

**REGULAR MEETING OF THE TOWN OF DARIEN**

**JANUARY 6, 2016**

MINUTES OF THE DARIEN TOWN BOARD: Supervisor David Hagelberger, Council Members Stephen Ferry, Michael Fix, Barbara Krazmien, Michael Plitt and Town Clerk Alice Calmes.

A regular meeting of the Darien Town Board, County of Genesee and State of New York was held at the Town Hall, 10569 Allegany Road, Darien Center, NY on January 6, 2016

PRESENT:	David Hagelberger	Supervisor
	Stephen Ferry	Councilman
	Michael Fix	Councilman
	Barbara Krazmien	Councilwoman
	Michael Plitt	Councilman
	Alice Calmes	Town Clerk

ABSENT:

OTHERS PRESENT: Sue Galbraith-Alden Advertiser; Neil Marzolf-Highway Superintendent; and several town residents

At 7:30 PM the Supervisor called the meeting to order and recited the Pledge to the Flag.

**RESOLUTION #1**

**MEETING MINUTES**

Councilman Ferry offered a resolution to accept the minutes as read from the December 2, 2015 meeting; second by Councilwoman Krazmien.

AYES 5      Ferry, Krazmien, Fix, Plitt and Hagelberger      NAYS 0

**RESOLUTION #2**

**MEETING MINUTES**

Councilwoman Krazmien offered a resolution to accept the meeting minutes from the December 30, 2015 Year End Meeting as read; second by Councilman Plitt.

AYES 5      Krazmien, Plitt, Fix, Ferry and Hagelberger      NAYS 0

Supervisor Hagelberger offered a moment of silence for Dale Breitwieser, a former fire chief who passed away Monday.

Supervisor Hagelberger read the Holiday Schedule, Meeting schedule and Work Session Schedule.

Supervisor Hagelberger read the Board appointments.

**RESOLUTION #3**

**BOARD APPOINTMENTS**

Councilman Ferry offered a resolution to approve the appointments as listed in the 2016 handout; second by Councilwoman Krazmien.

AYES 5      Ferry, Krazmien, Plitt, Fix and Hagelberger      NAYS 0

Supervisor Hagelberger read the Supervisor appointments; Town Clerk Calmes read the Town Clerk appointments and Highway Superintendent Marzolf announced the Highway appointments.

**RESOLUTION #4**

**AUDIT**

Supervisor Hagelberger offered a resolution to authorize the Supervisor to contract with an independent agency to audit the 2015 year end financials in accordance with the budget; second by Councilman Ferry.

AYES 5      Hagelberger, Ferry, Krazmien, Plitt and Fix      NAYS 0

## RESOLUTION #5

**ASSOCIATION OF TOWNS**

Supervisor Hagelberger offered a resolution to continue the town's membership in the NYS Association of Towns for 2016; second by Councilwoman Krazmien.

AYES 5      Hagelberger, Krazmien, Ferry, Fix and Plitt      NAYS 0

## RESOLUTION #6

**UTILITY BILLS**

Supervisor Hagelberger offered a resolution to authorize the Supervisor to pay utility bills prior to abstract approval to avoid late payment charges; second by Councilman Ferry.

AYES 5      Hagelberger, Ferry, Krazmien, Plitt and Fix      NAYS 0

## RESOLUTION #7

**GARBAGE DISPOSAL**

Supervisor Hagelberger offered a resolution to authorize the Supervisor to pay garbage disposal bills prior to abstract approval in order to avoid late payment charges; second by Councilwoman Krazmien.

AYES 5      Hagelberger, Krazmien, Ferry, Fix and Plitt      NAYS 0

## RESOLUTION #8

**TRANSFER STATION FEES**

Supervisor Hagelberger offered a resolution to increase the set of Transfer Station disposal and recycling fees in 2016 effective February 1, 2016; second by Councilwoman Krazmien.

AYES 5      Hagelberger, Krazmien, Ferry, Plitt and Fix      NAYS 0

## RESOLUTION #9

**TOWN CLERK FEES**

Supervisor Hagelberger offered a resolution to maintain the same set of Town Clerk fees in 2016 as used at the end of 2015 with the exception of Pyrotechnic fees; second by Councilman Fix

AYES 5      Hagelberger, Fix, Plitt, Ferry and Krazmien      NAYS 0

## RESOLUTION #10

**SEWER RENTS & FEES**

Supervisor Hagelberger offered a resolution to maintain the same set of Sewer District #1 rents and fees in 2016 as in use at the end of 2015; second by Councilwoman Krazmien.

AYES 5      Hagelberger, Krazmien, Ferry, Plitt and Fix      NAYS 0

## RESOLUTION #11

**HIGHWAY PURCHASES**

Supervisor Hagelberger offered a resolution to authorize the Highway Superintendent to make purchases at State and County Bid price; second by Councilman Ferry.

AYES 5      Hagelberger, Ferry, Krazmien, Fix and Plitt      NAYS 0

## RESOLUTION #12

**HIGHWAY SEMINARS**

Supervisor Hagelberger offered a resolution to authorize the Highway Superintendent to attend 2016 Spring and Fall Highway Seminars at reasonable town expense in accordance with the town's employee manual; second by Councilman Fix.

AYES 5      Hagelberger, Fix, Plitt, Ferry and Krazmien      NAYS 0



**WHEREAS**, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the Town Zoning Law of the Town of Darien against Brandon Bauer to ensure that this property comes into compliance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of the Town Zoning Law of the Town of Darien by Brandon Bauer.

Motion made by David Hagelberger, and seconded by Stephen Ferry Jr.

4 Ayes – Hagelberger, Ferry, Krazmien and Plitt

1 Nays - Fix

Quorum Present:  Yes  No

Dated: January 6, 2016

SEAL

\_\_\_\_\_  
Alice Calmes, Clerk  
Town of Darien

RESOLUTION #17

**DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY**

**WHEREAS**, it appears that Mark Berner is in violation of the New York State Property Maintenance Code relative to the property located at 606 Broadway Road; and

**WHEREAS**, it appears to be in the best interest of the Town of Darien to prohibit Mark Berner from continuing to be in violation of the New York State Property Maintenance Code; and

**WHEREAS**, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the New York State Property Maintenance Code against Mark Berner to ensure that this property comes into compliance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of the New York State Property Maintenance Code by Mark Berner.

Motion made by David Hagelberger, and seconded by Stephen Ferry Jr.

5 Ayes

0 Nays

Quorum Present:  Yes  No

Dated: January 6, 2016

SEAL

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Alice Calmes, Clerk  
Town of Darien

RESOLUTION #18

**DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY**

**WHEREAS**, it appears that Joseph and Barbara Richardson are in violation of the following sections of the Town of Darien Zoning Law relative to their property located at 10530 Bonnie Brae Drive:

**1. Article VIII, § 808: JUNK YARDS**

- A. "No Person shall operate, establish or maintain a junkyard until he has obtained a special use permit in compliance with Section 908".; and

**WHEREAS**, it appears that Joseph and Barbara Richardson are in violation of the following sections of the New York State Property Maintenance Code relative to their property located at 10530 Bonnie Brae Drive:

1. **302.4 WEEDS.** All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
2. **302.5 RODENT HARBORAGE.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which shall not be injurious to human health. After examination, proper precautions shall be taken to eliminate rodent harborage and prevent infestation.
3. **302.8 MOTOR VEHICLES.** Except as otherwise provided for in statute or regulations, two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and no vehicle shall be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.
4. **304.1 GENERAL.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare.
5. **304.2 PROTECTIVE TREATMENT.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

**WHEREAS**, it appears to be in the best interest of the Town of Darien to prohibit Joseph and Barbara Richardson from continuing to be in violation of said Articles of the Town of Darien Zoning Law and said items of the New York State Property Maintenance Code; and

**WHEREAS**, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of said violations of the Town of Darien Town Zoning Law and the New York State Property Maintenance Code against Joseph and Barbara Richardson to ensure that this property comes into compliance with said Town Zoning Law and the New York State Property Maintenance Code; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of said articles of the Town of Darien Town Zoning Law and the New York State Property Maintenance Code by Joseph and Barbara Richardson.

Motion made by David Hagelberger, and seconded by Barbara Krazmien.



Attachments:

**Town of Darien**

**2016 Holiday Schedule**

<b>New Year's Day 2016</b>	<b>January 1st</b>	<b>Friday</b>
<b>Martin Luther King Day</b>	<b>January 18th</b>	<b>Monday</b>
<b>Presidents' Day</b>	<b>February 15th</b>	<b>Monday</b>
<b>Memorial Day</b>	<b>May 30th</b>	<b>Monday</b>
<b>Independence Day</b>	<b>July 4th</b>	<b>Monday</b>
<b>Labor Day</b>	<b>September 5th</b>	<b>Monday</b>
<b>Columbus Day</b>	<b>October 10th</b>	<b>Monday</b>
<b>Veteran's Day</b>	<b>November 11th</b>	<b>Friday</b>
<b>Thanksgiving Day</b>	<b>November 24th</b>	<b>Thursday</b>
<b>Christmas Day</b>	<b>December 26th</b>	<b>Monday</b>

**2017 Holiday Schedule (partial)**

<b>New Year's Day 2017</b>	<b>January 2nd</b>	<b>Monday</b>
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**2016 Darien Town Board Meeting Schedule**

**Scheduled Town Board Meetings**

**1st Wednesday of the Month**

<b>January 6, 2016</b>	<b>Organizational Meeting</b>
<b>February 3, 2016</b>	
<b>March 2, 2016</b>	
<b>April 6, 2016</b>	
<b>May 4, 2016</b>	
<b>June 1, 2016</b>	
<b>July 6, 2016</b>	
<b>August 3, 2016</b>	
<b>September 7, 2016</b>	
<b>October 5, 2016</b>	
<b>November 2, 2016</b>	
<b>December 7, 2016</b>	
<b>December 30, 2016</b>	<b>Year End Meeting</b>
<b>January 4, 2017</b>	<b>2017 Organizational Meeting</b>

**Board Work Sessions**

**Board Meets only when Business Requires**

**Monday preceding the Monthly Meeting (see above)**

<b>January 4, 2016</b>	
<b>February 1, 2016</b>	
<b>February 29, 2016</b>	
<b>April 4, 2016</b>	
<b>May 2, 2016</b>	
<b>May 31, 2016</b>	<b>moved to Tuesday due to the Holiday</b>
<b>July 5, 2016</b>	<b>moved to Tuesday due to the Holiday</b>
<b>August 1, 2016</b>	
<b>September 5, 2016</b>	
<b>October 3, 2016</b>	<b>2017 Budget Mtg</b>
<b>October 31, 2016</b>	

December 5, 2016

January 3, 2017

1st 2017 Board Work Session (Tuesday due to Holiday)

2016			
Town Board Appointments & Fees			
Position	Appointment	Yearly Salary or Hourly Rate	
Zoning Enforcement Officer (ZEO)/CEO	Jerome Yoder	\$ 9,922.00	Salary
Building Inspector, Senior/CEO	Joseph Kowalik	\$ 10,922.00	Salary
Building Inspector /CEO	Jerome Yoder	\$ 7,078.00	Salary
House Enumerator	Neil Marzolf Jr.	\$ 350.00	Stipend
Cemetery Flags	TBD		
Dog Control	Genesee County		
Dog Enumerator	Deputy Town Clerk		
Official Newspapers	Daily News & Alden Advertiser		
Official Bank	Depository Name	Maximum Amount	Office
	Five Star Bank,	\$3,000,000	Attica
	Key Bank	\$2,000,000	Batavia
	Alden State Bank	\$1,000,000	Alden
	M&T Bank	\$1,000,000	Corfu
	First Niagara	\$1,000,000	Attica
Landfill Permit Rates		\$2.00 per 30 gal Container	Effective 2/1/16
<b>Planning Board</b>			
Member		\$ 25.00	Per Meeting
Chair		\$ 50.00	Per Meeting
Clerk		\$ 50.00	Per Meeting
Zone Board of Appeals			
Member		\$ 25.00	Per Meeting
Chair		\$ 50.00	Per Meeting
Clerk		\$ 50.00	Per Meeting
Board of Assessment Review			
Member		\$ 10.00	\$/hr rate
Gas Mileage (\$/mile)		\$ 0.50	\$/mile
Board Meetings	1st Wednesday of the month 7:30 p.m.		
Engineer	Contract with Paul Chatfield		
Attorney	Contract with David M DiMatteo		



**TOWN BOARD MEETING**

**JANUARY 6, 2016**

Town Prosecutor	Contract with Robert Zickl		
Highway Employee's Work Schedule	May -Oct 4-10 hour days, Oct-May 6:30 a.m.-3:00p.m.	per contract	
Budget Control Officer	Dave Hagelberger	\$ 502.00	Salary
Coordinator of Disaster Preparedness	Dave Hagelberger	\$ -	Salary
Janitorial Service	Contract with Warren Commercial Cleaning Inc.		
Planning Board Member 12/31/2022 (7 year term)	Pamela Trowbridge		
Zone Board of Appeals Member to 12/31/2020 (5 year term)	Dawn Mark		
Zone Board of Appeals Member to 12/31/2017 (unexpired 5 year term)	James Rupracht		
Board of Assessment Review (BAR) to 9/30/2020 (unexpired 5 year term)	Anthony Hackett		
Registrar of Vital Status	Alice Calmes	\$ 475.00	Salary
Records Management	Alice Calmes	\$ 2,014.00	Salary
Fee Schedule			
	Building/Zoning Permit	\$ 25.00	
	Inspections	\$30.00 each	
	Land Separation	\$ 25.00	
	Site Plan Review	\$ 30.00	
	Special Use Permit (SUP)	\$ 30.00	
	Variance	\$ 30.00	
	Public Hearing	\$ 30.00	
	Home Occupation	\$ 25.00	
	Fireworks	\$ 10.00	
	Games of Chance	\$ 25.00	
	Junkyard License	\$ 120.00	
	Pyrotechnics Permit	\$ 700.00	was \$350.
	Dog License - Altered	\$ 5.00	
	Dog License - Unaltered	\$ 13.00	
	Dog License - Replacement Tag	\$ 3.00	
<b>Sewer District #1 Operation</b>			
Sewer Bill Collector	Alice Calmes	\$ 574.00	Salary
Waste Treat Plant Operator	Neil Marzolf Jr.	\$ 9,750.00	Salary
Waste Treat Plant Operator - Assistant	Joseph Marino Jr.	\$17.00/hr	\$/hr Rate

<b>Quarterly Sewer billing rate</b>			
minimum payment ( includes 4,000 gal usage)		\$	25.00
For each 1,000 gals above 4,000 gals		\$	4.75
<b>Ethics Review Board</b>			
Ethics Review Board, Town Official	Alice Calmes	\$	-
Ethics Review Board	Donna Ferry	\$	-
Ethics Review Board	Christopher Nicastro	\$	-