

TOWN OF BENNINGTON
November 6, 2019

Workshop Session 7:01pm

Councilmembers Mohun, Frounick, Waite and Gadd audited the bills. Superintendent Czworka attended to update the Board on various projects. Received salt and sand the last couple of weeks and the plows have been put on the trucks. Did some grading, then patch work on Urf rd., Burrough Hill rd., and Graff rd. Supervisor Grant briefed the Board on the various hearings that will take place tonight. Local Law #3 is due to the revaluation project that will be going on next year. The County has offered to head up this project. We have the SEQR to consider a negative declaration for the Highland Glens hookup. Supervisor Grant updated the Board on the water meters. Our equipment is not able to read all meters in the Town, we are looking at joining a grant for new equipment. Supervisor Grant would like approval to pay Alden Advertiser for a printing project. She would like this to be paid when it comes in rather than wait till the next Board Meeting. All members were in agreement.

Town Board Meeting Agenda
November 6, 2019

Call meeting to order at 7:38pm

Supervisor Grant asked Councilman Waite to lead the pledge to the flag.

Open Public Hearing on the 2020 Contract with Harris Corners Fire Company at 7:38PM

Open Public Hearing on Local Law #3 Over-ride the Property Tax Cap for the 2020 Town Budget at 7:38PM

Open Public Hearing on the 2020 Town Budget at 7:39PM

Financial Matters:

General Fund vouchers #234 to #254 totaling \$15,757.07 Motion Mohun/Gadd, all ayes carried.

Highway Fund vouchers #147 to #162 totaling \$48,446.45 Motion Frounick/Waite, all ayes carried.

Cowlesville Water vouchers #63 to #70 totaling \$2,959.92 Motion Gadd/Mohun, all ayes carried.

Cowlesville Light vouchers #11 totaling \$197.81 Motion by Waite/Frounick, all ayes carried.

Financial Reports; Motion by Mohun/Waite, all ayes carried.

Minutes of previous Town Board Meeting held on 10/9/19 as well as minutes from the Budget workshop held on 10/30/19; Motion to approve by Mohun/Gadd, all ayes carried.

Correspondence: The Clerk received the 2020 Varysburg Fire District Budget, a certificate of analysis from Biotrax, a letter from The Department of State verifying the receipt and filing of Local Law #2 2019. A letter and some emails from town residents were received by the Town Clerk regarding the new trash roadside pickup service. The Town Clerk received an announcement from the NYS Town Clerks association regarding legislation that Governor Cuomo enacted on November 6th. Effective 11/6/19, all death certificates must now specify if an opioid was specifically involved in the death. The Town Supervisor received current balances on Health Reimbursement Accounts for Town employees. Robert Gadd submitted a letter confirming that the Town Planning Board is aware of the Connect Gen Project in the Town. They attended a presentation on the project and Connect Gen is hoping to gain an award from NYSERDA for the Big Tree Solar project that the State will oversee. Copies of the presentation are available in the Clerk's office for review. Information regarding products from the Bank of Greene County. Renewals are due for insurance on 2020. The Supervisor received Info from Attorney DiMatteo regarding Local gross receipts. Municipal bookkeeping service flyer came in from a local company for services. Emails received from residents on washouts from various roads, these emails were passed on to the Highway Superintendent. NY Local Bridges calendar was received which featured the Schad Rd. Bridge.

Hear Comments – 2020 Contract with Harris Corners Fire Co.

Supervisor Grant opened the hearing for comments at 7:57pm. The Fire Department is seeking a 2% increase for the next two years. Councilman Mohun asked if they covered the insurance that was mandated, yes, they covered this expense from their funds. There are 7-8 members that are on this insurance plan because they are interior firefighters. Motion by Frounick/Gadd to close the Public Hearing at 8:02pm.

Resolution 2019-11-3 2020 Contract with Harris Corners Fire Company

Whereas, the Town of Bennington has held a duly advertised hearing of all parties regarding the 2019 Contract between the Town and the Harris Corners Fire Company for fire and rescue squad service within the Harris Corners Fire Protection District in the Town of Bennington on this 6th day of November, 2020 at the Bennington Town Hall;

Now, Therefore, Be It Resolved, that following consideration of any and all comments regarding said Contract, the Town Board hereby approves said 2020 Contract in the amount of \$31,008.50, said amount to be levied upon the 2020 Town and County tax bills for parcels located within said District.

Motion by Waite; Seconded by Frounick

Ayes; 5

Noes: 0

Abstain: 0

Absent: 0

Supervisor Grant will sign the contracts and send out.

Hear Comments – Local Law #3 – Property Tax Cap Over-ride

Supervisor Grant opened the hearing for comments at 8:04pm. Mr. Aldridge asked what that amount is; It is \$28,000 and is based on funding needed for the revaluation project that will be done in 2020. We will not be eligible for the tax relief rebate checks this year since the Town will go over the tax cap. Motion by Mohun/Gadd to close the public hearing at 8:08pm. All ayes, carried.

Hear Comments – 2020 Town Budget

Supervisor Grant opened the hearing for comments at 8:09pm. Supervisor Grant reviewed some of the changes to this year's budget. Tentative budget was received by the Town Clerk on September 30th and then a budget workshop was held by the Town Board for additional input. After the additional changes, the preliminary budget was presented. Councilman Mohun asked if funding was put in for a copier for the Zoning Officer. Karen DeYoung referred to page 6 regarding what the contingent account is. Supervisor Grant answered this is an emergency fund if something comes up that was not budgeted for at the beginning of the year. Asked also about revenues from interest, felt that was low. Supervisor Grant explained that the reserve is not part of the budget, but is a percentage of the budget. Ms. DeYoung asked where the money is that was set aside for the Transfer station improvements. This is part of the contingency line. These funds may be used for an electronics pickup sometime next year. Mr. Aldridge had questions about the Transfer station line items. Some have been zeroed out due to its closing, but needed to keep some funds there for a dumpster for the Town building's trash. Supervisor Grant explained to the Board that there have been increases made to the Court lines due to State mandates that will take place on 1/1/20. Tax rate per thousand is \$9.33. Karen DeYoung asked about debt service, that is paying for the infrastructure from the set up of the water district. Question about how Highland Glen will affect this, they won't pay toward the debt service but will instead pay 1 and a half the rate on usage. Motion made by Mohun/Gadd to close the hearing at 8:38pm, all ayes carried.

Public Concerns: Ed Aldridge asked whether his culvert will get repaired this year. No answer from Superintendent via email. Materials have been purchased, not sure when this will take place. Karen DeYoung said that there is a tree hanging into the road on South side of Sinn rd., believes it is in the right of way. Supervisor Grant will speak to the Highway Superintendent.

Departments:

Clerk – The Town Clerk explained her September report and the reporting on Decals. The Clerk was presented a certificate for selling the most Habitat stamps last year in Wyoming County.

Assessor – Revaluation project was presented by the Assessor on the October 30th. There was a nice turnout and a lot of questions were asked. Comment was made that the notice wasn't put out on Social Media sites.

Zoning/Planning – Variance hearings are being held now.

Highway – The Clerk read the notes and updates that the Highway Superintendent gave during the work session. Councilman Mohun would like to contact Alfred College to see about an intern come in to do some clerical work in the Highway offices. Motion by Mohun/Waite to support seeking an intern for support. Voting all ayes, carried.

Park/Recreation – Done for the year.

Water District – Highland Glens Water Connection SEQR; WRA grant/proposal

Resolution #2019-11-1 Highland Glen Water Connection SEQR

Whereas, in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Town Board of the Town of Bennington hereby expresses its intent to serve as Lead Agency to comply with SEQR; and

Whereas, the purpose of this project is to permit an out of district connection between the Cowlesville Water District and Highland Glen; therefore

Be it Resolved that the Town Board hereby accepts Parts 2 and 3 of the Short Environmental Assessment Form for this project, prepared by MRB Group; and

Be it Further Resolved, that the project is an Unlisted Action and the Town will complete an Uncoordinated Review in accordance with Section 617.6 of SEQR; and

Be it Further Resolved, that the Town Board declares that, based on the Environmental Assessment, it finds that the project will result in no significant adverse impacts to the environment. Therefore, the Town Board does not anticipate the preparation of an Environmental Impact Statement for the project. Further, the Town Board herewith states its intent to issue a Negative Declaration under SEQR for the project.

Motion by Mohun; Seconded by Gadd

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

Resolution #2019-11-2 Agreement to participate and provide letter of support for Wyoming County Water Resource Agency grant application for equipment and services for water systems within the County

Be it Resolved, that the Bennington Town Board hereby agrees to participate with the grant application by the Wyoming County Water Resource Agency for state funding for purchases of equipment and services by the WRA and participation municipal water districts within the County and provide related information and a letter of support for said application.

Motion by Waite; Seconded by Frounick

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

Transfer Station – Sending letters out explaining the new program to our residents.

Old Business:

Local Law #3 Year 2019 Over-ride the Property Tax Cap

Resolution #2019-11-4 Local Law #3, Year 2019 OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c.”

The Town Board of the Town of Bennington met at a special session at the Town Offices of the Town of Bennington located at 905 Old Allegany Road, in the Town of Bennington, New York on the 6th day of November 2019 commencing at 7:30 p.m., and thereafter a public hearing was held at 7:30 p.m. at which time and place the following members were:

<u>Present:</u>	Supervisor Grant	Councilman Mohun
	Councilman Waite	Councilman Frounick
	Councilman Gadd	

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

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

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

WHEREAS, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on November 6, 2019 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

WHEREAS, that the Town Board of the Town of Bennington feels it is in the best interests of the Town of Bennington to adopt said law.

NOW ON MOTION OF Councilman Mohun, which has been duly seconded by Councilman Gadd, therefore, be it

RESOLVED, that the Town Board of the Town of Bennington feels it is in the best interests of the Town of Bennington to adopt Local Law No. 3 of 2019 entitled, “Override the Tax Levy Limit Established in General Municipal Law §3-c.” and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

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

2020 Town Budget
Resolution #2019-11-5Adopt 2020 Town Budget

Be it Resolved, that, following a duly advertised Public Hearing held on the 6th day of November 2019, the Bennington Town Board hereby adopts the Proposed 2020 Town of Bennington Budget with a total levy of \$1,354,802.45, and authorizes the amounts therein to be levied upon the real property within the Town of Bennington on the 2020 Town and County tax bills.

Motion by Gadd; Seconded by: Frounick
Ayes: 5 Noes: 0 Abstain: 0 Absent: 0

New Business:
Winter Parking Ban on Town Roads/ Designate Season Roads for purpose of winter maintenance
Resolution #2019-11-6 Authorize the Clerk to advertise Seasonal Maintenance Roads within the Town and Season and Winter Parking Restrictions on Town Roads

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 and 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 Gadd; Seconded Frounick:

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Designate OFA Advisory Council Representative

Resolution #2019-11-7 Designate Town Representative to Wyoming County Office for the Aging Advisory Council

Be it Resolved, that the Bennington Town Board hereby designates Faith McQueen, 693 Lapp Road, Alden NY 14004 as the Town Representative to the Wyoming County Office for the Aging Advisor Council effective December 10, 2019 until the completion of the unexpired term.

Motion by Mohun: Seconded Frounick:

Ayes: 5

Noes: 0

Abstain: 0

Absent: 0

Set date for public hearing, Local Law #4 – Moratorium on burials on private property

Resolution #2019-11-8

RESOLUTION REGARDING PROPOSED LOCAL LAW #4 OF 2019, “A LOCAL LAW ESTABLISHING A TEMPORARY MORATORIUM PROHIBITING PRIVATE PROPERTY BURIALS 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, on the 19th day of November, 2019, commencing at 6:30 p.m. at which time and place the following members were:

<u>Present:</u>	Supervisor	Grant
	Councilman	Mohun
	Councilman	Waite
	Councilman	Frounick
	Councilman	Gadd
<u>Absent:</u>	_____	_____

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board is considering adopting a proposed local law, entitled, “A Local Law Establishing A Temporary Land Use Moratorium Prohibiting Private Property Burials Within The Town Of Bennington”; and

WHEREAS, the purpose of the proposed local law is to temporarily halt private property burials, for a period of up to six (6) months, while the Town considers the enactment of regulations to specifically address the burial of human remains or to establish burial grounds on privately owned property within the Town; 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 finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

NOW ON MOTION OF Frounick which has been duly seconded by Mohun, be it

RESOLVED, the Town Board of the Town of Bennington will refer said local law with all supporting documents to the Wyoming County Planning Board for its comments; and

RESOLVED, the Town Board of the Town of Bennington will hold a public hearing on the proposed adoption of said local law on the 19th day of November 2019 at 6:30 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 5 Nays: 0

Absent/Abstain: 0

Quorum Present: X Yes No

Any other Business to come before the Board/County Matters:

Councilman Mohun asked that a mission statement be created for the Road Committee.

Motion made for Adjournment by Mohun at 9:23pm.

Respectfully submitted,

Carolyn Busch

Bennington Town Clerk