

Bennington Town Board
October 2, 2024

Workshop Session 5:00 p.m.
Audit of bills; Highway Dept report; review Board meeting agenda

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

Regular Board Meeting 6:00 p.m.

Call Meeting to Order at 6:10 pm; pledge of allegiance led by J. Mohun.

Open Public Hearing at 6:11 pm.

Proposed 2025 Contract with Bennington Fire Company.

Open Public Hearing at 6:11 pm.

Proposed Local Law #D, Year 2024, A Local Law Establishing Zoning Guidelines for Solar Energy Systems Zoning Updates and Amending Article II of the Town of Bennington Zoning Law Providing for the Creation of Zoning Overlay Districts and Solar Overlay Districts.

Set Agenda - no conflicts.

Report of Conflict of Interest - no conflicts.

Financial Matters

General Fund vouchers	#107 to #116.	\$6,877.84.
Highway Fund vouchers	#219 to #235.	\$46,835.63.
Cowlesville Water vouchers	#44 to #46.	\$11,663.20.
Cowlesville Light vouchers	#0	\$ 0

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 C. Domes, seconded by B. Frounick to approve the Financial Reports ending September 30 2024.

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

Unfinished Business:

Hear Comments on Proposed 2025 Bennington Fire Company Contract

No comments from the public.

Motion to Close by J. Mohun, seconded by B. Frounick.

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

Resolution #2024-10-1 Approval of 2025 Contract with Bennington Fire Company

Whereas the Bennington Town Board has held a duly advertised Public Hearing on this 2nd^h day of October, 2024 regarding the 2025 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: 2025 - \$112,500.00., 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: M. Gadd.

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

Hear Comments on Proposed Local Law Establishing Zoning Guidelines for Solar Energy Systems Zoning Updates and Amending Article II of the Town of Bennington Zoning Law Providing for the Creation of Zoning Overlay Districts and Solar Overlay Districts.

Supervisor Grant - reads Resolution.

Update: written comments will be accepted until October 22, 2024.

Send to Clerk @ benn-clerk.rr.rochester.com, mail in or drop off at Town Hall.

1. Highland Glen residents Charlie Eckert, Pat Cruikshank present comments and letters regarding how current law affects the solar project considered by that PUD. (Planned Unit Development)
2. Anthony Bell, Renewable Properties, representative for considered solar project at Highland Glen comments to re-evaluate minimum lot size, screening requirements.
3. Deb Huber - comments to change set back to 1,000'.
4. Mark Prior - comments to change set back to 1,000'.
5. Deb Oliveri - comments if any project is built, it shouldn't be seen.
6. Todd Meisner - comments each project site be reviewed individually.

Motion to Close by J. Mohun. Second: B. Frounick.

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

New Business:

Resolution #2024-10-2 Set date of Public Hearing Local Law # G Year 2024 “A Local Law Providing for a 2025 Tax Cap Override”

Be It Resolved, that the Town Board of the Town of Bennington hereby sets the date of the Public Hearing to hear comments on the proposed Local Law #G, Year 2024, a Local Law Authorizing the Town Board to Exceed the NYS Property Tax Cap for the 2025 Town Budget, to occur at 7:30 p.m. on the 6th day of November, 2024 at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY; and

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

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

Resolution #2024-10-3 Set date of 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.

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 #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 to occur at 7:30 p.m. on the 6th day of November 2024 at the Bennington Town Hall 905 Old Alleghany Road, Attica NY; and

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

Motion: M. Gadd. Second: B. Frounick.
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.

**Resolution #2024-10-4 Set date of Public Hearing 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”**

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 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” to occur at 7:30 p.m. on the 6th day of November 2024 at the Bennington Town Hall, 905 Old Alleghany Road, Attica NY; and

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

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

**Resolution #2024-10-5 Agreement between Town of Bennington and Wyoming
County for Snow and Ice Removal on County Roads within the
Town – 2025 – 2028**

Whereas, Section 135a of the Highway Law provides that the County Superintendent of Highways may contract with Municipalities for the control of snow and ice on County Highways subject to the approval of each of the Legislative Bodies of said County and Municipality; and

Whereas, the Town of Bennington is willing to perform the work of such control of snow and ice upon such terms, rules and regulations as deemed to be in the best interests of the people of the County of Wyoming and the Town of Bennington;

Now therefore be it Resolved, that the Town Board hereby agrees upon a three (3) year contract commencing October 15, 2025 and terminating October 14, 2028, said contract payments to be in the amount of: Year 1 \$106,740.48; Year 2 \$108,184.48; and Year 3 \$109,628.48 for 14.44 miles of County Roads within the Town.

Motion to table for further review.
Motion: J. Mohun. Seconded by: M. Gadd.
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.

Resolution #2024-10-6 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: M. Gadd.
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.

Resolution #2024-10-7 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 be Thursday October 31, 2024 from 5:00 pm to 8:00 pm and that the Town Clerk is directed to advertise the same.

Motion by: J. Mohun. Seconded by: B. Frounick.
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.

Communications

Supervisor Grant

1. Presented a Justice Court report for September.
2. Presented First Net information; a dedicated network for government agencies to inform the local public.

Town Clerk

1. Presented certificates of insurance from Frayne Brothers, Western NY Plumbing.
2. EZ Passes available at the Town Clerk's office. Cost \$25.

Board Members - none presented.

Minutes of Previous Meetings

Approved as submitted.

Bennington Town Board
October 2, 2024

Departments

Highway

1. Sierk Rd. paving project completed.
2. Ditching continues (Urf Rd.)

Town Clerk/Tax Collector

1. Monthly report for September 2024.
2. Vital Statistics YTD Births 0. Marriage Permits Issued 8. Deaths 11.

Zoning/Planning

Wyoming Co. reports not available.

Assessor

Reassessment of properties underway; now every three years to stay current with the market. Information available from the Assessor Jim Kirsch. Office hours 5-7:30 pm on Wednesday at the Town Hall offices.

Recreation/Parks

Winterizing properties; removing septic rentals, removing pumps and turning off water.

Water District

1. Repaired water leak at Sargent St. and Bullis Rd.
2. New water meter installation not yet completed.
A mandatory hookup is required if a mortgage is held on the property.

Petitions and public concerns

Resolutions are posted on the Town website. www.benningtonny.com

Budget meetings are open to the public; if a Town Board Workshop Session, public comments are not addressed.

Any other Business to Come before the Board/County Matters - none.

Adjourn at 7:43 pm.

Motion by J. Mohun

Attendance: 27.