

The Regular Town Board Meeting was held December 13, 2023 in the Benton Town Hall, 1000 Route 14A, Penn Yan, NY 14527.

Board Present: Supervisor John Prendergast
 Councilmen Richard Harper, Deputy
 Glenn Quackenbush
 Alan Tomion
 Thomas Davie

Also Present: Jayson Hoover – Highway/Water, Thomas Fulkrod – Zoning, Bobbi Wolfe – Town Clerk, Susan Mastronardi – Deputy Clerk.

Public Present: (Attached Attendance Sheet)

Supervisor Prendergast opened the meeting at 7:00 PM with the Pledge of Allegiance.

Approval of Minutes:

Motion was made by Glenn Quackenbush seconded by Thomas Davie to approve the November 8th, 2023 minutes as presented. Motion was carried. Motion was made by Alan Tomion seconded by Thomas Davie to approve the November 16th, 2023 minutes as presented with one correction. Motion was carried. Abstained: Richard Harper and Glenn Quackenbush as they weren't in attendance.

Guest: Matt Tette: Stork Insurance: Presented the 1/1/24-1/1/25 insurance policy. 2023 Policy total \$30,921.48, 2024-2025 policy total \$31,921.36. Mr. Tette explained that they represent several local towns and have had excellent claims response. He stated it is always good to bid out to other companies for other rates every few years.

Water District # 5: Attorney Jeff Graff attended to answer any questions regarding the payback of General Funds used for this district. Mr. Graff explained that he had talked to Elissa Sheehan, Senior Attorney of the State Controllers Office. Resident of WD # 5, Rick Monihan stated he had talked to Mr. Ed Grant but as attorney Graff found out that Mr Grant is not an attorney and Mr. Monihan's messages were forwarded to Ms. Sheehan. Ms. Sheehan asked whether the town board had approved the expenditure from the General Fund for MPL, the town board approved \$2000 for work to be done on the MPL. That resolution was advertised subject to a permissive referendum that no petition calling for a vote was filed. It was determined that the \$2000 can not be repaid by the district. Also reviewed General Municipal Law 99-d town board authorize the preparation of surveys, preliminary plans etc for the capital project to be financed and that the proposed district "When Created" shall reimburse the town for cost associated once created. Legal and engineering services and all other expenses incurred or occasioned by reason of the improvement or project. Expenses of the created district shall be assessed, levied and collected from the several lots and parcels of land within the district. Discussion by the town board: there was three years use of town money to be paid back thru a loan. Attorney, Jeff Graff will prepare any paperwork regarding the end of this district. Pay back will be thru a "Bond Anticipation Note" for 5 years which Jeff Graff will also prepare for town board approval.

** Motion was made by Glenn Quackenbush, seconded by Richard Harper to calculate and assemble all cost and charge to WD #5 residents on the 2025 Town/County Tax Bill. Minus the cost of the MPL

\$2000.00. Motion was put to a vote: AYES: Prendergast, Tomion, Quackenbush, Harper. NOES: Thomas Davie as he was not present for the creation of this district.

WD # 5 Comments by residents: (We all take exception to this ruling) Town Board member, Allan Tomion stated that (we) the board aren't happy of the results either. This will continue at the January board meeting.

Solar:

Glenn Quackenbush reported on the "Host Community Agreement" and the "Decommissioning Agreement". The town will receive \$17.5K/Yearly per each solar project with a 2% yearly escalator for the Host Community Agreement. The Decommissioning Agreement: \$185K for the Aaron Martin project, \$182K for the Nate Horning project. The contracts need to be sent to Attorney Jeff Graff for his review. Motion was made by Glenn Quackenbush, seconded by Richard Harper to accept the contracts once the one correction is made by Attorney Graff. (20 Years to Life time of the project). Motion was carried.

Benton Resident, Skip Jensen sent a letter requesting a location moratorium on solar farms. The special committee for zoning will review and discuss.

Sales Tax Sharing:

Budget for 2024, distribution for the Town of Benton will be \$83,634.05. Once the town receives this distribution it will be deposited in the "Highway Capital Reserve Fund" with NYCLASS.

New Business:

Yates County Highway:

The proposed NYSEG gas line won't be installed until June of 2024, there will be a 6" line for possible future development in Benton.

NYS Department of Ag & Markets: Dog Control Officer Inspection Report was rated "Satisfactory", Municipal Shelter Inspection Report completed 11/17/23 was "Unsatisfactory" due to (19) "Written Contract or lease with Municipality". A re-inspection will occur in approximately (30) days.

E-Waste:

Will no longer provide a truck and employees for clean up day, they will provide supplies and pick up after the event. E-Waste would like the board's approval so the June 1st, 2024 date can be set up. Motion was made by Richard Harper, seconded by Thomas Davie to approve the supplies without the truck and employees for June 1st, 2024. Motion was carried.

NYSEG:

Motion was made by Thomas Davie, seconded by Alan Tomion to approve the "Excavation Blanket Permit". Motion was carried.

Yates County Animal Control Contract:

Motion was made by Glenn Quackenbush, seconded by Alan Tomion to approve the Yates County Animal Control Contract. Motion was duly put to a vote: AYES: Prendergast, Quackenbush, Tomion, Davie. Abstained: Richard Harper.

Water District # 3:

Town of Seneca is negotiating a price increase for WD # 3. Our current rate is \$2.90/1000, proposed water rate is \$4.75/1000 an increase of \$1.85/1000. Jayson Hoover will be drafting re-negotiating the contract.

A resident of WD # 3 was assisted thru the NYS Office of Temp & Disability Assistance to pay her water bill.

Water District # 7:

We are still receiving petitions, so far six have been sent back.

Highway:

NYSDOH Water Districts 1-2-3 have a three year, Benton's was inspected 12/13/23 with no violations. Sheryl Robbins suggested the SCADA system have password protection added. Casey has been keeping up with all maintenance for the districts.

Jayson asked the town board about the set back for the new cold storage building which will be 5' instead of 15' per zoning. Motion was made by Glenn Quackenbush, seconded by John Prendergast to go ahead with the 5' off the north property line. Motion was duly put to a vote. YES: Tomion, Prendergast, Davie, Quackenbush. NO: Harper.

Jayson also explained an invoice sent to the Yates County Highway contractor for 87K gallons used for construction. Supervisor Prendergast stated that a letter was sent to the Yates County Legislature regarding the loss of 3 ½ units and the county being billed for 12 units on their taxes. Never got a response.

Zoning:

Tom Fulkrod reported it has been very busy with 18 permits, 197 permits year to date.

We just need to pass a resolution for the Waste Water & Procedures to be sent to attorney Graff for a Local Law.

Resolutions #29-2023 Appointments:

<i>Bobbi Wolfe – Water Clerk</i>	<i>1/1/24-12/31/2024</i>
<i>Jayson Hoover – Water Operator</i>	<i>1/1/24-12/31/2024</i>
<i>Casey Frankish-Water</i>	<i>1/1/24-12/31/2024</i>
<i>Thomas Rood – Chair PB</i>	<i>1/1/24-12/31/2024</i>
<i>Steve Hullings – PB</i>	<i>1/1/24/12/31/2028</i>
<i>Michael Peacock – Sec PB ZBA</i>	<i>1/1/24-12/31/2024</i>
<i>Matthew Perry – PB</i>	<i>1/1/20-12/31/2024 (Remainder of Jerry Stapes Term)</i>
<i>Dwight James, Chair ZBA</i>	<i>1/1/24-12/31/2024</i>
<i>Dewey Hauman – ZBA</i>	<i>1/1/24-12/31/2028</i>
<i>Charles Franks – Alternate – ZBA</i>	<i>1/1/24-12/31/2024</i>
<i>Eleanor Parker – Historian</i>	<i>1/1/24-12/31/2024</i>
<i>Crystal Tomion – Board of Assessment Review</i>	<i>10/01/23 -9/30/28</i>
<i>Michael Peacock – Court Clerk</i>	<i>1/1/24-12/31/2024</i>
<i>Holly Bedient-Bookkeeper&Budget</i>	<i>1/1/24-12/31/2024</i>
<i>Jeffrey Graff, Attorney</i>	<i>1/1/24-12/31/2024</i>
<i>Jeff Eckert – PB Alternate</i>	<i>1/1/24-12/31/2024</i>

Motion was made by Glenn Quackenbush, seconded by Richard Harper to approve Resolution #29-2023
Appointments: Motion was carried.

Resolution #30-2023:

*Finger Lakes Times as the Official Newspaper
Community Bank N.A., and NYCLASS as depositories
Clark-Patterson-Lee as the Town Engineer
Municipal Solutions – As our Financial Advisor*

Highway Superintendent: Authorized to purchase equipment, tools and implements during the year without prior approval from the town board in the amount not to exceed \$1000.00 per water district.

Regular Board Meetings for 2024:

*Town Board Seconded Wednesday of each month @ 7:00 P.M.
ZBA First Tuesday of each month (Upon Request) @ 7:00 P.M.
Planning Board Fourth Tuesday of each month @ 7:00 P.M.*

Town Clerk and bookkeeper shall be and hereby authorized to pay the following claims prior to town monthly audit: Retirement, Utilities, Postage, Hospitalization, town approved payroll, payments and any invoices that are due prior to the date of the board meeting.

Mileage Rate for 2024 \$.66/Mile

*Motion was made by Richard Harper, seconded by Glenn Quackenbush to approve Resolution #30-2023.
Motion was carried.*

Resolution # 31-2023:

Water Fees 2024:

*WD# 1 \$50.00/6000 \$5.50/1000 Over the 6000 Gallons
WD # 2 \$90.00/6000 \$5.50/1000 Over the 6000 Gallons
WD # 3 \$50.00/6000 \$5.50/1000 Over the 6000 Gallons
WD # 4 \$50.00/6000 \$5.50/1000 Over the 6000 Gallons
Billed Quarterly*

Relevy Fee \$75.00-\$100.00 Per Meter will be charged as of October 31 for each unpaid account as an administrative charge. (\$50.00 at this time.)

Water – Service Sizes

***1”- 1 Unit
2” – 4 Units
4” – 8 Units
6” – 12 Units
8”- 16 Units***

<u>New Service</u>		<u>In Existing Service</u>
1" Service	\$2400.00	\$1200.00
1 ½" Service	\$3200.00	\$1600.00
2" Service	\$4000.00	\$2000.00
4" Service	\$4800.00	\$2400.00
6" Service	\$5600.00	\$2800.00
8" Service	\$6400.00	\$3200.00

Installation of a new water service of a distance of 150' or a crawl space requiring a meter pit hook up fees are as follow:

<u>New Service</u>	<u>In Existing District</u>
1" Service	\$2800.00
	\$1400.00

*** Meter Pits) 1" Service to be supplied by the town. Any larger service such as:

1 ½" and 2" will be paid by the homeowner. This installation will be by town specifications and be supervised by the water department.

***The cost of any service being pushed under the road will be the responsibility of the homeowner.

***(The town does not have the equipment to do this and has to be sub-contracted out with supervision of the water department)

Water Hook Up Fees if Curb Stop and or Meter Pit are Existing:

2-10 Years After Completion of the Water District - \$500.00

10 Plus Years After Completion of the Water District - \$1000.00

Shut Off Fee \$25.00 – No fee to turn water back on.

Note: An account will only be deactivated if the water operator turns the water off.

Motion was made by Glenn Quackenbush, seconded by Alan Tomion to approve resolution #31-2023. Motion was carried.

Resolutions #32-2023:

Motion was made by Alan Tomion, seconded by Richard Harper to approve the standard work day for the Zoning Officer, New Section 315.4 of the NY Codes, Rules and Regulations (Retirement) at 7 Hours/Per Day. Monday – Friday with a term ending 12/31/27. Receipt of the ROA was received, 24.50 days per month to be reported to the NYS Retirement Center. Motion was carried.

Resolution #33-2023:

Motion was made by Alan Tomion, seconded by Thomas Davie to approve the Wastewater Law & Wastewater Policies/Procedures to be presented to attorney Jeff Graff for a new local law. Motion was carried.

Resolutions # 34-2023:

Motion was made by Glenn Quackenbush, seconded by Richard Harper to approve the Budget Modifications (Attached to the Minutes). Motion was carried.

Monthly Reports and Abstract of Vouchers:

Motion was made by Richard Harper, seconded by Glenn Quackenbush to approve the following: General (A) Claims 230-257 Totaling \$13,001.47, General (B) Claims 341-344 Totaling \$370.09, Highway (DA) Claims 93-99 Totaling \$61,051.06, Highway (DB) Claim 227 Totaling \$442.52, SW1 Claims 56-60 Totaling \$533.04, SW2 Claims 96-109 Totaling \$16,595.80, SW3 Claims 65-70 Totaling \$1008.64. Town Clerk, Zoning, Highway, Supervisor & assessor reports. Motion was carried.

Executive Session:

Motion was made by Thomas Davie seconded by Alan Tomion to enter into Executive Session under Public Officers Law, Section 105, Paragraph "f". History of a particular employee, including Thomas Fulkrod and Bobbi Wolfe at 9:20 P.M. Motion was carried.

Motion was made by Glenn Quackenbush seconded by Richard Harper to enter back into the regular meeting at 10:15 P.M. Motion was carried.

Adjournment: 10:20 P.M.

Dated: December 19, 2023
Bobbi Wolfe
Benton Town Clerk, RMC

ADOPTED: January 11, 2024