

**Bennington Town Board
February 14, 2024**

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

In Attendance: Town Supervisor Ellen Grant, Council Members Chris Domes, Michael Gadd, Joyce Mohun,
Highway Superintendent Jake Jensen, Town Clerk Joanne Rosenthal. Absent Bernie Frounick.

Regular Board Meeting 7:30 p.m.

Call Meeting to Order by Supervisor Grant; pledge of allegiance led by C. Domes.

**Open Public Hearing on Special Use Permit Application - P. Siepierski/Mobile Autoworks
Open Public Hearing Local Law #1, Year 2024 – Volunteer Fireman Property Tax Exempt.
Open Public Hearing Local Law #2, Year 2024 – Moratorium on Solar Energy Projects**

<u>Financial Matters</u>	General Fund vouchers	#10 to #39.	\$ 13,014.25.
	Highway Fund vouchers	#21 to #49.	\$113,745.11.
	Cowlesville Water vouchers	# 3 to # 7.	\$ 7,220.21.
	Cowlesville Light vouchers	# 1 to # 2.	\$ 265.78.
	Bennington Fire Co.	# 1.	\$ 35,000.00.

***Motion by J. Mohun, seconded by Michael Gadd to approve vouchers for payment.
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.***

Financial Reports

Supervisor E. Grant presented the Monthly Report of Supervisor.

***Motion by C. Domes, seconded by J. Mohun to approve the Financial Reports ending January 31,
2024.***

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

Previous Business:

Hear Comments on Special Use Permit Application: Peter Siepierski/Mobile AutoWorks.

No public comments.

***Motion: J. Mohun. Second: M. Gadd to close the Public Hearing.
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.***

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Resolution #2024-2-1 Special Use Permit – Peter Siepierski, Mobile Autoworks

Whereas, the Town of Bennington is in receipt of an application from Peter Siepierski, d/b/a Mobile Autoworks, 220 Clinton Street, Cowlesville New York 14037 for a Special Use Permit to use property located at 90 Bullis Road, Alden NY 14004, tax map #14.-1-13.2 for the purpose of parking motor vehicles and motor homes temporarily while awaiting repairs, and

Whereas, a public hearing for the said application was held on this 14th day of February 2024, having been advertised in the legal newspaper of this Town and after hearing comments from the public regarding said application,

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 Peter Siepierski to construct and operate private parking lot 90 Bullis Road, for an initial period of one year, renewable upon continued compliance with any/all restrictions, conditions and laws governing the same.

Motion: M. Gadd. Second: C. Domes.
Ayes: All. (4). Noes: 0. Abstain: 0. Absent: 1.

Hear Comments on Local Law #1, Volunteer Fireman Exemption Year 2024.

Resident comments:

- Q. Is it possible to raise the percentage to 15%? Firemen are counted on by the entire community.
- A. Assessor J. Kirsch - NYS law allows a range of 1-10%. NYS must be petitioned to increase the percentage.
- Q. 10% of what?
- A. Assessor J. Kirsch - 10% of assessed value of home x Bennington tax rate of \$3.44 per \$1,000. ie: Assessed home with value of \$200,000 x .10 = \$20,000. \$20,000 x .00344 = \$68.80.
- Q. How many active members are there?
- A. Assessor J. Kirsch - approximately 25 members that own homes, 50 members that are not homeowners.

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Q. How does Harris Corners Fire Dept. fall within Bennington?

A. Fire lines are different from town lines.

Q. Where will funding come from if the resolution is approved?

A. Firemen must apply and turn in Form RP466 by March 1, 2024; the exemption is effective with 2025 taxes. Tax rate increase will be levied by taxpayers with an approximate increase of \$1 per \$100,000. ie: Assessed value of home \$200,000 will see an increase of \$2..

Council Member J. Mohun read a question and answer sheet supplied by the Cowlesville Fire Department; it is available from the Assessor for review.

Motion: C. Domes. Second: M. Gadd to close the Public Hearing.

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

Resolution #2024-2-2

Local Law #1, Year 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 for a Public Hearing on the 14th day of February, 2024, commencing at 7:30 p.m. thereafter a regular board meeting was held at which time and place the following members were:

Present: Council Members Mohun, Domes, and Gadd.
Abstain: Supervisor Grant due to conflict of interest.
Absent: Councilmember Frounick.

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 held public hearing on the proposed adoption of said local law on the 14th day of February, 2024 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

WHEREAS, the Town Board recognizes the serious decline in membership in volunteer fire companies throughout the state, the advancing ages of many of the active members and the challenges in recruiting and retaining membership; and

WHEREAS, without payment or remuneration, said volunteer fire and ambulance workers provide a vital service to our communities, working to protect the lives and property of our residents, visitors and those in our neighboring communities; an

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WHEREAS, this Board desires to provide a town property tax exemption to any qualified volunteer fireman or volunteer ambulance worker as an incentive to serve one of the fire companies/departments of the Town;

NOW ON MOTION OF Michael Gadd which has been duly seconded by Chris Domes, be it

RESOLVED, by the Town Board of the Town of Bennington feels it is in the best interests of the Town to adopt proposed Local Law entitled "Enacting a Property Tax Exemption for Volunteer Firefighter and Ambulance Workers pursuant to Section 466-A of the Real Property Tax Law."

Ayes: (3) C. Domes, M. Gadd, J. Mohun . Noes: 0. Abstain: 1 (E. Grant). Absent: 1.

Town Supervisor Grant read the following:

The Town of Bennington was served with a petition of Delaware River Solar to the NYS Supreme Court for an Order pursuant to Article 78 to annul, rescind and declare void the vote of the Board taken on December 6, 2023 that denied their application for a Special Use Permit and to grant the Permit with reasonable and appropriate conditions.

This matter, as well as all applicants, records, and the resident petition, was turned over to our Town Attorney and he has already undertaken work on responding to this action. It is anticipated that any outcome on the petition will occur several months from now.

Hear Comments on Local Law #2, Moratorium on Solar Projects Year 2024.

Discussed length of moratorium, if windmills would be included, work being done with other towns reviewing laws and updated State model by NYSERDA

Motion: J. Mohun. Second: M. Gadd to close the Public Hearing.

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

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Resolution #2024-2-3

Local Law #2, Year 2024 Establishing a Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects Within the Town of Bennington

The Town Board of the Town of Bennington met for a Public Hearing on the 14th day of February, 2024, commencing at 7:30 p.m. thereafter a regular board meeting was held at which time and place the following members were:

Present: Supervisor Grant, and Council Members Mohun, Domes, and Gadd.
Absent: Councilmember Frounick

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 held public hearing on the proposed adoption of said local law on the 14th day of February, 2024 at 7:30 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

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

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

NOW ON MOTION OF J. Mohun, which has been duly seconded by C. Domes, be it

RESOLVED, by the Town Board of the Town of Bennington feels it is in the best interests of the Town to adopt proposed Local Law entitled, "Establishing a Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bennington."

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

Communications

Minutes of Previous Meetings: December 27, 2023 and January 3, 2024 Meeting Minutes

Motion by J. Mohun, seconded by M. Gadd to approve minutes as presented for the December 27, 2023 and January 3, 2024 Board Meetings.

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

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Supervisor Grant presented:

1. Reserve Gas Co. provided 2024 emergency notification list.
2. Training for firemen 2/8/24.
3. Water Authority
4. Wyoming Co. Treasurer Office receipt for monies received.
5. Town of Bennington Justice Court 2023 audit statement.
6. Justice Court monthly reports.

Clerk Rosenthal presented:

1. Shared website information www.gowyomingcountynyevents.com for events happening in Wyoming County.
2. DECALS update - transition from Valeron to plain paper for hunting licenses beginning August 1, 2024. Supply chain issues in recent years have made it increasingly difficult and expensive for state fish and wildlife agencies to acquire Valeron and many states have already successfully made the transition to plain paper licenses and tags.

Departments

Highway

1. Ditching and roadwork continue in the town.
2. Purchase of a used 18' tilt trailer to haul/pickup pipe, equipment to worksites replace delivery charges from suppliers and equipment will not be driven up the highways.
3. March 2024 is when NY State bids are released for construction materials, stone and hauling so the Highway Superintendent can begin finalizing construction plans for 2024 work.

Town Clerk/Tax Collector

1. Town Clerk's monthly report.
2. Vital Statistics YTD 2024. Births 0. Deaths 0. Marriages 0.
3. Wyoming County Building Dept. Property Maintenance updates.
4. Wyoming County Zoning Dept. monthly update.
5. Tax Collection update.

Assessor

No report made.

Zoning/Planning

On-line training completed by members.

Recreation

Easter Egg Hunt to be held Saturday, March 23, 2024 at 11 am sharp. at the Bennington Fire Hall.

Water District

Meter Replacements continue in Cowlesville.

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New Business

Resolution #2024-2-4

Authorize 2024 Contract with Wyoming County for Zoning Officer Services

Be It Resolved, that the Town Supervisor is hereby authorized and directed to sign an agreement between the Town and the County of Wyoming for the provisions of Zoning Officer services in the amount of \$18,300.28 for the period January 1, 2024 through December 31, 2024.

Motion: J. Mohun. Second: M. Gadd

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

Resolution #2024-2-5

Set Date of Special Session of Town Board, Planning Board and Zoning Board of Appeals

Be it Resolved, that there shall be held a special session of the Town of Bennington's Town Board, Planning Board and Zoning Board of Appeals on the 28th day of February, 2024 at 7:00 p.m. at the Bennington Town Hall, 905 Old Alleghany Road, Attica New York to discuss the Town Zoning Law as relates to solar energy projects and other issues as identified by the Town Board.

Motion: J. Mohun. Second: C. Domes

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

Petitions and public concerns

Request by resident to amend December 6, 2023 minutes to reflect petitions against Delaware Solar project brought before Town Board. Clerk to record and amend minutes.

Any other Business to Come before the Board/County Matters

None.

Adjourn 9:30 pm.

attendance: approximately 40+

Motion by J. Mohun.