

June 12, 2019

Work Session

6:45 PM

Supervisor Grant along with Council Members Mohun, Frounick, Gadd and Waite audited the Highway, General Fund and Special District claims. Discussion of limited hours the Highway Superintendent can work through July. Attorney Spitzer addressed the Board on the status of the Duke Energy Project. Recommends that we table the SEQR & Re-Zone. He asked the Board to pass a resolution on an Escrow Agreement. The Highway Superintendent said the pickup is due for a replacement. The Town of Darien will be seeking bids on a truck and he is interested in purchasing it. The Highway department will receive millings from the State. Product will be going up on Friedman Rd.

June 12, 2019

Regular Meeting

7:34pm

Supervisor Grant called the meeting to order and asked Council Member Waite to lead the pledge to the flag.

Present were Council Members Frounick, Gadd, Mohun and Waite.

Supervisor Grant opened the Public Hearing on Local Law #1-2019, Residency Requirement for Highway Superintendent.

Supervisor Grant opened the Public Hearing on Rezone and Special Permit Application – Duke Energy

Financial Matters

General Fund claims #112-134 totaling \$19,390.47 presented. Motion made by Mohun/Gadd to approve the General Fund claims presented. Voting all ayes, carried.

Highway Claims #90-104 totaling \$198,755.69 presented. Motion made by Mohun/Gadd to approve the Highway claims presented. Voting all ayes, carried.

Cowlesville Water District claims #33-38 totaling \$2,466.50 presented. Motion made by Frounick/Waite to approve the water district claims, voting all ayes, carried.

Cowlesville Street lighting claim #6 totaling \$197.81 presented. Motion made by Gadd/Frounick to approve the lighting district claims, voting all ayes, carried.

Supervisor's Financial Statements presented for May 2019. Motion made by Mohun/Gadd to accept the Financial Reports, voting all ayes, carried.

Minutes: May Meeting

Supervisor Grant asked if there were any corrections/amendments to the minutes. Motion made by Waite/Gadd to approve meeting minutes. Voting all ayes, carried.

Correspondence:

The Town Clerk received a Disclosure Statement from the Town's Assessor Kandace Wittmeyer. Supervisor Grant received the Wyoming County Profile 2017 Census of Agriculture. Wyoming County is the top agricultural county in the State. Minutes were received from the Highland Glens meeting regarding the Water District. New York State Tax and Finance State Equalization Rate is at 41%. Town Justice Brandon's report from last month was received by the Supervisor. Wyoming County Planning shared services available to municipalities.

Supervisor Grant opened the floor to hear public comment on the Duke Energy Project regarding the proposed re-zoning of parcels in Bennington along State Rd. 77 and County Route 354. Three representatives from Duke Energy were in attendance. The impact study was just received by the Town the day prior (6/11/19) to this Board meeting. Consultant prepared a study last week regarding the visual impact. Solar Law in the Town only allows solar projects on agriculture parcels. Duke is seeking a re-zone from residential and commercial. Application was submitted to the Town in March on the 20 megawatt project covering 78 acres. Tyler presented study including setback of 50ft along with planting of shrubs and trees along the fence line that borders State Rd. 77. Trees will grow to 12-15ft at full maturity and will be replaced should they die when alerted by the Town. Councilman Gadd questioned the setback, if this was the recommendation of the County Highway Dept. Should we consult? Atty.

Spitzer addressed added verbiage to contract regarding ongoing care of trees. Donna Baker from Clinton Street questioned where the energy was going. Electricity will go to the grid. Beth Hughes from Clinton Street concerned about upsetting her horses while installation is going on. Bob Plewa from State Rd. 77 concerned on setback. Beth Hughes asked Supervisor Grant what the process will be and she was given that information. The County Planning Board approved the Rezone, but held back on the rest pending additional information. The Town Board will vote whether to proceed with the project. The Board will work with Duke and come up with the best plan and make sure questions are addressed. Deb Huber from Clinton Street asked if there will be any flashing lights or humming; answered no. This project will help mitigate the blowing snow per their study. Asked if Town would benefit financially? Duke would pay taxes on that portion and work on Pilot program with the IDA. Bonnie Warner asked if there would be a reduction of speed; the state sets the speed limit, not the Town. Maria Walczak from Rt. 77 concerned on glare and the numerous accidents on that road. The study concludes no public nuisance. They are black, therefore they absorb not reflect. Dan Reiner from Clinton Street wants to know if we will see wires. No they will be run underground. Les Green from Old Alleghany wanted to know how tall the fence will be; 7ft plus a foot of barbed wire. He also asked how much the landowner would get for the lease of his property from Duke Energy; that is private and between the landowner and Duke. Bob Plewa asked what will happen if there is a problem with glare. Again, report states there will be no glare. Mrs. Walczak wanted to know why Bennington was chosen; criteria was flat land, good access to transmission, good road access, no environmental concerns. This site satisfied the criteria. Construction would take place five days a week. Duke will maintain mowing of property; no full-time employees will be based on site. Duke would hire local experts to install the panels. Jason Conrad from Clinton Street concerned on effects of construction and how it will affect his farmland. All water runoff will be contained in their retention pond. Duke is held to adhere to not making a change to current conditions. Councilman Mohun asked if project could shrink to less than 78 acres; too early at this point. Jim Schlick from Church Rd. asked if the Board accept written statements from residents; yes please submit. Duke Energy will contact and meet with them directly. Zoning Officer Marble said that residents could submit via the Town website www.benningtonny.com.

Councilman Waite asked if the Town can purchase electricity at a cheaper rate from this project; commercial solar projects are 5 megawatts, so this would not qualify. No legal way to make this happen. Town should be purchasing a co-op pricing which is reduces pricing. Duke has been in business for over 100 years. Will the Board notify residents of the money that comes in for this project; yes, budget is always available to residents. Duke is not looking at additional projects in the Town. Atty. Spitzer explained the power leads that the energy services deal with and the precarious balancing act that they must adhere to. Karen DeYoung from Bailey Rd. asked about the height of fence, said deer can jump 7 and a half feet. Height is standard at 7ft plus the foot of barbed wire. Ed Aldrich from Bailey Rd. concerned about deer. Atty. Spitzer recommended to the Board to keep the public hearing open and asked to approve the escrow agreement.

Motion made at 9:04 to adjourn the public hearing and sign the escrow agreement by Councilman Frounck, seconded by Councilman Mohun. Voting all ayes; carried.

Supervisor Grant asked if there were any public comments regarding Local Law #1-2019 at 9:07pm. Superintendent Czworka will retire and the Board has difficulty finding qualified individuals in the Town. County advised that other municipalities have adopted local laws to open residency requirements outside their Towns. Mr. Plewa asked if the Highway Superintendent is required to come to Town meetings; no he is available anytime and can be contacted via phone/email. Board members can be contacted if satisfaction is not received. Karen DeYoung asked if the salary can be raised; Councilman Gadd said it is being addressed. Question asked from a resident that sent in a resume, but had not been contacted. Board will be contacting those people next week. Councilman Waite asked if an out of County resident was elected, but did not show up for work, could the Board fire him; no, the Board cannot fire an elected official. Motion made at 9:17pm by Councilman Mohun to close the public hearing, seconded by Gadd; voting all ayes, carried.

Resolution #2019-6-2 Local Law #1, Year 2019

Whereas the Town Board of the Town of Bennington held a duly publicized public hearing on this date at the Town Hall in Bennington Center, now

Therefore Be it Resolved, that the Town Board hereby approves the adoption of Local Law #1, year 2019 A Local Law Establishing Residency Requirements for the Office of Highway Superintendent; and

Be it Further Resolved, that the Town Clerk is hereby directed to file said Local Law with the Secretary of State of the State of New York.

Motion by Frounick, seconded by Waite

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

Public Concerns: Mr. Plewa asked what the process for the solar project would be going forward.

Departments:

Town Clerk: The Clerk is appointing Denise Kless as Deputy Town Clerk. The Town Clerk handed out her monthly report for May to the Board Members during work session.

Assessment:

Zoning/Planning:

Highway Department: Design work for the Aldridge property is moving along.

Parks/Recreation: Swim contract with Byrncliff Resort.

Resolution #2019-6-1 Contract with Byrncliff Resort for Youth Swim Program

Be it Resolved, that the Town of Bennington enters into an agreement with Byrncliff Golf Resort & Banquets, 2357 Humphrey Road, Varysburg, New York for use of facilities for the Town's Youth Recreation Swim and Crafts Program, beginning July 9, 2019 through August 15, 2019 for a total of 66 hours, in the amount of \$1,650.00.

Motion by Waite, seconded by Frounick.

Ayes: 5 Noes: Abstain: Absent:

Water District: The water attendants are aware of a leak in the mainline of the water supply coming into the Town of Cowlesville and are working with Erie County to pinpoint the location with some of their equipment.

Transfer Station: The transfer station committee gave a written presentation to the Board. They proposed two options that the Board can look at. Option A was for a County Wide Curbside pickup program. All residents of the Town would receive weekly pickup up to 5 bags, all recyclables and one large item. Currently this is a \$246 charge that would get put onto the County/Town tax bill. Option B would include putting up to \$60,000 worth of improvements into the current Transfer station, annually charging every household residence in the Town between \$84-\$159 to dispose of up to 5 bags of trash per visit. Businesses in the Town would not have access to use the Transfer Station and no attendants would be able to assist in putting garbage into the compactor. This charge would also go on their County/Town tax bill. Councilman Waite asked what option the committee was most in favor of; Members were divided. Councilman Gadd asked for specific pricing of leased equipment, Councilman Mohun asked if a survey went out, what questions would be asked; Councilman Gadd thanked all members for their time and effort working on this project.

Old Business:

Spectrum Franchise Agreement was emailed to the Board members after some amendments were made by the Town Attorney. Motion was made by Councilman Mohun to approve the signing of the Franchise agreement and seconded by Councilman Gadd. Voting all ayes; carried.

Resolution #2019-6-4 Agreement with New York State Electric & Gas to convert local street lights to LED lighting.

Whereas, the Town of Bennington has confirmed the need for continued street lighting on Folsomdale Road in the area of Line #716, Pole #112,

Now, therefore, Be it Resolved, that the Town Board hereby approves the installation of a new LED 4500 lumen street light on Folsomdale Road by NYSEG on Line #716, Pole #112, and that such lighting shall be billed to town-wide street lighting account #1001-2714-456.

Motion by Mohun, seconded by Waite

Ayes: 5 Noes: Abstain: Absent:

Resolution #2019-6-5 Amend Investment Policy of the Town of Bennington

Be it Resolved, that the Investment Policy of the Town of Bennington be hereby amended to designate depositories in Section VII and Appendix B as hereby attached.

Motion by Mohun, seconded by Gadd

Ayes: 5 Noes: Abstain: Absent:

**Investment Policy
Town of Bennington**

(replace) VII. DESIGNATION OF DEPOSITORIES

The banks and trust companies authorized for the deposit of monies up to the maximum amounts are:

<u>Depository</u>	<u>Maximum Amount</u>	<u>Officer</u>
Five Star Bank	See Attached Appendix B	
Alden State Bank	See Attached Appendix B	
Bank of Castile	See Attached Appendix B	
HSBC Bank	See Attached Appendix B	

**APPENDIX B
INVESTMENT POLICY
TOWN OF BENNINGTON**

(REPLACE) VII. DESIGNATION OF DEPOSITORIES

Depository Name	Maximum Amount	Officer
FIVE STAR BANK		
General Fund Checking;		
Highway Fund Checking;		
Cowlesville Water District Fund Checking	\$500,000.00	Supervisor
Justice Accounts/Bail Account	\$ 8,000.00	Justice
General Fund Certificate of Deposit	\$500,000.00	Supervisor
Highway Fund Certificate of Deposit	\$500,000.00	Supervisor
Cowlesville Water District Certificate of Deposit	\$500,000.00	Supervisor
Tax Collection Accounts	\$900,000.00	Town Clerk/Collector

ALDEN STATE BANK		
Town Clerk Accounts	\$ 25,000.00	Town Clerk
General Funding Certificate of Deposit	\$250,000.00	Supervisor
Highway Fund Certificate of Deposit	\$250,000.00	Supervisor
BANK OF CASTILE		
General Funding Certificate of Deposit	\$250,000.00	Supervisor
Highway Fund Certificate of Deposit	\$250,000.00	Supervisor
HSBC BANK		
General Funding Certificate of Deposit	\$250,000.00	Supervisor
Highway Fund Certificate of Deposit	\$250,000.00	Supervisor

A motion was made by Councilman Mohun to repair the upstairs front doors at a cost not to exceed \$1,000 and seconded by Councilman Waite. Voting all ayes; carried. We will also look into long term future of these doors.

A motion was made by Councilman Gadd to approve a stipend for the acting Deputy Highway Superintendent of \$10,000 till 12/31/19 paid bi-weekly, and seconded by Councilman Waite. Voting all ayes; carried.

Any other Business to come before the Board

There being no further business, a motion was made by Mohun to adjourn. Meeting adjourned at 10:23 pm.

Respectfully Submitted,

Carolyn Busch, Town Clerk