

REGULAR MEETING OF THE TOWN OF DARIEN

FEBRUARY 7, 2018

MINUTES OF THE DARIEN TOWN BOARD: Supervisor David Hagelberger, Council Members Michael Fix, Barbara Krazmien, David Krzemien, 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 7, 2018

PRESENT:	Stephen Ferry Jr.	Deputy Supervisor (non-voting)
	Michael Fix	Councilman
	Barbara Krazmien	Councilwoman
	David Krzemien	Councilman
	Michael Plitt	Councilman
	Alice Calmes	Town Clerk
ABSENT:	David Hagelberger	Supervisor

OTHERS PRESENT: Sue Galbraith – Alden Advertiser and members of the public.

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

RESOLUTION #20

MINUTES

Councilman Fix offered a resolution to accept the January 3, 2018 meeting minutes as read; second by Councilwoman Krazmien.

AYES 4	Fix, Krazmien, Plitt and Krzemien	NAYS 0
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Deputy Supervisor Ferry read the proposed Local Law entitled “Opting Out of Real Property Tax Exemption for Solar, Wind, or Farm Waste Energy Systems per Real Property Tax Law 487”

RESOLUTION #21

AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 1 OF 2018 OF THE TOWN OF DARIEN ENTITLED, “OPTING OUT OF REAL PROPERTY TAX EXEMPTION FOR SOLAR, WIND, OR FARM WASTE ENERGY SYSTEMS PER REAL PROPERTY TAX LAW 487”

The Town Board of the Town of Darien held a public hearing on January 3, 2018 at 8:00 p.m. The Town Board met at a regular board meeting at the Town Offices of the Town of Darien located at 10569 Allegheny Road in the Town of Darien, New York on the 7th day of February, 2018 commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Councilman	<u>Michael Fix</u>
	Councilman	<u>Barbara Krazmien</u>
	Councilman	<u>David Krzemien</u>
	Councilman	<u>Michael Plitt</u>
<u>Absent:</u>	Supervisor	<u>David Hagelberger</u>

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, Section 487 of the New York State Real Property Tax Law allows for an exemption of any increase in value due to the construction of a solar, wind, or farm waste energy systems and, to date, County Assessment has found that the installation of small-scale residential and commercial solar systems has not had any effect of property value upon resale; and

WHEREAS, New York State does not make provision for the Town to distinguish between small-scale residential and large-scale commercial power generation facilities for the purpose of this exemption, and while the Town wishes to encourage the development of clean, alternative means of producing energy on a large scale, it recognizes that this priority must be balanced with the pressing fiscal needs of local governments and schools; and

WHEREAS, a decision to opt-out of the Section 487 exemption may be reconsidered and the exemption restored by the Town at its discretion at any time in the future; and

WHEREAS, the Town Board is considering a local law that will add language to specifically address this particular issue; and

WHEREAS, a Notice of Public Hearing was duly published in the Town’s official newspaper and said public hearing was held on January 3, 2018 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed local law; and

WHEREAS, that the Town Board of the Town of Darien feels it is in the best interests of the Town of Darien to adopt said law.

NOW ON MOTION OF Michael Fix, which has been duly seconded by Michael Plitt, therefore, be it

RESOLVED, that the Town Board of the Town of Darien feels it is in the best interests of the Town of Darien to adopt Local Law No. 1 of 2018 entitled, "Town of Darien Solar, Wind, and Farm Waste Energy Systems Real Property Tax Exemption Opting Out Law" and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: 4
Nays: 0
Absent/Abstain: 1
Quorum Present: x Yes ___ No

Dated: _____

Alice Calmes, Clerk
Town of Darien

[SEAL]

**TOWN OF DARIEN
A PROPOSED LOCAL LAW ENTITLED,
“TOWN OF DARIEN SOLAR, WIND, AND FARM WASTE ENERGY SYSTEMS REAL
PROPERTY TAX EXEMPTION OPTING OUT LAW”**

BE IT ENACTED by the Town Board of the Town of Darien, Genesee County, New York as follows:

SECTION I. AUTHORITY

The Town Board of the Town of Darien enacts this local law under the authority granted by New York Municipal Home Rule Law, §10.

SECTION II. LEGISLATIVE PURPOSE AND INTENT

The intent of this Local Law is to allow the Town of Darien to opt out of solar, wind, and farm energy systems real property tax exemptions pursuant to Subdivision 8 of §487 of the Real Property Tax Law.

SECTION III. TITLE

This local law shall be known as "Town of Darien Solar, Wind, and Farm Waste Energy Systems Real Property Tax Exemption Opting Out Law."

SECTION IV. ENACTMENT

The Town Board of Darien shall not permit any exemption within its jurisdiction pursuant to §487 of the Real Property Tax Law of the State of New York with respect to any solar, wind, or farm waste energy systems constructed subsequent to the effective date of this Local Law.

SECTION V. SEPARABILITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not affect the remainder of said local law which shall remain in full force and effect.

SECTION VI. INCONSISTENCY

All resolutions, ordinances or local laws or portions thereof of the Town of Darien not consistent with this ordinance, in whole or in part, shall be repealed.

SECTION VIII. EFFECTIVE DATE

This local law shall become effective upon the filing with the New York State Department of State.

RESOLUTION #22

PERFORMANCE BOND

Councilman Plitt offered a resolution which has been duly seconded by Councilwoman Krazmien; in accordance with the Town of Darien Zoning Law, the Darien Town Board has determined it is in the best interest of the Town to require a maintenance and/or performance bond for the proposed American Tower LLC's Fargo Road cell tower in an amount determined by the Town's Planning Board.

AYES 4 Plitt, Krazmien, Fix and Krzemien NAYS 0

RESOLUTION #23

DEMOLITION BID

Councilwoman Krazmien offered a resolution to award a contract to the lowest qualified bid submitted from WYCO Construction in an amount not to exceed \$26,620.00 for the demolition of the condemned house and garage and opting out of topsoil, rake & seeding at 1369 Broadway Road in the Town in accordance with the Supreme Court judgement order; second by Councilman Krzemien.

AYES 4 Krazmien, Krzemien, Plitt and Fix NAYS 0

RESOLUTION #24

PROPOSED ZONING CHANGES

Councilman Fix offered a resolution to accept the proposed Zoning changes from Zoning Officer Yoder and forward these proposed changes onto the Planning Board; second by Councilman Krzemien.

AYES 4 Fix, Krzemien, Plitt and Krazmien NAYS 0

RESOLUTION #25

PLANNING BOARD

Councilman Fix offered a resolution to appoint Richard Rheinheimer to the open Town Planning Board position for a term which runs through December 31, 2024; second by Councilwoman Krazmien.

AYES 4 Fix, Krazmien, Krzemien and Plitt NAYS 0

Notifications

There will be a Town Board Work Session on Monday, February 19th at 7:00PM

HIGHWAY – everything is good with no issues & has just been plowing

ZEO – report submitted

TOWN CLERK – resignation letter from the Planning & Zoning Clerk read; will advertise for candidates

TAX COLLECTOR – report read

RESOLUTION #26

CASH REPORT

Councilwoman Krazmien offered a resolution to approve the Supervisor’s Cash Report dated January 31, 2018; second by Councilman Plitt.

AYES 4 Krazmien, Plitt, Krzemien, and Fix NAYS 0

New Committees are as follows:

Capital Plan (includes future Water Districts) – Michael Fix

Building & Grounds – David Krzemien

Zoning & Planning Operations – Michael Plitt

Policies & Procedures – Barb Krazmien

Flags (Light Poles & Cemetery) & Holiday Lights – Michael Plitt & David Krzemien

Sewer & Water Law Review – Barb Krazmien

Court Audit – Michael Fix

Fire Department Contract – Barb Krazmien & David Krzemien

Community Benefits Package – David Hagelberger & David Krzemien

RESOLUTION #27

ABSTRACT

Councilwoman Krazmien offered a resolution to pay General Fund 14 – 51 & 17H – 22H for \$39,444.29; Highway 2 & 1H – 13H for \$26,571.80; Sewer District #1 2 – 8 & 14H – 16H for \$4,732.55; and Fire Protection District 1 for \$257,818.00; second by Councilman Fix.

AYES 4 Krazmien, Fix, Plitt and Krzemien NAYS 0

Comments from the Public

Mr. LeRoy explained to the board that he has noticed an increase in incidents with drones flying over his property and would like the Board to find out from the Town Attorney where a person’s property ends; north, east, south and west lines are easier defined; but how high does your property go?

Councilman Plitt stated he would like to check with the Association of Towns before our Town Attorney, because this is probably a problem in other places as well. Councilman Krzemien will make contact with the State Police and County Sheriff’s to see if he can get a definitive response from them.

TOWN BOARD MEETING

FEBRUARY 7, 2018

RESOLUTION #28

ADJOURN

At 8:25PM, Councilman Fix offered a resolution to adjourn; second by Councilman Krzemien.

AYES 4 Fix, Krzemien, Plitt and Krazmien

NAYS 0

Alice E. Calmes, Town Clerk