

**REGULAR MEETING OF THE TOWN OF DARIEN**

**JUNE 7, 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 June 7, 2017

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

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 #73**

**MEETING MINUTES**

Councilman Fix offered a resolution to accept the meeting minutes from the May 3, 2017 meeting as read; second by Councilman Plitt.

AYES 4      Fix, Plitt, Krazmien and Hagelberger      NAYS 0

**RESOLUTION #74**

**WINDOW CLEANING**

Supervisor Hagelberger offered a resolution to accept the quote of \$365.00 from Warren’s Commercial Cleaning, Inc. for cleaning the town hall’s windows and screens; second by Councilwoman Krazmien.

AYES 4      Hagelberger, Krazmien, Fix and Plitt      NAYS 0

**RESOLUTION #75**

**SEWER BUILDING ROOF**

Supervisor Hagelberger offered a resolution to accept the quote of \$5,875.00 from the town hall roofing contractor, Chittenden & Dylag, LLC, to install a new roof on the Town of Darien Sewer District #1 building using 50 year shingles and bid with prevailing wages; second by Councilman Plitt.

AYES 4      Hagelberger, Plitt, Fix and Krazmien      NAYS 0

**RESOLUTION #76**

**COURT TRAINING**

Supervisor Hagelberger offered a resolution to authorize town court officials’ attendance at this year’s NYS Association of Magistrates Court Clerks Conference in Ellicottville, NY on September 24<sup>th</sup> – 27<sup>th</sup> and NYS Magistrates Association Conference in Syracuse, NY on October 15<sup>th</sup> – 18<sup>th</sup> at reasonable town expense in accordance with the town’s employee handbook; second by Councilman Fix.

AYES 4      Hagelberger, Fix, Plitt and Krazmien      NAYS 0

**RESOLUTION #77**

**PETITION**

Supervisor Hagelberger offered a resolution to authorize the Supervisor to sign the proposed Water District No. 6 petition for the town owned property on Route 238, SBL Number 16.-1-19;seconded by Councilman Fix.

AYES 4      Hagelberger, Fix, Plitt and Krazmien      NAYS 0

RESOLUTION #78

**DIRECTION COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY**

**WHEREAS**, it appears that Darren Frayne is in violation of Article VIII “Junk Yards” of the Zoning Law of the Town of Darien relative to the property located at 1043 Sumner Road; and

**WHEREAS**, it appears to be in the best interest of the Town of Darien to prohibit Darren Frayne from continuing to be in violation of said Article VIII 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 Darren Frayne 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 Darren Frayne.

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

  4   AYES

  0   NAYS

  1   ABSENT

Quorum Present: YES   NO

Dated: June 7, 2017

{SEAL}

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Alice Calmes, Clerk  
Town of Darien

RESOLUTION #79

**DIRECTION COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY**

**WHEREAS**, it appears that Aaron Johnson is in violation of, Article VIII “Junk Yards” of the Zoning Law of the Town of Darien relative to the property located at 1658 Broadway Road; and

**WHEREAS**, it appears to be in the best interest of the Town of Darien to prohibit Aaron Johnson from continuing to be in violation of said Article VIII 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 Aaron Johnson 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 Aaron Johnson.

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

  4   AYES

  0   NAYS



**TOWN BOARD MEETING**

**JUNE 7, 2017**

**RESOLUTION #81**

**CASH REPORT**

Councilwoman Krazmien offered a resolution to accept the Supervisor’s Cash Report as of May 31, 2017; second by Councilman Plitt.

AYES 4      Krazmien, Plitt, Fix and Hagelberger      NAYS 0

**RESOLUTION #82**

**ABSTRACT**

Councilwoman Krazmien offered a resolution to pay General Fund 139 – 172 & 104H – 106H for \$27,820.11; Highway 7 & 85H – 96H & 107H for \$18,428.34; Sewer District #1 17 – 19 & 97H – 103H & 108H for \$5,786.06; and Water District #5 2 for \$5,577.75; second by Councilman Fix.

AYES 4      Krazmien, Fix, Plitt and Hagelberger      NAYS 0

**Comments from the Public**

Questions and concerns related to the proposed Water District No. 6 were presented

Concerns related to the noise, traffic, junk and trespassing from the concerts at the Theme Park were expressed.

**RESOLUTION #83**

**ADJOURN**

At 9:54PM, Councilman Plitt offered a resolution to adjourn; second by Councilwoman Krazmien.

AYES 4      Plitt, Krazmien, Fix and Hagelberger      NAYS 0

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Alice E. Calmes, Town Clerk