed.** When Town passes resolution, fees go to a third-party biller. No fee is passed on to taxpayers utilizing billing company. All co-pays waived for town residents. All charges go with insurance company. Medicare included.

**Resolution #2023-5-3 Resolution Authorizing Fees and Charges for Emergency Medical Services and Ambulance Service**

**WHEREAS**, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the "Law") provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

**WHEREAS**, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

**WHEREAS**, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

**WHEREAS**, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a minimum establish the fees for advanced life

support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

**WHEREAS**, the Law further provides that where an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

**WHEREAS**, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

**WHEREAS**, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Commissioner of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

**WHEREAS**, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

**WHEREAS**, the Town of Bennington ("Town") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Cowlesville Fire Company, Inc. ("Fire Company") to provide emergency medical services including basic life support ("BLS") ambulance services (hereinafter referred to as "ambulance services") within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and as otherwise permitted by law including mutual aid outside of its primary territory; and

**WHEREAS**, the Board of the Town of Bennington ("Board") after due deliberation, finds it in the best interest of the Town of Bennington to authorize fees and charges for emergency medical services and ambulance services by the Fire Company as authorized by Law and these Resolutions;

**NOW THEREFORE**, it is hereby

**RESOLVED**, that the Town of Bennington hereby authorizes fees and charges for emergency medical services and ambulance services by the Fire Company as authorized by Law and as provided for by these Resolutions; and it is further

**RESOLVED**, that the fees and charges collected shall be collected and used by the Fire Company as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Town and the Fire Company for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

**RESOLVED**, that the Board hereby directs that the Fire Company shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Fire Company for such purposes and under such terms and conditions as the Fire Company may in its discretion find appropriate; and it is further

**RESOLVED**, that the Board hereby directs that such revenue recovery by the Fire Company for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

**RESOLVED**, that the Board hereby determines that commencing at 12:01 a.m. on July 8, 2022 and until such time as a contract or contracts have been entered into with a provider or providers of advanced life support services for such advanced life support services or for ALS intercept services, the Board hereby sets the maximum reimbursement rate to be paid for any such ALS or ALS intercept services provided to the Town or its fire department shall be reimbursed at the lesser of the Medicaid or Medicare reimbursement rate(s) in effect at the time of such ALS intercept service, for such service; and it is further

**RESOLVED**, that the Board hereby determines that it shall, as a matter of public policy and as part of a comprehensive regulatory system for the delivery of emergency services within the Town, waive any co-pay or deductibles due from any resident of the Town; and it is further

**RESOLVED**, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other Fire Company funds and used for the delivery of emergency medical and ambulance services as the Fire Company may properly determine in its sole discretion; and it is further

**RESOLVED**, that the Board hereby directs that it shall not, directly or indirectly, by Town personnel or its agents and employees, including the Town's billing service agency issue a bill for its services to any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e); and it is further

**RESOLVED**, that except as otherwise provided herein, these resolutions shall take effect immediately.

Motion: Mohun  
Ayes: 5

Second: Bryman  
Noes: 0

Abstain: 0

Absent: 0

## SCHEDULE 'A'

### 2023 Schedule of Fees and Charges Pursuant to General Municipal Law 209-d(4)(a)

|                        |  |                      |
|------------------------|--|----------------------|
| <b>BLS Transport</b>   | Basic Life Support<br>Basic EMT level<br>provided                                  | <b>\$1000</b>        |
| <b>ALS 1 Transport</b> | Advance Life<br>Support<br>Treatment above<br>basic EMT level                      | <b>\$1,250</b>       |
| <b>ALS 2 Transport</b> | 3 or more drugs<br>administered, or<br>one of 7<br>procedures done<br>to patients* | <b>\$1,500</b>       |
| <b>BLS Intercept</b>   | BLS – level on<br>board another<br>agency's<br>transporting<br>ambulance           | <b>\$875</b>         |
| <b>ALS 1 Intercept</b> | ALS – level on<br>board another<br>agency's<br>transporting<br>ambulance           | <b>\$975</b>         |
| <b>ALS 2 Intercept</b> | ALS – level on<br>board another<br>agency's<br>transporting<br>ambulance           | <b>\$1100</b>        |
| <b>BLS Assessment</b>  | BLS – level<br>treatment or<br>assessment to a<br>patient who<br>refuses transport | <b>\$400</b>         |
| <b>ALS Assessment</b>  | ALS – level<br>treatment or<br>assessment to a<br>patient who<br>refuses transport | <b>\$350</b>         |
| <b>Mileage</b>         | Loaded Mileage   | <b>\$38 per mile</b> |

\*The 7 procedures are as follows: Defibrillation, Cardioversion, External Pacemaker, Intraosseous infusion, Airway Device Intubation, Chest Decompression, Surgical Airway

- **Motion by Mohun. Seconded by Frounick.**  
Ayes: 5. Noes. 0. Abstain. 0. Absent. 0. Carried.

Continue discussion to find any other parcel fire maps available. Boundary lines effect EMS, fire department coverage. Wyoming Co. attempting to clarify boundaries. Possibility of towns to set boundary lines and submit to Dept of Health. All parties looking through archived map drawers.

**Petitions and public concerns:**

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

- Re: Water meter replacement – County out for bid.
- Sander for OshKosh truck for \$200 purchased.
- Per Carolyn M. – Upstairs of Town Hall complete. Many thanks to Board for support; she looks forward to next project on the wall and headstone.

**Adjourn**

Bennington Town Board  
June 14, 2023

Workshop Session 6:30 p.m.  
Audit of bills; Highway Dept report

Workshop session attended by Supervisor Grant, Highway Supt. Jensen, Council persons: Brandon Bryman, Bernard Frounick, Joyce Mohun, Clerk Rosenthal. Absent: Chris Domes. Board members audited bills for payment prior to June meeting.

Workshop minutes:

- Postponed - AAOO meeting in Warsaw regarding tax exemption until June 28.
- Discussion with Highway Supt. Jensen regarding needs for the department: Building #1 request – dimensions 120'x60'x16' to include shell, ceiling, insulation, doors, breezeway, liner wall, concrete pad for breezeway, trenching; preliminary costs \$352,207. Does not include electric. Cold storage building request – dimensions 50'x60'x16' with 10' lean to; preliminary cost \$100,500. Double tank truck for brining roads – used vehicle available locally; cost \$60,000. Plow request – for big plow truck; preliminary cost \$9,835. Plow request – for Truck 550 small plow truck; preliminary cost \$8,300. Request for new pickup truck; trade in value of existing pickup \$13-14,000. Request for new plow truck – two-year wait period to build, suggested to purchase extended warranty also; preliminary cost \$310,000. Requesting to add seasonal part-time worker to mow sides of roads. Request from Bennington Fire Hall for Highway Dept to plow their parking lot in winter months, as needed; suggested they be helped out until they find someone else to do the plowing. Suggested that Town Hall parking lot be sealed. Truck 129 Orange not operating well. Truck 129 Green is working well. Borrowed money requires bond resolution and public hearing for borrowing. Suggested to move forward with Building #1 request, plows for big and small trucks, new pickup truck #2500 with warranty. Brine truck request wait for 2 years.

Regular Board Meeting 7:30 p.m.  
Meeting Agenda

**Call Meeting to Order; pledge of allegiance.**

**Financial Matters:** General Fund vouchers #106 to #134. \$ 15,723.74.  
Highway Fund vouchers #116 to #144. \$ 84,988.90.  
Cowlesville Water vouchers #22 to #24. \$6,983.15.  
Cowlesville Light vouchers #20. \$132.00  
Financial Reports & Transfers

**Motion by J. Mohun, seconded by B. Bryman to approve vouchers for payment.**  
Ayes: All. Noes: 0. Abstain: 0. Absent: 1.

**Motion by J. Mohun, seconded by B. Frounick to approve the Financial Reports ending May 31, 2023.**  
Ayes: All. Noes: 0. Abstain: 0. Absent: 1.

**Communications:**

- Town Supervisor Grant reported:**
- Justice Report from Judge J. Wawrzyniak for April.

- Correspondence from NYS DOT regarding State aid for highway projects. CHIPS funding increased 11%. Available funding: \$385,974.
- Town Clerk Rosenthal reported:
- Shared information, with websites, from NYS Tug Hill Commission webinar presentation on abandoned cemeteries & municipal responsibilities.
- Presented monthly reporting from WyCo. Building Dept on property maintenance in Bennington.
- Presented monthly reporting from WyCo. Zoning Dept. on projects & permits issued in Bennington.
- Presented minutes from Board of Assessment review held at Town Hall on May 24. Copies forwarded to D. DiMatteo, WyCo. Real Property Tax Services, WyCo. Animal Control Officer Justa Goodell.

**Minutes of Previous Meetings:**

- Presented minutes from May 17 workshop session with Supervisor Grant, Highway Supt Jensen and Council members Frounick, Bryman, Domes. Absent: Mohun
- Presented minutes from May 10 Town Board meeting.

**Motion by B. Bryman, seconded by J. Mohun to approve Communications.**

**Ayes: All. Noes: 0. Abstain: 0. Absent: 1.**

**Departments:**

**Highway:**

**Resolution #2023-6-1 Authorize the Highway Supt to develop Specifications and Advertise for Bids for a New Plow/Dump Truck**

Whereas, the Town Board and Highway Superintendent have reviewed equipment needs and have determined to purchase a new dump truck with winter plowing and snow removal equipment, now therefore,

Be it Resolved, that the Highway Superintendent is hereby directed to develop equipment specifications to best meet the needs of the Department, and be it

Further Resolved, that the Town Clerk is hereby authorized and directed to advertise for bids for said equipment and schedule bid opening for July 10, 2023 at 6:30 at the Town Clerk's Office in the Bennington Town Hall, 905 Old Alleghany Road, Attica NY 14011 and awarded at the July 12, 2023 Town Board Meeting.

**Motion by: J. Mohun, seconded by B. Frounick.**

**Ayes: All. Noes: 0. Abstain: 0. Absent: 1.**

Discussion for construction of additional garage space to store Highway equipment inside as opposed to being parked out in the elements during all seasons. Highway Supt Jensen will be directed to develop specifications on new garage with Councilman B. Bryman & C. Domes to review. Process will include to advertise for bids and discuss bonding to support the project.

**Motion by B. Bryman, seconded by J. Mohun to proceed with the building process.**

**Ayes: All. Noes: 0. Abstain: 0. Absent: 1.**

Discussion to create temporary, part-time position for mowing sides of roadways at a pay rate of minimum wage and not to exceed \$2,500 for the 2023 season.

**Motion by J. Mohun, seconded by B. Bryman to proceed with hire of seasonal mower.**

**Ayes: All. Noes: 0. Abstain: 0. Absent: 1.**

**Town Clerk/Tax Collector:**

- Clerk Rosenthal presented monthly report.

**Assessor:**

- Assessor Kirsch reported on Grievance Day report; four residents in attendance, a few corrections were made to property assessments. House sales continue to increase; expectation of another re-assessment of properties in 2025.
- Kirsch will not be in the office on Wednesdays June 20 and July 16 due to outside commitments.

**Recreation:** Agreement with Byrnclyff for swim program. Anticipated attendance of 40 children. Fee \$10 per child for residents, \$45 per child for non-residents.

**Resolution #2023-6-3 Authorize Supervisor to Contract with Byrnclyff Resort for Summer Recreation Program**

Be it Resolved, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Byrnclyff Resort, Varysburg NY for use of facilities for the Youth Recreation Summer Swim and Craft Program for the period July 6, 2023 through August 15, 2023 in an amount not to exceed \$2,244.00.

**Motion by J. Mohun, seconded by B. Frounick.**

**Ayes: All. Noes: 0. Abstain: 0. Absent: 1.**

**Zoning/Planning: Renew Home Occupation Permits**

**Resolution #2023-6-2 Approve Renewals of Home Occupation Permits**

Be it Resolved that the Bennington Town Board hereby approves the one-year renewal of the following Home Occupation Permits:

|   |                    |
|---|--------------------|
| Acquard's Professional Dog Grooming             | Sunset Printing    |
| G. Arcese Enterprise                            | L. Dusen Marketing |
| M.E. Bissell Law Office                         | Design A Tea       |
| Aerie Design Services                           | Premier Kitchen    |
| Rispoli's Bakery                                | C Shore Design     |
| Precision Cylinder Head Automotive Machine Shop |                    |

**Motion by J. Mohun, seconded by B. Frounick.**

**Ayes: All. Noes: 0. Abstain: 0. Absent: 1**

**Water District: Meter replacement update**

- Per Town Supervisor Grant, the Water Resource Agency includes six water districts where meter replacements need to be updated. Project was bid; however, all bids were rejected as quotes exceeded funding available for project. Bid process is being re-evaluated to separate each district and bid as smaller jobs to promote additional interest. If bid quotes are not acceptable, a discussed option for the Cowlesville water district is to request the Cowlesville water managers to do the installation of meters.

- Old Business:** Firefighters/ambulance worker property tax exemption – update
- Town Supervisor Grant requested Assessor Kirsch to roughly calculate and explain on the firefighter exemption when would it more beneficial to accept the assessment exemption of 10% rather than the take the \$200 deduction when paying yearly taxes. Kirsch explained based on tax rates, and home assessment all entities (town, village, & school) would have to opt in for the 10% deduction of taxes which then may exceed the \$200 deduction.
  - Town of Arcade tabled the property tax exemption for further discussion.

**New Business:** Liquor License amendment – River Spring Lodge

**Resolution #2023-6-4 River Spring Lodge Liquor License Amendment**

Whereas, that the Town Board of the Town of Bennington is in receipt of an amended 30 Day Notice for an amended liquor license for River Spring Lodge LLC, located at 1961A Church Road, Darien Center NY 14040 for the purpose of reducing the types of alcohol to be sold to wine, beer and cider, and adding service areas to include balcony, gardens and grounds, now therefore,

Be it Resolved, that the Town Board hereby approves such application amendment to the State Liquor Authority on behalf of River Spring Lodge.

**Motion: J. Mohun. Second: B. Frounick**  
**Ayes: All. Noes: 0. Abstain: 0. Absent: 1.**

Officially create positions for Civil Service Reporting

**Resolution #2023-6-5 Positions Created for Civil Service Reporting**

Whereas, the Town of Bennington is required to provide employee information to the local Civil Service Office for any position held by Town employees; and

Whereas, positions established in the past under the adoption of local laws, creation of departments and services were not formally established, now, therefore

Be it Resolved that the following position are hereby created for the Town of Bennington:

- |                  |   |
|------------------|---|
| Water Department | Assistant Water System Operator (1) Effective 1/1/2006        |
| Zoning           | Zoning Board of Appeals Member (4) Effective 1/1/2012         |
|                  | Zoning Board of Appeals Chairman (1) Effective 1/1/2012       |
|                  | Zoning Board of Appeals Secretary (1) Effective 1/1/2012      |
|                  | Zoning Board of Appeals – Alternate Member (1) Eff. 1/1/2012  |
| Assessment       | Board of Assessment Review Member (2) Effective 1/1/2012      |
|                  | Board of Assessment Review Chairman (1) Effective 1/1/2012    |
|                  | Board of Assessment Review Secretary (1) Effective 1/1/2012   |
|                  | Board of Assessment Review Alternate Member (1) Eff. 1/1/2012 |
| Planning         | Planning Board Chairman (1) Effective 1/1/2012                |
|                  | Planning Board Member (4) Effective 1/1/2012                  |
|                  | Planning Board Alternate Member (1) Effective 1/1/2012        |
|                  | Planning Board Secretary (1) Effective 1/1/2012               |
| Recreation       | Lifeguard (4) Effective 1/1/2010                              |
| Parks            | Laborer (1) Effective 1/1/2010                                |

**Motion: B. Bryman. Second: B. Frounick**  
**Ayes: All. Noes: 0. Abstain: 0. Absent: 1.**

**Tire Collection/Electronics Collection**

- Discussion included need for tire and electronic collection to eliminate illegal dumping on roadways for highway crews to clean up.
- Agreed to discuss with Highway Supt to hold tire collection at Highway grounds on a Saturday (date TBA) so highway crew can assist with unloading.
- Limit of 4 tires per household, car/pickup truck tires only, no rims.
- Further discussion on how much, if any, to be charged.
- Electronic collection requests from residents; Bennington Fire Hall possible host for site collection. No cost to residents

**Petitions and public concerns:**

- Supervisor Grant expressed much gratitude, and thanks to Carolyn Mruczak for continued support and donation of items for town functions. Carolyn efforts are much appreciated.
- Resident on Getman Rd. expressed concern about the Bennington Campground on Burrough Rd. Excessive noise, fireworks, large camp fires, barking dogs, trash, four wheelers, trespassing, weekend parties are disturbing as her property is adjacent to the grounds. She is reaching out for additional information on rules, regulation on property lines, ordinances that must be followed for campgrounds.

**Any other Business to Come before the Board/County Matters: none**

**Adjourn:**

**Motion by J. Mohun.**

Bennington Town Board  
July 12, 2023

Workshop Session 6:30 p.m.

Audit of bills; Highway Dept report; review Board Mtng agenda

In Attendance: Supervisor E. Grant, Councilman J. Mohun, B. Frounck, B. Bryman, Esq.  
D. DiMatteo, Clerk J. Rosenthal. Absent: C. Domes, Highway Supt J. Jensen.

1. Highland Glens - an all private community off of Lapp Rd., Bennington, NY is currently analyzing their sewage treatment plant update. Additional grant monies are available for the project if the community has an association with a municipality. Highland Glens requested if Bennington has interest in partnering and allowing Bennington name to be put on the project. Esq. DiMatteo suggested not authorizing the request at this time without review of an engineer study presented by Highland Glens.
2. AAOAA - continued review of property exemption request. Next court date in Warsaw courthouse on July 18, 2023 at 9:30 am.
3. Solar Project - Declare lead agency status for a community solar project of 15 acres on Church/Tinkham Rd. Proposal sent to Esq. D. DiMatteo for review.
4. Highway Dept - purchase of new plow truck; use current plow parts if applicable to save on costs.

**Regular Board Meeting 7:30 p.m.**  
**Meeting Agenda**

Meeting called to order by Supervisor Grant. Pledge of allegiance led by Councilman Mohun.

**Financial Matters:** General Fund vouchers #135 to #158. \$14,496.87.  
Highway Fund vouchers #141 to #160. \$168,908.63  
Cowlesville Water vouchers # 25 to # 29. \$ 15,017.10  
Cowlesville Light vouchers # 21. \$ 132.00

• Motion by J. Mohun, seconded by B. Bryman to approve vouchers for payment.  
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.

**Financial Reports & Transfers**

• Motion by J. Mohun, seconded by B. Bryman to approve the Financial Reports ending June 30, 2023.  
Ayes: Noes: 4. Abstain: 0. Absent: 1.

**Communications:**

Supervisor Grant presented: 1. Justice court reports from Judge Linsey. 2. Letters from DOT from requested 2022 traffic study on Schoelkopf Rd. for speed limit reduction to 30 mph from Folsomdale Rd. to the new covered bridge. Highway Supt. will be contacted to create new speed limit signs and post. DOT recommended that if a new speed limit is requested from the bridge to Burrough Rd, an engineering traffic study is required to determine if needed. DOT stated unpaved roads vary in conditions due to weather changes and are typically traveled by local residents who understand conditions and adjust their driving accordingly. 3. Bennington Seniors end of year report July 11, 2022-June 30, 2023.

Clerk Rosenthal presented: WyCo Zoning Department monthly report. WyCo. property maintenance update report.

**Minutes of Previous Meetings:**

• Motion by B. Bryman, seconded by B. Frounick to approve the minutes of the June 14, 2023 Town Board meeting.  
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.

**Departments:**

**Highway** – Road grading and replacement of driveway pipes continue June-July, in addition to roadside mowing.

Garage bid: Bid opening - received one bid. Discussion if the project should be re-bid to obtain additional bidders; this would delay the project and shortage of employees has kept bidders from bidding on large municipal projects.

**Resolution #2023-7-1 Award Bid for Construction of Highway Building**

Whereas, the Bennington Town Board has advertised for bids for the construction of an attached storage building for the Highway Department, said bidding authorized at the June 14, 2023 Town Board meeting, advertised in the legal newspaper of this Town and on the Town website; and

Whereas bids submitted to the Town Clerk within the stated specifications were opened by the Town Clerk at 3:30 p.m. on July 12, 2023, now therefore Be it Resolved, that the Town Board hereby awards the bid for construction as per the stated specifications to **Stately Pole Barn LLC, Clarence NY** in the amount not to exceed \$382,355. And

Be it Further Resolved, that the Town Supervisor is hereby authorized to execute any and all related agreements for the construction of the above building.

• Motion: B. Bryman. Second: J. Mohun.  
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.

Re-bid truck - Highway Supt. Jensen researched current state bids in place where Bennington can utilize a piggyback clause with another county. The Onondaga County bid was located. 2025 Western Star chassis only; additional warranties available, plow mechanisms purchased separately; as per workshop session, further discussion to review if current plow parts can be used to save on costs. Per vendor Freightliner, lead time to receive new chassis is November 2024; long lead times continue due to supply chain issues. When a new truck is in the fleet, declare surplus of the current plow truck and sell.

**Resolution #2023-7-2 Authorize the Highway Supt to develop Specifications and Advertise for Bids for a New Plow/Dump Truck**

Whereas, the Town Board and Highway Superintendent have reviewed equipment needs and have determined to purchase a new dump truck with winter plowing and snow removal equipment, now therefore,

Be it Resolved, that the Highway Superintendent is hereby directed to develop equipment specifications to best meet the needs of the Department, and be it Further Resolved, that the Town Clerk is hereby authorized and directed to advertise for bids for said equipment and schedule bid opening for August 9, 2023 at 6:30 at the Town Clerk's Office in the Bennington Town Hall, 905 Old Alleghany Road, Attica NY 14011 and awarded at the August 9, 2023 Town Board Meeting.

To Piggyback on current bid from Onondaga County to purchase chassis only. \$146,252.

• Motion: B. Fronnick. Second: J. Mohun.  
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.

**Town Clerk/Tax Collector** - presented monthly report of disbursements.

**Assessor** - no report.

**Recreation** - Swim program - 38 children participating at Byrnliff Resort swim classes. Concerts - July 7 program attendance of 35 people. The next three concerts will be at Pine Tree Park, weather permitting. Option for the inside venue is Bennington Town Hall.

**Zoning/Planning** - HOP Renewal - Duda Woodworking

• Motion was made by J. Mohun and seconded by B. Bryman to approve the one year renewal of the following Home Occupation Permit: Ed Duda Woodworking.  
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.

**Water District** - Meter replacement project - the original bid for new water meter installation exceeded grant monies available; new bid was split into separate districts; still exceeded grant money available. Discussed to make arrangements with each municipality to use local water system operators for installation utilizing a stipend per meter replacement. Mark Pruitt, water system operator for Cowlesville Water District, will review and advise on cost.

**Old Business:** Firefighters/ambulance worker property tax exemption – update on discussion with Bennington Fire Co. - Supervisor Grant met with Bennington Firefighters. Income tax credit of \$200 continues to be the best option without more support from NYS and other county agencies. Issue tabled at this time for review in 2024.

Building inspection - WyCo. Inspector reviewed Town Hall facilities in June 2023 and noted that a fire alarm inspection was needed. Included is Amherst Alarm inspection report for Town of Bennington offices.

**New Business:**

**Declare Lead Agency Status for SEOR Review of Solar Project – NY Bennington 1 Solar Farm**

Relatively small community solar project generating 2 megawatts of power enough to power 800 homes. Residents will have the opportunity to sign up or cancel at any time with the possibility to receive up to a 10% discount on electric bill; municipality and business available to sign up, however, savings not projected at this time. Project will be located 1,030 feet off Church road with limited visibility. Less than two acres of trees will be removed. Built on 13 acres of vacant farmland, with landowner willingness to accept, to include 4,090 solar panels; a tilting, tracking system. A decommission plan included with the municipality along with an operation and maintenance plan. Project has 30 years of useful life with extensions of 5 year increments. If approved, installation would take 2.5-3 months. A NYS company employing people from WyCo. and working with NYSEG.

**Resolution #2023-7-3 Set Date of Public Hearing on NY Bennington 1 Solar Farm and Declare Town of Bennington Town Board as Lead Agency**

Whereas,, the Town of Bennington is in receipt of an application for the erection and operation of a Community Solar Farm Project at the intersection of Church Road and Tinkham Road, Attica New York, Tax Map #4.00-1-3.1, and

Whereas, said application, in accordance with Local Law #2, 2017, a law amending the Bennington Zoning Law to regulate Solar Energy Systems within the Town, incorporate the above as Article IV, Section 13, which requires a Special Use Permit and Site Plan review, necessitating public hearing of the Bennington Town Board prior to the decision on any such application,

Now, Therefore, Be It Resolved That the Bennington Town Board has set the date and time of such hearing to be held on Wednesday, August 9, 2023 at 7:30 p.m. to permit oral and written comments on said application to be heard; and

Be it Further Resolved, that the Bennington Town Board shall serve as Lead Agency for the purpose of completing all required State Environmental Quality Review

(SEQR) processes.

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 J. Mohun, seconded by B. Frounck.

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

### Tire Collection/Electronics Collection

Proof of residency required, pay at Town Hall, proceed, with receipt, to Highway Dept for disposal.

### Resolution #2023-7-4 Set Date and Time for the Collection of Used Vehicle Tires

Whereas, it is deemed to be in the best interests of the Town to provide for the disposal of obsolete vehicle tires, now, therefore

Be it Resolved, that the Town of Bennington will conduct a collection of used vehicle tires from residents in the Town on August 5, 2023 from 9 a.m. to Noon at the Bennington Highway Garage, limiting the number per household at 4 each unmounted car and light truck tires, for a disposal fee of \$1.00 per tire, and

Be it Further Resolved, that the Town Clerk shall advertise the same in the Attica Pennysaver, and the Town's website and Facebook social media outlets.

• Motion: J. Mohun. Second: B. Bryman.

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

### Highland Glens Sewerage Treatment Plan project

Highland Glens - an all private community off of Lapp Rd. Bennington, NY is currently analyzing their sewage treatment plant update. Grant monies are available for the update if the community has an association with a municipality. Highland Glens requested if Bennington has interest in partnering and allowing Bennington name to be put on the project. It is unlikely that the Town of Bennington will be involved in the project.

### Town Hall Meeting July 27 – Assemblyman DiPietro

Residents welcomed to hear updates from Albany. Time 10 am - 2 pm.

**Petitions and public concerns:**

Residents of Getman Rd. attended to review their questions regarding Bennington Campgrounds issues. Reported by Supervisor Grant the Department of Environmental Conservation conducts yearly inspections with no issue on file. Reported that the WyCo. Health Department has received no complaints. Resident concerns: 1. Barrier between property lines. 2. Resident well water is brown. Councilman J. Mohun discussed low water levels, lack of rain. 3. Fireworks, trespassing, loose dogs. Discussed if the Sheriff's Department has been called regarding these issues. 4. Does the facility have a special use permit or a permit to operate by NYS. Supervisor Grant will continue to research the investigation with WyCo.

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

None.

**Adjourn**

• Motion: J. Mohun. Second: B. Frounick.

Bennington Town Board  
August 9, 2023

Workshop Session 6:30 p.m.

Audit of bills; Highway Dept report; review Board Mtng agenda

In attendance: Supervisor E. Grant, Councilman B. Frounick, C. Domes, Highway Superintendent J. Jensen, Clerk J. Rosenthal. Absent: Councilman J. Mohun, B. Bryman.

**Workshop Session**

Highway Superintendent J. Jensen discussed road work to be done before end of year with approximate costs; Stedman \$4-5,000, Sierk \$127,218, Sinn (pave) \$111,847, Kern Rd. (cost not discussed, can be done with Bennington highway equipment, Tinkham \$73,498. Unused CHIPS monies can be rolled into the 2024 budget. Evaluating surplus equipment due to age and condition; Volvo grader and 1969 paver; contacting Auction International.

**Regular Board Meeting 7:30 p.m.**  
**Meeting Agenda**

**Call Meeting to Order; pledge of allegiance led by Supervisor E. Grant. A moment of silence to honor the passing of Joe Heller.**

**Financial Matters:**

|                            |               |             |
|----------------------------|---------------|-------------|
| General Fund vouchers      | #159 to #181. | \$82,845.93 |
| Highway Fund vouchers      | #161 to #180. | \$50,991.95 |
| Cowlesville Water vouchers | #30 to #34.   | \$ 7,895.11 |
| Cowlesville Light vouchers | # 22          | \$ 266.70   |

**Motion by: B. Frounick. Seconded by: C. Domes to approve the vouchers for payment.**

**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

**Financial Reports:**

- Supervisor E. Grant presented the Monthly Report of Supervisor.

**Motion by: C. Domes. Seconded by: B. Frounick to approve the Financial Reports ending July 31, 2023.**

**Ayes: 3. Noes: 0. Abstain: 0. Absent 2. J. Mohun, B. Bryman**

**Communications:**

Supervisor E. Grant presented:

- From the New York State Assessors Association a booklet on "Assessors & Assessing - A Guide for Municipal Officials".
- Correspondence from Highland Glens regarding the declined offer from Bennington Town Board to participate in the update project of their sewage

treatment plant. Not the response they wanted however many thanks for bringing the matter to the Board for discussion.

- Email sent to the Town Clerk from a resident on Church Rd. with complaint of barking dogs from a neighboring dog rescue operation also on Church Rd. Forwarded to Supervisor E. Grant, all Council members, WYCO J. Goodell, Animal Control Officer, David DiMatteo, ESQ legal team.
- Email from Municipal Solutions regarding interest payment due of \$832.50 on Sept 15. for grader at the Highway Dept.
- Justice Court report for June 2023
- Correspondence from Genesee Finger Lakes Council on services available and provided. GFLC is an agency used for Wyoming County contracts.

Clerk Rosenthal presented:

- Effective August 2023, hunting/fishing/deer management permits are now available for purchase through the clerk's office issued by Clerk J. Rosenthal and Deputy Clerk. D. Nikiel.
- Effective August 2023, Clerk J. Rosenthal and Deputy Clerk D. Nikiel are registrars for New York State Department of Health Vital Records division to issue marriage licenses and death certificates.

#### **Minutes of Previous Meetings:**

Presented July 12, 2023 Town Board Meeting minutes.

**Motion by: B. Frounick. Seconded by: C. Domes to approve the minutes of the July 12, 2023 Town Board meeting.**

**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

#### **Departments:**

##### **Highway**

- Per workshop discussion with Highway Superintendent J. Jensen: work on Bennington Roads continues, however, determining priority of what can be accomplished before end of year and winter months is based on cash flow availability.

##### **Town Clerk/Tax Collector**

- Town Clerk's Month Report of disbursements total \$821.
- Wyoming County Zoning updates report.
- Wyoming County property maintenance report.

##### **Assessor**

- AT&T Tower assessment challenge. AT&T is questioning assessment on cell towers in Bennington, however, this has been done throughout NYS. Assessment board met to discuss the challenge; paperwork was not received by the Bennington Assessment board for a May review; the Board re-convened August 12 to discuss the challenge.

### **Zoning/Planning**

- HO Application: Tombaugh Taxidermy will operate out of the pole barn currently on property. Customers by appointment only; no changes made to property.

**Motion was made by B. Frounick and seconded by C. Domes to approve the one year of the following Home Occupation Permit: Alexander Tombaugh, 284 Sinn Road, Cowlesville to operate a taxidermy business.**

**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

### **Recreation**

- Swim program coordinator stipend - Currently there is no one assigned to the position of Recreation Coordinator for the 2023 season. Swim instructor Elizabeth Kibler has stepped up this year above and beyond her duties to oversee the program to the delight of residents and children who participate.
- Concerts 2023 a success; feedback from residents is positive; three new performers this year.

### **Water District**

- Meter replacement project possible September installation.
- WSO stipend
- Hydrant on Bullis Rd. was hit by a semi-truck and needs replacement. No accident report was made as the driver did not report. Driver and Company unknown.

### **Resolution #2023-8-1 Employee Stipends Approved**

Be it Resolved, that the Town Board hereby approves the payment of \$200 to Elizabeth Kibler, 21 Laurel Drive, Attica NY 14011 to serve as the Coordinator/-Supervisor of the swimming program for Youth Recreation, said payment to be made in two one hundred (\$100) dollar payments for the months of July and August 2023; and be it

Further Resolved, that the Water System Operator and Assistant Water System Operator shall be paid a \$50 stipend per installation of new water meters within the Cowlesville Water District, pending approval by the Wyoming County Water Resource Agency.

**Motion: B. Frounick.**

**Second: C. Domes**

**Ayes: 3. Noes: 0.**

**Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

### **Resolution #2023-8-2 WyCo Water Resource Agreement**

Wyoming Co. Water Resource Agency will be sending a revised agreement to the Town for the meter replacement project, as they have received approval for the municipalities to do the actual replacement work. Previous attempts to bid out the project were unsuccessful. Once received, the Supervisor will have the Town's Attorney review the language. In order to expedite the project, a motion was made to authorize the Supervisor to sign the agreement upon approval by the Attorney.

**Motion by: C. Domes                      Second: B. Frounick**  
**Ayes: 3.                      Noes: 0.                      Abstain: 0.                      Absent: 2. J. Mohun, B. Bryman**

**Old Business:**

- Delaware River Solar Project/NY Bennington I – set date of public hearing on Special Use Permit; PILOT agreement response

**Resolution #2023-8-3                      NY Bennington 1 LLC Solar Project – Set Date for Public Hearing**

Whereas,, the Town of Bennington is in receipt of an application for the erection and operation of a Community Solar Farm Project at the intersection of Church Road and Tinkham Road, Attica New York, Tax Map #4.00-1-3.1, and

Whereas, said application, in accordance with Local Law #2, 2017, a law amending the Bennington Zoning Law to regulate Solar Energy Systems within the Town, incorporate the above as Article IV, Section 13, which requires a Special Use Permit and Site Plan review, necessitating public hearing of the Bennington Town Board prior to the decision on any such application,

Now, Therefore, Be It Resolved That the Bennington Town Board has set the date and time of such hearing to be held on Wednesday, September 13, 2023 at 7:30 p.m. to permit oral and written comments on said application to be heard; 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: B. Frounick.                      Second: C. Domes**  
**Ayes: 3.                      Noes: 0.                      Abstain: 0.                      Absent: 2. J. Mohun, B. Bryman**

**Resolution # 2023-8-4                      REQUIRING THAT DELAWARE RIVERSOLAR ENTER INTO A PILOT AGREEMENT WITH THE TOWN OF BENNINGTON**

**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**, the Town Board of the Town of Bennington has received notice dated June 24<sup>th</sup>, 2023 from Delaware River Solar, which expresses the intent to construct a solar project on Church Road and offers the Town sixty (60) days to respond with the Town's intent to require a contract for payments in lieu of taxes (PILOT), or whether the Town is opting out of the exemption pursuant to Real Property Tax Law (RPTL) 487; and

**WHEREAS**, the Town Board of the Town of Bennington believes it to be in the best interest of the Town of Bennington to require that Delaware River Solar enter into a PILOT agreement with the Town of Bennington.

**NOW BE IT RESOLVED**, the Town Board of the Town of Bennington hereby requires that Delaware River Solar enter into a PILOT agreement with the Town of Bennington; and be it further

**RESOLVED**, the Town Board of the Town of Bennington shall provide written notice to Delaware River Solar before September 22<sup>nd</sup>, 2023 which suggests that Delaware River Solar is required to enter into a PILOT agreement with the Town; and be it further

**RESOLVED**, this resolution shall be provided to Delaware River Solar, and filed with the New York State Energy Research and Development Authority (NYSERDA) and the New York State Division of Tax and Finance.

**Motion: C. Domes. Second: B. Frounick**  
**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

**New Business:**

- Contract with Municipal Solution for financial services

**Resolution #2023-8-5      **Financial Services Contract with Municipal Services****

Whereas, the Town of Bennington is desiring to engage in a contract with Municipal Solutions, Inc., 62 Main Street, LeRoy New York 14482, for financial advising pertaining to financing and borrowing funds to accomplish town goals and projects, and

Whereas, Municipal Solutions has provided information pertaining to the scope of services related to notes/bonds and general financial services, as well as disclosures of any conflicts of interest and other required disclosures, including the 2023 fee schedule for services; now, therefore,

Be it Resolved, that the Bennington Town Board hereby authorizes and directs the Town Supervisor to sign and execute a contract for the above services as relates to the borrowing of funds for the purpose of construction of an addition to the existing highway garage and for the purchase of a new dump truck with snow plow equipment.

**Motion by: C. Domes, seconded by: B. Frounick.**  
**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

- Garage addition and plow truck; Set date for special board meeting to vote on Bond Resolutions;

**Resolution #2023-8-6      **Set Date for Special Meeting For Bond Resolutions Relating to Financing the Acquisition of Highway Dump Truck and Addition to Garage****

Be it Resolved, that the Town Board shall hold a special session on Mon. or Tues. August 28 or 29, 2023 at 5:00 p.m. at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY 14011, and be it further

Resolved that the Town Clerk advertise the same in the legal newspaper of this town.

**Motion by: B. Frounick, seconded by: C. Domes.**

**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

- Declare surplus equipment and set for auction

**Resolution #2023-8-7      Declare Highway Equipment Surplus and Dispose**

Be it Resolved that the Following items at the Highway Department be declared surplus and made available for disposal through auction:

2005 Volvo Grader

1969 Paver

**Motion: C. Domes. Second: B. Frounick**

**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

**Resolution #2023-8-8      Declare Lead Agency Status for Highway Garage Project**

Be it Resolved that the Bennington Town Board shall serve as Lead Agency for the purposes of SEQR for the proposed addition to the Bennington Highway Garage located at 867 Old Alleghany Road; and any/all comments regarding the same should be addressed to Bennington Town Board, 905 Old Alleghany Road, Attica New York 14011.

**Motion by: B. Frounick, seconded by: C. Domes.**

**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

- Tire Collection/Electronics Collection – August 12th 9 am to Noon
- Set date of Public Hearing on 2024 – 2027 Contract with Harris Corners Fire Company for fire and rescue services.

**Resolution #2023-8-9      Set Date of Public Hearing on Harris Corners Fire Company 2024-2025 Contract**

Whereas, the Town Board of the Town of Bennington has received proposed 2024 through 2025 contract amounts from the Harris Corners Fire Company of \$34,428.09 for fire services for 2024 and, \$37,182.34 for fire services for 2025, and \$1,500 for rescue/ambulance services each year, within their district;

Be It Resolved that the Town Board hereby sets the date of September 13, 2023 at 7:30 p.m. at the Bennington Town Hall for the purpose of a public hearing on the Harris Corners Fire Company Contract between the Town and the Harris Corners 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: C. Domes. Second: B. Frounck**

**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

- Attica Central School – Board Meeting January 2024

**Resolution #2023-8-10      Attica Central School Use of Town Hall**

Be it Resolved, that the Town Board hereby permits the use of the Bennington Town Hall by the Attica Central School District for a Board of Education Meeting to be held on January 23, 2024.

**Motion: C. Domes. Second: B. Frounck**

**Ayes: 3. Noes: 0. Abstain: 0. Absent: 2. J. Mohun, B. Bryman**

**Petitions and public concerns: none**

**Any other Business to Come before the Board/County Matters: none**

**Adjourn.**

**Motion: B. Frounck**

**Town of Bennington**

**Special Session**

**August 28, 2023**

Supervisor Grant called the meeting to order at 5:05 p.m. with Councilmembers Frounick, Mohun and Bryman in attendance, as well as Highway Superintendent Jensen. Councilmember Mohun led the pledge of allegiance to the flag.

New Business:

**Resolution #2023-8-10 BOND RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$300,000 TO FINANCE THE ACQUISITION OF A HIGHWAY DUMP TRUCK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE**

THE TOWN BOARD OF THE TOWN OF BENNINGTON, IN THE COUNTY OF WYOMING, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Bennington, in the County of Wyoming, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$300,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the acquisition of a Highway dump truck.

Section 2. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$300,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of

said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization 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 Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish a summary of this bond resolution, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper of the Town, having a general circulation within said Town and hereby designated the official newspaper of said Town for such publication.

Motion: Bryman      Second: Frounick

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

Councilman Domes arrived during the discussion on the following Resolution.

**Resolution #2023-8-11      BOND RESOLUTION AUTHORIZING THE  
ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$350,000 TO  
FINANCE, IN PART, THE CONSTRUCTION OF AN ADDITION TO THE EXISTING  
HIGHWAY GARAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS  
\$575,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, INCLUDING  
THE EXPENDITURE OF \$225,000 IN ARPA FUNDS TO PAY THE BALANCE OF SAID  
COST**

THE TOWN BOARD OF THE TOWN OF BENNINGTON, IN THE COUNTY OF WYOMING, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Bennington, in the County of Wyoming, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$350,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance, in part, the construction of an addition to the existing highway garage.

Section 2. The estimated maximum cost of the project described herein, including preliminary costs and costs incidental thereto and the financing thereof, is \$575,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of \$225,000 in ARPA funds to pay a part of said appropriation, the issuance of bonds of the Village in the principal amount of \$350,000 to finance the balance of said cost, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12 (a)(2) of the Law, is fifteen (15) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization 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 Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond

anticipation notes and prescribing the terms, form and contents and 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 bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized and directed to publish a summary of this bond resolution, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the official newspaper of the Town, having a general circulation within said Town and hereby designated the official newspaper of said Town for such publication.

Motion by: Mohun                      Second: Frounick

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

**Other Business:**      Board Members commented on the success of the recent used tire collection held at the Highway Dept. Over 200 tires were collected. Approximate cost of the program was \$700, including disposal, labor and advertising. Residents would like to see another collection held in the future.

Superintendent Jensen is working with Auctions International to dispose of the old paver and grader via auction during the next few weeks.

The Supervisor will ask the County Zoning Department for input on revising several areas of our zoning law, and possibly attending a special workshop session.

Motion was made by Domes to adjourn the meeting at 5:37 p.m.

**Bennington Town Board  
September 11, 2023**

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

**In attendance: Supervisor Grant, Councilman B. Frounick, C. Domes, B. Bryman,  
J. Mohun, Clerk J. Rosenthal. Absent: Highway Superintendent J. Jensen.**

**Workshop Session Discussion**

Highway Superintendent J. Jensen submitted a request for a quote approval to begin site prep work, in September 2023, where the new highway building will be located to accommodate the concrete pad to be poured in October 2023. Town Board approved per quote. Tire collection in August yielded 236 tires turned in from residents. Draft copy of Town Budget 2024 presented to the Board for review; a date to be set for workshop.

**Regular Board Meeting 7:30 p.m.  
Meeting Agenda**

**Call Meeting to Order; pledge of allegiance led by Councilman D. Domes.**

**Zoning/Planning**

Per application, Michael Woods a graduate from Alfred State College with a degree in Diesel Technician, has worked as a technician and shop foreman. Plans to rent one bay of 20'W x 40'D x 16H, operating M-F 8 am.- 6 pm., Sat. 9 am-12 pm. No tire repair offered.

**Resolution #2023-9-2      Special Use Permit – Set Date for Public Hearing**

Whereas, the Town of Bennington is in receipt of an application for the operation of a motor vehicle repair shop from Michael M. Woods to be located at 979 Clinton St., Bennington, NY, tax map number #16.-1-46, and

Whereas, said application, in accordance with Zoning Law Section 2.1.1 M5, which requires a Special Use Permit, necessitating public hearing of the Bennington Town Board prior to the decision on any such application,

Now, Therefore, Be It Resolved That the Bennington Town Board has set the date and time of such hearing to be held on Wednesday, October 11, 2023 at 7:30 p.m. to permit oral and written comments on said application to be heard; 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: B. Bryman.    Second: J. Mohun.  
Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.**

**Open Public Hearing on Harris Corners 2024/2025 Fire & Rescue Services Agreement**

**Hear Comments on Harris Corners 2024/2025 Contract/Close Public Hearing**

- no comments presented.

**Motion by J. Mohun. Seconded by B. Bryman to close the public hearing.**

**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Resolution # 2023-9-3 Harris Corners Fire Company 2024/2025 Contract**

Whereas the Bennington Town Board has held a duly advertised Public Hearing on this 11<sup>th</sup> day of September, 2023 regarding the 2024/2025 Contract between the Town and the Harris Corners Fire Company for fire and emergency medical services, now, therefore,

Be it Resolved, that the Town Board hereby approves a contract for services in the following amounts: **2024** - \$34,428.09 for fire services and \$1,500 emergency medical services, and **2025** - \$37,183.34 for fire services and \$1,500 emergency medical services.

**The Fire Chief requested two separate checks be drawn; one for fire services and one for emergency medical services.**

**Motion: C. Domes. Second: B. Frounick**

**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Financial Matters** General Fund vouchers #182 to #203. \$ 9,649.97.  
Highway Fund vouchers #181 to #204. \$43,239.61  
Cowlesville Water vouchers #35 to 39. \$ 7,812.81  
Cowlesville Light vouchers # 23. \$ 132.00.

**Motion by: J. Mohun. Seconded by: B. Bryman to approve vouchers for payment.**

**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Open Public Hearing on Delaware River Solar Project**

Per Supervisor E. Grant, the public hearing will carry over until the October 2023 Board Meeting due to a delay in mailing certified letters to residents with adjoining property to the project.

**Resolution #2023-9-4 SEQR Delaware River Solar - NY Bennington 1**

Be it Resolved, that the Bennington Town Board has completed a SEQR review on the proposed NY Bennington 1 Solar Farm, tax map #4.00-1-3.1 and hereby issues a negative declaration regarding the potential environmental impacts of the project; and be it

Further Resolved, that the Town Board has duly advertised and held a Public Hearing on the Special Use Permit for the proposed project this 13<sup>th</sup> day of September, 2023 and will hold the recessed Public Hearing open until the 11<sup>th</sup> day of October, 2023 at 7:30 p.m. for any further written or oral comments for the Board's consideration prior to making a determination on the Special Use Permit.

**Motion: J. Mohun. Second: C. Domes**  
**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Minutes from Open Public Hearing on Delaware River Solar Project**

**Presenters: Dan Compitello, Chris Synder.**

The 2 megawatt solar farm to be erected on 13 acres; the set back is 1,050' off Church Rd. Site chosen due to proximity to power line connections on Church Rd. Residents can sign up for the project and receive a 5% discount on power used; the project will accommodate 400 residents. This project is similar in size to 4 Pike NY projects; there are 27,000 customers in NYS utilizing solar power. Existing farm access roads will be used to access the project area. The solar panels are 3' high and built on a tracking/tilting system that follows the movement of the sun continually during the daytime. A buzz and bee mix groundcover will be planted around the panels and the area will be mowed 2-3 times per season.. Considered passive use with no sound or odor emitting from the area. Solar panels meet the EPA standard test with no leaching of chemicals; they are fabrication of glass, aluminum and silicone.

**Residents in attendance that provided questions to the presenters:**

**Tinkham Rd. residents: John & Patricia Ryan, Mike Dunlap, Lori Hutzler, Jim Yox, Steve Janoczak, Alden residents with property on Tinkham Rd.,**

**Church Rd. residents: Steve Domer, Dave & Linda Tyczka, Jim Schlick, Allison Zybczynski.**

**Clinton St. residents: Jim Lamparelli**

**Others: Chet Zymowski, Paul Kazinski**

**Questions:**

1. **Where is the location?**  
1667 Church Rd., Bennington, NY; current property owners Edward & Terry Halsted.
2. **Can a view shed be provided?**  
A current view shed was not done for this project, however, one will be provided if requested from the town.
3. **How are solar panels cleaned?**  
Panels are cleaned with water only when deemed necessary. A water truck is used.
4. **How much water is used to clean the panels?**  
Refer to the maintenance and operation plan, to be released.
5. **What is the environmental impact?**  
See SEQR (State Environmental Quality Review), currently under review.
6. **How many trees will be removed?**  
Approximately 2 acres of land to be cleared, mostly brush trees.

7. What is drainage?  
Refer to SWPPP (StormWater Pollution Prevention Plan), regulated by DEC (Department of Environmental Conservation).
8. Where is the water draining?  
During construction of the project, water is contained with a barrier. During regular operation, a buzz and bee groundcover is planted that provides a higher rate of absorption.
9. What about vandalism to the surrounding 7' deer fence around the project?  
Problems of vandalism remain to be seen.
10. What barriers will be used during construction?  
Authorized by DEC, snow fence type material is utilized during the construction.
11. Will water flow affect NW Ellicott Creek and Akron Reservoir? Area has a clay cap with limited absorption.  
Refer to SWPPP review, addressed in design.
12. How to handle property devaluations.  
Presenters have not seen property devalue with solar projects nearby.
13. What is the recycling value after 30 years?  
Refer to the decommission plan on file with the town. A 6'x10' concrete pad will need to be demolished, solar panels to have a resale value.
14. Resident asked if bond money be set aside for decommissioning? Is this business model self-supporting without government subsidies? He doesn't like solar. The solar panel at his home cannot be used and the installer will not pick up for disposal.  
Answer to his question that bond money has a fixed interest rate of 2% for inflation. Not a debate to discuss here; incentivized as savings to the customer.
15. How is Church Rd. zoned?  
Property/Church Rd. is zoned for manufacturing. Project does fit current area.
16. What is the cost of the project?  
\$2.5 million.
17. How many years will it take Delaware River to recoup its money?  
No comment from presenters.
18. Where is the money going?  
No comment from presenters.

Questions 19-28 were asked from a statement read by Arianne Dunlap, Tinkham Rd. resident

19. Who is in charge of the project?

Applicant name: Peter Dolgos, Sr. Vice President., NY Bennington I, LLC:  
Community Solar Farm Project, 140 East 45th St., Ste. 32-B-1 NY NY 10017. Developer  
and Lessee of Project Site. Phone: 646 998.6495. email:  
peter.dolgos@delawareriversolar.com

20. Is this project in the best interest for Bennington?
21. Do we have enough information about solar projects?
22. Are there rules in place so solar projects don't pop up all over town?  
Refer to current zoning laws in place. [www.benningtonny.com](http://www.benningtonny.com)
23. Is technology where it should be?
24. Can the fire department access it in case of fire emergency?
25. What is the carbon footprint?
26. What is the local habitat fragmentation?
27. What are repercussions vs benefits?
28. What is the future of our town?
29. How does the Town notify the community regarding this issue?  
The legal newspaper used is the Batavia Daily News, to advertise all public  
hearings/meetings/bids. Pennysavers are not considered legal newspapers.
30. What is the status of the project?  
No decision has been made. Public hearing and discussion with town residents is  
required.
31. Is the Wyoming County planning board involved?  
Yes. On file is a zoning permit application from Wyoming Co. Zoning Dept.
32. How does the power get to the houses?  
Power transferred via meter from the grid.
33. How do you sign up for the discount?  
Upon completion of the project, paperwork will be provided for signup with a 5%  
discount to homeowners off their electric bill.
34. Is this a legislative way to stimulate an industry?  
This project will provide solar power to 400 customers.
35. When is the next public hearing?  
The public hearing will continue at the next Bennington Town Board meeting on  
October 11, 2023
36. Will the project change runoff of rainwater?

How will it affect local wells, and reservoirs?

Refer to SWPPP regulated plan from the DEC. Pivoted panels, sheet flow of water, maintain existing runoff.

37. July 12 town board minutes show 10% savings, accommodating 800 homes; Today the savings is 5%, accommodating 400 homes. Which is it? current discount is 5%.
38. Where are the EPA test results?  
See application.
39. What is the efficiency of panels with our North limited sun exposure?  
Public information regarding output is available on line.
40. Will the fire department have access?  
Yes. Safety features built in to address fuses, shutoffs and arcing. There are no heavy metals in the panels. Will provide test of panels to town.
41. What is the country of origin of panels?  
Some USA plants, China, Vietnam.
42. How is wildlife affected?  
An environmental impact study in review shows no impact.
43. Where do workers come from during construction?  
Local construction companies using local workers.
44. Can the project be modified as it stands?  
Current project cannot be modified.
45. What does PILOT mean?  
Payment In Lieu of Taxes. The town will receive a negotiated amount to be determined.
46. Is there battery storage; such as lithium?  
There is no storage of batteries in this project.
47. Is there training for fire fighting?  
Yes. On site training to be provided with a walk around on the project property.

### **Financial Report**

- Supervisor E. Grant presented the Monthly Report of Supervisor.

**Motion by: B. Bryman. Seconded by: B. Frounick to approve the Financial Reports ending August 31, 2023.**

**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

## **Communications**

Supervisor E. Grant presented:

- Folsom Trailblazers Snowmobile Club letter of thanks for land access.
- Signed agreement with Municipal Solutions.
- Justice Court report for July (Judges Linsey & Wawrzyniak) and August (Judge Linsey).
- State aid flier from NYSDOT.
- AOT fall training on Planning/Zoning.

Clerk J. Rosenthal presented:

- Info from DEC - Reinstein Woods Annual Fall Festival on Sept. 16.
- Wyoming County Zoning Department September 2023 report for August 2023 monthly report on projects & permits issued in Bennington. See attached.
- Certificates of insurance on file: KCM Custom Built Garages & Renewal by Anderson.

## **Minutes of Previous Meetings**

- Town Board members reviewed board minutes from the August 9 meeting and August 28 special session.

**Motion by C. Domes. Seconded by: B. Bryman to approve the minutes of the August 2023 Town Board meeting.**

**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

## **Departments**

### **Highway**

- Per workshop discussion, approval to begin site prep work for new building per quote of \$1,600 from MJ Landscaping & Excavation Co.

**Resolution #2023-9-1**

**2024/2025 Snow & Ice Agreement with Wyoming Co.**

Be it Resolved, that the Town Board hereby instructs the Town Supervisor to sign the 2024-2025 Snow and Ice Control Contract with Wyoming County for \$7,292.00 per centerline mile for 14.44 miles of County roads within the Town of Bennington for a total expenditure of \$105,296.48; 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: J. Mohun. Second: B. Frounick**  
**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Town Clerk/Tax Collector**

- Town Clerk's Monthly Report of disbursements total \$
- Increase in hunting licenses issued from August.

**Assessor**

- School tax bills mailed out to residents in September.

**Recreation**

- no report issued.

**Water District**

- no report issued

**New Business**

- Attica Central School – Correction Board Meeting January 2024

**Resolution #2023-9-5      Attica Central School Use of Town Hall**

Be it Resolved, that the Town Board hereby permits the use of the Bennington Town Hall by the Attica Central School District for a Board of Education Meeting to be held on January 11, 2024.

**Motion by: J. Mohun.      Seconded by: B. Frounick**  
**Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.**

**Resolution #2023-9-6      Set Date of 2024 Budget Workshop Session**

Be it Resolved that the Bennington Town Board will meet on Saturday, October 7, 2023 at 9:00 a.m. at the Town Hall, 905 Old Alleghany Road, Attica NY 14011 to review and make changes to the Tentative 2024 Town Budget; and

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

**Motion by: B. Bryman.      Seconded by: C. Domes.**  
**Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.**

**Resolution #2023-9-7      Set Date for Public Hearing on Local Law #1, Year 2023**  
**A Local Law to Authorize the Town Board to Override the Tax Cap on the 2024**  
**Town Budget.**

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 #1, Year 2024, a Local Law Authorizing the Town Board to Exceed the NYS Property Tax Cap for the 2024 Town Budget, to occur at 7:30 p.m. on the 8<sup>th</sup> day of November, 2023; and

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

**Motion by: J. Mohun. Seconded by: B. Frounck.**  
**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Resolution #2023-9-8 Set Date of Public Hearing on 2024 Bennington Fire Co. Contract**

Be it Resolved, that the Bennington Town Board will hold a Public Hearing on the proposed 2024 Bennington Fire Co. fire and emergency medical services contract in the amount of \$110,000.00, 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 by: C. Domes. Seconded by: J. Mohun.**  
**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Petitions and public concern**

Local residents are concerned about the 55 mph speed limit on Stedman Rd. Supervisor Grant will contact NYS to request a study be enacted to review the speed limit.

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

Supervisor Grant attended a Board of Supervisors meeting earlier in the week and made mention that the local law was extended for 12 & 13 years old to hunt in Wyoming County. The program has been very successful with no accidents or issues since inception.

**Adjourn**

**Motion by: J. Mohun. Seconded by: C. Domes**

Bennington Town Board  
October 11, 2023

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

In attendance: Supervisor Grant, Council members C. Domes, B. Bryman, J. Mohun,  
Clerk Rosenthal. Absent: Highway Superintendent J. Jensen, Council member B.  
Frounick.

**Regular Board Meeting 7:30 p.m.  
Meeting Agenda**

**Call Meeting to Order; pledge of allegiance led by Council member C. Domes.**

**Open Public Hearing on Bennington Fire Co. 2024 Contract.  
Open Public Hearing on Special Use Permit – M. Woods, motor vehicle repair shop.  
Open Public Hearing on Delaware River Solar Project.**

**Financial Matters**      General Fund vouchers #204 to #224.    \$ 9,936.76.  
Highway Fund vouchers #205 to #225.    \$72,523.68.  
Cowlesville Water vouchers #40 to #42.    \$ 7,447.67.  
Cowlesville Light vouchers #24 to #25.    \$ 268.50.

***Motion by: J. Mohun. seconded by: B. Bryman to approve vouchers for payment.  
Ayes: 4.    Noes: 0.    Abstain: 0.    Absent: 1.***

**Financial Reports**

- Supervisor Grant presented the Monthly Report of Supervisor.

***Motion by J. Mohun. seconded by B. Bryman to approve the Financial Reports ending  
August 31, 2023.  
Ayes: 4.    Noes: 0.    Abstain: 0.    Absent: 1.***

**Hear comments on Bennington Fire Co. Contract/Close Public Hearing.**

- No comments presented.

***Motion by B. Bryman. Seconded by C. Domes to close public hearing.  
Ayes: 4.    Noes: 0.    Abstain: 0.    Absent: 1.***

**Resolution #2023-10-1 Bennington Fire Company 2024 Contract**

Whereas the Bennington Town Board has held a duly advertised Public Hearing on this 11<sup>th</sup> day of October, 2023 regarding the 2024 Contract between the Town and the Bennington Fire Company for fire and emergency medical services, now, therefore,

Be it Resolved, that the Town Board hereby approves a contract for services in the following amount: 2024 - \$110,000.00., and

Be it Further Resolved that the Supervisor is hereby authorized and directed to sign the above agreement for the Town.

***Motion: J. Mohun. Second: B. Bryman.***  
***Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.***

**Hear comments on Special Use Permit—M. Woods for motor vehicle repair shop/Close Public Hearing.**

- Michael Woods in attendance. Presented proof of notification to surrounding land owners, lease agreement and NYS DMV form letter per Wyoming County Zoning, Jenna Marley.

***Motion by C. Domes. Seconded by B. Bryman to close public hearing.***  
***Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.***

**Resolution #2023-10-2 Special Use Permit – Michael Woods, 979 Clinton St.**

Whereas, the Town of Bennington has held a duly advertised public hearing regarding the application of Michael Woods, 979 Clinton Street, Attica NY to operate a motor vehicle repair shop on the said premises; and

Whereas, the applicant has notified neighboring property owners of said application and public hearing; and

Whereas, the Town Board has reviewed said application and heard any/all comments regarding the proposed project; now, therefore

Be it Resolved that the Town Board hereby approves the Special Use Permit application of Michael Woods to operate a motor vehicle repair shop at 979 Clinton Street in accordance with any/all restrictions or conditions set by the Town and the State of New York, for an initial period of one year, renewable upon continued compliance with all restrictions, conditions and laws governing the same.

***Motion: B. Bryman. Second: C. Domes***  
***Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.***

**Hear Comments on Delaware Solar application for NY Bennington 1 solar farm; close Public Hearing**

Presenters: Dan Compitello, Chris Snyder

- Tree clearing less than original plan; now 1.2 acres. There is a site plan change due to comments and working with landowner.
- Line of site analysis presented per request. Six different view sheds shown that reviewed topography and trees. 1. Complete obstruction by trees. 2. Hill blocks

view. 3. Tree line of 294' obstructs line of sight. 4. Clear line of site for 600'. 5. Clear line of site for 1700'. 6. Project lower in grade than road providing a visual buffer.

- Fire safety issues addressed.

Comments from public addressed at podium with name and address requested prior to speaking. Sign in sheet available with finalized minutes. Detailed comments addressed to presenters.

***Motion by J. Mohun. Seconded by C. Domes to close public hearing.***

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

### **Resolution #2023-10-3 Set Date of Special Session**

Whereas, the Bennington Town Board has held duly advertised public hearings on September 13 and October 11, 2023 for the purpose of gaining resident comment on the application of Delaware Solar for the construction of NY Bennington 1 solar farm on property located at 1667 Church Road, property tax map number 4.00-1-3.1, said hearing to hear questions and concerns from the public and responses from the applicant, and

Whereas, the Board desires to supplement the draft State Environmental Quality Review with additional information obtained from residents and the applicant in response to said hearings and further review information prior to making a decision on the application, now, therefore,

Be it Resolved that the Bennington Town Board will hold a special session on Saturday November 4, 2023 at 9:00 am to finalize the SEQR and vote on the above application, and

Be it Further Resolved that the Town Clerk is hereby directed to advertise said special session in the legal newspaper of this Town.

***Motion: B. Bryman. Second: C. Domes***

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

### **Communications**

- Minutes of Previous Meetings: September 2023
- Justice Court report from Judge Wawrzyniak
- On going litigations; two pieces.
- Town Clerk Monthly Report
- Resident complaint forms forwarded to Wyoming County Zoning Dept.
- Wyoming County Planning Dept. press release on broadband infrastructure.
- Wyoming County Zoning Dept. monthly report for Sept. 2023.
- Certificates of Insurance presented to the Town.
- WyCo. Solar Eclipse info @ [www.DarkSkyWNY.com](http://www.DarkSkyWNY.com)

***Motion by J. Mohun, seconded by C. Domes to approve the minutes of the September 2023 Town Board meetings 8.***

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

## Departments

### Highway

- Highway crew on winter work schedule of 5 days per week/8 hours per day.
- Superintendent Jensen negotiating warranty on tractor.
- All trucks have framework in place to accommodate plows for upcoming season.
- Researching equipment so hydraulic hoses can be made in house. Time and money savings to be reviewed based on money spent last two years purchasing these items from outside sources. Town clerk to assist in reviewing prior invoices.

### Town Clerk/Tax Collector

- See communications

### Assessor

- Assessor Kirsch involved in outside training and testing.

### Zoning/Planning

- See Wyoming County Zoning Dept. monthly report for Sept 2023.
- Interest from a resident in joining the planning board.
- Planning Board to provide upcoming meeting agenda for activities.

### Recreation

- Pine Tree Park on Lapp Rd. will have restrooms winterized and pumps pulled.

### Water District

- Nothing to report.

### New Business

#### **Resolution #10-4 Set date of public hearing on Cowlesville Fire Co Contract**

Be it Resolved, that the Bennington Town Board will hold a Public Hearing on the proposed 2024-2026 Cowlesville Fire Company fire and emergency medical services contract in the amount of \$90,370 for 2024, \$94,890 for 2025 and \$99,630 for 2026 and the 8<sup>th</sup> day of November, 2023 at 7:30 at the Bennington Town Hall, and

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

**Motion : C. Domes. Second: B. Bryman.**  
**Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.**

#### **Resolution #2023-10-5 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: C. Domes  
*Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.*

**Resolution #2023-10-6 Set Date for Public Hearing on the Proposed 2024 Town Budget**

Be it Resolved, that the Town Board hereby sets the date of the 2024 Town Budget Public Hearing as the 8<sup>th</sup> day of November, 2023 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.

*Motion by J. Mohun, seconded by C. Domes.*  
*Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.*

**Resolution #2023-10-7 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 Tuesday October 31, 2023 from 5:00 pm to 8:00 pm and that the Town Clerk is directed to advertise the same.

*Motion by C. Domes, seconded by J. Mohun.*  
*Ayes: 4. Noes: 0. Abstain: 0. Absent: 1.*

**Petitions and public concerns**

- Resident on Church Rd, who is a neighbor (.3 a mile away) to the dog rehabilitation center is very concerned about constant barking that comes from the AAOAA property, 24 hours per day. Would like Board to review and consider zoning to curb noise.
- Per Town Board, these issues need to be address in our zoning laws.
- November 8 Town Board meeting to address dog issues with Justa Goodell from Wyoming County Animal Control.

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

- Supervisor Grant attended County Supervisors meeting; Monroe Ambulance Co. has cancelled service in Wyoming County as of Sept 14, due to lack of personnel.
- Wyoming County to provide ambulance service.

**Adjourn**

*Motion by J. Mohun, seconded by C. Domes*

**Bennington Town Board Meeting Minutes  
November 8, 2023**

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

In attendance: Supervisor E. Grant, Highway Supt. J. Jensen, Councilmembers D. Domes, B. Bryman, J. Mohun, B. Frounick, Clerk J. Rosenthal.

Workshop Discussion: Tractor warranty delayed in being purchased due to cost, \$8,500 for 5 year warranty; increased now to \$11,000. Highway building requires a firewall, per engineers on the project; estimates to be presented when available. Supervisor Grant requested a certificate of insurance from the contractor, Stately Construction, Clarence, NY. New plow purchased for Truck 129. Highway Supt J. Jensen reviews upcoming auctions for good used vehicles to replace the aging fleet. Solar project SEQR (state environmental quality review act) has been sent to Town engineers for review, to be finalized at the December 6 meeting; also final vote from Town Board.

**Regular Board Meeting 7:30 p.m.  
Meeting Agenda**

**Call Meeting to Order; pledge of allegiance led by Councilmember B. Frounick.**

**Open Public Hearing on Cowlesville Fire Co. 2024-2026 Contract  
Open Public Hearing Local Law #1, Year 2023 – Override Property Tax Cap  
Open Public Hearing on 2024 Town Budget**

**Hear comments on Cowlesville Fire Co. Contract**

Resident William Dellapenta thanked firemen for their service to the community.  
No additional comments.

***Motion by J. Mohun, seconded by B. Frounick to close the public hearing.***  
***Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

**Resolution #2023-11-1      Cowlesville Fire Company 2024-26 Contract**

Whereas the Bennington Town Board has held a duly advertised Public Hearing on this 8th day of November, 2023 regarding the 2024-26 Contract between the Town and the Cowlesville Fire Company for fire and emergency medical services, now, therefore,

Be it Resolved, that the Town Board hereby approves a contract for services in the following amount: 2024 - \$90,370.00; 2025 - \$94,890; 2026 - \$99,630.00, and

Be it Further Resolved that the Supervisor is hereby authorized and directed to sign the above agreement for the Town.

***Motion: B. Brandon. Second: B. Frounick***  
***Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

**Bennington Town Board Meeting Minutes  
November 8, 2023**

**Financial Matters**      General Fund vouchers #225 to #242.    \$10,739.46.  
Highway Fund vouchers #226 to #243.   \$66,421.18.  
Cowlesville Water vouchers #43 to #48   \$7,244.43.  
Cowlesville Light vouchers # 26         \$     -.90.

*Motion by J. Mohun, seconded by C. Domes to approve vouchers for payment.*  
*Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.*

**Financial Reports**

Supervisor Grant presented the Monthly Report of Supervisor.

*Motion by B. Frounick, seconded by B. Brandon to approve Financial Reports ending October 31, 2023.*  
*Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.*

**Communications**

Presented by Supervisor E. Grant

- DEC has fire assistant grants available with 50-50 matching funds.
- presented an email newsletter from Association of Towns regarding regulating temporary signage in resident yards.
- Bank of Green County updates on Bond Notes.
- Wyoming County Youth Bureau has a grant available for promoting youth team sports in the county.

Presented by Clerk Rosenthal:

- Town's Clerk monthly report.
- Wyoming County Zoning Department monthly report for October 2023.
- YTD marriages 11. Death 10.
- Creating a Resident email list to correspond with locals on legal notices and possible other updates.

**Minutes of Previous Meetings**

*Motion by J. Mohun, seconded by C. Domes to approve the minutes of the October 2023 Town Board meetings.*  
*Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0*

**Bennington Town Board Meeting Minutes  
November 8, 2023**

**Departments**

**Highway**

- Addition to highway garage is underway with estimates needed for a firewall.
- New plow for Truck 129 has arrived and is being installed.
- Tractor - extended five year warranty is \$11,160.

*Motion by C. Domes, seconded by B. Bryman to approve purchasing the five year warranty for the tractor.*

*Ayes: 5. Noes: 0. Abstain: 0. Absent: 0*

**Town Clerk/Tax Collector**

- no report

**Assessor**

- renewing applications for exemptions

**Zoning/Planning**

- Special Use Permit – Sugarbush Armory

**Recreation**

- Bennington Fire Co to host Santa Claus on December 17 at the firehall.

**Water District**

- Water System Operator to begin the process to switch out and install new water meters to the residents in the Cowlesville Water District. This will finalize the grant monies received to replace water meters.

**Hear comments on Local Law #1, Year 2023 – Entitled “Override the Tax Levy Limit**

Residents in attendance Christa Linsey, Lynn Dusen, Charles Espisito, Mark Prior, Jason Acquard, Karen DeYoung, William Dellapenta, Jenny Dimick, Kim Keicher, Steve Ortner, Dave Tyczka with much feedback from residents questioning and disagreeing with tax levy increase. Residents unhappy with unpaved roads, increase in house assessments, pay increase for highway department & town clerk, new highway building, and new plow truck.

Response from board: increase for replacing the aging highway fleet, update aging office equipment, increase budget to repair roads, keep up with increased costs for salaries, insurance and repairs of trucks/equipment. Highway building to be funded one half to one third by federal funds, balanced by a bond resolution. There is currently no federal funding available for road repair.

Current tax levy is \$2.96 per \$1,000; Town requesting increase to \$3.49 per \$1,000, a 15+% increase. Last time the tax cap was exceeded was 2017.

**Bennington Town Board Meeting Minutes  
November 8, 2023**

Not demonstrated at the meeting, however, a 15+% increase is equivalent to a \$159 per year increase in Bennington town tax, \$13.25 per month on a house valued at \$300,000.

Discussions developed and a request by resident Mark Prior to include the following interaction in the town minutes; Mrs. Dimick used profanity and made an obscene gesture to Councilman Bryman; in response, Bryman responded 'Don't act like an idiot'.

**Motion by J. Mohun, seconded by C. Domes to close the public hearing.**

**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0**

**Resolution #2023-11-2 Adoption of Local Law #1, Year 2023 Entitled Override the Tax Levy Limit Established in General Municipal Law Section 3-C**

The Town Board of the Town of Bennington met at a special session at the Town Offices of the Town of Bennington located at 905 Old Allegany Road, in the Town of Bennington, New York on the 8th day of November 2023 commencing at 7:30 p.m., and thereafter a public hearing was held at 7:30 p.m. at which time and place the following members were:

|                 |            |                 |
|-----------------|------------|-----------------|
| <u>Present:</u> | Supervisor | Ellen Grant     |
|                 | Councilman | Chris Domes     |
|                 | Councilman | Joyce Mohun     |
|                 | Councilman | Bernie Frounick |
|                 | Councilman | Brandon Bryman  |

**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**, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” add a new section 3-c. to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

**WHEREAS**, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

**WHEREAS**, a Notice of Public Hearing was duly published in the Town's official newspaper and said public hearing was held on November 8, 2023 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**, that the Town Board of the Town of Bennington feels it is in the best interests of the Town of Bennington to adopt said law.

**Bennington Town Board Meeting Minutes  
November 8, 2023**

**NOW ON MOTION OF** Councilman B. Frounick, which has been duly seconded by Councilman C. Domes, therefore, 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. 3 of 2023 entitled, "Override the Tax Levy Limit Established in General Municipal Law §3-c." 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.

**Motion: B. Frounick. Second: C. Domes**  
**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Hear Comments on Proposed 2024 Town Budget**

Residents requested a line by line review of the town budget to reduce spending.

Adjustments made to budget: remove funding for new plow truck for 2025 (\$100,000), remove new copier for town hall office (\$8,500), reduce contingency account by (\$11,500), remove picnic tables and disc golf for the park (\$2,000), decrease historian salary by (\$200), cut tire collection and utilize Wyoming County electronics collection (\$2,000), three councilmembers forfeited their annual salaries (\$2,000 ea). Total \$130,000.

Reductions reduced tax levy override from 15+% to 4.5%.

**Close the public hearing**

**Motion by C. Domes, seconded by B. Bryman**  
**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Motion by J. Mohun, seconded by C. Domes to remove a new plow truck from the budget.**

**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Resolution #2023-11-3 Adoption of 2024 Town Budget**

Be it Resolved, that, following a duly advertised Public Hearing held on the 8th day of November 2023, the Bennington Town Board hereby adopts the Proposed 2024 Town of Bennington Budget with a total levy of \$1,503,503.09 and authorizes the amounts therein to be levied upon the real property within the Town of Bennington on the 2024 Town and County tax bills.

**Motion by J. Mohun, seconded by B. Bryman.**  
**Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.**

**Bennington Town Board Meeting Minutes  
November 8, 2023**

**New Business**

**Resolution #2023-11-4 Authorize the Re-Levy of Unpaid Water Bills**

Be it Resolved, that the Town Water Clerk is hereby authorized to submit to Wyoming County Real Property Tax Services and the Wyoming County Budget Office a listing of parcels within the Cowlesville Water District with water payments in arrears, such amounts to be re-levied upon the 2024 Wyoming County/Town of Bennington Real Property Tax Bills.

*Motion: J. Mohun. Second: C. Domes.*

*Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.*

**Resolution #2023-11-5 Authorize the establishment of an Escrow Account**

Be it Resolved, that the Town is hereby authorized to establish an escrow account for the purposes of Town expenses related to review of the application of Delaware River Solar, said account to be fully funded by the applicant and to be held separately from all other Town financial accounts.

*Motion: J. Mohun. Second: C. Domes*

*Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.*

**Resolution #2023-11-6 Set Date of Public Hearing – Sugarbush Armory**

Whereas the Town of Bennington has received an application to modify the existing Special Use Permit issued to Sugarbush Armory, Clinton St., Attica NY; now therefore,

Be it Resolved that a Public Hearing is hereby scheduled for December 6, 2023 at 7:30 p.m. to hear public comments on the above application. The public is also invited to submit comments in writing prior to the hearing to the Town Clerk, 905 Old Alleghany Road, Attica NY 14011; and

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

*Motion: B. Frounick. Second: B. Bryman*

*Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.*

**Bennington Town Board Meeting Minutes  
November 8, 2023**

**Petitions and public concerns**

A resident expressed interest in participating in the budget planning process and becoming involved in other town committees.

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

Wyoming County interviewed candidates for County Administrator; possible start date January 1, 2024.

Monroe Ambulance Service has canceled their contract with the county for ambulance service. Wyoming County has begun a new County Ambulance and EMS Service with a start date of mid December 2023. A program coordinator has been hired.

Wyoming County budget hearing is November 28 at 12:30 pm. The budget will be available for review next week.

**Number of residents in attendance: approximately 30**  
**Adjourn 11:30 pm**

***Motion by J. Mohun, seconded by C. Domes***

**Bennington Town Board**

**December 6, 2023**

**Workshop Session 6:30 pm.**

**Audit of bills, Highway Dept. report, review of Board Meeting Agenda.**

**In attendance:**

**Town Supervisor Ellen Grant, Council Members Brandon Bryman, Chris Domes, Bernie Frounick, Joyce Mohun, Highway Superintendent Jake Jensen, Clerk Joanne Rosenthal.**

**Workshop discussion: Highway Supt J. Jensen discussed paving projects on his agenda for spring/summer 2024. Roads to include Burrough, Stedman, Tinkham with a tentative cost of \$388,000. Final discussion with Supervisor & Council Members on Part 1 of SEQR prepared by solar applicant Delaware River Solar and Parts 2-3 of the SEQR documents prepared by the Town with Engineer J.P. Schepp, P.E. of MRB Group, Engineering, Architecture & Surveying, D.P.C.**

**Regular Board Meeting 7:30 pm.**

**Meeting Agenda**

**Call Meeting to Order by Supervisor E. Grant. Pledge of Allegiance led by Council Member C. Domes.**

**Open Public Hearing Special Use Permit Application - Sugarbush Armory.**

**Financial Matters:** General Fund Vouchers #243 - 258. \$ 14,037.55  
Highway Fund Vouchers #228 - 242. \$ 60,441.97  
Cowlesville Water Vouchers #49. \$ 7,551.49  
Cowlesville Light Vouchers #27. \$ 131.98

***Motion by J. Mohun, seconded by B. Frounick to approve vouchers for payment.***

***Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

**Financial Reports:**

**Supervisor E. Grant presented the Monthly Report of Supervisor.**

***Motion by J. Mohun, seconded by B. Bryman to approve the Financial Reports ending November 30, 2023.***

**Bennington Town Board  
December 6, 2023**

**Old Business:**

*A Yes to this resolution = a Negative Declaration which means the planning boards determine the project will not have an adverse environmental impact and can proceed as planned.*

**Resolution #2023-12-1      Delaware River Solar**

**Resolution Regarding the Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance.**

WHEREAS, The Town of Bennington Town Board is considering a Special Permit and Site Plan approval for the construction of a 2.063 megawatt (MW) alternating current (AC) solar photovoltaic facility occupying approximately 13 acres of 99+/- acre parcel located on Tax Number 4.0103.1 at Church Road in the Town of Bennington, Wyoming County, New York and as described in the Site Plans and all other relevant information submitted as of December 5, 2023 (the "current application"); and

WHEREAS, The Town Board has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, The Town Board determined that said Action to be subject to a coordinated review and approval by other involved agencies under SEQR regulations; and

WHEREAS, The Town Board has been designated the lead agency, under the provisions of Part 617.6 (3) and (4) of article 8 of the State Environmental Conservation Law; and

WHEREAS, The Town Board has given consideration to the comments provided by the involved agencies and interested agencies; and

WHEREAS, The Town Board has completed its review of Parts 2 and 3 of the Full Environmental Assessment Form (EAF); and

WHEREAS, The Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) of the SEQR regulations and the information contained in Parts 1, 2, and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the findings contained in Parts 2 and 3 of the Full EAF and directs the Town Supervisor to sign and date the Full EAF Part 3.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

(l) There will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

**Bennington Town Board**

**December 6, 2023**

- (ii) There will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) There are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) The site will not negatively impact an identified archaeological sensitive area;
- (v) There will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vi) There will not be any hazard created to human health
- (vii) There will not be a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses
- (viii) There will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (ix) There will not be created a demand for other Actions that would result in one of the above actions;
- (x) There will not be changes in two or more of the elements of the environment that, when considered together, result in substantial adverse impact; and
- (xi) There are not two or more related Actions which would have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that said Action WILL NOT result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED, that the Town Board does hereby make a Determination of Nonsignificance on said Action, and the Town Supervisor is hereby directed to issue the Negative Declaration as evidence of the Town Board determination of environmental non-significance.

**Motion: J. Mohun. Second: C. Domes.**

**Ayes: 3. E. Grant, J. Mohun, C. Domes. Noes: 1. B. Bryman**

**Abstain: 1 B. Frounlick - conflict of interest. Absent: 0**

**Bennington Town Board  
December 6, 2023**

**Resolution #2023-12-2      Delaware River Solar - Special Permit Application**

Whereas, the Town of Bennington has received an application for the construction of NY Bennington 1 LLC, a 2.063 MWac solar farm array to be located at 1667 Church Road, Darien Center, NY, tax map #4.00-1-3.1, applicant Delaware River Solar, and

Whereas, the Town Board, having declared Lead Agency Status, has received no comments from affected municipalities/agencies and

Whereas, the Town Board has held a duly advertised Public Hearing on September 13, 2023 and October 11, 2023 and received both oral and written comments from residents during and subsequent to those dates and

Whereas, the Town Board, as Lead Agency has completed a State Environmental Quality Review of the project in conjunction with the Town Engineer and Town Planning Board, issuing a Negative Declaration as to the environmental impact of the proposed project, now therefore,

Be it Resolved, that the Town Board hereby grants a Special Use Permit for NY Bennington 1 LLC, conditional on compliance with the following items:

1. Applicant shall install natural screening to provide visual buffering of the project.
2. Applicant shall provide to the Town Clerk copies of all permits and/or agreements related to the construction of the project prior to commencement, including permits from the State of New York and the County of Wyoming.
3. Stormwater pollution plan copies shall be provided to the Town Clerk prior to obtaining any construction/building permits.
4. A Host Community Agreement shall be executed between the applicant and the Town.
5. Compliance with all requirements set forth in the final site plan review.
6. Applicant to provide a satisfactory proof for interconnection certificate. (a document issued by Distribution Network Operators certifying that a Small Power Project developer has passed construction specifications and that the interconnection test conducted by the Distribution Network Operator is pursuant to these Rules)
7. Engineering approval by Town Engineer.

***Motion by J. Mohun.      Second: C. Domes.***

***Ayes: 1. E. Grant.      Noes: 3. J. Mohun, C. Domes, B. Bryman.***

***Abstain: 1. B. Frounlick - conflict of interest.      Absent: 0***

**Bennington Town Board  
December 6, 2023**

**Communications**

Presented by Supervisor E. Grant:

- Marilla Town Board proposed Local Law to Amend Zoning Code to allow as an accessory use establishments where animals or fowl are slaughtered under certain circumstances.

**Minutes of Previous Meetings**

***Motion by B. Brandon, seconded by B. Frounick to approve the minutes of the November 2023 Town Board meeting.***

***Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

**Departments**

**Highway**

- See Shared Services Agreement between NYSDOT and Town of Bennington.

**Town Clerk**

- Town Clerk's monthly report.
- Wyoming County Zoning Department monthly report for November 2023.
- Wyoming County Building Department Property Maintenance Update.
- Vital Statistics update for 2023 YTD: Births 1. Marriages 12. Deaths: 11

**Assessor**

- Assessor out of town; no updates to report.

**Zoning & Planning**

- Supervisor E. Grant acknowledged Charles Dusel who has worked on the Town Planning Board for 30 years who will retire at the end of 2023. Although not present, Mr. Dusel was thanked for his many years of dedication and service to the Town.

**Recreation**

- No updates to report.

**Bennington Town Board**  
**December 6, 2023**

**Water District**

- Mark Pruitt, Cowlesville Water System Operator, will begin the project of replacement and installation of new water meters in the Cowlesville Water District, to be completed by the end of January 2024.

**Hear Comments on Special Permit Application - Sugarbush Armory.**

No comments from the public.

***Motion by C. Domes, Seconded by B. Frounick to close the Public Hearing.***

***Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

***Resolution #2023-12-3      Special Use Permit for Handgun Headquarters d/b/a  
Sugarbush Armory***

Whereas, the Town Board of the Town of Bennington has held a duly advertised public hearing regarding the Special Use Permit application of Kimo Brandon, Handgun Headquarters d/b/a Sugarbush Armory, 2065 Clinton St., Attica, New York on this 6th day of December, 2023 to hear comments regarding an addition to the existing structure, and

Whereas, the Town Board, having served as Lead Agency for the purposes of completion of the State Environmental Review Act process, has issued a negative declaration regarding the potential environmental impacts of said project, now, therefore,

Be it Resolved, that the Town Board hereby approves the application for a Special Use Permit by Sugarbush Armory, located at 2065 Clinton Street, Attica NY for the expansion of the facility through an addition of 16 feet by 200 feet on the west side of the existing structure, and be it

Further Resolved, that as the said facility has been in operation in excess of one year beyond the initial Special Use Permit required for the use with no complaints or issues made known to the Town, this Board hereby grants a renewal of the original Special Use Permit for a period of three years, said period to expire December 15, 2026 with all original conditions to remain in effect, pending filing of all related renewal forms and fees.

***Motion by: J. Mohun, Seconded by: B. Bryman.***

***Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

**Bennington Town Board  
December 6, 2023**

**Resolution #2023-12-4     AOT (Association of Towns) Conference**

Be it Resolved, that the Town Supervisor is hereby authorized to attend the 2024 NYS Association of Towns Conference and Training School February 17 to 21, 2024 and to serve as the Town's voting delegate to the Annual Business Meeting of the NYS Association of Towns.

**Motion by: C. Domes, Seconded by: J. Mohun.**

**Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.**

**New Business**

**Resolution #2023-12-5     Set Dates/Times of 2023 Year End Meeting and 2024  
Organizational/Regular Board Meetings**

Be it Resolved, that the annual Year-End Meeting of the Town Board shall be held on Wednesday, December 27, 2023 at 6:30 p.m. for the purpose of payment of 2023 accounts payables and any other business that may come before the Board; and

Be it Further Resolved, that the 2024 Organizational Meeting and Regular Meeting of the Bennington Town Board shall be held on Wednesday, January 3, 2024 at 7:30 p.m., with a workshop session to be held the same date at 6:30 p.m.; and

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

**Motion: J. Mohun. Second: B. Frounck.**

**Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.**

**Resolution#2023-12-6     Approve Reappointment of Richard Jensen to Wyoming  
County Traffic Safety Board**

Be it Resolved, that the Bennington Town Board hereby recommends the reappointment of Richard Jensen, 1909 Clinton Street, Attica NY as the Town of Bennington Representative to the Wyoming County Traffic Safety Board for a three year term, said term to expire December 31, 2026.

**Motion: J. Mohun. Second: B. Bryman.**

**Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.**

**Bennington Town Board  
December 6, 2023**

**Petition & Public Concerns**

Resident Karen DeYoung requested clarification on the two votes for Delaware River Solar.  
Vote #1: Yes. Negative Declaration. Answer: Explanation included below vote on page 2 of these minutes.

Vote #2: No. Special Use Permit. Answer: The project will not be moving forward in development.

Resident Christa Linsey requested a moratorium be put in place for future solar projects in the Town of Bennington. Supervisor E. Grant advised her request be put in writing and forwarded to the Town Clerk for further review by the Town Board and Town attorneys.

Residents Roman Bodarsky & Jenny Dimick made public apologies to town board members and fellow residents for emotional outbursts at previous public hearing discussions of solar projects.

Resident Dave Tycska inquired about answers to his previously submitted questions regarding the solar project. Town Clerk Rosenthal will review and respond.

Resident Christa Linsey requested the use of Facebook to notify residents of current events.  
Answer: The Town Clerk has an obligation to post legal ads in the legal section of a local newspaper with a paid circulation. A further step has been taken to develop a Town of Bennington resident email list to forward legal ad notifications. The town website: [www.benningtonny.com](http://www.benningtonny.com) posts all town board meeting minutes, agendas and is a wealth of information regarding available community services. Residents are encouraged to become familiar with the town website to stay informed.

Resident R. Bodarsky asked if grants are available to promote road repair and town businesses.  
Answer: Town Supervisor E. Grant replied the Town has utilized the services of several grant writers in the past; re: grant monies used for new water meters for Cowlesville Water District. Currently, no grant money funding is available for road repair.

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

Supervisor E. Grant attended a meeting of the Fire Chiefs for the Towns of Bennington, Cowlesville, Harris Corners and Varysburg regarding fire district maps and how they compare to current tax maps. The Wyoming County GIS Dept. (geographical information system) continues to review and resolve fire district boundaries.

**Adjourn at 8:45 pm. Attendance: 50+**  
**Motion: J. Mohun.**

**Bennington Town Board  
December 27, 2023**

6:30 pm

Workshop Session, Audit of Bills, Highway Dept report, Review Board Meeting Agenda.

**In attendance:**

Town Supervisor Ellen Grant, Council Members Brandon Bryman, Chris Domes, Bernie Frounick, Joyce Mohun, Highway Superintendent Jake Jensen, Clerk Joanne Rosenthal.

Workshop session discussion: Audit/Approve invoices for payment; Discussion to trade-in 2018 Chevrolet Silverado pickup truck w/extended cab, 118,000 miles, has electrical issues, no warranty; trade in value \$14,500. New 2024 GMC #2500 Service truck, 800 miles available at Basil Chevrolet, Fredonia NY. Tonight's meeting is considered a year end meeting, no public comments will be heard, including a moratorium for solar projects until the January 3, 2024 meeting.

**Annual Year End Board  
Meeting Agenda 7:30 pm**

**Call Meeting to Order; Pledge of Allegiance led by B. Bryman.  
Moment of silence and reflection in memory of the recent passing of former Highway Superintendent Ken Czworka.**

**Financial Matters**

|                            |           |              |
|----------------------------|-----------|--------------|
| General Fund Vouchers      | #259-269. | \$ 5,177.68. |
| Highway Fund Vouchers      | #243-249. | \$12,376.46. |
| Cowlesville Water Vouchers | #50-51.   | \$ 153.92.   |
| Cowlesville Light Vouchers | none.     |              |

***Motion by J. Mohun, seconded by B. Bryman to approve vouchers for payment.  
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. C. Domes***

**Communications**

No communication on financial reports until January 2024.

**Departments**

**Highway**

- Disposal of 2018 Chevrolet Silverado Pickup Truck w/extended cab. Purchase 2024 GMC #2500 Service Truck.

**Bennington Town Board  
December 27, 2023**

**Resolution #2023-12-7**

**Authorize the Disposition of 2018 Chevrolet Silverado Pickup Truck and the Purchase of 2024 GMC #2500 (gasoline) Service Truck.**

**Whereas**, the Town Board and Highway Superintendent hereby declare the 2018 Chevrolet Silverado Pickup Truck to be surplus equipment and that there is a need for a replacement truck for transporting personnel, equipment, and materials.

**Now, therefore be it Resolved**, that the Highway Superintendent is hereby authorized to purchase a replacement service truck and offer the 2018 Chevrolet Silverado Pickup Truck as trade-in value to Basil Chevrolet Buick at a net cost not to exceed \$50,000, said replacement to be a 2024 model with warranty.

**Motion: B. Bryman. Second: B. Frounlick.**

**Ayes: 4. Noes: 0. Abstain: 0. Absent: 1. C. Domes.**

**Town Clerk/Tax Collector**

- No report

**Assessor**

- Jim Kirsch absent

**Zoning/Planning**

- Renew Special Use Permit - SunEast

**Resolution #2023-12-8**

**Waiving the Limitations for the Special Use Permit Issued to the Niagara Solar Energy Project.**

**Whereas**, Duke Energy Renewables Solar, LLC (the "Applicant") submitted a Petition for a Change of Zone (the "Petition") and related applications for a Special Use Permit and Site Plan Approval (the "Applicants") to the Town Board of the Town of Bennington ("Town Board") to construct and operate a 20 MW solar energy facility to be known as the Niagara Solar Energy Project (the "Project") on property owned by Wayne Peirick, (Tax Map No. 16.-1-43 and 16.-1-34) in the Town of Bennington, Wyoming County, New York (the "Property");

**Bennington Town Board**  
**December 27, 2024**

**Whereas**, the Town Board granted the Petition and duly enacted Local Law No. 2 of 2019, entitled "A Local Law amending the Town of Bennington Zoning Law and Official Zoning Map to Rezone Two Parcels of Land Designated therein to Agricultural-Residential (A-R) to Allow for the Development of a Solar Energy Facility" and granted a Conditional Special Use Permit for the Project, and

**Whereas**, SunEast Niagara Solar LLC (hereafter referred to as "Applicant"), an affiliate of Cordelio Power acquired the Niagara Solar Energy Project in the Spring 2022,

**Whereas**, the Applicant has continued the development of the Project, including without limitation, including completion of several studies including wetland delineations, archaeological and historical studies, geotechnical soil sampling, topography and boundary surveys and ongoing electrical studies with the utility and New York Independent System Operator necessary to develop a final site plan. Additionally, the Applicant participated in NYSERDA's most recent competitive solicitation process which resulted in a NYSERDA contract. And seeks to extend the Special Use Permit consistent to allow for the Applicant to complete the site plan review process and to satisfy the remaining Special Use Permit conditions prior to a building permit being issued.

**Whereas**, the Applicant has requested that the Town Board extend the limitation for permits issued by the Town Board, including Special Use Permits, set forth in Section 1.1.1(M)(9) of the Town of Bennington Zoning Law for a period of two (2) years from the date of this resolution;

**Whereas**, the Town Board desires to allow the Applicant to continue the development of the Project as it is in the best interests of the Town of Bennington to do so.

**Now, THEREFORE, IT IS HEREBY, determined as follows:**

1. That the limitation in Section 1.1.1(M)(9) of the Town of Bennington Zoning Law is hereby extended for a period of two (2) years from the date of this resolution for the Special Use Permit for the Project to allow for its continued development;
2. That the Special Use Permit for the Project remains valid and effective;
3. All conditions of the Special Use Permit remain applicable to the Project unless satisfied to the reasonable satisfaction of the Town; and
4. This resolution shall take effect immediately.

**Motion by: J. Mohun. Second: B. Frounick.**

**Ayes: 2. J. Mohun, B. Frounick.**

**Noes: 1. B. Bryman.**

**Abstain: 0. Absent: 1. C. Domes.**

**Bennington Town Board  
December 27, 2023**

**Old Business**

**Resolution #2023-12-9 Resolution to Set a Public Hearing Regarding Proposed Local Law No. 1 of 2024, "Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law"**

**Whereas**, the Town Board of the Town of Bennington met at a regular board meeting at the Town Offices located at 905 Old Alleghany Road, Bennington, New York 14011 on the 27th day of December 2023, commencing at 6:30 pm at which time and place the following members were present; Supervisor Grant, and Councilmen J. Mohun, B. Frounick, B. Bryman, C. Domes.

**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**, the Town Board is considering adopting a proposed local law, entitled "Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law," which would allow for volunteer firefighters and ambulance workers who meet the conditions set by the local law to be granted a tax exemption relative to real property owned within the Town of Bennington; and

**Whereas**, the Town Board of the Town of Bennington finds it in the best interest of the Town of Bennington to hold a public hearing to consider the adoption of said local law; and

**Now** on a motion which has been seconded, be it

**Resolved**, by the Town Board of the Town of Bennington that a public hearing will be held on the proposed adoption of said local law, "Enacting a Property Tax Exemption for Volunteer Firefighters and Ambulance Workers Pursuant to Section 466-a of the Real Property Tax Law" on the 14th day of February 2024 at 7:30 pm, at which time all interested parties and citizens for or against the proposed law will be heard.

**Motion: J. Mohun. Second: B. Bryman.  
Ayes: 5. Nays: 0. Abstain: 0. Absent: 0.**

**New Business**

**Resolution #2023-12-10 Board/Committee/Position Vacancies/Appointment**

**Be it Resolved**, that Jacob Fitzpatrick, 27 South Shore Drive, Alden NY 14004 is hereby appointed to fill the unexpired term of Charles Dusel on the Bennington Town Planning Board for a term effective January 1, 2024 through December 31, 2025, and

**Be it Further Resolved**, that Jason Acquard, 1473 Church Road, Darien Center NY 14040 is hereby appointed to fill the unexpired term of Alfred Files on the Bennington Town Zoning Board of Appeals for a term effective January 1, 2024 through December 31, 2026 and

**Bennington Town Board  
December 27, 2023**

**Be It Further Resolved** that Michael Gadd, 535 Getman Road, Alden NY 14004 is hereby appointed to fill the unexpired term of Brandon Bryman on the Bennington Town Board, said appointment to be effective January 1, 2024 through December 31, 2024.

**Motion: B. Frounick. Second: J. Mohun.  
Ayes: 4. Nays: 0. Abstain: 1. B. Bryman. Absent: 0.**

**Discussion on Control of Animals**

Review zoning laws of nearby towns of Town of Darien, Town of Alden, Town of Marilla.  
Discussion to continue at future meeting(s)

# in attendance 20-25

Adjourn J. Mohun. Time: 7:45 pm.