

**Bennington Town Board  
January 3, 2024**

Workshop Session 6:30 pm  
Audit of bills, Highway Dept. report; review Board Meeting Agenda

**In attendance:**

Supervisor Ellen Grant, Council Members Bernie Frounick, Chris Domes, Michael Gadd, Joyce Mohun, Highway Superintendent Jake Jensen, Clerk Joanne Rosenthal

**Workshop Session Discussion**

Discuss modification of addition to highway building for cost savings; option of a three bay building instead of four bays. Jake Jensen to follow up with the contractor to revisit plans.

**2024 Organizational Meeting  
January 3, 2024. 7:30 pm**

Call Meeting to Order by Supervisor Grant; Pledge of Allegiance led by B. Frounick.

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

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

**2024 Town Salaries:**

Supervisor	\$ 6,500
Town Councilmen 4 @	1,950
Town Justice 2 @	8,500
Highway Superintendent	75,300
Town Clerk/Collector/Registrar	17,250
Deputy Town Clerk I	\$21.50/hour
Deputy Town Clerk II	\$18.50/hour
Budget Director	600
Town Assessor (sole)	27,750
Planning Board/Zoning Board of Appeals Member I**	\$40/meeting
Planning Board/Zoning Board of Appeals Member II**	\$25/meeting
Planning Board/ZBA Chair I	\$50/meeting
Planning Board/ZBA Chair II	\$30/meeting
Planning Board/ZBA/Assessment Review Secretary	\$18/hour
Board of Assessment Review Members	\$35/hour
Board of Assessment Review Chair	\$45/hour
Court Clerk	8,750
Town Bookkeeper	5,750
Town Custodian	2,500



**Bennington Town Board  
2024 Organizational Meeting  
January 3, 2024. 7:30 pm**

**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 best interest rate

**Authorized Personnel to Maintain Banking Accounts:**

General Fund/Highway Fund/Cowlesville Water Fund/Trust & Agency Account:  
Ellen Grant, Bernie Frounick, authorized signers.  
Ellen Grant, June Spencer authorized electronic/wire Transfers.

Town Clerk & Tax Collector Accounts:  
Joanne Rosenthal, Deanna Nikiel, authorized signers.

Justice Court Funds:  
Mark Lindsay and James Wawrzyniak, authorized signers.

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

**Official Meeting Dates:**

Town Board	Second Wednesday of the month. 7:30 pm. Town Hall. Workshop Session at 6:30 pm.
Planning Board	Third Wednesday of the month, 7:00 pm. Town Hall.
Zoning Board of Appeals	First Tuesday of the month, 7:00 pm. Town Hall as needed.
Official Election Places	District #1,2,3. 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 Office, Town Hall.  
Bennington Center, NY

**Bennington Town Board  
2024 Organizational Meeting  
January 3, 2024. 7:30 pm**

**C. Appointments**

**Appointments:**

Attorney for the Town	DiMatteo & Roach
Deputy Town Clerk I	Deanna Nikiel
Historian	Michael Mohun
Registrar	Joanne Rosenthal
Bookkeeper	June Spencer
Budget Director	Ellen Grant
Town Prosecutor	As appointed by Wyoming County District Attorney
Court Clerk	Christa Dake

**Appointments:**

Planning Board Chairman	Robert Gadd
Secretary, Planning Board	Donna Hummel
Secretary, Zoning Board of Appeals	Peggy Schmidt-Wlostowski
Town Hall Custodian	Carolyn Mruzek
Office for the Aging Representative	Faith McQueen
Town Park Custodian	John Perl
County Planning Board Represent.	Robert Gadd
Assessor	Jim Kirsch
Water System Operator	Mark Pruitt
Deputy Water System Operator	Keith Borden
Water Clerk	Judith Brown
Deputy Supervisor	Chris Dome & Joyce Mohun
Planning Board Member	Patricia Wawrzyniak
Zoning Board of Appeals Member	Richard Jensen

***Motion by: J. Mohun. Seconded by: B. Founick to approve  
Ayes: 5. Noes: 0. Abstain: 0. Absent:0***

**Bennington Town Board  
January 3, 2024  
Regular Board Meeting**

<b><u>Financial Matters</u></b>	General Fund vouchers # 1 - 9	\$ 6,453.62
	Highway Fund vouchers # 8 -20	\$105,773.22
	Cowlesville Water vouchers # 1 - 2	\$ 7,263.20
	Cowlesville Light vouchers # 0	no report

***Motion by B. Frounick, seconded by C. Dome 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 C. Domes to approve the Financial Reports ending  
December 31, 2023.  
Ayes: 5. Noes: 0. Abstain: 0. Absent: 0.***

**Communications**

Supervisor E. Grant - no report.  
Clerk J. Rosenthal - no report.

**Minutes of Previous Meetings**

***Motion by J. Mohun, seconded by B. Frounick to approve minutes as presented for the  
December 6, 2023 Board meeting.  
Ayes: 4. Noes: 0. Abstain: 1. M. Gadd. Absent: 0.***

**Departments**

**Highway**

- See Old Business

**Town Clerk**

- Town Clerk monthly report
- Vital Statistics
- Wyoming County mailed out 2024 County/Town tax bills on 12/29/23. Tax Collector now accepts payments during regular business hours. Payments with checks may be placed in a drop box located outside the entrance door to the town hall.

**Bennington Town Board  
January 3, 2024  
Regular Board Meeting**

**Assessor**

- Renewals have been mailed out.
- NY State is trending -6%.

**Zoning & Planning**

- A new contract for Zoning Services from Wyoming County will be discussed at the February 14, 2025 town board meeting.

**Recreation**

- No report.
- Vacancy remains open for a Recreational Director.

**Water District**

- No report.

**Old Business**

- Highway Building - discussion to scale back size of proposed addition so a firewall would not be required. The contractor will be contacted to draw new plans. Savings of \$50-60,000.

**New Business**

**Resolution #2024-1-1      Authorize Audit of 2023 Financial Records**

**Be it Resolved**, that the Town Board hereby approves engaging the services of Donald E. Przybyl, Municipal Accountant, 205 Shoreline Parkway, Apt. 3, East Amherst, NY 14051 to perform an audit of the Town of Bennington financial records, including those of the Town Court, Town Supervisor, Town Bookkeeper and Cowlesville Water Clerk for the period of January 1, 2023 through December 31, 2023 and to provide a written report of the same to the Town Board.

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

**Resolution #2024-1-2 Set Date of Proposed Local Law #2, Year 2024 Moratorium on Solar Energy Projects.**

The Town Board of the Town of Bennington met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Alleghany Road, Attica, in the Town of Bennington, New York on the 3rd day of January, 2023, commencing at 7:30 pm, at which time and place, the following members were:

Present:	Supervisor	E. Grant
	Council Member	B. Frounick
	Council Member	C. Domes
	Council Member	M. Gadd
	Council Member	J. Mohun
Absent:		0

**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 considered a proposed local law known as "Establishing a Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bennington," to temporarily halt development of solar installations, for an additional period of up to 6 months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

**WHEREAS**, the Town Board of the Town of Bennington recognizes that said proposed local law entitled "Establishing a Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bennington," is subject to a permissive referendum; and

**WHEREAS**, pursuant to section 239 1-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Wyoming County Planning Board for its comments; 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

**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 on the adoption of said local law

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

**RESOLVED**, the Town Board of the Town of Bennington will hold a public hearing on the proposed local law on the 14th day of February 2024 at 7:30 pm, at which time and place all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5. Nays: 0. Quorum Present: Yes. Dated January 3, 2024

**Bennington Town Board  
January 3, 2024  
Regular Board Meeting**

Goals of moratorium

- Assess zoning laws strengths and weaknesses.
- Review host agreement.
- Involve members of Town Board, Planning Board and Zoning Board.
- Address areas to be changed.
- Forum.

**Resolution #2024-1-3      Set Date of Public Hearing - Special Use Permit for Peter Siepierski, 90 Bullis Rd.**

**Whereas**, the Town of Bennington is in receipt of an application from Peter Siepierski d/b/a Mobile Autoworks, 220 Clinton St., Cowlesville, NY 14037 for a Special Use Permit to use property located at 90 Bullis Rd., 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**, said application necessitates a 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, February 14, 2024 at 7:30 pm 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: J. Mohun.    Second: B. Frounick.**  
**Ayes: 5.    Noes: 0.    Abstain: 0.    Absent: 0.**

**Petitions and Public Concerns**

Christa Lindsay -

Inquired why the same auditor has been used for 15 years.

- Don Przybyl is a retired NYS Auditor specializing in Municipal Accounting. Review and discuss involving a different auditor for a new set of eyes.

Shared the Town of Concord has a three year moratorium on solar, why is Bennington proposing only six months?

- Supervisor E. Grant - it is advised by our attorney to request six months as an extended moratorium loses credibility. The Town Board reviews all requests for renewals after six months.



**Bennington Town Board  
January 3, 2024  
Regular Board Meeting**

Inquired what is the road plan improvement for 2024?

- Supervisor E. Grant - the road improvement plan has not been finalized for 2024. It is a formal document utilizing NYS aid and Town tax dollars.

What is the five year plan, to help residents understand what can be expected?

- Supervisor Grant - the Highway Superintendent focuses on paving more roads instead of using oil and stone to facilitate easier travel and maintenance. The February 2024 town board meeting will further discuss the 2024 road improvement plan.

Dave Tyczka inquired regarding new Firefighters Law with higher exemption on property tax than current Veterans exemption.

Karen DeYoung inquired what is the current resident count for voting in NYS elections?

- Supervisor Grant to contact Board of Elections for exact number

What is the host community agreement regarding solar projects?

- Supervisor Grant can make available for review as each project has a HCA.

Jenny Dimick inquired about the status of a guardrail placement at the corner of Folsomdale and Schoelkopf Rd. Also, her property has been paved on Schoelkopf Road by the Wyoming County Highway Dept. when road improvements were done.

- Supervisor Grant will contact the Wyoming County Highway Superintendent and give Mrs. Dimick an answer by the end of the week.

Adjourn

By J. Mohun

Time: 8:30 pm

# Attendees 15

**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**

<b><u>Financial Matters</u></b>	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.***

**Bennington Town Board  
February 14, 2024**

**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 14<sup>th</sup> 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.

**Bennington Town Board  
February 14, 2024**

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 14<sup>th</sup> 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

**Bennington Town Board  
February 14, 2024**

**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.**

**Bennington Town Board  
February 14, 2024**

**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 14<sup>th</sup> 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 14<sup>th</sup> 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.**

**Bennington Town Board  
February 14, 2024**

**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.gowvomingcountynyevents.com](http://www.gowvomingcountynyevents.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.

**Bennington Town Board  
February 14, 2024**

**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 28<sup>th</sup> 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.**



**Bennington Town Board**  
**March 13, 2024**

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

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

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

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

**Set Agenda - no additions.**

**Report of Conflict of Interest - no conflicts.**

<b><u>Financial Matters</u></b>	Approve annual maintenance contract with WLB – Accounting/Water/Sewer/Town Clerk Plus software.		
	General Fund vouchers #40 to #59.		\$ 69,415.80.
	Highway Fund vouchers #50 to #75.		\$ 81,583.89.
	Cowlesville Water vouchers # 8 to #13.		\$ 11,723.26.
	Cowlesville Light vouchers #3.		\$ 369.48.
	Fire District Vouchers #2 to #5		\$183,868.20.

**Motion by J. Mohun, seconded by C. Domes to approve WLB Contract.**  
**Ayes: All (3). Noes: 0. Absent: 2.**

**Motion by C. Domes, seconded by J. Mohun to approve vouchers for payment.**  
**Ayes: All (3). Noes: 0. Absent: 2.**

**Financial Reports**

Supervisor E. Grant presented the Monthly Report of Supervisor

**Motion by J. Mohun, seconded by C. Domes to approve Financial Reports ending February 24, 2024**  
**Ayes: All (3). Noes: 0. Absent: 2.**

**Communications**

Supervisor Grant presented:

1. Justice Court report.
2. NYS Audit report.
3. 2024 Franchise/Special Franchise tentative report.
4. 2024 Communication tentative report.
5. WNY Land Conservancy Workshop.
6. Tompkins Insurance Reg.87 annual report.

**Bennington Town Board**

**March 13, 2024**

**Minutes of Previous Meetings**

**February 24, 2024 minutes approved as submitted.**

**Supervisor Grant suspended order of agenda; Town Attorney DiMatteo commented on Solar Moratorium and Proposed Wind Law Moratorium, also explained the terms of the Delaware River Solar stipulations to the Town Board Members and those in attendance.**

**Delaware River Solar Stipulations**

Whereas the Town of Bennington, in response to an Article 78 proceeding filed by Delaware River Solar, LLC, (DRS) to obtain a judgment to direct the Town to issue a Special Use Permit allowing DRS to construct and operate a large-scale solar energy system, has been in negotiation through our attorney, and

Whereas the Town Board feels it is in the best interests of the residents of this Town that it is unnecessary to 1) conduct further litigation; 2) engage in discovery by way of depositions, interrogatories, production of documents, and such other tools of discovery available and necessary to conduct proper and complete discovery; 3) retain experts to resolve all legal and economic issues or other issues/disputes arising from their relationship; and 4) have any and all factual and legal issues or other issues /disputes or the potential lawsuit resolved by a court of competent jurisdiction by way of trial; and as such, the Town and DRS have agreed to waive our respective rights to litigation, arbitration or mediation discovery proceedings and trial; now, therefore

Be it Resolved, that the Town Board hereby authorizes the Town Supervisor and the Attorney for the Town to execute said agreed upon stipulation; and

Be it Further Resolved, that the Town Supervisor is hereby directed to execute an Agreement for Payment of Municipal Engineering and Legal Expenses as pertains to said large-scale solar energy system with DRS.

**Motion: J. Mohun. Second: C. Domes.**  
**Ayes: All (3). Noes: 0. Absent: 2.**

**Departments**

**Highway**

- Ditching and grading roads continue with the cooperation of the mild weather.
- Equipment repair remains a priority.
- Cornell sponsored training sessions to take place in late March for Highway workers.
- Wyoming County sponsors Annual County Safety Training for Highway workers.

**Bennington Town Board**

**March 13, 2024**

**Town Clerk/Tax Collector**

- Monthly report.
- Vital Statistics YTD. Births 0. Marriages 1. Deaths 1.
- Wyoming County Building Department Property Maintenance updates.
- Wyoming County Zoning Department monthly updates.
- Certificate of Liability Insurance.

**Assessor**

- All exemption renewals have been mailed.
- NYS 90% equalization rate.
- Properties selling 10-15% over assessment.
- Attending April 2024 training offered by NYS.
- Fireman exemptions - received 7-8 applications.
- Maple Syrup weekend March 16-17 and March 23-24.

**Zoning/Planning**

- Zoning Board of Appeals members have on-line training available in March
- Planning Board members had on-line training available in February.
- Training modules available on-line after live schedule dates.

**Recreation**

- Easter Egg Hunt will take place March 23<sup>rd</sup> 11 a.m. sharp at the Bennington Fire Hall.
- Applications being accepted for a Director of the Recreation Dept.

**Water District**

- Water meter replacements continue to be installed in the Cowlesville Water District area.

**Unfinished Business**

**Resolution #2024-3-1**

**Rescind #2024-2-1 & Set Date of Public Hearing – Special Use Permit for Peter Siepierski, 90 Bullis Road**

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, said application necessitates a 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, April 3, 2024 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: J. Mohun. Second: C. Domes.**

**Ayes: All (3). Noes: 0. Absent: 2.**

Bennington Town Board

March 13, 2024

**Resolution #2024-3-2**

**Audit of 2023 Financial Records**

Whereas, the 2023 Financial Records of the Town Justice Court, Town Supervisor, Town Clerk/Collector and Cowlesville Water District Clerk have been presented and audited by Municipal Auditor Don Przybyl; and

Whereas following the said audit, a written report was presented to each Town Board Member for review and comment;

Now Therefore, Be it Resolved, that the Town Board hereby accepts the findings of the audit of the 2023 financial records of the Town, and authorizes the submission of said report to any applicable state agency.

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

**Ayes: All (3).    Noes: 0.    Abstain: 0.    Absent: 2.**

**New Business**

**Resolution #2024-3-3**

**Set date of Public Hearing - Local Law #3, Year 2024 Establishing a Temporary Land Use Moratorium Prohibiting the Development of Wind Energy Conversion Systems Within the Town of Bennington**

**WHEREAS**, all Board Members, have due notice of said meeting, and that pursuant to Article 7, subsection 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 considered a proposed local law known as "Establishing a Six-Month Moratorium on Applications, Approvals, and/or Construction or Installation of Wind Energy Systems and/or Wind Farms and/or Wind Energy Storage Systems" to temporarily halt development of wind installations, for an additional period of up to 6 months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

**WHEREAS**, pursuant to section 239 I-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Wyoming County Planning Board for its comments; 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

**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 on the adoption of said local law.

**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 will hold a public hearing on the proposed local law on the 3rd day of April, 2024, at 7:30 pm, at which time and place all interested parties and citizens for or against the proposed law will be heard.

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

**Ayes: All (3).    Noes: 0.    Absent: 2.**

**Bennington Town Board**

**March 13, 2024**

**Resolution #2024-3-4**

**Set Dates of Special Sessions of Town Board, Planning Board and Zoning Board of Appeals**

Be it Resolved, that there shall be held the following special sessions of the Town of Bennington's Town Board, Planning Board and Zoning Board of Appeals: **March 26, April 16, April 24, May 14, May 29 and June 6, 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 (3). Noes: 0. Absent: 2.**

**Resolution #2024-3-5**

**Agreement to purchase digital photocopier**

Whereas, the current digital photocopier Toshiba e-Studio357 used by the Town Clerk, Town Supervisor, Town Court and Cowlesville Water Clerk is deemed outdated and replacement parts for repair are no longer available; and

Whereas, the current photocopier also serves as printer and scanner by those departments, for documents including dog, birth, and marriage licenses, death certificates, water billing, and effective 2024 as the printer for all hunting licenses issued by the Town Clerk, it is deemed as essential equipment for government operations;

Now, Therefore, Be it Resolved, that the Town Board hereby authorizes the purchase of Toshiba e-Studio 3528a digital photocopier/printer/scanner in the amount of \$3,145.98 per New York State Contract PM68135 through Eagle Systems Office Technologies, 2421 Harlem Road, Buffalo NY 14225.

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

**Ayes: All (3). Noes: 0. Absent: 2.**

**Petitions and public concerns**

Amendments to December 3rd and 27th, 2023 minutes completed; Town website to reflect update. Results of audit; continued concerns are cost of highway repairs, increased cost of water from Erie County Water Authority.

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

None presented.

**Adjourn**

**Motion by J. Mohun**

**Attendance: 10-12**

**Bennington Town Board  
April 3, 2024**

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

In attendance: Supervisor Ellen Grant, Council Members Chris Dome, Mike Gadd, Joyce Mohun, Clerk Joanne Rosenthal. Absent: Council Member Bernie Frounick.

Regular Board Meeting 7:30 p.m.

**Call Meeting to Order by Supervisor Grant; pledge of allegiance led by M. Gadd.**

**Open Public Hearing on Special Use Permit application  
Open Public Hearing on Local Law #3 Moratorium on Wind Energy Systems**

**Set Agenda - no additions.**

**Report of Conflict of Interest - no conflicts.**

<b><u>Financial Matters</u></b>	General Fund vouchers #60 to #78	\$ 17,160.22
	Highway Fund vouchers #76 to #95	\$ 34,357.72
	Cowlesville Water vouchers #14 to #16	\$ 7,733.92
	Cowlesville Light vouchers # 0	\$ -
	Fire District vouchers #6	\$ 29,000.00

**Motion by J. Mohun, seconded by M. Gadd to approve vouchers for payment.**

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

**Financial Reports**

Supervisor Grant presented the Monthly Report of Supervisor.

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

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

**Hear Comments on Special Use Permit Application: Peter Siepinski, business parking lot**

Questions regarding site plan not displaying dimensions or distances for length of driveway, and size of parking area. Also a concern of how spring runoff of water could possibly channel water toward or into neighboring property if site work is done.

The Town Board requests better measurements, from the applicant, regarding length of driveway and footprint size of pad. Wyoming County will verify driveway placement and the Town Engineer will review water flow off property prior to the Special Use Permit being issued. The applicant will be issued a letter outlining needed documentation.

**Motion to Close Public Hearing:**

**Motion: J. Mohun. Second: M. Gadd**

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

**Bennington Town Board**  
**April 3, 2024**

**Unfinished Business**

**Resolution #2024-4-1 Special Use Permit for Peter Siepinski, 90 Bullis Road**

Whereas, the Town of Bennington is in receipt of an application from Peter Siepinski, 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, the applicant has notified neighboring property owners of said application and public hearing; and

Whereas, a public hearing for the said application was held on this 4<sup>th</sup> day of April 2024, having been advertised in the legal newspaper of this Town and after hearing comments from the public regarding said application,

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 Siepinski to construct and operate a business 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 as set by this Board.

**Table motion until May 8, 2024 meeting.**

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

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

**Hear Comments on Proposed Local Law #3 Establishing a Temporary Land Use Moratorium Prohibiting the Development of Wind Energy Conversion Systems Within the Town of Bennington**

Reviewed decision for length of moratorium, six month sets a goal post for action; renewable if more time is required to define regulations desired. Special session dates are April 16, 24, May 14, 29, and June 6 at Bennington Town Hall beginning at 7:00 pm.

**Motion to Close Public Hearing.**

**Motion by: M. Gadd. Second: C. Domes**

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

**Resolution #2024-4-2 RESOLUTION ESTABLISHING A SIX-MONTH MORATORIUM ON APPLICATIONS, APPROVALS, AND/OR CONSTRUCTION OR INSTALLATION OF WIND ENERGY SYSTEMS AND/OR WIND FARMS AND/OR WIND ENERGY STORAGE SYSTEMS**

The Town Board of the Town of Bennington met for a Public Hearing on the 3<sup>rd</sup> day of April, 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, Council Members Mohun, Domes and Gadd.  
Absent: Council Member Frounick

**Bennington Town Board  
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**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 3rd day of April, 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 wind energy and related energy storage 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 wind energy installations; and

**WHEREAS**, pursuant to section 239 1-m of the General Municipal Law, said local law with all supporting documents was submitted to the Wyoming County Planning Board for its comments; 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 **M. Gadd**, 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 Wind Energy Projects within the Town of Bennington."

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

**Resolution #2024-4-3                    SPECIAL USE PERMIT FOR THE NY BENNINGTON 1, LLC  
LARGE-SCALE SOLAR ENERGY SYSTEM PROJECT**

**BACKGROUND**

WHEREAS, Edward H. Halsted and Terry A. Halsted ("Owner") are the owners of an approximately 100.35-acre parcel of land located on Church Road in the Town of Bennington, Wyoming County, New York, identified on the Tax Map as Section 4, Block 1, Lot 3.1 ("Property");

WHEREAS, NY Bennington I, LLC (the "Applicant") is the lessee of a 13.364-acre portion of the Property (the "Project Site");

WHEREAS, on or about June 12, 2023, the Applicant submitted a Zoning Permit Application and supporting materials for a Special Use Permit and Site Plan Approval (the "Applications") to construct and operate a 2.063 MW/ac solar farm array to be known as the Church Road Solar Farm Project (the "Project") pursuant to the Town of Bennington Solar Law (Local Law No. 2 of 2017) on the Project Site;

WHEREAS, as part of its Applications, the Applicant submitted for the Town of Bennington Town Board's ("Town Board") review and consideration, the following materials in support of the Applications:



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- Full Environmental Assessment Form, Part 1, dated June 9, 2023, last revised December 4, 2023 ("Long EAF");
- Agricultural Data Statement, dated June 8, 2023;
- Preliminary Site Plan Set, dated June 12, 2023, last updated December 4, 2023 ("Preliminary Site Plan");
- Lease Agreement (redacted), dated October 21, 2021, by and between the Owner and Delaware River Solar, LLC ("DRS"), an affiliate of the Applicant ("Lease");
- Project Memorandum, dated June 21, 2023 ("Project Memorandum");
- Operations and Maintenance Plan, dated June 21, 2023 ("Operations and Maintenance Plan");
- Decommissioning Plan, dated June 21, 2023, revised December 4, 2023 ("Decommissioning Plan");
- ALTA Survey of Project Site, dated August 9, 2023;
- Line of Site diagrams, dated October 3, 2023 ("Line of Site Diagrams");
- Visual Renderings, dated December 4, 2023 ("Visual Renderings");
- New York State Electric & Gas Coordinated Electric System Interconnection Review, dated March 2, 2023 ("CESIR");
- Response to Public Hearing Comments, dated October 6, 2023 ("October Response to Public Hearing Comments"); and
- Town Engineer Comment Response letter dated December 4, 2023 ("December Response to Public Hearing Comments").

WHEREAS, on June 21, 2023, the Town of Bennington Planning Board ("Town Planning Board") reviewed the Project and provided comments to the Town Board;

WHEREAS, on or about July 12, 2023, the Town Board, having previously notified all involved agencies of its intent, declared itself as Lead Agency under the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively "SEQRA"), began reviewing the Project in its role as lead agency pursuant to SEQRA and the Town of Bennington Zoning and Solar Laws;

WHEREAS, on July 12, 2023, the Town Board referred the Project to the Wyoming County Planning Board ("County Planning Board") for review under GML 239m;

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WHEREAS, on August 7, 2023, the County Planning Board issued its Referral Response of no significant negative county-wide or inter-community impacts;

WHEREAS, on or about August 9, 2023, the Town Board issued a Resolution requiring the Project to enter into a PILOT with the Town, and set a Public Hearing for September 13, 2023 on the Special Use Permit;

WHEREAS, on or about September 13, 2023, the Town Board opened a duly noticed public hearing on the Special Use Permit and continued the public hearing to its October 11, 2023 meeting;

WHEREAS, on Saturday, November 4, 2023, the Town Board held a special session to finalize its SEQRA review of the Project;

WHEREAS, the Town Board coordinated the review of the Applications with several involved and interested agencies including the New York State Energy Research and Development Authority ("NYSERDA"), New York State Department of Environmental Conservation, Wyoming County Department of Planning and Development and New York State Department of Agriculture and Markets;

WHEREAS, the Town Board's consultant MRB Group, Engineering, Architecture & Surveying, D.P.C. ("MRB Group"), reviewed the Applications, the supporting materials submitted by the Applicant, including a revised Site Plan, Line of Site Diagrams, Visual Renderings, the public hearing comments and responses to public comments and advised the Town Board that no significant adverse impacts to the environment will result from the development and operation of the Project as proposed;

WHEREAS, on December 6, 2023, the Town Board considered the opinion of MRB Group, the criteria for determining significance as set forth in 6 NYCRR §617.7(c)(1) and the information contained in the Long EAF Part 1 and completed Part 2 and Part 3 of the Long EAF and issued a Negative Declaration under SEQRA.

**FINDINGS**

The applicable Permitted Special Use and Supplementary Regulations governing Large-Scale Solar Energy Systems contained in the Town's Zoning Law follows in italics, followed by the Town Board's findings with respect thereto:

**Article 3 Section 4 Permitted Special Uses**

**4.1 General Provisions**

*The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective district, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Local Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.*

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**4.2 Required Site Plan**

*A site plan as specified in Article V, Section 3 shall be submitted with each application for a special use permit.*

A submission of the Preliminary Site Plan, dated June 12, 2023 with subsequent revisions on October 4, 2023 and December 4, 2023 meet the requirements of this section.

**4.3 Standards Applicable to all Special Uses**

*a. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*

The Project Memorandum dated June 21, 2023 details the location and size of the system, the nature and intensity of the system, the size and location of the operation as it relates to the Project Site. Consistent with the Negative Declaration adopted by the Town Board, the Project does not discourage appropriate development and use of adjacent land and buildings or impair the value thereof.

*requirements of Article III Section 4 and Article V Section 3 of the Town of Bennington Zoning Law. b. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights, than would be the operations of any permitted use.*

The Project will not cause fumes or vibrations and there will be no flashing lights installed. Section 3 of the October Response to Public Hearing Comments contains information on Noise and provides that sound levels will dissipate and will not be audible at the Project fence.

Definition: *LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground mounted and produces energy primarily for the purpose of offsite sale or consumption.*

The Project meets the definition of Large-Scale Solar Energy System.

**Section 13: SOLAR ENERGY SYSTEMS**

*1.Purpose: The Town of Bennington recognizes that solar energy is a clean, readily available, and renewable energy source. The intent of this section is to set provisions for the placement, design, construction, and operation of such systems to uphold the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.*

*4.Large-Scale Solar Systems: Large-Scale Solar Energy Systems are permitted within the AG-Agricultural-Residential District and the M-Manufacturing District as a primary use (they are not permitted as an accessory use to supplement an existing business or household) upon issuance of a special use permit and site plan approval by the Town Board, consistent with the*

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The proposed Large-Scale Solar System is located in the M-Manufacturing District.

*A. Submission Requirements: The applicant shall submit the following information with an application for a special use permit and application for site plan approval which shall be in addition to the information required on the town site plan checklist:*

1. *If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.*

The property on which the Project will be located is leased from the Owner. A redacted Lease between the Owner and DRS, an affiliate of the Applicant, dated October 21, 2021 was provided.

The Lease is for a 13.364-acre Project Site. The lease term is for a development term and construction term of unspecified length, and an operations term of thirty (30) years commencing on the Project's Commercial Operation Date ("COD") and provides for the option to extend the term by mutual agreement in five- (5) year extension terms.

2. *Blueprints showing the layout of the Solar Energy System signed by a professional engineer or registered architect shall be required.*

A Preliminary Site Plan signed by Bergmann Architects, Engineers and Planners was provided with the Special Use Permit and Site Plan application. The Preliminary Site Plan was dated June 12, 2023, and revised in response to Town comments on October 4, 2023 and on December 4, 2023.

3. *The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.*

The Site Plan shows illustrative equipment. Project financing requires final land use approvals. Deposits to order system components can only be advanced after financing is finalized. Selection of system components will occur when orders for system components are made.

The submission of specification sheets of all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed shall be provided to the Zoning Enforcement Officer prior to issuance of a building permit.

4. *Property operation and maintenance plan that shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.*

The Operation and Maintenance Plan, at Section 2 and Section 4, contains detailed procedures for maintenance and property upkeep, such as mowing and trimming.

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5. *Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a professional engineer or contractor. Cost estimates shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not considered decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover the costs to the municipality.*

The Applicant submitted a Decommissioning Plan to the Planning Board dated June 21, 2023, and which was revised on December 4, 2023 to include a certified decommissioning estimate prepared by Robert Paul Switala, Public Engineer.

The Town Engineer has reviewed the Decommissioning Plan and determined it was adequate, and the Town Board concurs with this determination.

The Decommissioning Plan will be executed prior to issuance of a building permit.

6. *Bond. Proof of a bond with a surety recognized with the Town shall be filed with the Town for two and one-half times the cost estimate detailing the projected cost of executing the Decommissioning Plan and shall be provided along with the Decommissioning Plan.*

The submission of a bond in an amount acceptable to the Town from a surety acceptable to the Town will be provided prior to issuance of a building permit.

- B. *Standards for issuing a special use permit: The following standards shall be the basis for an approval of a special use permit for a Large-Scale Solar System and in addition to the general requirements of Article Ten (Special Use Permits) of this chapter:*

1. *Height. Large-Scale Solar Energy Systems shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall adhere to the height requirements of the underlying zoning district.*

The Site Plan at sheet C-015 at Detail 6 illustrates that height of the Large-Scale Solar Energy System will not exceed 15 feet at maximum panel tilt.

2. *Setbacks. Large-Scale Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district.*

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Compliance with the Town's Minimum Design Standards for Large-Scale Solar Energy Systems is evidenced on Site Plan Sheet C-005.

The front yard setback adheres to the setback requirement of 50 feet. The side yard setbacks adhere to the setback requirement of 20 feet.

3. *Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of ten (10) acres.*

The Large-Scale Energy System is located within a leased lot area of 13.364 acres, which is a portion of the 100.35 acre Property.

4. *Solar panels shall not occupy more than fifty (50%) percent of the Lot.*

The Bulk Table on Site Plan sheet C-005 evidences that the Large-Scale Energy System occupies 15.54% of the Property.

5. *All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing.*

A perimeter fence enclosing 12.45 acres of the Project Site is shown on Site Plan sheet C-005.

Warning signs to be placed on the entrance and perimeter fence will be provided by the manufacturer of the inverter. The Zoning Enforcement Officer will be provided with warning signs for approval prior to COD.

The Owner's contact information to be placed on the entrance and perimeter fence is detailed on Site Plan sheet C-016.

6. *Reasonable accessibility for emergency services vehicles shall be required and no photovoltaic system shall be installed until evidence has been given to the Town Board that the owner has been approved by the local fire department.*

Reasonable accessibility for emergency service vehicles is evidenced on Site Plan sheet C-009.

On October 10, 2023, further details of fire and emergency safety training were provided in comment responses and sent to the Fire Chief for approval. Approval by the Fire Chief shall be submitted to the Zoning Enforcement Officer at the time of application for a building permit.

7. *To the extent practical, all new distribution lines to any building, structure or utility connection must be located below ground.*

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All new utility lines to the riser poles near the point of interconnection with the NYSEG utility grid will be located below ground as shown on Site Plan sheet C-013.

8. *All Solar Energy Equipment must have a UL listing or equivalent.*

Since equipment will be procured after financing, all solar energy equipment's UL listing or equivalency will be provided to the Zoning Enforcement Officer prior to issuance of a building permit.

9. *All active Large-Scale Solar Energy Systems shall meet all requirements of the New York State Energy Research and Development Authority and the New York Uniform Fire Prevention and Building Code and shall be inspected by the Town of Bennington Zoning Code Enforcement Officer.*

During construction the inspection of all Large-Scale Solar Energy Systems shall occur by the Town of Bennington Zoning Enforcement Officer to ensure compliance with NYSERDA requirements and the New York Uniform Fire Prevention and Building Code.

10. *Utility Notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Town Board that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.*

The Applicant has provided evidence to the Town Board that the Project has been approved by the utility company to install the system by submission of the CESIR, dated March 2, 2023.

11. *Buffer zones shall be proposed and require approval of the Town of Bennington Town Board.*

Proposed buffer zones are shown on Site Plan sheet C-007 (labeled as the "Landscaping Plan"). The Landscaping Plan was prepared to include screening along Church Road that will adequately screen the Project from neighboring properties. The adequacy of this screening was verified by the Visual Site Assessment.

The Line of Site Diagrams, dated October 3, 2023 give visual growth renderings of existing vegetation; anticipated 5 year vegetation status; and anticipated 10 year vegetation status.

12. *Appropriate review shall be undertaken to determine the potential environmental impact of a project, including a State Environmental Quality Review, as well as site plan review as outlined in Article V, Section 3., Site Plan Requirements of the Zoning Law of the Town of Bennington.*

The Town Board declared itself as Lead Agency on July 12, 2023.

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The Applicant submitted a Long EAF. The Long EAF Part 1, dated June 9, 2023 was last revised on December 4, 2023. The Long EAF was reviewed by the Town Board at a special meeting held on November 4, 2023. On December 6, 2023, the Town Board adopted a Negative Declaration as evidenced by the Town Supervisor's signature on the Long EAF Part 3.

- C. *Abandonment: Solar energy systems are considered abandoned after three hundred and sixty-six (366) days without electrical energy generation and must be removed from the property.*

The Applicant submitted a Decommissioning Plan to the Planning Board dated December 4, 2023. The Town Engineer has reviewed the Decommissioning Plan and determined the sections which describe Abandonment, (Section 1 and Section 4.5), to be adequate. The Decommissioning Plan shall be executed and financial security in the form of a Bond shall be provided to the Town prior to issuance of a building permit.

As detailed above, the Town Board finds that the Project, as shown in the Preliminary Site Plan, satisfies all requirements for the issuance of a Special Use Permit for a Large-Scale Solar Energy Systems contained in the Town's Zoning Law.

**Decision**

Based on the foregoing findings and after review of the Applications and supporting materials, the Applicant's presentations at the June 21, 2023 Town Planning Board meeting; July 12, 2023 Town Board meeting; August 7, 2023 County Planning Board meeting; August 9, 2023 Town Board meeting; September 13, 2023 Town Board meeting; October 11, 2023 Town Board meeting; November 4, 2023 Town Board meeting; November 15, 2023 Town Planning Board meeting and December 6, 2023 Town Board meeting; after consideration of the comments made at the public hearings held on **September 13, 2023 and October 11, 2023**; \$10,000 per MW/AC within thirty (30) days of COD, (ii) an annual payment on the anniversary date of the COD in the amount of \$2,000 per MW/AC, wit11, 2023 and the Applicant's response to public hearing comments; and after due deliberation,

BE IT RESOLVED that the Town Board finds that the Applicant has submitted all applicable materials, met all applicable requirements as set forth in the Solar Law and hereby approves the Application and authorizes issuance of a Special Use Permit for the proposed large-scale ground mounted solar energy system in accordance with the layout, design, specifications and notes shown on the Site Plan, subject to all applicable laws and conditions; and, be it further

RESOLVED that the Town Board hereby authorizes the Supervisor or her designee to sign and stamp the Applicant's Site Plan and hereby authorizes the Zoning Enforcement Officer to issue a Special Permit for the construction and operation of the Project; and, be it further

RESOLVED that the foregoing Resolution(s) are subject to the following conditions:

1. The Applicant shall submit to the Zoning Enforcement Officer prior to the issuance of any building permit(s) the following:
  - a. A copy of a resolution from the Town Board granting Site Plan Approval of the Project;



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An executed Host Community Benefit Agreement, between the Applicant and the Town for the Project in a form subject to the reasonable approval of the Town's Special Counsel, which shall include: (i) a payment by Applicant to the Town of annual increases in an amount equal to 2% and (iii) for a term matching that of the Project through completion of decommissioning;

- b. Evidence of the Applicant and Wyoming County Industrial Development Agency entering into a Payment In Lieu of Taxation Agreement;
  - c. Copies of equipment specification sheets for the photovoltaic panels, mounting systems, inverters and all other significant system components pursuant to the requirements of Section 13(4)(A)(3) of the Solar Law; and evidence that electric components meet applicable UL Standards;
  - d. A copy of the property Operation and Maintenance Plan pursuant to the requirements of Section 13(4)(A)(4) of the Solar Law;
  - e. A Decommissioning Plan that will be implemented upon abandonment and/or in conjunction with the removal of the facility that complies with the requirements of Section 13(4)(A)(5);
  - f. A bond to secure the costs of decommissioning subject to the reasonable approval of the Town's Special Counsel and MRB Group as to form and amount pursuant to the requirements of Section 13(4)(A)(6) of the Solar Law;
  - g. A copy of a Road Maintenance Agreement approved as to form by MRB Group;
  - h. A permit from Wyoming County Highway Department for construction of the entry road to the Project Site, if one is required;
  - i. A Stormwater Pollution Prevention Plan ("SWPPP") approved by MRB Group or evidence that a SWPPP is not required;
  - j. Evidence of submission of an Emergency Response Plan to the Fire Department; and
  - k. Start of construction of the Project not later than eighteen (18) months after the later issuance of a Special Use Permit and approval of a Site Plan.
2. Prior to COD, the Applicant shall install warning signs meeting the requirements of Section 13(4)(B)(5) of the Solar Law and approved by the Zoning Enforcement Officer; and, be it further

RESOLVED, that the Supervisor shall file a report of its final action by these resolutions with the County Planning Board within thirty (30) days of these resolutions; and, be it further

RESOLVED, that these resolutions shall take effect immediately.

**Motion: J. Mohun. Second: C. Domes.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.**

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**Communications**

**Presented by Supervisor Grant:**

- **Wyoming County information on threat assessment in the workplace. "See something, Say something."**
- **Notice of Vacant Building at 2573 Cotton Hill Rd.**
- **Municipal Solutions BAN award for addition to Highway garage awarded to Evans Bank with interest rate of 4.95%.**

**Minutes of Previous Meetings** accepted March 2024 as submitted by the clerk.

**Departments**

**Highway**

- **March/April activities include continued ditching and brush removal along highways.**
- **Wyoming County bids to be made available for materials used for roads; Highway Superintendent will determine costs for road improvements and repairs for 2024.**

**Town Clerk/Tax Collector**

- **March monthly report**
- **Vital Statistics YTD. Births 0. Marriages 1. Deaths 4.**
- **Wyoming County Building Department Property Maintenance March report.**
- **Wyoming County Zoning Department March report.**

**Assessor**

- **Reviewing new building changes.**

**Zoning/Planning**

- **On-line training – April training on SEQR**

**Recreation**

- **Easter Egg Hunt held March 30th at the Bennington Fire Hall with approximately 80 children participating. Many thanks to the **Mruczek** Family for their help in organizing and directing this fun event and to Rite Aid in Attica for donations.**
  
- **Swim program sign ups begin in May and early June. The swim program will be held at the Byrncliff Resort in July and August 2024.**

**Water District**

- **no report**

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**Petitions and public concerns**

**Amendments to December 6, 2023 minutes to be updated on the Town website.**

Request for list of Special Use Permits to be made available on the Town website; Clerk to update excel spreadsheet and make available for Supervisor Grant.

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

no other business was brought forward.

**Adjourn  
Time: 8:45 pm.  
Motion by J. Mohun  
Attendance 25+**

**Special Session**

**April 22, 2024**

**6 p.m.**

Present: Supervisor Grant, Clerk Rosenthal, Councilman Mohun.

Town Clerk Joanne Rosenthal received two bids for electrical work at the highway garage project. Two bids were opened in the presence of the Town Supervisor and Councilman Joyce Mohun. Neither bid included the non-collusive bidding certificate, one was not a sealed bid and the other was unclear about meeting the required specifications. As there was not a quorum, no action was taken.

**Special Session**

**April 24, 2024**

**8:45 p.m.**

Present: Supervisor Grant, Councilman Mohun and Councilman Domes.

At a special session of the Town Board, a motion was made by Councilman Domes and seconded by Councilman Gadd to reject all bids received on the electrical work at the highway garage.

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

Motion was made by Mohun and seconded by Domes to re-bid the electrical work and set the date and time for bids to be received by the Town Clerk to be 6 pm on May 8, 2024, with bids opened by the Clerk at 6:30 p.m. Notice of bid to be published in the Daily News and on the Town website.

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

Motion to adjourn by Mohun, meeting adjourned at 9: 05 pm.

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

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

Regular Board Meeting 7:30 p.m.

**Call Meeting to Order by Supervisor Grant; pledge of allegiance led by Councilmember Mohun.  
All Board Members in attendance except Councilman Frounick.**

**Open Public Hearing on Special Use Permit application  
Set Agenda - no additions.  
Report of Conflict of Interest - no conflicts.**

**Financial Matters** Approve annual software/maintenance contract with WLB – Payroll

***Motion by J. Mohun, seconded by C. Domes to approve WLB contract for payment.  
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.***

General Fund vouchers	#86 to #107.	\$116,407.23.
Highway Fund vouchers	#96 to #114.	\$ 31,642.76.
Cowlesville Water vouchers	#17 to # 21.	\$ 8,414.51.
Cowlesville Light vouchers	# 4 to # 5.	\$ 291.15.

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

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

***Motion by J. Mohun, seconded by M. Gadd to approve the Financial Reports ending April  
30, 2024.  
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.***

**Hear Comments on Special Use Permit Application:** Peter Siepierski, business parking lot

Applicant set up flags on property to set perimeter. Property continues as agricultural. No power on property to date. Site plan measurements requested by neighboring residents. Driveway plan to be overseen by Wyoming County Highway Department.

***Motion to Close Public Hearing: C. Domes. Second: J. Mohun.  
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.***

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Application is for one year. Any issues that arise will be monitored and must be taken care of prior to one year renewal, then the permit will be for a three year period. Non-lighted, stoned area for parking 1-6 vehicles. Operating months March 15 to November 15.

**Unfinished Business**

**Resolution #2024-5-1 Special Use Permit for Peter Siepierski, 90 Bullis Road**

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

Whereas, a public hearing for the said application was held on this 8<sup>th</sup> day of May 2024, having been advertised in the legal newspaper of this Town and after hearing comments from the public regarding said application,

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 a business 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 as set by this Board.

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

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

**Site Plan Presentation on Niagara Solar Project**

Presenters: Greg Elko

SunEast-Cordelia Power, formerly Duke Energy.

Project area: Fenced in 85 acres.

Current stage of project: inner connection process with NYSEG involving detailed design of substation.

Lengthy process of 12-18 months or longer. When the inner connection process is completed, then building permits will be requested. Site plan application submitted to MRB Group, including all required studies.

Bennington Town Board will forward any newly adopted solar laws for accommodation into this project.

**Resolution #2024-5-2 Appoint Town Prosecutor**

Be it Resolved, that the Town Board hereby accepts the resignation of Town Prosecutor Chelsie Hamilton and appoints Assistant District Attorney Matthew Dillon, North Main St., Warsaw NY, to serve in the position of Town Prosecutor effective April 29, 2024.

***Motion: J. Mohun. Second: M. Gadd.***

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

**Resolution #2024-5-3 SPECIAL USE PERMIT FOR THE NY BENNINGTON 1,  
LLC LARGE-SCALE SOLAR ENERGY SYSTEM PROJECT**

**BACKGROUND**

WHEREAS, Edward H. Halsted and Terry A. Halsted ("Owner") are the owners of an approximately 100.35-acre parcel of land located on Church Road in the Town of Bennington, Wyoming County, New York, identified on the Tax Map as Section 4, Block 1, Lot 3.1 ("Property");

WHEREAS, NY Bennington I, LLC (the "Applicant") is the lessee of a 13.364-acre portion of the Property (the "Project Site");

WHEREAS, on or about June 12, 2023, the Applicant submitted a Zoning Permit Application and supporting materials for a Special Use Permit and Site Plan Approval (the "Applications") to construct and operate a 2.063 MW/ac solar farm array to be known as the Church Road Solar Farm Project (the "Project") pursuant to the Town of Bennington Solar Law (Local Law No. 2 of 2017) on the Project Site;

WHEREAS, as part of its Applications, the Applicant submitted for the Town of Bennington Town Board's ("Town Board") review and consideration, the following materials in support of the Applications:

- Full Environmental Assessment Form, Part 1, dated June 9, 2023, last revised December 4, 2023 ("Long EAF");
- Agricultural Data Statement, dated June 8, 2023;
- Preliminary Site Plan Set, dated June 12, 2023, last updated December 4, 2023 ("Preliminary Site Plan");
- Lease Agreement (redacted), dated October 21, 2021, by and between the Owner and Delaware River Solar, LLC ("DRS"), an affiliate of the Applicant ("Lease");
- Project Memorandum, dated June 21, 2023 ("Project Memorandum");
- Operations and Maintenance Plan, dated June 21, 2023 ("Operations and Maintenance Plan");
- Decommissioning Plan, dated June 21, 2023, revised December 4, 2023 ("Decommissioning Plan");
- ALTA Survey of Project Site, dated August 9, 2023;
- Line of Site diagrams, dated October 3, 2023 ("Line of Site Diagrams");

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- Visual Renderings, dated December 4, 2023 (“Visual Renderings”);
- New York State Electric & Gas Coordinated Electric System Interconnection Review, dated March 2, 2023 (“CESIR”);
- Response to Public Hearing Comments, dated October 6, 2023 (“October Response to Public Hearing Comments”); and
- Town Engineer Comment Response letter dated December 4, 2023 (“December Response to Public Hearing Comments”).

WHEREAS, on June 21, 2023, the Town of Bennington Planning Board (“Town Planning Board”) reviewed the Project and provided comments to the Town Board;

WHEREAS, on or about July 12, 2023, the Town Board, having previously notified all involved agencies of its intent, declared itself as Lead Agency under the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively “SEQRA”), began reviewing the Project in its role as lead agency pursuant to SEQRA and the Town of Bennington Zoning and Solar Laws;

WHEREAS, on July 12, 2023, the Town Board referred the Project to the Wyoming County Planning Board (“County Planning Board”) for review under GML 239m;

WHEREAS, on August 7, 2023, the County Planning Board issued its Referral Response of no significant negative county-wide or inter-community impacts;

WHEREAS, on or about August 9, 2023, the Town Board issued a Resolution requiring the Project to enter into a PILOT with the Town, and set a Public Hearing for September 13, 2023 on the Special Use Permit;

WHEREAS, on or about September 13, 2023, the Town Board opened a duly noticed public hearing on the Special Use Permit and continued the public hearing to its October 11, 2023 meeting;

WHEREAS, on Saturday, November 4, 2023, the Town Board held a special session to finalize its SEQRA review of the Project;

WHEREAS, the Town Board coordinated the review of the Applications with several involved and interested agencies including the New York State Energy Research and Development Authority (“NYSERDA”), New York State Department of Environmental Conservation, Wyoming County Department of Planning and Development and New York State Department of Agriculture and Markets;

WHEREAS, the Town Board’s consultant MRB Group, Engineering, Architecture & Surveying, D.P.C. (“MRB Group”), reviewed the Applications, the supporting materials



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submitted by the Applicant, including a revised Site Plan, Line of Site Diagrams, Visual Renderings, the public hearing comments and responses to public comments and advised the Town Board that no significant adverse impacts to the environment will result from the development and operation of the Project as proposed;

WHEREAS, on December 6, 2023, the Town Board considered the opinion of MRB Group, the criteria for determining significance as set forth in 6 NYCRR §617.7(c)(1) and the information contained in the Long EAF Part 1 and completed Part 2 and Part 3 of the Long EAF and issued a Negative Declaration under SEQRA.

FINDINGS

The applicable Permitted Special Use and Supplementary Regulations governing Large-Scale Solar Energy Systems contained in the Town's Zoning Law follows in italics, followed by the Town Board's findings with respect thereto:

***Article 3 Section 4 Permitted Special Uses***

***4.1 General Provisions***

*The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective district, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Local Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.*

***4.2 Required Site Plan***

*A site plan as specified in Article V, Section 3 shall be submitted with each application for a special use permit.*

A submission of the Preliminary Site Plan, dated June 12, 2023 with subsequent revisions on October 4, 2023 and December 4, 2023 meet the requirements of this section.

***4.3 Standards Applicable to all Special Uses***

*a. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*

The Project Memorandum dated June 21, 2023 details the location and size of the system, the nature and intensity of the system, the size and location of the operation as it relates to the Project Site. Consistent with the Negative Declaration adopted by the Town Board, the Project does not discourage appropriate development and use of adjacent land and buildings or impair the value thereof.

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*b. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights, than would be the operations of any permitted use.*

The Project will not cause fumes or vibrations and there will be no flashing lights installed. Section 3 of the October Response to Public Hearing Comments contains information on Noise and provides that sound levels will dissipate and will not be audible at the Project fence.

**Definition:** *LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground mounted and produces energy primarily for the purpose of offsite sale or consumption.*

The Project meets the definition of Large-Scale Solar Energy System.

**Section 13: SOLAR ENERGY SYSTEMS**

*1.Purpose: The Town of Bennington recognizes that solar energy is a clean, readily available, and renewable energy source. The intent of this section is to set provisions for the placement, design, construction, and operation of such systems to uphold the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town.*

*4.Large-Scale Solar Systems: Large-Scale Solar Energy Systems are permitted within the AG-Agricultural-Residential District and the M-Manufacturing District as a primary use (they are not permitted as an accessory use to supplement an existing business or household) upon issuance of a special use permit and site plan approval by the Town Board, consistent with the requirements of Article III Section 4 and Article V Section 3 of the Town of Bennington Zoning Law.*

The proposed Large-Scale Solar System is located in the M-Manufacturing District.

*A. Submission Requirements: The applicant shall submit the following information with an application for a special use permit and application for site plan approval which shall be in addition to the information required on the town site plan checklist:*

- 1. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.*

The property on which the Project will be located is leased from the Owner. A redacted Lease between the Owner and DRS, an affiliate of the Applicant, dated October 21, 2021 was provided.

The Lease is for a 13.364-acre Project Site. The lease term is for a development term and construction term of unspecified length, and an operations term of thirty (30) years commencing on the Project's Commercial Operation Date ("COD") and provides for the option to extend the term by mutual agreement in five- (5) year extension terms.

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2. *Blueprints showing the layout of the Solar Energy System signed by a professional engineer or registered architect shall be required.*

A Preliminary Site Plan signed by Bergmann Architects, Engineers and Planners was provided with the Special Use Permit and Site Plan application. The Preliminary Site Plan was dated June 12, 2023, and revised in response to Town comments on October 4, 2023 and on December 4, 2023.

3. *The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.*

The Site Plan shows illustrative equipment. Project financing requires final land use approvals. Deposits to order system components can only be advanced after financing is finalized. Selection of system components will occur when orders for system components are made.

The submission of specification sheets of all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed shall be provided to the Zoning Enforcement Officer prior to issuance of a building permit.

4. *Property operation and maintenance plan that shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.*

The Operation and Maintenance Plan, at Section 2 and Section 4, contains detailed procedures for maintenance and property upkeep, such as mowing and trimming.

5. *Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a professional engineer or contractor. Cost estimates shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not considered decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover the costs to the municipality.*

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The Applicant submitted a Decommissioning Plan to the Planning Board dated June 21, 2023, and which was revised on December 4, 2023 to include a certified decommissioning estimate prepared by Robert Paul Switala, Public Engineer.

The Town Engineer has reviewed the Decommissioning Plan and determined it was adequate, and the Town Board concurs with this determination.

The Decommissioning Plan will be executed prior to issuance of a building permit.

6. *Bond. Proof of a bond with a surety recognized with the Town shall be filed with the Town for two and one-half times the cost estimate detailing the projected cost of executing the Decommissioning Plan and shall be provided along with the Decommissioning Plan.*

The submission of a bond in an amount acceptable to the Town from a surety acceptable to the Town will be provided prior to issuance of a building permit.

- B. *Standards for issuing a special use permit: The following standards shall be the basis for an approval of a special use permit for a Large-Scale Solar System and in addition to the general requirements of Article Ten (Special Use Permits) of this chapter:*

1. *Height. Large-Scale Solar Energy Systems shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall adhere to the height requirements of the underlying zoning district.*

The Site Plan at sheet C-015 at Detail 6 illustrates that height of the Large-Scale Solar Energy System will not exceed 15 feet at maximum panel tilt.

2. *Setbacks. Large-Scale Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district.*

Compliance with the Town's Minimum Design Standards for Large-Scale Solar Energy Systems is evidenced on Site Plan Sheet C-005.

The front yard setback adheres to the setback requirement of 50 feet. The side yard setbacks adhere to the setback requirement of 20 feet.

3. *Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of ten (10) acres.*

The Large-Scale Energy System is located within a leased lot area of 13.364 acres, which is a portion of the 100.35 acre Property.

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4. *Solar panels shall not occupy more than fifty (50%) percent of the Lot.*

The Bulk Table on Site Plan sheet C-005 evidences that the Large-Scale Energy System occupies 15.54% of the Property.

5. *All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing.*

A perimeter fence enclosing 12.45 acres of the Project Site is shown on Site Plan sheet C-005.

Warning signs to be placed on the entrance and perimeter fence will be provided by the manufacturer of the inverter. The Zoning Enforcement Officer will be provided with warning signs for approval prior to COD.

The Owner's contact information to be placed on the entrance and perimeter fence is detailed on Site Plan sheet C-016.

6. *Reasonable accessibility for emergency services vehicles shall be required and no photovoltaic system shall be installed until evidence has been given to the Town Board that the owner has been approved by the local fire department.*

Reasonable accessibility for emergency service vehicles is evidenced on Site Plan sheet C-009.

On October 10, 2023, further details of fire and emergency safety training was provided in comment responses and sent to the Fire Chief for approval. Approval by the Fire Chief shall be submitted to the Zoning Enforcement Officer at the time of application for a building permit.

7. *To the extent practical, all new distribution lines to any building, structure or utility connection must be located below ground.*

All new utility lines to the riser poles near the point of interconnection with the NYSEG utility grid will be located below ground as shown on Site Plan sheet C-013.

8. *All Solar Energy Equipment must have a UL listing or equivalent.*

Since equipment will be procured after financing, all solar energy equipment's UL listing or equivalency will be provided to the Zoning Enforcement Officer prior to issuance of a building permit.

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9. *All active Large-Scale Solar Energy Systems shall meet all requirements of the New York State Energy Research and Development Authority and the New York Uniform Fire Prevention and Building Code and shall be inspected by the Town of Bennington Zoning Code Enforcement Officer.*

During construction the inspection of all Large-Scale Solar Energy Systems shall occur by the Town of Bennington Zoning Enforcement Officer to ensure compliance with NYSERDA requirements and the New York Uniform Fire Prevention and Building Code.

10. *Utility Notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Town Board that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.*

The Applicant has provided evidence to the Town Board that the Project has been approved by the utility company to install the system by submission of the CESIR, dated March 2, 2023.

11. *Buffer zones shall be proposed and require approval of the Town of Bennington Town Board.*

Proposed buffer zones are shown on Site Plan sheet C-007 (labeled as the "Landscaping Plan"). The Landscaping Plan was prepared to include screening along Church Road that will adequately screen the Project from neighboring properties. The adequacy of this screening was verified by the Visual Site Assessment.

The Line of Site Diagrams, dated October 3, 2023 give visual growth renderings of existing vegetation; anticipated 5 year vegetation status; and anticipated 10 year vegetation status.

12. *Appropriate review shall be undertaken to determine the potential environmental impact of a project, including a State Environmental Quality Review, as well as site plan review as outlined in Article V, Section 3., Site Plan Requirements of the Zoning Law of the Town of Bennington.*

The Town Board declared itself as Lead Agency on July 12, 2023.

The Applicant submitted a Long EAF. The Long EAF Part 1, dated June 9, 2023 was last revised on December 4, 2023. The Long EAF was reviewed by the Town Board at a special meeting held on November 4, 2023. On December 6, 2023, the Town Board adopted a Negative Declaration as evidenced by the Town Supervisor's signature on the Long EAF Part 3.

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- C. *Abandonment: Solar energy systems are considered abandoned after three hundred and sixty-six (366) days without electrical energy generation and must be removed from the property.*

The Applicant submitted a Decommissioning Plan to the Planning Board dated December 4, 2023. The Town Engineer has reviewed the Decommissioning Plan and determined the sections which describe Abandonment, (Section 1 and Section 4.5), to be adequate. The Decommissioning Plan shall be executed and financial security in the form of a Bond shall be provided to the Town prior to issuance of a building permit.

As detailed above, the Town Board finds that the Project, as shown in the Preliminary Site Plan, satisfies all requirements for the issuance of a Special Use Permit for a Large-Scale Solar Energy Systems contained in the Town's Zoning Law.

**Decision**

Based on the foregoing findings and after review of the Applications and supporting materials, the Applicant's presentations at the June 21, 2023 Town Planning Board meeting; July 12, 2023 Town Board meeting; August 7, 2023 County Planning Board meeting; August 9, 2023 Town Board meeting; September 13, 2023 Town Board meeting; October 11, 2023 Town Board meeting; November 4, 2023 Town Board meeting; November 15, 2023 Town Planning Board meeting and December 6, 2023 Town Board meeting; after consideration of the comments made at the public hearings held on September 13, 2023 and October 11, 2023 and the Applicant's response to public hearing comments; and after due deliberation,

BE IT RESOLVED that the Town Board finds that the Applicant has submitted all applicable materials, met all applicable requirements as set forth in the Solar Law and hereby approves the Application and authorizes issuance of a Special Use Permit for the proposed large-scale ground mounted solar energy system in accordance with the layout, design, specifications and notes shown on the Site Plan, subject to all applicable laws and conditions; and, be it further

RESOLVED that the Town Board hereby authorizes the Supervisor or her designee to sign and stamp the Applicant's Site Plan and hereby authorizes the Zoning Enforcement Officer to issue a Special Permit for the construction and operation of the Project; and, be it further

RESOLVED that the foregoing Resolution(s) are subject to the following conditions:

1. The Applicant shall submit to the Zoning Enforcement Officer prior to the issuance of any building permit(s) the following:
  - a. A copy of a resolution from the Town Board granting Site Plan Approval of the Project;
  - b. An executed Host Community Benefit Agreement, between the Applicant and the Town for the Project in a form subject to the reasonable approval of the Town's Special Counsel, which shall include: (i) a payment by Applicant to the Town of \$10,000 per MW/AC within thirty (30) days of COD, (ii) an annual payment on the anniversary date of the COD in the amount of \$2,000 per MW/AC, with annual increases in an amount equal to 2% and (iii) for a term matching that of the Project through completion of decommissioning;

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- c. Evidence of the Applicant and Wyoming County Industrial Development Agency entering into a Payment In Lieu of Taxation Agreement;
  - d. Copies of equipment specification sheets for the photovoltaic panels, mounting systems, inverters and all other significant system components pursuant to the requirements of Section 13(4)(A)(3) of the Solar Law; and evidence that electric components meet applicable UL Standards;
  - e. A copy of the property Operation and Maintenance Plan pursuant to the requirements of Section 13(4)(A)(4) of the Solar Law;
  - f. A Decommissioning Plan that will be implemented upon abandonment and/or in conjunction with the removal of the facility that complies with the requirements of Section 13(4)(A)(5);
  - g. A bond to secure the costs of decommissioning subject to the reasonable approval of the Town's Special Counsel and MRB Group as to form and amount pursuant to the requirements of Section 13(4)(A)(6) of the Solar Law;
  - h. A copy of a Road Maintenance Agreement approved as to form by MRB Group;
  - i. A permit from Wyoming County Highway Department for construction of the entry road to the Project Site, if one is required;
  - j. A Stormwater Pollution Prevention Plan ("SWPPP") approved by MRB Group or evidence that a SWPPP is not required;
  - k. Evidence of submission of an Emergency Response Plan to the Fire Department; and
  - l. Start of construction of the Project not later than eighteen (18) months after the later issuance of a Special Use Permit and approval of a Site Plan.
2. Prior to COD, the Applicant shall install warning signs meeting the requirements of Section 13(4)(B)(5) of the Solar Law and approved by the Zoning Enforcement Officer; and, be it further

RESOLVED, that the Supervisor shall file a report of its final action by these resolutions with the County Planning Board within thirty (30) days of these resolutions; and, be it further

RESOLVED, that these resolutions shall take effect immediately.

**Motion: J. Mohun. Second: C. Domes.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.**



Bennington Town Board Meeting  
May 8, 2024

**New Business**

**Resolution #2024-5-4                      Resolution to Enter Into Escrow Agreement as Part of  
Granting a Special Use Permit**

Whereas, The Town Board of the Town of Bennington met for a public meeting held on the 8<sup>th</sup> day of May, 2024 at which time and place the following members were present: Supervisor Grant, Councilmen Mohun, Domes and Gadd; absent Councilman Frounick; and

Whereas, The Town Board wishes to enter into an Escrow Agreement with Delaware River Solar LLC as part of issuing a special use permit for "NY Bennington 1, LLC Large-Scale Solar Energy System Project"; and

Whereas, the Town Board of the Town of Bennington finds that the Town Supervisor is the appropriate officer to execute said Escrow Agreement on behalf of the Town of Bennington; and

Whereas, the Town Board believes that issuing the Special Use Permit and related Escrow Agreement to be in the best interest of the Town of Bennington and its citizens; therefore

Be it Resolved, by the Town Board of the Town of Bennington that it is in the best interests of the Town of Bennington to enter into the Escrow Agreement with Delaware River Solar LLC and hereby authorizes the Town of Bennington Supervisor to execute said agreement on their behalf.

**Motion by: M. Gadd.    Seconded by: J. Mohun.  
Ayes: All (4).    Noes: 0.    Abstain: 0.    Absent: 1.**

**Resolution #2024-5-5                      Award Bid for Electrical Work at Highway Garage**

Whereas, the Town of Bennington authorized the solicitation of bids for the completion of electrical work on the new highway garage, and

Whereas, as said bid solicitation was advertised in the official newspaper of the Town and on the Town website and Town Clerk's official bulletin; and

Whereas, sealed bids were received by the Town Clerk before 6 pm on May 8, 2024 and opened by the Clerk in the presence of Town Board members and compared to the project specifications;

Now, therefore, Be it Resolved, that the Town Board hereby approves and awards the completion of electrical work at the Town's highway garage to GREAT LAKES ELECTRIC INC., 680 North Star Rd., East Aurora, NY 14052 in the amount of \$70,800.

**Motion by: M. Gadd.    Seconded by: J. Mohun.  
Ayes: All (4).    Noes: 0.    Abstain: 0.    Absent: 1.**

Bennington Town Board Meeting  
May 8, 2024

**Resolution #2024-5-6      Additional Signer for Town Checking Accounts**

Be it Resolved, that Joyce Mohun, Council Member, is hereby added as an additional authorized signer for the following Town accounts: General Fund Checking, Highway Fund Checking, Cowlesville Water Fund Checking, Cowlesville Lighting Fund Checking and Trust and Agency Checking account, effective 5/9/24 through 12/31/24.

**Motion by: M. Gadd.    Seconded by: C. Domes**  
**Ayes: All (3).    Noes: 0.    Abstain: 1 J. Mohun.    Absent: 1.**

**Communications**

Presented by Supervisor Grant:

- ISO - Public Protection Classification; Harris Corners..
- Early Voters Count 2024 for Wyoming County, 86 residents.
- Minutes from Municipal Council Meeting, Topics & Presentations, Department of Transportation State Aid available for repair of roads.
- Bennington Justice Court reports.
- Saturday, May 11, 2024, 10 am. at the Bennington Lanes, presenter Assemblyman DiPietro.

**Minutes of Previous Meetings - April minutes approved as submitted.**

**Departments**

**Highway**

- Three Town trucks out for repair.
- Road work on O'Connor Rd. oil and stone to begin in May.

**Town Clerk/Tax Collector**

- Present Town Clerk report disbursement of funds.
- Vital statistics YTD 2024. Births 0. Marriages 1. Deaths 8.
- Certificates of Insurance presented to Town (2)
- Wyoming County Building Dept. Property Maintenance reports for April 2024.
- Wyoming County Zoning Dept. Monthly report for April 2024.

**Assessor**

- May is grievance month; contact assessor to make an appointment to discuss Board of Assessment review.

**Zoning/Planning**

Renewal of Special Use Permits (3 years) and Home Occupation Permits (1 year)

Bennington Town Board Meeting  
May 8, 2024

**Special Use Permit request for 3 Year Renewal June 1, 2024 - May 31, 2027 with no incidents reported.**

- Michael Justinger - MJ Landscaping & Excavation
- Ray Reiner - Ray's World Automotive Repair
- Matthew Synder - C&G Welding & Saw Mill
- John Travis - Reilein Road Sand, Gravel & Fill Pit

**Motion by: J. Mohun. Seconded by: C. Domes.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.**

**Home Occupation Permit request for Annual Renewal June 1, 2024 - May 31, 2025 with no incidents reported.**

- Gary Arcese - G. Arcese Enterprise
- Merlyn E. Bissell Esq. - Law Office
- John Brandon - Aerie Design Services
- Deborah Buckley - The Bettinoll Co. LLC Inc.
- Paul Dersam - Alden Real Estate Group
- Mary Jean Durfee - MJ Graphics
- Mark Dusen - LDusen Marketing
- Edward Lautenschlager - D&L Toy Trains

**Motion by: J. Mohun. Seconded by: M. Gadd.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1.**

**Recreation**

- Ball leagues to begin at Pine Tree Park; rest rooms now open.
- Youth Swim Program at Byrnclyff Resort, watch for sign up to begin.

**Water District**

- Meeting with Wyoming County Water Resource Agency (Steve Perkins) with update on new meter installation in Cowlesville Water District. 29 of 99 meters in place; discussion on timeline for balance of installation and new technology in place to read meters more effectively.
- Erie County Water Authority Annual Quality Report of water for Cowlesville Water District; copy sent to all current residents on the program.

**Petitions and public concerns**

The Town Board confirmed for residents the anticipated revenue to be generated for the Delaware River Solar Project on Church Rd.

The original Niagara Solar Project on Route 77 was approved in 2017.

Bennington Town Board Meeting  
May 8, 2024

The Delaware River Solar Project on Church Rd. was approved in 2023.

A list of Special Use Permits and Home Occupation Permits to be made available on the Town website:  
[www.benningtonny.com](http://www.benningtonny.com).

Contact Wyoming County Planning Department or Waste Management if trash cans are missing from your property.

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

**Memorial Day - Cowlesville Cemetery 11 am. Reading of Veterans from Bennington NY with a follow up get together at the Bennington Historical Museum**

**Adjourn by J. Mohun  
8:50 pm  
Attendance 15**

**Bennington Town Board  
June 12, 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, Clerk Joanne Rosenthal.  
Absent: Council Member Bernard Frounick

Regular Board Meeting 7:30 p.m.

**Call Meeting to Order by Supervisor Grant; Pledge of Allegiance led by Council Member M. Gadd; moment of silence in respect for the passing of Board of Assessment Review member Robert Padak.**

**Set Agenda - No additions.**

**Report of Conflict of Interest - No conflicts.**

<b><u>Financial Matters</u></b>	General Fund vouchers	#108 to #131.	\$ 13,316.64.
	Highway Fund vouchers	#115 to #131.	\$ 150,792.02.
	Cowlesville Water vouchers	# 22 to # 27.	\$ 9,265.60.
	Cowlesville Light vouchers	# 6.	\$ 149.89.

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

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

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

***Motion by J. Mohun, seconded by M. Gadd to approve the Financial Reports ending May 31, 2024.***

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

**Unfinished Business**

**Zoning Updates:**

The Town Attorney is reviewing the most recent draft and making edits to correct redundancies, clarify wording and structure the law tighter. He will provide a summary at the end of the month and that will be provided to our solar consultants to review prior to the July Board meeting. If there are no substantive changes to be made, the Town Board will be able to set a date for a public hearing on a Local Law to adopt new zoning regulations.

Some initial review has been done on wind energy conversion systems (WECS) zoning law and that will be taken up fully following the wrap up of the solar process. At the same time, we will be looking at regulations on renewable energy battery facilities.

Councilman Mohun is working on additional zoning changes that the Town has identified over the past year and we plan on having those updates done this year.

**Bennington Town Board**  
**June 12, 2024**

**New Business**

**Resolution #2024-6-1                      Agreement to Spend Highway Funds**

Be It Resolved, that the Town Supervisor, Town Council Members and Town Highway Superintendent are hereby authorized to sign the 2024 Agreement to Spend Highway Funds for repairs and improvements to Town roads in a total amount of \$834,800.00, as per the adopted 2024 Town Budget.

***Motion by: J. Mohun.    Seconded by: M. Gadd***  
***Ayes: All (4).    Noes: 0.    Abstain: 0.    Absent: 1 Frounick.***

**Communications**

Presented by Supervisor Grant

- Justice Court Fund report
- Correspondence from NYSDOT State Aid and CHIPS funding guideline changes.

**Minutes of Previous Meetings**

**Special Session - April 22, 2024**

Present: Supervisor Grant, Clerk Rosenthal, Councilman Mohun.

Town Clerk Joanne Rosenthal received two bids for electrical work at the highway garage project. Two bids were opened in the presence of the Town Supervisor and Councilman Joyce Mohun. Neither bid included the non-collusive bidding certificate, one was not a sealed bid and the other was unclear about meeting the required specifications. As there was not a quorum, no action was taken.

**Special Session - April 24, 2024**

Present: Supervisor Grant, Councilman Mohun and Councilman Domes.

At a special session of the Town Board, ***a motion was made by Councilman Domes and seconded by Councilman J. Mohun*** to reject all bids received on the electrical work at the highway garage.

***Ayes: 3.    Noes: 0.    Abstain: 0.    Absent: 2. Frounick, Gadd.***

Motion was made by Mohun and seconded by Domes to re-bid the electrical work and set the date and time for bids to be received by the Town Clerk to be 6 pm on May 8, 2024, with bids opened by the clerk at 6:30 pm. Notice of bid to be published in the Batavia Daily News and on the Town website.

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

***Motion to adjourn by Mohun, meeting adjourned at 9:05 pm.***

May 8, 2024 Town Board minutes

***All Minutes approved as submitted.***

**Bennington Town Board  
June 12, 2024**

**Departments**

**Highway**

- Discussed Agreement to Spend Town Highway Funds.
- Installation of driveway pipes; costs to be adjusted in January 2025 to reflect increases.
- Three trucks in for repair.
- Ditching work continues.
- Stedman Rd. project near completion.

**Town Clerk/Tax Collector**

- Presented the Town Clerk report disbursement of funds for May 2024.
- Vital Statistics YTD 2024. Births 0. Marriages 4. Deaths 10.
- Certificate of Liability Insurance presented to Town by KCM Custom Built Garages, Inc.
- Presented Wyoming County Building and Zoning Departments monthly reports for May.

**Assessor**

- BAR (Board of Assessment Review) meeting held.
- Will be seeking a replacement for Robert Padak for next year.

**Zoning/Planning**

**Approve renewals of Special Use Permit requests for 3 Year Renewal with no incidents reported.**

1. Michael Fontaine - Clapp's Mills
2. Michael Wulf - M&M Auto

***Motion by M. Gadd. Seconded by J. Mohun  
Ayes: 4. Noes: 0. Abstain: 0. Absent: 1 Frounick.***

**Approve renewals of Home Occupation Permit requests for 1 Year Annual Renewal with no incidents reported.**

1. Stacey Acquard - Acquard's Professional Dog Grooming
2. Cynthia Ciupek - C-Shore Design
3. Thomas Hudson - Sunset Printing
4. Allan Linsay - Precision Cylinder Head Automotive Machine Shop
5. J. Brian Pfeiffer - Design A Tea

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

**Recreation**

Summer Swim sign ups continue, 42 children signed up, at least three more expected for the July/August Summer Swim Program at Byrnclyff Country Club. Swim instructors and lifeguards are in place.

The Summer Concert Series continues for 2024, July 11 - August 1 on Thursdays. See the Town website for details and locations.

**Bennington Town Board  
June 12, 2024**

**Water District**

- No report

**Petitions and public concerns**

No public comments.

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

- WCCHS designed a Critical Access Hospital, which will have a multimillion dollar benefit to their finances. Able to receive Medicare and Medicaid reimbursement for the actual cost of services, not a lesser amount, and also have the ability to participate in purchasing discounts and consortiums. They have been working on this application for several years.
- Recognized Certified Nursing Assistants week June 13 - 19.
- 50th anniversary of WCIDA.
- June 12th is Women's Veterans Day.
- June is Dairy Month in Wyoming County.
- Updated County Addressing Policy
- Fire Advisory Board delegates: Bennington Chet Zymowski, Cowlesville Nick Szuniewicz, Harris Corners Tom Keem and Varysburg Adam Vetter.
- The Board of Supervisors office is accepting comments on amending the veterans property tax exemption for Cold War Veterans.

**Adjourn at 8:10 pm. Motion by J. Mohun  
in attendance: 9.**



Bennington Town Board  
July 10, 2024

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

In attendance:  
Supervisor Ellen Grant, Council Members Chris Domes, Michael Gadd, Joyce Mohun, Clerk Joanne Rosenthal.

Absent: Council Member Bernard Frounick, Highway Superintendent Jake Jensen

Regular Board Meeting 7:30 p.m.

**Call Meeting to Order by Supervisor Grant; pledge of allegiance led by Council Member Joyce Mohun.**

**Set Agenda – No additions.**

**Report of Conflict of Interest – No conflicts.**

<b><u>Financial Matters</u></b>	General Fund vouchers	#132 to #151.	\$124,299.33.
	Highway Fund vouchers	#132 to #145.	\$ 59,253.22.
	Cowlesville Water vouchers	# 28 to # 32.	\$ 9,005.86.
	Cowlesville Light vouchers	# 7	\$ 149.89.

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

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

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

**Motion by Joyce Mohun, seconded by Michael Gadd to approve the Financial Reports ending June 30 2024.**

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

**Unfinished Business**

**Resolution #2024-7-1**

**Set Date of Public Hearing and Declare Lead Agency Status for Proposed Local Law #4, 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.**

The Town Board of the Town of Bennington has met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Allegany Road, Attica, in the Town of Bennington, New York on the 10th day of July, 2024, commencing at 7:30 p.m., at which time and place the following members were: Present: Supervisor Ellen Grant, and Council Members Joyce Mohun, Chris Domes and Michael Gadd, with Council Member Bernard Frounick absent.

Bennington Town Board  
July 10, 2024

**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 considered a proposed local law known as “Establishing Zoning Guidelines for Solar Energy Systems and Amending Article II of the Town of Bennington Zoning Law Providing for the Creation of Zoning Overlay Districts and Solar Overlay Districts”; and

**WHEREAS**, pursuant to section 239 l-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Town of Bennington Planning Board and also the Wyoming County Planning Board for its comments; and

**WHEREAS**, the Town Board of the Town of Bennington recognizes that this local law is a Type I Action under SEQR, and declares itself the Lead Agency to review the matter for any potential adverse environmental impacts; 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 on the adoption of said local law.

**NOW ON MOTION OF Joyce Mohun** which has been duly seconded by **Chris Domes**, be it

**RESOLVED**, by the Town Board of the Town of Bennington will hold a public hearing on the proposed local law on the 2nd day of October 2024, at 7:30 p.m., at which time and place all interested parties and citizens for or against the proposed law will be heard.

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

**Resolution #2024-7-2 Town Board Declares Lead Agency Status for the Purpose of Proposed Local Law #4 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.**

The Town Board of the Town of Bennington has met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Allegany Road, Attica, in the Town of Bennington, New York on the 10th day of July, 2024, commencing at 7:30 p.m., at which time and place the following members were: Present: Supervisor Ellen Grant, and Council Members Joyce Mohun, Chris Domes and Michael Gadd, with Council Member Bernard Frounick absent.

**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

Bennington Town Board  
July 10, 2024

**WHEREAS**, the Town Board of the Town of Bennington believes it is the most appropriate candidate to seek lead agency status under State Environment Quality Review Law as the legislative body with the authority to approve the local law known as “Establishing Zoning Guidelines for Solar Energy Systems and Amending Article II of the Town of Bennington Zoning Law Providing for the Creation of Zoning Overlay Districts and Solar Overlay Districts; and

**WHEREAS**, pursuant to and in accordance with the provision of Section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617.4, paragraph (b)(2)) the Town Board of the Town of Bennington has determined that the proposed zoning guidelines and creation of overlay districts is a Type I Action which requires a Coordinated Review seeking the input of other agencies.

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

**RESOLVED**, the Town Board of the Town of Bennington has determined that it is the most appropriate candidate to seek lead agency status and conduct the coordinated review for the identification of impacts and determination of significance. as the legislative body with the authority to approve the afore-mentioned zoning changes; and be it further

**RESOLVED**, that the Town Board of the Town of Bennington hereby declares itself as lead agency; and be it further

**RESOLVED**, that the Town Board of the Town of Bennington will begin review under the State Environmental Quality Review Act, also known as SEQRA and that notices will be sent to the following agencies for a Coordinated Review in accordance with Section 617.4 of the New York State Environmental Quality Review Regulations:

1. Town of Bennington Planning Board
2. Wyoming County Planning Board
3. New York State Department of Environmental Conservation
4. New York State Department of Transportation
5. New York State Department of Agriculture and Markets
6. Town of Darien
7. Genesee County Planning Board
8. Town of Marilla
9. Erie County Planner
10. New York State Office of Renewable Energy Siting
11. Agricultural and Farmland Protection Board of Wyoming County
12. Town of Sheldon
13. Town of Attica
14. Town of Alden
15. Town of Alexander

The town engineer, JP Schepp will be assisting in coordination of the review process.

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

Bennington Town Board  
July 10, 2024

**New Business**

**Resolution #2024-7-3                      Contract with Byrnclyff Resort for Swimming 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 9, 2024 through August 15, 2024, a total of 66 hours, in an amount not to exceed \$2,310.

**Motion by: Joyce Mohun. Seconded by: Chris Domes.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.**

**Resolution #2024-7-4                      Letter of Support for Wyoming Co. Grant Application – County Wide Broadband Plan, Study & Engineering**

Be It Resolved, that the Town Board of the Town of Bennington is offering its strong support for the ConnectALL Regional and Local Assistance Planning Grant application being developed by the County of Wyoming to fund the development of a county-wide plan, feasibility study, and engineering schematic.

**Motion by : Joyce Mohun.    Seconded by : Michael Gadd.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.**

**Communications**

**Supervisor**

- o Survey from FEMA on developing floodplain training.
- o Bennington Senior Citizen Officers list.
- o May & June 2024 Justice Court reports for Justice Linsey.
- o NYS Ag & Markets Dog Control Officer & Municipal Shelter inspection reports for Wyoming County Animal Control - Satisfaction rating.

**Town Clerk**

- o Certificate of Liability Insurance on file from NY Electrical Inspection Agency.

**Minutes of Previous Meetings: All minutes approved as submitted.**

**Departments**

**Supervisor**

- o Supervisor Grant to place an order for additional stamped envelopes prior to price increase of USPS stamps.

Bennington Town Board  
July 10, 2024

**Town Clerk**

- o Presented Town Clerk monthly report for disbursement of received funds.
- o Vital statistics YTD for 2024. Births 0. Marriages 5. Deaths 10.
- o Wyoming County Building Department Property Maintenance report for June not available.
- o NYSDEC transitioned from valeron orange to plain paper for sporting licenses and tags. Copies of Q&A made available to the public.

**Highway**

- o Roadwork improvements on O'Connor Rd., Sierk Rd., and Tinkham Rd.
- o Ditching and roadside mowing continues on other town roads.

**Assessor**

- o Jim Kirsch attending annual training week of July 15; will not have office hours on July 17.

**Zoning/Planning**

- o Update on Bennington I Solar Project by Delaware River Solar by Attorney Walter Garigliano. Coordinating with Town Engineer JP Schepp to confirm updates and draft plan.
- o Wyoming County Zoning Department monthly report for June 2024.
  
- o Approve Special Use Permit request for 3-year renewal submitted by William Ayers, Ayers Earthmovers & Forestry Services, Inc.

***Motion by : Joyce Mohun. Seconded by : Michael Gadd.***

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

- o Approve Home Occupation Permit request submitted by Karen Whitton, 1614 Route 77, Strykersville, NY 14145, Town of Bennington NY, for a Hair Salon, by appointment only, operating hours Tuesday – Friday, 9 am – 4 pm.

***Motion by : Joyce Mohun. Seconded by : Michael Gadd.***

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

**Recreation**

- o Summer Swim & Craft six week program at Byrncliff Resort in at capacity, with 51 children enrolled. Tuesday and Thursday, July 9 - August 15.
- o Summer Concert Series is happening on Thursdays at 7 pm at Pine Tree Park on Lapp Rd. unless otherwise noted. July 11 – Heart to Heart - bluegrass/folk/country (Historical Society Museum), July 18 - 3 Parts Whiskey - celtic/folk/country, July 25 - Full Swing Band - big band sounds & American standards, Aut 1 - Kelly's Old Timers - classic country/soft rock/folk. Bring your lawn chair and friends. Refreshments available for sale. Rain site - Bennington Town Hall.

**Water District**

- o Installation of new water meters continues within the Cowlesville Water District.

Bennington Town Board  
July 10, 2024

**Petitions and public concerns**

Petitions - none presented

Public concerns - comments heard from the following:

Jason Acquard

Mark Prior

Melanthe Howell

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

None presented

**Adjourn at 8:44 pm.**

**Motion by Joyce Mohun**

**Attendance 18.**

Bennington Town Board

August 14, 2024

Workshop Session 6:30 p.m.

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

In attendance: Supervisor Ellen Grant, Councilmembers Michael Gadd, Joyce Mohun,  
Clerk Joanne Rosenthal. Absent: Highway Superintendent Jake Jansen, Councilmembers  
Chris Domes, Bernard Frounick

Regular Board Meeting 7:30 p.m.

**Call Meeting to Order by Supervisor Grant; pledge of allegiance led by J. Mohun.**

**Set Agenda - no additions.**

**Report of Conflict of Interest - no conflicts.**

<b><u>Financial Matters</u></b>	General Fund vouchers	# 152 to #183.	\$ 20,189.53.
	Highway Fund vouchers	#246 to #270.	\$ 40,290.17.
	Cowlesville Water vouchers	# 33 to # 38.	\$ 8,673.78.
	Cowlesville Light vouchers	# 8.	\$ 149.89.

**Motion by J. Mohun, seconded by M. Gadd to approve vouchers for payment.**

**Ayes: All (3). Noes: 0. Abstain: 0. Absent: 2. (Domes, Frounick).**

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

**Motion by J. Mohun, seconded by M. Gadd to approve the Financial Reports ending 7/31/2024.**

**Ayes: All (3). Noes: 0. Abstain: 0. Absent: 2. (Domes, Frounick).**

**Appropriation of Funds**

Federal ARPA (American Rescue Plan Act) funding \$106,357.98 to the General Fund.

**Transfer of Funds**

From	General Fund – ARPA Revenue	\$106,357.98.
To	Highway Fund	46,000.00.
To	Special District – Lighting	357.98.
To	Special District – Water	60,000.00.

**Motion by J. Mohun, seconded by M. Gadd to approve Appropriation & Transfers to accounts.**

**Ayes: All (3). Noes: 0. Abstain: 0. Absent: 2. (Domes, Frounick).**

**Unfinished Business:**

**Resolution #2024-8-1**

**Resolution of the Town of Bennington Town Board  
Approving the Site Plan for the NY Bennington 1, LLC  
Large-Scale Solar Energy System Project.**

Bennington Town Board

August 14, 2024

**BACKGROUND**

WHEREAS, Edward H. Halsted and Terry A. Halsted (“Owner”) are the owners of an approximately 100.35-acre parcel of land located on Church Road in the Town of Bennington, Wyoming County, New York, identified on the Tax Map as Section 4, Block 1, Lot 3.1 (“Property”);

WHEREAS, NY Bennington I, LLC (the “Applicant”) is the lessee of a 13.364-acre portion of the Property (the “Project Site”); and

WHEREAS, on or about June 12, 2023, the Applicant submitted a Zoning Permit Application and supporting materials for a Special Use Permit and Site Plan Approval (the “Applications”) to construct and operate a 2.063 MW/ac solar farm array to be known as the Church Road Solar Farm Project (the “Project”) pursuant to the Town of Bennington Solar Law (Local Law No. 2 of 2017, the “Solar Law”) on the Project Site; and

WHEREAS, as part of its Applications, the Applicant submitted for the Town of Bennington Town Board’s (“Town Board”) review and consideration, the following materials in support of the Applications:

- Full Environmental Assessment Form, Part 1, dated June 9, 2023, last revised December 4, 2023 (“Long EAF”);
- Agricultural Data Statement, dated June 8, 2023;
- Preliminary Site Plan Set, dated June 12, 2023, last updated December 4, 2023 (“Site Plan”);
- Lease Agreement (redacted), dated October 21, 2021, by and between the Owner and Delaware River Solar, LLC (“DRS”), an affiliate of the Applicant (“Lease”);
- Project Memorandum, dated June 21, 2023 (“Project Memorandum”);
- Operations and Maintenance Plan, dated June 21, 2023;
- Decommissioning Plan, dated June 21, 2023, revised December 4, 2023 (“Decommissioning Plan”);
- ALTA Survey of Project Site, dated August 9, 2023;
- Line of Site diagrams, dated October 3, 2023 (“Line of Site Diagrams”);
- Visual Renderings, dated December 4, 2023 (“Visual Renderings”);
- New York State Electric & Gas Coordinated Electric System Interconnection Review, dated March 2, 2023 (“CESIR”);
- Response to Public Hearing Comments, dated October 6, 2023 (“October Response to Public Hearing Comments”); and



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- Town Engineer Comment Response letter dated December 4, 2023.

WHEREAS, on June 21, 2023, the Town of Bennington Planning Board ("Town Planning Board") reviewed the Project and provided comments to the Town Board; and

WHEREAS, on or about July 12, 2023, the Town Board, having previously notified all involved agencies of its intent, declared itself as Lead Agency under the State Environmental Quality Review Act (ECL Article 8 and its implementing regulations at 6 NYCRR Part 617, collectively "SEQRA"), began reviewing the Project in its role as lead agency pursuant to SEQRA and the Town of Bennington Zoning and Solar Laws; and

WHEREAS, on July 12, 2023, the Town Board referred the Project to the Wyoming County Planning Board ("County Planning Board") for review under GML 239m; and

WHEREAS, on August 7, 2023, the County Planning Board issued its Referral Response of no significant negative county-wide or inter-community impacts; and

WHEREAS, on or about August 9, 2023, the Town Board issued a Resolution requiring the Project to enter into a PILOT with the Town, and set a Public Hearing for September 13, 2023 on the Special Use Permit; and

WHEREAS, on or about September 13, 2023, the Town Board opened a duly noticed public hearing on the Special Use Permit and continued the public hearing to its October 11, 2023 meeting; and

WHEREAS, on Saturday, November 4, 2023, the Town Board held a special session to finalize its SEQRA review of the Project; and

WHEREAS, the Town Board coordinated the review of the Applications with several involved and interested agencies including the New York State Energy Research and Development Authority ("NYSERDA"), New York State Department of Environmental Conservation, Wyoming County Department of Planning and Development and New York State Department of Agriculture and Markets; and

WHEREAS, the Town Board's consultant MRB Group, Engineering, Architecture & Surveying, D.P.C. ("MRB Group"), reviewed the Applications, the supporting materials submitted by the Applicant, including a revised Site Plan, Line of Site Diagrams, Visual Renderings, the public hearing comments and responses to public comments and advised the Town Board that no significant adverse impacts to the environment will result from the development and operation of the Project as proposed; and

WHEREAS, on December 6, 2023, the Town Board considered the opinion of MRB Group, the criteria for determining significance as set forth in 6 NYCRR §617.7(c)(1) and the information contained in the Long EAF Part 1 and completed Part 2 and Part 3 of the Long EAF and issued a Negative Declaration under SEQRA; and

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WHEREAS, on May 8, 2024, the Town Board unanimously adopted a resolution issuing a Special Use Permit for the Project (“May 8 Resolution”); and

WHEREAS, the Town Board has determined the Project meets all the requirements of Local Law No. 2 of 2017, and the Town Board desires to approve the Site Plan, which consists of the following:

- Drawing No. C000, Cover Sheet, last revised December 4, 2023
- Drawing No. C001, General Notes, dated June 12, 2023
- Drawing No. C002, Specification Notes, dated June 12, 2023
- Drawing No. C003, Area Parcel Plan, dated June 12, 2023
- Drawing No. C004, Existing Conditions Plan, dated June 12, 2023
- Drawing No. C005, Site Plan, last revised October 4, 2023
- Drawing No. C006, Overall Grading Plan, dated June 12, 2023
- Drawing No. C007, Landscaping Plan, last revised December 4, 2023
- Drawing No. C008, Grading & Erosion Control Plan, dated June 12, 2023
- Drawing No. C009, Grading & Erosion Control Plan, dated June 12, 2023
- Drawing No. C010, Driveway Profile, dated June 12, 2023
- Drawing No. C011, Details I, dated June 12, 2023
- Drawing No. C012, Details II, dated June 12, 2023
- Drawing No. C013, Details III, dated June 12, 2023
- Drawing No. C014, Details IV, dated June 12, 2023
- Drawing No. C015, Details V, dated June 12, 2023
- Drawing No. C016, Details VI, dated June 12, 2023
- Drawing No. C017, Details VII, dated June 12, 2023

FINDINGS

The Findings of the Town Board as made by the duly adopted May 8 Resolution are hereby confirmed and readopted for purposes of these resolutions. All capitalized terms not otherwise defined in this resolution shall have the respective meanings ascribed thereto in the May 8 Resolution.

**Decision**

In reliance on the findings set forth in the May 8 Resolution and after review of the Applications and supporting materials, the Applicant’s presentations at the June 21, 2023 Town Planning Board meeting; July 12, 2023 Town Board meeting; August 7, 2023 County Planning Board meeting; August 9, 2023 Town Board meeting; September 13, 2023 Town Board meeting; October 11, 2023 Town Board meeting; November 4, 2023 Town Board meeting; November 15, 2023 Town Planning Board meeting and December 6, 2023 Town Board meeting; after consideration of the comments made at the public hearings held on September 13, 2023 and October 11, 2023 and the Applicant’s response to public hearing comments; and after due deliberation,

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BE IT RESOLVED that the Town Board finds that the Applicant has submitted all applicable materials, met all applicable requirements as set forth in the Solar Law and hereby approves the Application and Site Plan for the proposed large-scale ground mounted solar energy system in accordance with the layout, design, specifications and notes shown on the Site Plan, subject to all applicable laws and conditions; and, be it further

RESOLVED that the Town Board hereby authorizes the Supervisor or her designee to sign and stamp the Applicant's Site Plan; and, be it further

RESOLVED that the foregoing Resolution(s) are subject to the following conditions:

1. The Applicant shall submit to the Zoning Enforcement Officer prior to the issuance of any building permit(s) the following:
  - a. A copy of a resolution from the Town Board granting Site Plan Approval of the Project;
  - b. An executed Host Community Benefit Agreement, between the Applicant and the Town for the Project in a form subject to the reasonable approval of the Town's Special Counsel, which shall include: (i) a payment by Applicant to the Town of \$10,000 per MW/AC within thirty (30) days of the Project's commercial operations date ("COD"), (ii) an annual payment on the anniversary date of the COD in the amount of \$2,000 per MW/AC, with annual increases in an amount equal to 2% and (iii) for a term matching that of the Project through completion of decommissioning;
  - c. Evidence of the Applicant and Wyoming County Industrial Development Agency entering into a Payment In Lieu of Taxation Agreement;
  - d. Copies of equipment specification sheets for the photovoltaic panels, mounting systems, inverters and all other significant system components pursuant to the requirements of Section 13(4)(A)(3) of the Solar Law; and evidence that electric components meet applicable UL Standards;
  - e. A copy of the property Operation and Maintenance Plan pursuant to the requirements of Section 13(4)(A)(4) of the Solar Law;
  - f. A Decommissioning Agreement between the Project owner and the Town in a form subject to the reasonable approval of the Town's Special Counsel incorporating the terms and conditions of the Decommissioning Plan that complies with the requirements of Section 13(4)(A)(5);
  - g. A bond to secure the costs of decommissioning subject to the reasonable approval of the Town's Special Counsel and MRB Group as to form and amount pursuant to the requirements of Section 13(4)(A)(6) of the Solar Law;

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- h. A copy of a Road Maintenance Agreement approved as to form by MRB Group;
  - i. A permit from Wyoming County Highway Department for construction of the entry road to the Project Site, if one is required;
  - j. A Stormwater Pollution Prevention Plan ("SWPPP") approved by MRB Group or evidence that a SWPPP is not required;
  - k. Evidence of submission of an Emergency Response Plan to the Fire Department; and
  - l. Start of construction of the Project not later than eighteen (18) months after the later issuance of a Special Use Permit and approval of a Site Plan, if the Special Use Permit has not been rescinded.
2. Prior to COD, the Applicant shall install warning signs meeting the requirements of Section 13(4)(B)(5) of the Solar Law and approved by the Zoning Enforcement Officer; and, be it further

RESOLVED, that the Supervisor shall file a report of its final action by these resolutions with the County Planning Board within thirty (30) days of these resolutions; and, be it further  
RESOLVED, that these resolutions shall take effect immediately.

*Motion by J. Mohun, second by M. Gadd to approve.*

ROLL CALL	Yea	Nay	Abstain	Absent
Supervisor Grant	Yea			
Councilmember Domes	Absent			
Councilmember Frounick	Absent			
Councilmember Gadd	Yea			
Councilmember Mohun	Yea			

*Ayes: All (3). Noes: 0. Abstain: 0. Absent: 2. (Domes, Frounick).*

*Certified copy forwarded to DiMatteo Law Firm, Melissa Melko, Delaware River Solar.*

**Resolution #2024-8-2 Resolution of the Town of Bennington Town Board Approving the Site Plan for the Niagara NY Solar Large-Scale Solar Energy System Project**

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WHEREAS, The Town of Bennington received a proposal for a change for zone, Special Use Permit application and Site Plan Approval application from Duke Energy Renewables on March 27, 2019; and

WHEREAS, The Town of Bennington declared its intent to be the Lead Agency under the State Environmental Quality Review Act (SEQRA) for the purposes of review of said applications and classified the project as a Type 1 Action; and

WHEREAS, The project referral was made to the Wyoming County Planning Board, a public notice of the project, and an agreement to enter into an escrow account for expenses incurred by the Town, on May 8, 2019; and

WHEREAS, Public hearings were held on June 12, 2019 and July 10, 2019 to hear comments from the community, with said public comment period closing on July 10, 2019; and

WHEREAS, Following public hearings, all materials were forward from the Town to the Wyoming County Planning Board for their review and recommendation for their August 1, 2019 meeting; and

WHEREAS, On August 5, 2019, the Wyoming County Planning Board issued their approval of the application to the Town of Bennington; and

WHEREAS, On August 14, 2019, the Town set a workshop date of August 27, 2019 for the applicant to meet with Town Officials and its representatives to review the SEQRA Application and financial agreements; and

WHEREAS, The following agencies had a part in reviewing the application: Town of Bennington Planning Board and Town Board, New York State Department of Environmental Conservation, New York State Department of Transportation, Wyoming County Planning Board, United States Army Corps of Engineers and the MRB Group (Town engineering consultants); and

WHEREAS, The Town approved applicable zoning changes, Special Use Permit, and Site Plan Approval for the Niagara NY Solar Project on September 11, 2019; and

WHEREAS, The Town issued a two-year extension of the Special Use Permit and Site Plan Approval that will expire December 29, 2025; and

WHEREAS, The Applicant has supplied additional requested information including an updated Site Plan and Decommissioning & Site Restoration Plan and a preliminary Operations and Maintenance Plan for the Project; and

WHEREAS, The Applicant agrees to provide to the Town and the Wyoming County Fire and Building Codes Department a Stormwater Pollution Prevention Plan and a Maintenance Plan for approval at the time of application for a Building Permit;

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NOW, THEREFORE BE IT RESOLVED, That after due deliberation, the Town Board finds that the Applicant has submitted all applicable materials, met all applicable requirements as set forth in the Solar Law and hereby approves the Site Plan for the proposed large-scale ground mounted solar energy system in accordance with the layout, design, specifications and notes shown on the Site Plan, subject to all applicable laws and conditions; and, be it further

RESOLVED that the Town Board hereby authorizes the Supervisor or her designee to sign and stamp the Applicant's Site Plan; and, be it further

RESOLVED that the foregoing Resolution(s) are subject to the following conditions:

3. The Applicant shall submit to the Zoning Enforcement Officer prior to the issuance of any building permit(s) the following:
  - a. A copy of a resolution from the Town Board granting Site Plan Approval of the Project;
  - b. An executed Host Community Benefit Agreement, between the Applicant and the Town for the Project in a form subject to the reasonable approval of the Town's Special Counsel.
  - c. Evidence of the Applicant and Wyoming County Industrial Development Agency entering into a Payment In Lieu of Taxation Agreement;
  - d. Copies of equipment specification sheets for the photovoltaic panels, mounting systems, inverters and all other significant system components pursuant to the requirements of Section 13(4)(A)(3) of the Solar Law; and evidence that electric components meet applicable UL Standards;
  - e. A copy of the property Operation and Maintenance Plan and Landscaping Plan pursuant to the requirements of Section 13 of the Solar Law;
  - f. A Decommissioning Agreement between the Project owner and the Town in a form subject to the reasonable approval of the Town's Special Counsel incorporating the terms and conditions of the Decommissioning Plan that complies with the requirements of Section 13(4)(A)(5);
  - g. A bond to secure the costs of decommissioning subject to the reasonable approval of the Town's Special Counsel and MRB Group as to form and amount pursuant to the requirements of Section 13(4)(A)(6) of the Solar Law;
  - h. A Stormwater Pollution Prevention Plan ("SWPPP") approved by MRB Group.
  - i. Evidence of submission of an Emergency Response Plan to the Fire Department; and

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- j. Start of construction of the Project not later than eighteen (18) months after the later issuance of a Special Use Permit and approval of a Site Plan, if the Special Use Permit has not been rescinded.
- 4. Prior to COD, the Applicant shall install warning signs meeting the requirements of Section 13(4)(B)(5) of the Solar Law and approved by the Zoning Enforcement Officer; and, be it further

RESOLVED, that the Supervisor shall file a report of its final action by these resolutions with the County Planning Board within thirty (30) days of these resolutions; and, be it further

RESOLVED, that these resolutions shall take effect immediately.

**Motion: J. Mohun. Second: M. Gadd.**

<b>ROLL CALL</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>Supervisor Grant</b>	<b>Yea</b>			
<b>Councilmember Domes</b>	<b>Absent</b>			
<b>Councilmember Frounick</b>	<b>Absent</b>			
<b>Councilmember Gadd</b>	<b>Yea</b>			
<b>Councilmember Mohun</b>	<b>Yea</b>			

**Ayes: All (3). Noes: 0. Abstain: 0. Absent: 2. (Domes, Frounick).**

**Certified copy forwarded to Joe Kirisits - SunEast Power**

**New Business:**

**Resolution #2024-8-3 Set Date for Public Hearing on Local Law #4 Year 2024 to extend a Moratorium for six months on the acceptance of applications for Solar Energy Projects within the Town of Bennington.**

**WHEREAS,** The Town Board of the Town of Bennington met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Allegany Road, Attica, in the Town of Bennington, New York on the 14th day of August, 2024, commencing at 7:30 p.m., at which time and place the following members were present: Supervisor Grant, Councilmembers Mohun and Gadd. Absent: Councilmembers Frounick and 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

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**WHEREAS**, the Town Board of the Town of Bennington has considered a proposed local law known as “Extending the Moratorium on Applications, Approvals, and/or Construction or Installation of Solar Energy for a Six Month Period” to temporarily halt development of solar, for an additional period of up to 6 months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

**WHEREAS**, pursuant to section 239 l-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Wyoming County Planning Board for its comments; 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

**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 on the adoption of said local law.

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

**RESOLVED**, by the Town Board of the Town of Bennington will hold a public hearing on the proposed local law on the 11th day of September, 2024, at 7:30 p.m., at which time and place all interested parties and citizens for or against the proposed law will be heard.

*Ayes: All (3). Noes: 0. Abstain: 0. Absent: 2. (Domes, Frounick).*

Certified copy forwarded to DiMatteo Law Firm.

**Communications**

**Minutes of Previous Meetings** - all minutes approved as submitted.

**Supervisor**

- Presented letter of resignation from Park Maintenance worker John Perl.
- Presented from Wyoming Co. Office of Aging a Senior Form to be held on Wednesday, August 21, 2024 at the Arcade School. RSVP required.

**Town Clerk**

Certificate of Liability Insurance on file for TRJ of Rochester INC. DBA Generator Supercenter of Upstate NY.



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**Departments**

**Highway**

- Paving done August 14-16 on the North half of Tinkham Rd.
- Maintenance work being done on Sierk Rd., Graff Rd., and Sinn Rd.

**Town Clerk**

- Presented Town Clerk July monthly report for disbursement of received funds.
- Vital Statistics 2024 YTD. Birth 0. Marriage Permits Issued 6. Deaths 10.
- Presented Wyoming County Zoning Dept. Monthly Report for July 2024.

**Zoning/Planning**

- Update on Zoning Law per member of ZBA - no pole barns are permitted unless property is occupied.

**Assessor**

- Modifications to Senior Citizens and Veterans exemptions - Jim Kirsch presented fact sheets on Cold War Veterans Exemptions, Alternative Veterans Exemptions, Aged Exemption Income Limits. Make an appointment for clarification.

**Recreation**

- The Summer Swim Program at Byrncliff Resort ends on August 15, 2024. There were 51 children enrolled this year.

**Water District**

- Installation of new water meters in the Cowlesville Water District continues with an anticipated completion date of November 1, 2024 .

**Petitions and public concerns**

- The Cowlesville Historical Society/Museum had repair work done to the outside facia; it is recommended that a new roof be considered.
- Highland Glens HOA is considering a 2 megawatt solar project. Present: Anthony Bell, Renewable Properties, Senior Permitting Manager.
- Town Historian Michael Mohun - Look for more information regarding an October 2024 presentation, a 50 minute documentary on local veterans interviews done.
- Forest Hill Cemetery in Buffalo, NY purchased the cemetery on Rt. 98 in Attica and renamed it Forest Hill Cemetery.

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

None presented.

**Adjourn meeting at 8:53 pm.**

Motion by J. Mohun

Attendance: 21

Bennington Town Board  
September 18, 2024

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

In attendance: Town of Bennington Supervisor Ellen Grant, Council Members Chris Domes, Bernard Frounick, Joyce Mohun, Town Attorney David DiMatteo, Clerk Joanne Rosenthal.  
Absent: Council Member Michael Gadd, Highway Superintendent Jake Jensen

Regular Board Meeting 7:30 p.m.

**Supervisor Grant Called Meeting to Order 7:35 pm; pledge of allegiance led by B. Frounick.  
Open Public Hearing Local Law #4 Extending Moratorium on Solar Project Applications.**

**Set Agenda - Reschedule Public Hearing on Local Law Extending Moratorium on Solar  
Project Applications.**

**Report of Conflict of Interest - no conflicts.**

<b>Financial Matters</b>	General Fund vouchers	#101 - 106, 184-199.	\$ 10,197.32.
	Highway Fund vouchers	#200 - 218, 271.	\$ 66,049.80.
	Cowlesville Water vouchers	# 39 to # 43.	\$ 10,148.56.
	Cowlesville Light vouchers	# 9.	\$ 149.89.
	Financial Reports		

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

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

**Motion by C. Domes, seconded by B. Frounick to approve the Financial Reports ending August  
31 2024.  
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1 (M. Gadd)**

**Unfinished Business**

Hear Comments on Proposed Local Law #4 Extending the Moratorium on Solar Project Applications  
Close Public Hearing - RESCHEDULED UNTIL OCTOBER 22, 2024.

The Town Board meeting originally scheduled for 9/11/24 to hold this public hearing could not be held due to unavailable quorum. The public hearing was rescheduled for 9/18/24; however, there was not the required 10 day notice to allow the rescheduling. Therefore, the new date for the public hearing for the Solar Moratorium is now scheduled for October 22, 2024 at 6:00 pm.

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**Resolution #2024-9-1 A Local Law Extending Establishing a Second Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects within the Town of Bennington.**

**Town of Bennington Resolution to Hold Public Hearing  
Adopted: September 18, 2024**

The Town Board of the Town of Bennington met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Alleghany Rd., Attica, in the Town of Bennington, NY on the 18th day of September 2024, commencing at 7:30 pm; at which time and place the following members were present: Supervisor Ellen Grant, Council Members Chris Domes, Bernard Frounick, Joye Mohun. Absent: Council Member Michael Gadd.

**WHEREAS**, all Board Members, have due notice of said meeting, and that pursuant to Article 7, Section 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 considered a proposed local law known as “Establishing a Second Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects with the Town of Bennington,” to temporarily halt development of solar installations, for an additional period of up to 6 months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

**WHEREAS**, the Town Board of the Town of Bennington has made meaningful and reasonable efforts to update and amend its zoning ordinance and local legislation during the initial six (6) month moratorium by multiple Municipal Attorneys, reviewed New York State of Act Solar Laws, consulted with NYSERDA, county planner, multiple open meetings with public input, 7# of committee, ZBA, Planning Board and Town Board, February to June; and

**WHEREAS**, pursuant to section 239 1-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Wyoming County Planning Board for its comments; 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

**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 on the adoption of said local law.

**NOW ON MOTION OF Joyce Mohun** which has been duly seconded by **Chris Domes**, be it

**RESOLVED**, by the Town Board of the Town of Bennington will hold a public hearing on the proposed local law on the 22nd day of October 2024, at 6:15 pm., at which time and place all interested parties and citizens for or against the proposed law will be heard.

**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1 (M. Gadd)**  
**Quorum Present: Yes.**

Bennington Town Board  
September 18, 2024

**New Business**

**Resolution #2024-9-2      Appoint Parks Maintenance Worker**

Be it Resolved, that John Perl, 2 Bullis Road, Alden NY 14004 is hereby appointed as Parks Maintenance Worker effective September 12, 2024 through December 31, 2024 at an annual salary of \$6,000.

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

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

**Resolution #2024-9-3      Attica Central School Board of Education Meeting**

Be it Resolved, that the Town Board hereby grants the use of the Bennington Town Hall to the Attica Central School District for the purpose of holding their regular monthly meeting of the Board of Education during the evening of Thursday, October 10, 2024 - 7 pm.

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

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

**Resolution #2024-9-4      Set Date of 2025 Budget Workshop Session**

Be it Resolved, the Bennington Town Board will meet on October 2, 2024 at 8:45 pm. at the Town Hall, 905 Old Alleghany Road, Attica NY 14011 to review and make changes to the tentative 2025 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 the Town.

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

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

**Resolution #2024-9-5      Set Date for Public Hearing on Proposed Local Law #5 Year 2024 to extend a Moratorium for Eight (8) months on the acceptance of applications for Wind Energy Conversion Projects within the Town of Bennington.**

**WHEREAS,** The Town Board of the Town of Bennington met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Alleghany Road, Attica, in the Town of Bennington, New York on the 18<sup>th</sup> day of September, 2024, commencing at 7:30 p.m., at which time and place the following members were present: Supervisor Ellen Grant, Councilmembers: Chris Domes, Bernard Frounick, Joyce Mohun; Absent: Councilmember Michael Gadd.

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**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 considered a proposed local law known as “Extending the Moratorium on Applications, Approvals, and/or Construction or Installation of Wind Energy Systems for an Eight (8) Month Period” to temporarily halt development of wind installations, for an additional period of up to 8 months, while the Town considers comprehensive zoning changes and the enactment of zoning measures to specifically address the matters of community concern; and

**WHEREAS**, pursuant to section 239 l-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Wyoming County Planning Board for its comments; 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

**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 on the adoption of said local law.

**NOW ON MOTION OF Chris Domes** which has been duly seconded by **Bernard Frounick**, be it

**RESOLVED**, by the Town Board of the Town of Bennington will hold a public hearing on the proposed local law on the 22nd day of October, 2024, at 6:15 p.m., at which time and place all interested parties and citizens for or against the proposed law will be heard.

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

**Resolution #2024-9-6                      Set Date of Public Hearing on the 2025 Bennington Fire Co. Contract.**

Be it Resolved, that the Bennington Town Board will hold a Public Hearing on October 2, 2024 at 6:30 pm at the Bennington Town Hall, 905 Old Alleghany Rd., Attica, NY 14011, on the proposed 2025 Bennington Fire Co. fire and emergency medical services contract in the amount of \$112,500, 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: J. Mohun.      Seconded by B. Frounick.**

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

Bennington Town Board  
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**Communications**

**Minutes of Previous Meetings:** August 14, 2024 minutes approved as submitted with the following amendment. Under section Petitions and Public Concerns on page 11, Cowlesville Historical Society is changed to Bennington Historical Society.

**Supervisor Grant**

1. Received from the former Town Attorney's office of Dadd & Nelson, multiple boxes of old records to be added to the Town Clerk's inventory records' room.
2. Presented Town of Bennington Justice Court report for August 2024.
3. NYSEG will be updating electric meters at the Town Offices and Highway Department.
3. Folsomdale TrailBlazers letter to acknowledge and thank landowners.
4. NYSDOT Regional Office now has a dedicated email box for SEQR (State Environmental Quality Review Lead Agency Request.) [SEQR\\_R4@dot.ny.gov](mailto:SEQR_R4@dot.ny.gov)
5. Wake Up New York, a bimonthly series hosted by the Empire Center to provide a platform for effective governance discussion, idea sharing, and exploration of market-oriented solutions at the local level.

**Board Members** - no additional comments.

**Clerk Rosenthal**

1. Certificates of Insurance submitted from the following: Erie Insurance for Renewal by Anderson, new, revised general liability & automobile policy from Stately Builders. Renewed certificate of workers compensation insurance from KCM Custom Built Garages.
2. Notification of Public Hearings held in the Town of Alden on August 19, 2024; Local Law #1. Override of Tax Cap. September 3, 2024; Local Law #2. Rezoning of Real Property on Broadway & Zoning Map Amendment. Copies available at Alden Town Clerk office.

**Departments**

**Highway**

1. Sierk Rd. paving projects.
2. Folsomdale Rd. will be closed for three weeks, beginning Monday September 23rd, between Clinton St. and Schoellkopf Rd. Work being done on culvert.
3. CHIPS claim monies for the 2024 third quarter have been received.
4. Paving project on Tinkham is complete; positive comments received.

**Town Clerk/Tax Collector**

1. Presented Town Clerk's monthly report for August 2024.
2. Vital Statistics 2024 YTD. Births 0. Marriage Permits issued 7. Deaths 10.
3. Presented Wyoming County Zoning Depart. monthly report for July 2024.

Bennington Town Board  
September 18, 2024

4. Wyoming County Property Maintenance Reports are not available from the Building Dept. due to new staffing that is not yet up to speed on monthly processes.
5. Presented Wyoming Co. Curbside Collection Billing Policy. Copies made available.
6. Bennington Volunteer Fire Dept. - consider ordering a reflective address marker. Order sheets made available.

**Zoning/Planning**

1. **Approve Special Use Permit requests for three (3) year renewal.**  
Submitted by:  
**Jasen Meyers, 377 Bear Rd., Cowlesville, NY. J. Meyers Contracting.**  
Approval letter mailed 9/19/2024.
2. **Michael Woods, 979 Clinton St., Attica, NY. Woodsway Motor Vehicle Repair.**  
No complaints have been received from area residents.  
Approval letter mail 9/19/2024.
3. **Approve Home Occupation Permit request for one (1) year renewal.** Submitted by:  
**Ed Duda, 1901 Folsomdale Rd., Cowlesville, NY. Duda Woodworks.**  
No complaints have been received from area residents.  
Approval letter mailed 9/19/2024.

**Motion by: B. Frounick. Seconded by: J. Mohun.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1 (M. Gadd)**

**Assessor**

Expect at a later date in 2024 a Public Hearing regarding a modification to the existing property tax exemption for Senior Citizens.

**Recreation - No report**

**Water District**

Repaired earlier in September, a water main leak at Bullis and Sargent St. in Cowlesville.

**Petitions and public concerns**

Petitions - None presented or received.

Bennington Town Board  
September 18, 2024

**Public Concerns**

1. Wyoming County Zoning Report reported no high weed violations. A resident requested confirmation of meaning; doesn't mean there aren't high weeds along roadways or yards, it means that no complaints have been issued complaining about high weeds.
2. Confirmed the Batavia Daily News is the official paper of the Town when legal ads are placed.
3. A resident requested further information regarding the Town's Comprehensive Plan that was originally completed in 1997. What are the revision plans and what is the timeline for updated amendments. The Comprehensive Plan has been updated with Green Energy; Supervisor Grant to review and update the website. The Bennington Planning Board has funds allocated to hire a consultant and also to work with Wyoming County James Bragg to update the plan and then review every two years.
4. Inquiries involving solar laws as how do Overlays work? Overlays ignore all other laws and show areas where solar and wind projects would work; like properties, like interests that would welcome certain types of development; group properties. Overlays have not yet been created.
5. How changeable are solar laws? Very changeable; written comments appreciated beforehand.
6. Can laws be created separately for wind and solar? Ultimately NYS determines laws for big wind and solar.
7. Can battery storage be prohibited? Probably not, per Town Attorney David DiMatteo. NYS has a goal by the year 2030 that a certain amount of renewable energy will be generated from solar and wind. If local laws are too restrictive, NYS will take over and determine laws. Landowners determine the final outcome by saying no to developers. The community should decide issues most important.
8. Can the Town Board say no to solar? Applications for projects must follow the solar laws adopted.

Joe Kirisits, Project Developer, Sun East introduced Lori Lynn Kunert, Manager, Development, Cordelio Power the long term owner/operator of the solar project on Rt. 77.

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

A jury trial is scheduled for mid-October, so there will be a considerable number of vehicles at the Town Hall for jury selection and trial that month.

**Adjourn - Motion by J. Mohun. 8:54 pm.  
in attendance 18-20 people.**



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**

**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.**

<b><u>Financial Matters</u></b>	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<sup>h</sup> 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](mailto: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.**

Bennington Town Board  
October 2, 2024

**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 20256 Town Budget, to occur at 7:30 p.m. on the 6<sup>th</sup> 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 6<sup>th</sup> 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.**

Bennington Town Board

October 2, 2024

**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 6<sup>th</sup> 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.**

Bennington Town Board  
October 2, 2024

**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](http://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.**

Town of Bennington  
Special Session  
October 22, 2024 - 6 pm

In Attendance: Town Supervisor Ellen Grant, Council Members Chris Domes, Michael Gadd, Joyce Mohun. Bernard Frounick arrived at 6:40 pm. Town Attorneys David DiMatteo, Elijah McWhinney, Clerk Joanne Rosenthal.

**Call meeting to order at 6:07 pm by Supervisor Grant.**  
**Pledge of Allegiance by C. Domes.**

**Open Public Hearings (6:08 pm) on Local Law #C and #D, Year 2024 Moratoriums on the Applications for Solar and Wind Energy Conversion Projects.**

**Resolution #2024-10-8 Set Date of Public Hearing for Proposed 2025 Town Budget**

Be It Resolved, that the Town Board hereby sets the time and date for the Public Hearing on the Proposed 2025 Town Budget to be held on Wednesday, November 6, 2024 at 7:30 pm at the Bennington Town Hall, 905 Old Alleghany Rd., Attica NY 14011; and

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

**Motion: J. Mohun. Second: C. Domes.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. B. Frounick.**

**Resolution #2024-10-9 Declare Highway Equipment Surplus**

Whereas the Highway Superintendent has recommended that the following equipment be declared surplus:

1999 Peterbilt dump truck purchased as used from the Town of Darien.

Now, Therefore, Be it Resolved, that the Town Board hereby declares the above equipment as surplus and authorizes and directs the Superintendent to dispose of the equipment through advertised sealed bid or auction.

Per the request of Council Member M. Gadd, the Town Board must approve all bids prior to award.

**Motion: J. Mohun. Second: C. Domes.**  
**Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. B. Frounick.**

Town of Bennington  
Special Session  
October 22, 2024 - 6 pm

**Open floor for comments on Proposed Local Law #C - Solar Moratorium for 6 months.**

Public hearing to take place in May 2025 after all comments from residents have been reviewed and compared to the current draft of solar law.

Work sessions by the Town Board are open to the public. Public comments are not accepted.

Any exceptions will be in writing.

The Moratorium will be in effect for 6 months from passing of law by the Department of State.

Solar companies prefer to abide by the written law and avoid variances which are subject to court intervention.

Report final action with the Planning Board.

10/22/24 Last day to accept public comments.

***Motion to close Public Hearing 6:17 pm.***

***Motion: J. Mohun. Second: M. Gadd***

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

**Open floor for comments on Proposed Local Law #D - Wind Energy Moratorium for 8 Months**

Signed contracts between landowner and wind company are permissible; it was suggested landowners should hire/consult an attorney, on any contracts, for the landowners protection.

Wind Co. must submit an application to the Town of Bennington for approval.  
Local laws to apply. Decommissioning bond with the Town is guaranteed.

Wind laws not in place yet; to be discussed after the wind moratorium is approved.

***Motion to close Public Hearing 6:33 pm.***

***Motion: J. Mohun. Second: M. Gadd***

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



**Resolution #2024-10-10      Adopt Local Law #C, Year 2024 A Local Law Establishing a  
Second Temporary Land Use Moratorium Prohibiting the  
Development of New Solar Energy Projects Within the Town  
of Bennington**

**WHEREAS**, All Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 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 the adoption of **Local Law #3** of 2024 entitled "Establishing a Second Temporary Land Use Moratorium Prohibiting the Development of New Solar Energy Projects Within the Town of Bennington" to extend the current solar moratorium while the Town continues to consider and revise its current solar energy laws; and

**WHEREAS**, The Town Board of the Town of Bennington held a public hearing on the proposed adoption of said local law on the 22nd day of October, 2024 at 6:00 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 current 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 has made meaningful and reasonable efforts to update and amend its zoning ordinance and local legislation during the initial six (6) month moratorium by consulting with multiple municipal attorneys, the New York State Energy Research and Development Authority, and the Wyoming County Planner; and reviewing solar laws adopted by other municipalities in New York State; and holding multiple open meetings with public input before the Zoning Board of Appeals, the Planning Board, and the Town Board during the period of the first moratorium; and

**WHEREAS**, pursuant to Section 239-M of the General Municipal Law, said local law with all supporting documents was submitted to the Wyoming County Planning Board, comments were received back on September 3, 2024; 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

Town of Bennington  
Special Session  
October 22, 2024 - 6 pm

**WHEREAS**, the Town Board wishes to adopt **Local Law No. 3** to extend the solar moratorium for an additional six (6) month period while further revisions to their solar laws are considered.

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

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

**RESOLVED**, that the Town Board shall file the required report of its final action with the Wyoming County Planner in no more than 30 days, and be it

**FURTHER RESOLVED**, that the Town Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting, to file the law in the Office of the Town Clerk, and to file the law with the Secretary of the State of New York pursuant to Section 27 (l) of the Municipal Home Rule.

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

**Certified resolution to adopt local law #3 and completed filing of local law #3 with NY Secretary of State with Town Attorney D. DiMatteo's office.**

**Resolution #2024-10-11      Resolution Establishing an Eight (8) Month Moratorium on Applications, Approvals, and/or Construction or Installation of Wind Energy Systems and/or Wind Farms and/or Wind Energy Storage Systems**

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 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 the adoption of **Local Law #4** of 2024 entitled, "An Eight Month Moratorium on Applications, Approvals, and/or Construction or Installation of Wind Energy Systems and/or Wind Farms and/or Wind Energy Storage Systems" to allow the Town time to consider the adoption of laws regulating wind energy; and

**WHEREAS**, the Town Board of the Town of Bennington held a public hearing on the proposed adoption of said local law on the 22nd day of October, 2024 at 6:15 p.m., at which time all interested parties and citizens for or against the proposed law were heard; and

Town of Bennington  
Special Session  
October 22, 2024 - 6 pm

**WHEREAS**, the Town Board of the Town of Bennington wishes to establish a temporary land use moratorium prohibiting the development of new wind energy and related energy storage 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 wind energy installations; and

**WHEREAS**, pursuant to Section 239-M of the General Municipal Law, said local law with all supporting documents was submitted to Wyoming County Planning Board, and its comments were received on September 3rd, 2024; 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

**WHEREAS**, the Town Board wishes to adopt **Local Law No. 4** to extend the wind moratorium for an additional eight (8) month period while further revisions to their solar laws are considered.

**NOW ON MOTION OF *Chris Domes*** which has been duly seconded by ***Joyce Mohun***,  
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 an Eight-Month Moratorium on Applications, Approvals, and/or Construction or Installation of Wind Energy Systems and/or Wind Farms and/or Wind Energy Storage Systems", and be it further

**RESOLVED**, that the Town Board shall file the required report of its final action with the Wyoming County Planning Board in no more than 30 days, and be it

**FURTHER RESOLVED**, that the Town Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting, to file the law in the Office of the Town Clerk, and to file the law with the Secretary of the State of New York pursuant to Section 27 (l) of the Municipal Home Rule.

**Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0**  
**Certified resolution to adopt local law #4 and completed filing of local law #4 with NY Secretary of State with Town Attorney D. DiMatteo's office.**

*Clerk Rosenthal amends September 18, 2024 minutes (page 3). Proposed Local Law #5 is corrected to read Local Law #D. Eight Month Wind Moratorium.*

**Motion to adjourn J. Mohun 6:45 pm.**

**Attendance: 13**

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 Frounick, 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.**

**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 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; 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.*

Bennington Town Board  
November 6, 2024

**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.**

Bennington Town Board  
November 6, 2024

**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.

Bennington Town Board  
November 6, 2024

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**

**Bennington Town Board  
December 11, 2024**

Workshop Session 6:30 p.m.  
Audit of bills

In attendance: Supervisor Ellen Grant, Council Members Chris Domes, Bernard Frounick,  
Michael Gadd, Joyce Mohun, Clerk Joanne Rosenthal

Regular Board Meeting 7:30 p.m.

**Call Meeting to Order at 7:30 pm by Supervisor Grant; pledge of allegiance led by B. Frounick.**

**Set Agenda - no changes.**

**Report of Conflict of Interest - no conflicts.**

<b><u>Financial Matters</u></b>	General Fund vouchers	#140 to #164.	\$ 57,407.76.
	Highway Fund vouchers	#261 to #282.	\$ 41,355.16.
	Cowlesville Water vouchers	# 53 to # 56.	\$ 339.25.
	Cowlesville Light vouchers	# 12.	\$ 149.89.

***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 D. Domes to approve the Financial Reports ending November 30, 2024.***

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

**Unfinished Business**

**Resolution #2024-12-1 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 by: M. Gadd. Seconded by: B. Frounick***

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

**Bennington Town Board  
December 11, 2024**

**New Business**

**Resolution #2024-12-2      Reappoint Members to various Boards**

**Be it Resolved**, that the following members are hereby reappointed to the Town Planning Board:

Patricia Wawryzniak	term to expire December 31, 2027
Robert Gadd	term to expire December 31, 2028
Donna Hummel	term to expire December 31, 2028

and,

**Be it Further Resolved**, that the following members are hereby reappointed to the Town Zoning Board of Appeals:

Timothy Pyszczinski	term to expire December 31, 2028
Michael George	term to expire December 31, 2028

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

**Resolution #2024-12-3      Set Date for 2024 Year End Meeting and 2025 Annual Organizational Meeting**

**Be it Resolved**, that the Town Board shall hold a **Special Session on December 30, 2024 at 6:30 p.m.** for the purpose of paying outstanding bills and for any other business as may come before the Board, and

**Be it Further Resolved**, that the **2025 Annual Organizational Meeting and January 2025 Town Board Meeting** shall be held on **January 8, 2025**, commencing at **7:30 p.m.**, with workshop session beginning at 6:30 p.m., and

**Be it Further Resolved**, that the Town Clerk is hereby authorized and directed to advertise the above meetings, to be held at the Town Hall, 905 Old Alleghany Road, Attica NY, in the legal publication of this Town.

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

**Legal Ad placed in Batavia Daily News - publication date December 18, 2024.**

**Resolution #2024-12-4      Amend Snow and Ice Control Agreement 2024-2025**

**Be it Resolved** that the Town Board hereby agrees to amend Resolution #2023-9-1, to increase the minimum snow index factor from .69 to .75 for the purpose of payments to the Town for snow and ice control on County Roads within the Town of Bennington.

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

**Bennington Town Board  
December 11, 2024**

**Resolution #2024-12-5      Set Date of Public Hearing on Home Occupation Permit Application**

**Whereas** the Town of Bennington Zoning Officer has received a completed application for a Home Occupation from Stephen Perl, 157 Bear Road, Cowlesville NY for a custom exempt meat processing business,

**Now, Therefore, Be it Resolved**, that the Town Board hereby sets the date for a public hearing on the above application to be held on **January 8th, 2025** at the Bennington Town Hall, 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: J. Mohun.    Second: B. Frounick.  
Ayes: All (5).    Noes: 0.    Abstain: 0.    Absent: 0.**

**Legal ad placed in Batavia Daily News - publication date December 19, 2024**

**Communications**

Supervisor Grant presented

- Town Court Reports for November 2024.
- Shared information from the Town of Sheldon adopting new zoning laws.
- NYSDEC announced limited enforcement on advanced clean trucks. (ask Ellen for details)

Clerk Rosenthal presented

- Wyoming County Zoning Department reports for October - November 2024.
- Certificate of Liability Insurance for Western NY Plumbing Inc.

**Minutes of Previous Meetings accepted as presented.**

Council Member J. Mohun received a text from a local resident regarding Against All Odd Animal Alliance on Church Rd.. See public concerns & comments for details.

**Departments**

**Highway**

- Plow trucks fitted and ready for winter 2024-2025.

**Town Clerk/Tax Collector**

- Town Clerk monthly report for November 2024.
- Vital Statistics YTD 2024. Births 0. Marriage Permits 8. Deaths 11.

**Zoning/Planning**

- Monthly report from ZO

**Assessor**

- Reassessment of properties continues.

**Bennington Town Board  
December 11, 2024**

**Recreation/Parks/Cultural**

- Letters to Santa being accepted at the Town Hall; drop in the North Pole mailbox with guaranteed response.
- Santa will be at the Cowlesville Fire Hall on December 15.
- Historian Mike Mohun presented the hour long film production 'A Conversation with the Greatest Generation' at the Cowlesville Fire Hall on November 24, 2024. Over 100 residents in attendance. Next showing at Attica High School auditorium on January 7.

**Water District**

- Credit received on account from Erie County Water Authority after repaired leak.

**Petitions and public concerns**

Resident Garrett Schmidbauer, 2286 Church Rd. He has resided at the property for 25 years.

- Complaint against neighboring property Against All Odds Animal Alliance, regarding constant, excessive barking of dogs for twenty four hours per day. Not nice barking, but growling, fighting, distressed animals.
- Additional kennel sheds built; now a total of six. Town has no record of permits being issued.
- Dog handlers are walking dogs on the public road, usually at night or early morning; Schmidbauer, a runner who frequents the roads, feels extremely threatened as handlers appear to have limited control of the dogs.
- Per Schmidbauer, has seen Mercy Flight dispatched out of the facility due to dog attacks on personnel. Problem dogs are brought in from out of state and are adopted out to the public. His knowledge of the property is that it is deemed a dangerous dog no kill shelter.
- Is this a registered business in Bennington?
- Is the public aware of imminent hazards the dogs present to surrounding neighbors in the event they get loose from the property or from handlers due to the dangerous dog status?
- What are the current dog laws in Bennington?
- Can notification be sent to surrounding neighbors to advise of dangerous dogs in the area?
- Are the dogs licensed?

Currently, the Town does not have a limit on the number of dogs a person can own. New York State also does not have a limit.

The Town Board has been drafting dog laws to address overcrowding, poor conditions, and excessive barking as complaints are received from property owners.

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

- Wyoming County Hospital hired a new CEO, Jeff Perry. January 1, 2025 start date.
- Pat Cruikshank inquired about the status of solar laws as it pertains to the Highland Glen project.
- Carolyn Mruczek inquired if AED machines would be purchased for Town Hall. She thanked the Board for continued efforts during the year.

**Adjourn 8:55 pm. Motion by J. Mohun. Attendance: 5.**

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

Special Session 6:30 pm

**Call meeting to order** (6:38 pm) by Supervisor Grant.

**Pledge of Allegiance** led by Council Member M. Gadd.

**Set agenda** - addition: Town Historian Mike Mohun presentation 'A Conversation with Friends' documentary at Attica High School Performing Arts Center on January 7, 2025 at 630 pm.

**Report of conflict of interests** - Council Member J. Mohun to abstain from Highway Dept. discussion regarding purchase of a new pickup truck.

**Financial Matters**

Authorize Budget Officer Grant and Bookkeeper June Spencer to make year-end transactions as follows:

General Fund Vouchers	#165 to #174.	\$12,254.50.
Highway Fund Vouchers	#283 to #302.	\$74,155.04.
Water Fund Vouchers	# 57 to # 59.	\$ 2,077.34.
Lighting Fund Vouchers	# -	\$ 0.

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

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

2024 Year End transactions to approve transfers and appropriations within accounts presented at the meeting.

Appropriate \$350,000 from Bond Proceeds Revenue Acct. to A5132.4 Garage as 2024 Available Funds.

**GENERAL FUND - Transfers within accounts**

From:	A1990.4 Contingent Account	\$41,111.00
To:	Law A1420.1	500.00
	Law A1420.4	6,650.00
	Personnel A1430.4	190.00
	Buildings A1620.1	470.00
	Cent Com A1650.4	1,200.00
	Cent Prnt A1670.4	4,400.00
	Ins A1910.4	1,661.00
	Hwy Adm A5010.4	2,500.00
	Garage A5132.4	22,000.00
	Lights A5182.4	200.00
	Parks A7110.4	525.00
	Zoning A8010.4	815.00
	Total	\$41,111.00

**When ARPA funds were received, they were in reserve in GF, but not appropriated to any fund/account for expenditures.**

ARPA Funds Appropriate into the following funds from General Fund:

To:	General Fund	\$149,997.98	Garage
	Highway Fund	120,000.00	Gen Repairs/Perm Improv.
	Water Fund	60,000.00	Source of Supply
	Lighting Fund	<u>360.00</u>	Utilities
	<b>Total</b>	<b>\$330,357.98</b>	

Transfer with Highway Accounts:

From:	Perm Impr	DA5112.1	\$ 24,400.00
	Machin	DA5130.2	50,000.00
	Hosp Ins	DA9060.8	28,350.00
	Bond Int	DA9730.7	<u>1,010.00</u>
	<b>Total</b>		<b>\$103,760.00</b>

To:	Machin	DA5130.4	\$ 63,000.00
	Retire	DA9010.8	700.00
	Unemp In	DA9050.8	400.00
	Snow Rmv	DA5142.4	21,350.00
	Snow Rmv	DA5142.1	310.00
	Perm Imp	DA5112.4	<u>18,000.00</u>
	<b>Total</b>		<b>103,760.00</b>

2024 Expenses - ARPA

Water District

\$ 7,143.68	System Charge/Source of Supply ECWA
6,965.90	System Charge/Source of Supply ECWA
4,094.92	System Repair - JMM Construction
7,607.08	System Charge/Source of Supply ECWA
8,200.40	System Charge/Source of Supply ECWA
8,779.16	System Charge/Source of Supply ECWA
8,287.76	System Charge/Source of Supply ECWA
<u>8,921.10</u>	System Charge/Source of Supply ECWA
<b>\$ 60,000.00</b>	<b>Total</b>

Lighting District

\$ 140.00	NYSEG/Acct 1001-2714-449
<u>220.00</u>	NYSEG/Acct 1001-2714-449
<b>\$ 360.00</b>	<b>Total</b>

General Fund

\$ 65,000.00	Garage Proj. Stately 8/23
<u>84,997.98</u>	Garage Proj. Stately 5/24
<b>\$149,997.98</b>	<b>Total</b>



Highway Fund

\$ 49,447.01	EQ/used truck	24-Jan
7,349.06	Construct Materials	24-Jan
9,400.15	Construct Materials	24-Jan
3,905.00	EQ/tilt trailer	24-Feb
103.84	Construct Materials	24-Feb
17,357.74	Construct Materials	24-Mar
6,801.68	Construct Materials	24-Apr
4,250.00	Road Tx/Brine	24-May
8,261.71	Construct Materials	24-May
3,400.00	Road Tx/Brine	24-June
<u>9,723.81</u>	Construct Materials	24-June
<b>\$120,000.00</b>	<b>Totals</b>	

**Motion by J. Mohun, seconded by M. Gadd to approve transfers and appropriations.  
Ayes: All (5). Noes: 0. Abstain: 0. Absent: 0.**

**Highway Department**

Discussion on projects and equipment.

1. Replace outdated fuel diesel (1) and gasoline (1) tanks and pumps at the Highway garage; last replaced 15 years ago. Include a roof to cover the tanks from weather. Old tanks would be auctioned off. Highway Superintendent to gather three quotes. Timeline for project: Spring 2025.
2. Add to fleet snow pusher 10' for Massey Ferguson tractor for snow removal in the streets of Cowlesville. Highway Superintendent to gather information to present at January 8, 2025 Board Meeting.
3. Pine Tree Park water system; review if update is needed.
4. The Town Board requested tentative plans and anticipated funding needed for the road work project in 2025. Oil and stone, finish repairs to streets of Cowlesville
5. Replace current 2021 #2500 red pickup truck (48,000 miles, mechanical issues) trade-in value \$26,500. Purchase 2025 Chevrolet Silverado #2500 WH 4WD crew cab pickup as an emergency purchase due to winter maintenance needs and existing light duty trucks out of commission.  
Balance due: 37,470.50

**Motion for Highway Superintendent to purchase new 2025 Chevrolet Silverado  
Ayes: (4). Noes: 0. Abstain: 1 (Mohun). Absent: 0.**

**Public Comments**

Resident Mruczek inquired of the fiscal stress of Bennington and the impact on Town finances. Per NYS State Comptroller Thomas P. DiNapoli in the October 2024 Fiscal Stress Monitoring System for Fiscal Year 2023 Results (osc.ny.gov). The Town of Bennington was listed with a Moderate Fiscal Stress Designation for 2023; there was no designation for 2022. Many local governments face fiscal and operational stress from unanticipated events and factors, including natural disasters, economic shocks or emergency costs. The Town of Bennington transferred monies from the general fund to the highway fund for repair and maintenance of roads and higher than normal vehicle repair bills due to an aging fleet. Funds received from CHIPS reimbursement. General Fund not reimbursed in full. Supervisor Grant estimates the payback will continue for Years 2024, 2025 and 2026. The Town is currently not in debt.

C. Mruczek will continue maintenance work in 2025 on the Town Hall porch and the Historical Museum porch.

Supervisor Grant and the Town Board expressed many thanks and appreciation to Mike Gadd for his time, and expertise as he stepped in to fill a council member vacancy during 2024.

Adjournment at 7:16 pm.

Motion by J. Mohun

4 In attendance