

**REGULAR MEETING OF THE TOWN OF DARIEN**

**FEBRUARY 1, 2017**

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 1, 2017

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 members of the public.

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

RESOLUTION #16

**MEETING MINUTES**

Councilman Ferry offered a resolution to accept the meeting minutes from the January 4, 2017 Meeting as read; second by Councilwoman Krazmien.

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

RESOLUTION #17

**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 2017 elections in the Town of Darien pursuant to Section 4-104 of New York State Election Law Section 6202; second by Councilman Plitt.

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

RESOLUTION #18

**BUDGET AMENDMENTS**

Supervisor Hagelberger offered a resolution to approve the 2016 year-end Budget Amendments; second by Councilwoman Krazmien.

- A1990.4 Contingent \$350 to A1010.4 Legislative for WD#6 Public Information Meeting
  - A1990.4 Contingent \$13,660 to A1420.4 Law for Increased Prosecutor & Zoning Expenses
  - A1990.4 Contingent \$1,315 to A3620.1 Safety Inspection for Allocation of Labor
  - A1990.4 Contingent \$8,800 to A5132.4 Garage for Replace Fuel Depot
  - DA5110.1 General Repairs \$27,310 to DA5130.1 Machinery for Allocation of Labor
  - DA5142.1 Snow Removal \$25,036 to DA5130.1 Machinery for Allocation of Labor
- AYES 5      Hagelberger, Krazmien, Ferry, Plitt and Fix

RESOLUTION #19

**TRAINING**

Supervisor Hagelberger offered a resolution to authorize those town officials with zoning responsibilities attendance at the Monroe County Planning Department’s “Land Use Decision-Making Training Program” seminars March 9<sup>th</sup>, March 28<sup>th</sup>, and April 13<sup>th</sup> in Rochester, NY at reasonable town expense in accordance with the Employee Manual; second by Councilman Plitt.

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

RESOLUTION #20

**ZONING SOFTWARE**

Supervisor Hagelberger offered a resolution to authorize the purchase of Business Automation Services Inc. (BAS) Integrated Property System (IPS) software program and its installation at a total cost of \$8,500 in accordance with the 2017 budget; second by Councilwoman Krazmien.

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

RESOLUTION #21

**OPERATING PERMIT**

Supervisor Hagelberger offered a resolution to approve the updated Operating Permit form for use in zoning in accordance with current NYS Building Codes and the Town’s Zoning Law; second by Councilman Ferry.

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

RESOLUTION #22

**NYS SNOW & ICE**

Supervisor Hagelberger offered a resolution to authorize the Supervisor to sign the Agreement to Extend the Indexed Lump Sum Municipal Snow and Ice Agreement D009594 with New York State for 2018/2019 Contract Year to plow 27.21 lane miles of state roads at a rate of \$5,191.7075 per lane mile for a total of \$141,226.36 for the 2016/2017 season; second by Councilman Fix.

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

RESOLUTION #23

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

**WHEREAS**, it appears that John Lavender is in violation of, Article VII, §603 (M)(5) “Regulations Applicable to all Districts” of the Zoning Law of the Town of Darien relative to the property located at 174 Broadway Road; and

**WHEREAS**, it appears that John Lavender is in violation of, Article VIII, §808 (A) “Junk Yards” of the Zoning Law of the Town of Darien relative to the property located at 174 Broadway Road; and

**WHEREAS**, it appears to be in the best interest of the Town of Darien to prohibit John Lavender from continuing to be in violation of said Article VII, §603 (M)(5) and Article VIII, §808 (A) of the Zoning Law of the Town of Darien ; 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 Zoning Law of the Town of Darien against John Lavender to ensure that this property comes into compliance with said section of the Town Zoning Law.

**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 violation of the Zoning Law of the Town of Darien by John Lavender.

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

\_\_\_\_\_ Ayes  
\_\_\_\_\_ Nays

Quorum Present:  Yes  No

Dated: February 1, 2017

SEAL

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

Notifications

Congratulations to the Darien Chemical Fire Company for 100 years of service

Added a Town Board Work Session on February 11, 2017 at 12:00PM

Independent Audit of the Town’s Year-End 2016 Financials scheduled (preliminary 2/6 and the audit 4/10-4/12)

Proposed Water District No. 6 Post Cards Survey (excluding doubles)

Supporting	198	22.8%
Opposed	309	35.6%
Undecided	5	0.6%
No Response	<u>357</u>	<u>41.2%</u>
Total	869	100%

HIGHWAY – everything is in good working order. Have been doing plowing and salting. Had a brief break and did tree and brush work. Did some shop work. Would like to replace the 2003 New Holland tractor and mower.

RESOLUTION #24

**TRACTOR & MOWER**

Supervisor Hagelberger offered a resolution to authorize the Highway Superintendent to acquire bids to replace the 2003 New Holland mower tractor and the mower; second by Councilman Plitt.

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

ZEO – has been working on enforcement and have some issues clearing up

ATTORNEY – is working on Zoning violations and Water District #6

BUILDING INSPECTOR – report submitted; showed an average of 4 new houses a year

TOWN CLERK – Offices will be closed on Monday, February 20<sup>th</sup> for President’s Day

TAX COLLECTOR – Report read

TREATMENT PLANT – numbers are good and have changed labs due to the other one retiring

Councilman Plitt thanked the Highway Department for taking down the Holiday decorations and he will check the problem ones

RESOLUTION #25

**TAX COLLECTOR REPORT**

Councilman Ferry offered a resolution to accept the Tax Collector’s report; second by Councilman Fix.

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

RESOLUTION #26

**CASH REPORT**

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

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

