

**REGULAR MEETING OF THE TOWN OF DARIEN**

**FEBRUARY 3, 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 February 3, 2016

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

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 #23**

**MEETING MINUTES**

Councilman Ferry offered a resolution to accept the minutes as read and corrected from the January 6, 2016 meeting; second by Councilwoman Krazmien.

AYES 4      Ferry, Krazmien, Plitt and Hagelberger      NAYS 0

**RESOLUTION #24**

**COUNTY RADIO AGREEMENT**

WHEREAS, The County owns and maintains a HARRIS Communications APCO P25 Phase II Enabled Digital 800 MHz/VHF High Band Paging, Public Safety and Public Service Radio System (“Radio System”) that provides radio communications coverage for areas within the boundaries of the County of Genesee. The radio system provides communication infrastructure for Radio System portable, mobile and base radio equipment; and WHEREAS, the COUNTY has been designated as the agency responsible for the integrity, operations, development, and maintenance of the Radio System; and WHEREAS, the Town of Darien desires to utilize the COUNTY Radio System for public safety and public service radio communications, and

WHEREAS, the COUNTY Radio System will provide interagency radio communication between the County and the Town of Darien, and

WHEREAS, Part 90 of the Federal Communications Commission Rules and Regulations promote the use of interagency interoperability, and

WHEREAS, the Town of Darien agrees to abide by all Rules and Regulations set forth by the Federal Communication Commission, including but not limited to Part 90 for public safety and public service radio communications, and those set by the COUNTY; and

WHEREAS, Inter-governmental cooperation between New York governmental entities, including, but not limited to, Inter-governmental agreements are specifically provided for by law, and units of local government and/or districts where applicable are authorized and encouraged to enter into Inter-governmental cooperation agreements pursuant to General Municipal Law Section 119-O of the New York Code; and

WHEREAS, the County and the Town of Darien have determined that this Inter-Agency agreement is in the best interest to each of them and to the residents and taxpayers within their authorities to execute this agreement,

NOW THEREFORE on a resolution of David Hagelberger and seconded by Stephen Ferry Jr the agreement is accepted by the Town of Darien and the Supervisor is authorized and directed to sign the agreement.

AYES 3      Hagelberger, Ferry and Krazmien      NAYS 1      Plitt

RESOLUTION #25

**POLLING PLACE**

Supervisor Hagelberger offered a resolution to designate the Darien Town Hall, 10569 Alleghany Road, Darien Center, New York as the official Polling place for May 2016 – May 2017 elections in the Town of Darien pursuant to Section 4-104 of the New York State Election Law Section 6202; second by Councilwoman Krazmien.

AYES 4 Hagelberger, Krazmien, Ferry and Plitt

NAYS 0

RESOLUTION #26

**TOWN OF DARIEN RESOLUTION  
DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY**

**WHEREAS**, it appears that Tammy Fuller is in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law relative to the property located at 1369 Broadway Road, Darien, New York ; and

**WHEREAS**, it appears to be in the best interest of the Town of Darien to prohibit Tammy Fuller from continuing to be in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law; 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 and the Town of Darien Zoning Law against Tammy fuller 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 and the Town of Darien Zoning Law by Tammy Fuller.

Motion made by David Hagelberger, and seconded by Michael Plitt.

4 Ayes Hagelberger, Plitt, Krazmien and Ferry

0 Nays

1 Absent Fix

Quorum Present:  Yes  No

Dated: February 3, 2016

SEAL

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

Supervisor Hagelberger read the 2015 Budget Amendments:

From A1990.4 \$1,470 to A1420.4 for increased Prosecutor costs

From A1990.4 \$1 to A7620.4 due to Rounding

From A1990.4 \$4,050 to A8160.4 due to increased costs

From DA5110.4 \$18,100 to DA5130.4 due to increased costs

From DA5110.1 \$15,000 to DA5130.1 to adjust labor distribution

From DA5142.1 \$9,700 to DA5130.1 to adjust labor distribution

From DA5142.1 \$430 to DA9030.8 due to increased labor costs

**RESOLUTION #27**

**BUDGET AMENDMENTS**

Supervisor Hagelberger offered a resolution to approve the 2015 Budget Amendments as listed; second by Councilman Ferry.

AYES 4      Hagelberger, Ferry, Krazmien and Plitt      NAYS 0

**RESOLUTION #28**

**TRAINING**

Supervisor Hagelberger offered a resolution to authorize town officials with zoning responsibilities to attend the Genesee County Planning Department’s “Planning for Solar, Solar Energy as a Primary Land Use” seminar on February 29, 2016 in Batavia, New York at reasonable Town Expense in accordance with the town’s employee manual; second by Councilwoman Krazmien.

AYES 4      Hagelberger, Krazmien, Ferry and Plitt      NAYS 0

**RESOLUTION #29**

**CEMETERY SUPPORT**

Supervisor Hagelberger offered a resolution to authorize funding support to the Darien Cemetery Association located on Broadway Road in Darien in response to their request for tree trimming in the cemetery in the amount of \$1,655.00 to remove a danger to public safety; second by Councilman Plitt.

AYES 4      Hagelberger, Plitt, Krazmien and Ferry      NAYS 0

**Notifications**

The Presidential Primary will be held on Tuesday, April 19<sup>th</sup> from 12PM – 9PM, it will be a full election with a full slate of election inspectors and both machines.

HIGHWAY – everything is in good working order; did a fair amount of plowing in January but there is plenty of salt left and fuel prices are down. Have been doing shop work; including an inventory, anything valued over \$1000 is being marked and getting a surplus list together. The Highway Superintendents had a meeting with a representative from Monroe County on the NYS DOT Shared Services Agreement who explained that the agreement is for emergencies and gives the State authorization to come onto Town roads and help. We will need to do our Shared Services this spring.

**RESOLUTION #30**

**SHARED SERVICES**

Supervisor Hagelberger offered a resolution to authorize the Highway Superintendent to sign the Shared Service Agreement between the NYS Department of Transportation and the Town of Darien pursuant to Section 99-r of the General Municipal Law, the State and the Municipality wish to share services, exchange or lend materials or equipment which shall promote and assist the maintenance of State and Municipal roads and highways and provide a cost savings by maximizing the effective utilization of both parties’ resources. Second by Councilman Plitt. Resolution failed for lack of majority vote.

AYES 2      Hagelberger and Plitt      NAYS 2      Ferry and Krazmien

ATTORNEY – had a motion for a Zoning Law violation

ASSESSOR – March 1<sup>st</sup> is the deadline to submit exemption applications

ENGINEER – still working with Steve Mountain for a water type project for the town

TOWN CLERK – Closed on February 15th for Presidents Day and have information on a CPR/AED training.

**RESOLUTION #31**

**TRAINING**

Supervisor Hagelberger offered a resolution to support up to 4 people to attend the City of Batavia CPR/AED course on either February 18<sup>th</sup> or March 23<sup>rd</sup> at \$40 per person provided space is available; second by Councilwoman Krazmien.

AYES 4 Hagelberger, Krazmien, Ferry and Plitt

NAYS 0

TAX COLLECTOR – report read

TREATMENT PLANT – everything is good

Councilman Plitt extended thanks to the highway department for putting up and taking down all the decorations and announced there will be a meeting for Darien Day on February 25<sup>th</sup> at 7pm in the conference room.

Councilwoman Krazmien informed the board that after the garbage discussion at the work session, Waste Management came back with some changes. They are offering a 20 yard glass container at \$160 per tip and \$46 per ton, which are the same rates as the garbage. The old rates for glass was \$50 per ton and \$225 per tip, so approximately a savings of \$120 per year. Waste Management lowered the price and further lowered with glass option. The New York State bid competitor would actually be more expensive.

**RESOLUTION #32**

**WASTE MANAGEMENT**

Councilwoman Krazmien offered a resolution to sign the proposed contract with Waste Management at the new rates and include glass for a three year agreement; second by Councilman Ferry.

AYES 4 Krazmien, Ferry, Plitt and Hagelberger

NAYS 0

Councilman Ferry explained that there is a change order for the work being done in accordance with the Garage Addition project to include fire detectors and add at least one Carbon Monoxide detector. The carbon monoxide detector is a new requirement from the State. Received Quote #Q 215167 from Suburban Electric with Life Safety, our current fire safety vendor for a total of \$4,463.

**RESOLUTION #33**

**CHANGE ORDER**

Councilman Ferry offered a resolution for a change order to add the items included in Quotation #: Q 215167 dated January 20, 2016 from Suburban Electric with Life Safety for a total price of \$4,463; second by Councilwoman Krazmien.

AYES 4 Ferry, Krazmien, Plitt and Hagelberger

NAYS 0

**RESOLUTION #34**

**CASH REPORT**

Councilman Ferry offered a resolution to accept the Supervisor’s Cash Report from January 31, 2016; second by Councilwoman Krazmien.

AYES 4 Ferry, Krazmien, Plitt and Hagelberger

NAYS 0

**RESOLUTION #35**

**TAX COLLECTOR REPORT**

Councilman Ferry offered a resolution to accept the February 2016 report for January 2016 from the Tax Collector; second by Councilman Plitt.

AYES 4 Ferry, Plitt, Krazmien and Hagelberger

NAYS 0

Councilman Ferry also announced that the overhead doors should be in on February 15<sup>th</sup> and Supervisor Hagelberger inquired about holding a dedication ceremony for the building.

**TOWN BOARD MEETING**

**FEBRUARY 3, 2016**

**RESOLUTION #36**

**ABSTRACT**

Councilwoman Krazmien offered a resolution to pay General Fund 13 – 45 & 24H– 29H for \$30,998.24; Highway 3 & 10H – 22H for \$10,932.97; Sewer District #1 5 - 8 & 23H for \$1,507.51; Fire Protection District 1 for \$251,450.00 and Capital Fund – Garage Addition 2 - 3 for \$19,702.27; second by Councilman Plitt.

AYES 4 Krazmien, Plitt, Ferry and Hagelberger

NAYS 0

**RESOLUTION #37**

**ADJOURN**

At 8:37PM, Councilwoman Krazmien offered a resolution to adjourn; second by Councilman Plitt.

AYES 4 Krazmien, Plitt, Ferry and Hagelberger

NAYS 0

---

Alice E. Calmes, Town Clerk