

REGULAR MEETING OF THE TOWN OF DARIEN

DECEMBER 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 December 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; David DiMatteo – Town Attorney; Jerome Yoder – ZEO; and members of the public.

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

RESOLUTION #146

MEETING MINUTES

Councilman Plitt offered a resolution to accept the minutes from the November 7, 2018 meeting as read; second by Councilman Krazmien.

AYES 5	Plitt, Krazmien, Fix, Krzemien and Hagelberger	NAYS 0
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RESOLUTION #147

MEETING MINUTES

Councilman Fix offered a resolution to accept the minutes from the December 3, 2018 work session as read; second by Councilwoman Krazmien.

AYES 5	Fix, Krazmien, Krzemien, Plitt and Hagelberger	NAYS 0
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RESOLUTION #148

WAGE INCREASES

Supervisor Hagelberger offered a resolution to authorize the Supervisor to implement the 2019 employee wage increase package included in the 2019 Adopted Budget; second by Councilman Krzemien.

AYES 5	Hagelberger, Krzemien, Plitt, Fix and Krzemien	NAYS 0
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RESOLUTION #149

EMPLOYEE CONTRIBUTION

Supervisor Hagelberger offered a resolution to set the employee contribution rate for health insurance at 5% of the cost of their monthly premium to be added as a deduction on their paycheck starting with the first paycheck of 2019 for those eligible employees accepting the insurance and not covered by a collective bargaining agreement; second by Councilwoman Krazmien.

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

There will be a special Town Board meeting on December 17, 2018 at the Darien Fire Hall at 7:30pm which will be a Public Hearing for the formation of Water District #6

The Town Board Year End meeting will be December 28, 2018 at 7:30PM

Town offices will be closed for the holidays on December 25th and January 1st

The 2019 Town Board Organizational meeting is scheduled for January 2, 2019 at 7:30PM.

TOWN BOARD MEETING

NOVEMBER 7, 2018

HIGHWAY – everything is in good working order. Have been plowing & sanding on & off over the last month.

ZEO – making progress on complaints; had a discussion to look at the Comprehensive Plan and did computer training.

ATTORNEY – needs to discuss pending litigation that can not be discussed here

BUILDING INSPECTOR – working on a couple large additions and a couple new houses

PLANNING BOARD – looking at the application for the new ride at the park

ENGINEER – updated the documents for the water public hearing

TAX COLLECTOR – should get the bills and have them mailed by the end of this month

TREATMENT PLANT – working with the DEC due to the BOD & TSS issues. Need repairs to the generator transfer switch; it has worked the last couple power outages, but it isn't fully going back. It will be about \$3,000 for a new switch. This will be covered under routine maintenance since no board member felt the need to do a special resolution.

Councilman Plitt thanked the Highway Department for taking care of installing the holiday decorations.

RESOLUTION #150

CASH REPORT

Councilman Fix offered a resolution to accept the Supervisor's Cash report dated November 30, 2018; second by Councilman Krzemien.

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

RESOLUTION #151

ABSTRACT

Councilwoman Krazmien offered a resolution to pay General Fund 340 – 373 & 227H - 230H for \$73,698.95; Highway 13 - 14 & 212H – 223H for \$51,523.93; Sewer District #1 41 – 45 & 224H – 226H & 229H for \$3,494.63; Trust & Agency 23 for \$1,906.39; and Water District #3 2 for \$11,349.50; second by Councilman Krzemien.

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

At 8PM, the public hearing on the changes to the Zoning Law was opened with a reading of the notice as it appeared in the official newspaper. Supervisor Hagelberger explained the changes. Town Attorney DiMatteo explained SEQR.

RESOLUTION #152

CLOSE PUBLIC HEARING

At 8:15PM, Supervisor Hagelberger offered a resolution to close the public hearing on the changes to the Zoning Law; second by Councilman Fix.

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

At 8:15PM, the public hearing for the Fire Contract opened with a reading of the notice as it appeared in the official newspaper. The Fire Department requested a change to the contract to have the amount going to the Equipment Reserve be the same as the amount in the contract for 2018. The total amount of the contract and the term of the contract would remain.

RESOLUTION #153

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

Adopted: December 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 December 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

Absent: _____

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 has sought Lead Agency status for purposes of the State Environmental Quality Review Act (hereinafter "SEQRA") review of said project, by Resolution dated September 5th, 2018, and through a Notice of Intent to Act as Lead Agency, advised the following potentially involved or interested agencies:

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, the Town Board has received no objections to acting as Lead Agency and has established themselves as SEQR Lead Agency; and

WHEREAS, the Town Board has reviewed the EAF, comments and input received from Genesee County pursuant to sections 239-l and 239-m of the General Municipal Law, the public and the Town's Consultant, completed parts 2 and 3 of the full EAF; and

WHEREAS, the Town Board in accordance with the State Environmental Quality Review Act (SEQRA) has determined that the proposed local law will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations and has determined that the proposed local law will result in no significant adverse environmental impacts; and

WHEREAS, the Town Board of the Town of Darien held a public hearing on December 5th, 2018 to consider the public opinion of all interested parties and citizens for or against the proposed local law entitled "2018 Updates to the Town of Darien Zoning Law"; and

WHEREAS, there was no objection from the public to enact such local law;

NOW ON MOTION OF David Hagelberger which has been duly seconded by Barbara Krazmien, now therefore, be it

RESOLVED, that the Town Board hereby issues a Negative Declaration and the Chair is authorized to sign the EAF which will act as the SEQR Negative Declaration; and be it further

RESOLVED, the Town Board of the Town of Darien hereby adopts the local law entitled "2018 Updates to the Town of Darien Zoning 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: 5

Nays: 0

Quorum Present: x Yes No

Dated: December 5, 2018

Alice Calmes, Clerk
Town of Darien

[SEAL]

RESOLUTION #154

CLOSE PUBLIC HEARING

Supervisor Hagelberger offered a resolution at 8:26PM to close the public hearing on the Fire Contract; second by Councilman Fix.

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

RESOLUTION #155

FIRE CONTRACT

Supervisor Hagelberger offered a resolution to sign the one year extension on the Fire Contract; second by Councilman Krzemien

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

RESOLUTION #156

EXECUTIVE SESSION

Supervisor Hagelberger offered a resolution at 8:30PM to enter into executive session with the Town Attorney to discuss litigation issues; second by Councilman Krzemien. Town Attorney DiMatteo requested ZEO Yoder be brought into the executive session as well.

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

RESOLUTION #157

CLOSE EXECUTIVE SESSION

Supervisor Hagelberger offered a resolution to close the executive session at 9:36PM; second by Councilwoman Krazmien.

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

RESOLUTION #158

ADJOURN

At 9:37PM, Councilwoman Krazmien offered a resolution to adjourn; second by Councilman Plitt.

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

Alice E. Calmes, Town Clerk