

REGULAR MEETING OF THE TOWN OF DARIEN

SEPTEMBER 5, 2018

MINUTES OF THE DARIEN TOWN BOARD: Supervisor David Hagelberger, Council Members David Krzemien, 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 September 5, 2018

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

ABSENT:

OTHERS PRESENT: Sue Galbraith-Alden Advertiser; Neil Marzolf – Highway Superintendent; Steve Ferry Jr – Deputy Supervisor; Laura Landers – Freed Maxick; David DiMatteo – DiMatteo & Roach; and members of the public.

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

RESOLUTION #98

MEETING MINUTES

Councilman Fix offered a resolution to accept the meeting minutes from the August 1, 2018 meeting as read; second by Councilwoman Krazmien.

AYES 5	Fix, Krazmien, Krzemien, Plitt and Hagelberger	NAYS 0
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RESOLUTION #99

TRAINING

Supervisor Hagelberger offered a resolution to authorize town officials with planning or zoning responsibilities attendance at the “Fall 2018 Regional Local Government Workshop” training event November 14, 2018 in Batavia, NY at reasonable town expense in accordance with the Employee Handbook; second by Councilman Fix.

AYES 5	Hagelberger, Fix, Krazmien, Krzemien and Plitt	NAYS 0
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RESOLUTION #100

SEWER CREDIT

Supervisor Hagelberger offered a resolution to authorize the Sewer Billing Clerk to issue a credit to the account of Elise Meyer, 10774 Alleghany Road, Darien, NY in the amount of \$61.75 due to water usage to refill a swimming pool; second by Councilwoman Krazmien.

AYES 5	Hagelberger, Krazmien, Fix, Krzemien and Plitt	NAYS 0
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RESOLUTION #101

ACCEPT CREDIT CARD PAYMENTS

Whereas, the Town Board of the Town of Darien has agreed that accepting credit cards for payment of tax bills and Town Clerk fees is in the public’s best interest, and

Whereas, the New York State Comptroller has determined the decision to accept these types of payments should be formally approved by a resolution of the governing body.

Now therefore, be it resolved, on a motion by David Hagelberger and duly seconded by Barbara Krazmien; the Town Board of the Town of Darien authorizes the Town Clerk to accept credit card payments to the Town Clerk/Tax Collector.

AYES 5	Hagelberger, Krazmien, Fix, Plitt and Krzemien	NAYS 0
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Laura Landers with Freed Maxick in Batavia, NY presented the audit report. The report to the board indicated that the material weakness is that capital assets are not reported and that the segregation of duties stays at a level of controlled because of the level of board monitoring the activities of the town. Freed Maxick submits a digital copy to the State Comptroller.

RESOLUTION #102

AUDIT

Supervisor Hagelberger offered a resolution to accept the December 31, 2017 financial report from Freed Maxick; second by Councilwoman Krazmien.

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

Notifications

The Town hall will be open for elections this year as follows:

Primary Election – Thursday, September 13, 2018 from 12PM – 9PM

General Election – Tuesday, November 6, 2018 from 6AM – 9PM

The State established 2017 equalization rate for the Town of Darien is now at 99%

Added two “2019 Budget” Town Board Work Sessions on October 15th and 22nd starting at 7pm in the Town Hall’s Conference Room

HIGHWAY – everything is in good working order; sealed Reynolds and Warner; changed out 3 culverts and helped other towns and the County. Have a guy retiring at the end of the month. Had put it in the budget for a new truck; talking to the salesman, if it is ordered now it would be received in about 12 months. It is on the National Contract and the body and plow are on the Onondaga contract. To order now, truck would be the end of September 2019 with the body by the end of 2019, almost into 2020 before completed and received. The Town wouldn’t pay until the completed truck is received

RESOLUTION #103

PLOW TRUCK

Supervisor Hagelberger offered a resolution to authorize the Highway Superintendent to pre-order the planned 2019 ten wheel plow truck purchase in 2018 due to the current long delivery cycle; second by Councilman Plitt.

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

ZEO – has been working on Zoning Law changes.

PLANNING BOARD – no application for the wind turbines yet, still pending

ATTORNEY – working on Zoning Laws

TOWN CLERK – Town offices will be closed on Columbus Day, October 8, 2018.

TREATMENT PLANT – same BOD, TSS is a little high. Ammonia has been very good. Contacted the DEC, overall doing very well, but this summer has been a struggle with BOD & TSS.

Councilman Krzemien requested the Clerk follow up with the painters.

Supervisor Hagelberger announced as a follow up that the State has scheduled a meeting for this Friday about the blinking light at Rte 238 & 20.

RESOLUTION #104

CASH REPORT

Councilwoman Krazmien offered a resolution to accept the Supervisor’s Cash report dated August 31, 2018; second by Councilman Krzemien.

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

RESOLUTION #105

ABSTRACT

Councilman Fix offered a resolution to pay General Fund 235 – 267 & 160H – 162H for \$94,952.05; Highway 10 & 144H – 153H for \$356,082.40; and Sewer District #1 29 – 33 & 154H – 159H for \$5,225.91; second by Councilwoman Krazmien.

AYES 5 Fix, Krazmien, Krzemien, Plitt and Hagelberger

NAYS 0

Comments from the Public

Mrs. Goodman recommended having a safety expert come in and do an evaluation for evacuation plans and where to hide in an emergency.

RESOLUTION #106

**TOWN OF DARIEN
RESOLUTION RELATING TO THE
PROPOSED LOCAL LAW ENTITLED “2018 UPDATES TO THE TOWN OF DARIEN ZONING LAW”**

Adopted: September 5, 2018

The Town Board of the Town of Darien met at a regular board meeting at the Town Offices of the Town of Darien on the 5th day of September 2018, commencing at 7:30 p.m., at which time and place the following members were:

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

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, The Town of Darien has determined that updated regulations are needed regarding solar energy systems and miscellaneous other provisions of the Town Zoning Law; and

WHEREAS, the Town Board of the Town of Darien believes it is most appropriate for the Town to seek lead agency under State Environment Quality Review Law; and

WHEREAS, the proposed Local Law is classified as a Type I Action under Section 617.4 of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617); and

WHEREAS, pursuant to and in accordance with the provision of Section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Town Board of the Town of Darien declares its intention to seek lead agency status for purposes of SEQRA review and has reviewed the proposed law and will take a “hard look” at all potential adverse environmental impacts pursuant to SEQRA by completing Part I of the Long Form EAF and shall advise all other involved and/or interested agencies as follows:

1. Genesee County Planning Board
2. Genesee County Agricultural Land Protection Board
3. Town of Darien Planning Board
4. Commissioner, Department of Environmental Conservation, Albany
5. Commissioner, Department of Environmental Conservation, Buffalo
6. Town Board of the Town of Alexander
7. Town Board of the Town of Pembroke
8. Town Board of the Town of Batavia

- 9. Town Board of the Town of Alden
- 10. Town Board of the Town of Attica
- 11. Town Board of the Town of Marilla
- 12. Town Board of the Town of Bennington
- 13. Erie County Planner
- 14. Wyoming County Planning Board
- 15. Genesee County Legislature
- 16. New York State Department of Agriculture and Markets

; and

WHEREAS, pursuant to sections 239-l and 239-m of the General Municipal Law, said law and all supporting documents are required to be submitted to the County Planning Department for their review and recommendations; and

WHEREAS, the Town Board of the Town of Darien finds it in the best interest of the Town of Darien to hold a public hearing to consider said proposed local law, at which time and place all interested parties and citizens for or against the proposed law will be heard and comments will be taken on the potential environmental impacts of the proposed law.

NOW ON MOTION OF David Hagelberger which has been duly seconded by Michael Fix, be it

RESOLVED, the Town Board of the Town of Darien will seek lead agency; and be it further

RESOLVED, by the Town Board of the Town of Darien that the proposed local law being considered by the Town Board, in its current form, can be used to begin review under the State Environmental Quality Review Act, also known as SEQRA and the Town Board shall advise all other involved and/or interested agencies as follows:

- 1. Genesee County Planning Board
- 2. Genesee County Agricultural Land Protection Board
- 3. Town of Darien Planning Board
- 4. Commissioner, Department of Environmental Conservation, Albany
- 5. Commissioner, Department of Environmental Conservation, Buffalo
- 6. Town Board of the Town of Alexander
- 7. Town Board of the Town of Pembroke
- 8. Town Board of the Town of Batavia
- 9. Town Board of the Town of Alden
- 10. Town Board of the Town of Attica
- 11. Town Board of the Town of Marilla
- 12. Town Board of the Town of Bennington
- 13. Erie County Planner
- 14. Wyoming County Planning Board
- 15. Genesee County Legislature
- 16. New York State Department of Agriculture and Markets

; and be it further

RESOLVED, that the Town Board of the Town of Darien will refer said matter, in accordance with 239(1) of the General Municipal Law, to the Genesee County Planning Board; and be it further

RESOLVED, by the Town Board of the Town of Darien will hold a public hearing on the proposed adoption of said local law on the 5th day of December 2018 at 8:00 p.m., at which time and place all interested parties and citizens for or against the proposed law will be heard and the environmental significance of said law will be determined.

