

Bennington Town Board  
November 6, 2024

Workshop Session 6:30 p.m.  
Audit of bills, Review Board meeting agenda

In attendance:

Supervisor Ellen Grant, Council Members Chris Domes, Bernard Frounack, Michael Gadd, Joyce Mohun, Clerk Joanne Rosenthal.

Regular Board Meeting 7:30 p.m.

**Call Meeting to Order 7:32 pm by Supervisor Grant; pledge of allegiance M. Gadd.  
Set Agenda - no changes.  
Report of Conflict of Interest - no conflicts.**

**7:35 pm. Open Public Hearing** - Local Law #H Year 2024 "A Local Law Providing for a Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Income Who are Sixty-Five Years of Age or Over and to Allow Said Owners of Real Property to have a Combined Income Not Exceeding \$24,400.

**7:36 pm. Open Public Hearing** Local Law #I Year 2024 "A Local Law Establishing the Amount of Exemption provided by Section 458-a and 458-b of the Real Property Tax Law for the Town of Bennington New York"

**7:37 pm. Open Public Hearing** on Proposed 2025 Town Budget

<b><u>Financial Matters</u></b>	General Fund vouchers	#117 to #139.	\$ 13,940.26.
	Highway Fund vouchers	#236 to #260.	\$286,437.23.
	Cowlesville Water vouchers	# 47 to # 52.	\$ 7,590.59.
	Cowlesville Light vouchers	# 10 to # 11.	\$ 299.78.

***Motion by J. Mohun, seconded by M. Gadd to approve vouchers for payment.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.***

**Financial Reports** Supervisor Grant presented the Monthly Report of Supervisor.

***Motion by J. Mohun, seconded by C. Domes to approve the Financial Reports ending October 31, 2024.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.***

**Unfinished Business:**

**Hear Comments on Proposed Local Law #H, A Local Law Providing for a Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Income Who are Sixty-Five Years of Age or Over and to Allow Said Owners of Real Property to have a Combined Income Not Exceeding \$24,400.**

Per Assessor J. Kirsch - Per 2024 tax rolls, there are 23 eligible parcels. Reapportioned amount \$3,777. Increase \$1 per \$100,000 of assessment. Verification of Income done through review of income tax return; does not include investments. Possibility of abuse? Possible however probably low.

**7:45 pm. Motion to Close Hearing: J. Mohun. Seconded: B. Frounick.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Hear Comments on Proposed Local Law #I, Year 2024, A Local Law Establishing the Amount of Exemption provided by Section 458-a and 458-b of the Real Property Tax Law for the Town of Bennington New York.**

Per Assessor J. Kirsch - Per 2024 tax rolls, eligible parcels include: Wartime veterans:161. Reapportioned amount \$14,097. Cold War veterans:12. Reapportioned amount \$423. Town of Bennington is at State default level. Wyoming County is at the State maximum default level. Approximate increase, for Bennington Town tax, would be \$9.50 on an assessed \$250,000 home . Would be effective with the 2026 tax roll. Surviving spouses continue to receive exemption as long as not remarried.

**7:50 pm. Motion to Close Hearing: J. Mohun. Seconded: B. Frounick.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

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**Resolution #2024-11-1 Proposed Local Law #H, A Local Law Providing for a Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Income Who are Sixty-Five Years of Age or Over and to Allow Said Owners of Real Property to have a Combined Income Not Exceeding \$24,400.**

**WHEREAS**, The Town Board of the Town of Bennington met for a Public Hearing on the 6<sup>th</sup> day of November, 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, Gadd and 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 a public hearing on the proposed adoption of said local law on the 6<sup>th</sup> day of November 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 impact of changes in the cost of living and property assessments during the past thirty years since the adoption of Local Law #2 Year 1990 providing for a property tax exemption for low income senior citizens, and the effect such changes have on the ability of low-income senior citizens to maintain home ownership within the town; and

**WHEREAS**, this Board desires to provide a Town property tax exemption to any property owner aged sixty-five (65) or older that qualifies through income eligibility for a property tax exemption equal to the amount of exemption available for County tax purposes;

**NOW ON MOTION OF Joyce Mohun** which has been duly seconded by **Michael. Gadd**, be it

**RESOLVED**, by the Town Board of the Town of Bennington hereby rescinds Local Law #2 Year 1990 and adopts proposed Local Law entitled "A Local Law Providing for a Partial Tax Exemption of Real Property Owned by Certain Persons with Limited Income Who are Sixty-Five Years of Age or Over and to Allow Said Owners of Real Property to have a Combined Income Not Exceeding \$24,400."

*Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.*

**Resolution #2024-11-2 Proposed Local Law #1, Year 2024, A Local Law Establishing the Amount of Exemption provided by Section 458-a and 458-b of the Real Property Tax Law for the Town of Bennington New York**

**WHEREAS**, The Town Board of the Town of Bennington met for a Public Hearing on the 6<sup>th</sup> day of November, 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, Gadd and 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 6<sup>th</sup> day of November 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, in recognition of the service of our local veterans to our country, desire to provide a real property tax exemption equal to the levels offered by the County of Wyoming for military combat veterans and Cold War veterans pursuant to the authority the Town has from Real Property Tax Law Section 458a and 458b in adopting such measures

**NOW ON MOTION NO MOTION MADE** which has been duly seconded by , be it

**RESOLVED**, that the Town Board hereby rescinds Local Law #3 of the Year 2008 and hereby adopts Local Law #1 Year 2024 "A Local Law Establishing the Amount of Exemption provided by Section 458-a and 458-b of the Real Property Tax Law for the Town of Bennington New York" providing for the following amounts of exemption:

Pursuant to Section 458a –subdivision 2 Paragraph (a) \$27,000; (b) \$45,000 and (c) \$90,000

Pursuant to Section 458b – the maximum allowable exemption from Town real property taxation shall be fifteen (15%) percent of the property assessment, not to exceed \$27,000 multiplied by the latest final state equalization rate for service during the "Cold War" and a percentage of the property's assessment equal to one-half of any service-connected disability rating not to exceed \$90,000 multiplied by the latest final equalization rate.

**Motion Withdrawn: J. Mohun. Second: C. Domes.**  
**Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**  
**Review and revisit after 2025 tax roll.**

**8:01 p.m. Hear Comments regarding Proposed 2025 Town Budget**

Supervisor Grant - budget presented under tax cap 1.02%. Total \$1,554,339.  
Year 2025 tax rate per \$1,000 of assessment is \$3.21 for General Fund and Highway Dept..  
Fire districts, lights and water added separately.  
Year 2024 tax rate was \$3.49 for the General Fund and Highway Dept.  
Highway Dept. 2025 final payment for the grader. \$50,000.  
Fiscal stress - progress being made to resolve a three year year pay back to the General Fund;  
cash flow issue occurs when payments for highway projects are paid to vendors, then the Town  
submits claims for reimbursements from New York State.  
Page 5, Employee benefits - reduced amount due to employees retiring from the system.  
The Historical Society committee received estimates for roof/gutter repairs. Donations have  
been made by local residents to cover the cost for the project. (\$12,000).  
Residents requested a hands-on workshop in 2025 to further understand how to read the  
budget.  
Supervisor Grant and the Town Board thanked for doing their due diligence keeping the budget  
under the tax cap.

**8:37 pm. Motion to Close Hearing: J. Mohun. Seconded: B. Frounick.**  
**Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Resolution #2024-11-3 Adoption of 2025 Town Budget**

**WHEREAS**, the Town Board of the Town of Bennington met for a Public Hearing on the 6<sup>th</sup> day  
of November, 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, Gadd and 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 the 2025 Town Budget on the 6th day of November 2024 at 7:30 p.m., at which time all  
interested parties and citizens for or against the proposed law were heard;

**NOW, THEREFORE, BE IT RESOLVED**, That the Town Board hereby adopts the 2025  
Proposed Town Budget with a total appropriations of \$2,272,163.77 and total taxable levy of  
\$1,554,338.77, and sets the salaries of the elected officials of the Town of Bennington at the following  
levels: Supervisor \$6,500; Clerk/Collector \$17,250; Councilman (4) \$2,000; Justice (2) \$8,500 and  
Highway Superintendent \$77,000.

**Motion by: J. Mohun. Second: C. Domes.**  
**Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**New Business:**

**Resolution #2024-11-4      Re-levy of unpaid Cowlesville Water District Charges**

**BE IT RESOLVED**, that the Water Clerk for the Cowlesville Water District is hereby authorized and directed to submit water usage accounts in arrears as of November 1, 2024 in excess of \$200.00 to the County of Wyoming for levy onto the 2025 County and Town tax bills

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

**Resolution #2024-11-5    Authorize Supervisor to attend 2025 Association of Towns Conference and serve as Delegate to AOT Annual Business Meeting**

**BE IT RESOLVED**, that the Town Supervisor is hereby approved to attend the 2025 Association of Towns Training School and Annual Meeting February 15-19, 2025 and

**BE IT FURTHER RESOLVED**, the Town Supervisor is hereby authorized to serve as the Town's Official Delegate to the AOT Annual Business Meeting.

*Motion: J. Mohun.    Second: M. Gadd.  
Ayes: All (5).    Noes: 0.    Abstain: 0.    Absent: 0.*

**Communications**

Supervisor Grant

1. Wyoming County IDA (Industrial Development Agency) held a public hearing on 11/6/24 to hear comments on the PILOT for the Church Road Solar Project.

Town Clerk

1. Waste Management Service Delays Due to Weather. Visit website [wm.com](http://wm.com) for details.

Board Members - No additions

**Minutes of Previous Meetings - Approved as submitted.**

**Departments**

**Highway**

1. State Aid claims submitted for reimbursements for road repairs.
2. The Highway Superintendent attended a workshop 'Running Your Highway Department' at Cornell University.

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3. Wednesday, 11/13/24. Closure of Sierk Rd between Cotton Hill & Maxon Rd. 8 am - 4 pm. Replacing culvert pipe.

**Town Clerk/Tax Collector**

1. Presented monthly report for October 2024.
2. Vital statistics YTD 2024. Births 0. Marriage Permits Issued 8. Deaths 11.

**Zoning/Planning**

1. Renewal of Special Use Permits for a three (3) year period.

**William Dunn - 1925 Maxon Rd., Varysburg 14167**

Storage of equipment for construction business.

No complaints received.

Approval letter mailed 11/12/24.

**David Ludwig - 76 Kern Rd., Cowlesville 14037**

Arrow Portable Signs

No complaints received.

Approval letter mailed 11/12/24.

***Motion by B. Frounick. Seconded by: C. Domes***

***Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.***

**Assessor**

none to report.

**Recreation/Parks/Cultural**

1. Historical Society Program 11/24/24 at 2 pm. at the Cowlesville Fire Hall, 361 Clinton St.  
'A Conversation with the Greatest Generation'  
Town Historian Michael Mohun to present an hour-long video.  
Program open to the public.

**Water District**

none to report.

**Petitions and public concerns**

none to report.

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

none to report.

**Adjourn 8:53 pm. Motion by J. Mohun.**

**Attendance: 12**