

**SPECIAL MEETING OF THE TOWN OF DARIEN**

**FEBRUARY 16, 2021**

MINUTES OF THE DARIEN TOWN BOARD: Supervisor Stephen Ferry Jr, Council Members Michael Grant, David Krzemien, Timothy Benten, Michael Fix 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 16, 2021

PRESENT:	Stephen Ferry Jr	Supervisor
	Timothy Benten	Councilman
	David Krzemien	Councilman
	Alice Calmes	Town Clerk
ABSENT:	Michael Grant	Councilman
	Michael Fix	Councilman

OTHERS PRESENT: In Person - Jerome Yoder – ZEO  
Via Zoom – Kathy Dear – Labella; Eric Randall; Eleanor Randall

At 7:49 PM the Supervisor called the meeting to order and recited the Pledge to the Flag.

Supervisor Ferry apologized for the late start and had the Clerk read the notice as it appeared in the paper for the public hearing.

At 7:50PM; the Supervisor opened the public hearing. Supervisor Ferry explained that Kathy Dear is working on the application for the CDBG grant and the CDBG grant will be in conjunction with Rural Development to help fund the Sewer Plant updates. The other part will be through Rural Development which is being handled by Barb Johnston. The USDA RD office in Batavia has approved. No comments on the public hearing, we will take care of a resolution for the County to apply for grants through Bridge NY.

**RESOLUTION #33  
BRIDGE NY GRANT**

Supervisor Ferry offered the following resolution which was duly seconded by Councilman Krzemien.

**WHEREAS**, the New York State Department of Transportation is soliciting applications for the Bridge-NY Program which provides 100% state funding for up to 1 bridge replacements and 3 culvert replacements for a municipality per year.

**WHEREAS**, Genesee County maintains all bridges and culverts over 5 feet in diameter for each municipality in the County.

**WHEREAS**, the New York State Department of Transportation allows municipalities to sponsor applications to the Bridge-NY program for all bridges and culverts within their community regardless of ownership.

**WHEREAS**, Genesee County is looking to maximize the use of state aid to help alleviate its backlog of bridge and culvert replacements.

**WHEREAS**, Genesee County will prepare Bridge-NY applications, provide interim funding and administer the program at no cost to the Town.

**WHEREAS**, Towns are required to authorize Bridge-NY applications as the sponsor of the project.

**RESOLVED**, the Town Board does hereby authorize the Town Supervisor to submit the applications for the Bridge-NY Program as recommended by Genesee County.

AYES 3      Ferry, Krzemien and Benten

NAYS 0

Councilman Fix arrived at 7:59PM

Supervisor Ferry again asked if there were any questions on the Public Hearing for the CDBG grant. He also explained that this will not be the only public hearing held for this project, there will also be a public hearing with district residents. This is a start to try to find funding for this project.

**RESOLUTION #34**

**CLOSE PUBLIC HEARING**

Supervisor Ferry offered a resolution at 8:05PM to close the public hearing; second by Councilman Benten.

AYES 4      Ferry, Benten, Fix and Krzemien

NAYS 0

**RESOLUTION #35**

**COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION  
OFFICIAL REPRESENTATIVE**

Adopted: February 16, 2021

At a special meeting of the Darien Town Board, held on the 16<sup>th</sup> day of February 2021, at the Darien Town Hall, the following members were:

PRESENT:    Supervisor    Stephen Ferry, Jr.  
                 Councilman    Timothy Benten  
                 Councilman    David Krzemien  
                 Councilman    Michael Fix

ABSENT:     Councilman    Michael Grant

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 available via Zoom video conferencing. Due and proper notice of the time and place whereof was given as required by law; and

NOW ON A MOTION OF Stephen Ferry, Jr. which has been duly seconded by Michael Fix, now therefore, be it

RESOLVED, that the Supervisor of the Town of Darien, Genesee County, New York, is hereby authorized as the official representative of the Town of Darien to execute and submit a Community Development Block Grant application to the administrative agency for the Fiscal Year 2020 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information as may be required.

AYES 4

NAYS 0

ABSENT 1

Quorum Present: X Yes    \_\_\_ No

\_\_\_\_\_  
Alice E. Calmes, Town Clerk

[SEAL]

**RESOLUTION #36**

**COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION  
COMMITMENT OF LOCAL SHARE**

Adopted: February 16, 2021

At a special meeting of the Darien Town Board, held on the 16<sup>th</sup> day of February 2021, at the Darien Town Hall, the following members were:

PRESENT:    Supervisor    Stephen Ferry, Jr.  
                 Councilman    Timothy Benten

Councilman David Krzemien  
 Councilman Michael Fix  
 ABSENT: Councilman Michael Grant

**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 available via Zoom video conferencing. Due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, the Town Board has authorized the Supervisor to file a FY 2020 Community Development Block Grant (CDBG) application on behalf of the Town of Darien for assistance to fund a portion of the cost to construct improvements to the Wastewater Treatment Plant serving Sewer District No. 1; and

**WHEREAS**, Nussbaumer & Clarke, Inc., the engineering firm engaged by the Town of Darien to prepare construction cost estimates has determined the cost to construct these improvements will exceed \$2,000,000; and

**WHEREAS**, the estimated project cost exceeds the maximum funding available under the CDBG Program.

**NOW ON A MOTION OF** Stephen Ferry, Jr. which has been duly seconded by Timothy Benten, now therefore, be it

**RESOLVED**, that the Darien Town Board hereby commits that it will provide local funds for project costs in excess of the funds provided through the CDBG grant and for any overruns that may be incurred to construct the improvements recommended in the preliminary engineering report prepared by Nussbaumer & Clarke, Inc.

AYES 4

NAYS 0

ABSENT 1

Quorum Present: X Yes    \_\_\_ No

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Alice E. Calmes, Town Clerk

[SEAL]

RESOLUTION #37

**TOWN OF DARIEN – WASTEWATER TREATMENT PLANT IMPROVEMENTS  
 SEQR TYPE II RESOLUTION**

Adopted: February 16, 2021

At a special meeting of the Darien Town Board, held on the 16<sup>th</sup> day of February 2021, at the Darien Town Hall, the following members were:

PRESENT: Supervisor Stephen Ferry, Jr.  
 Councilman Timothy Benten  
 Councilman David Krzemien  
 Councilman Michael Fix  
 ABSENT: Councilman Michael Grant

**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 available via Zoom video conferencing. Due and proper notice of the time and place whereof was given as required by law; and

**WHEREAS**, the Town of Darien is considering the implementation of improvements to the Wastewater Treatment Plant in Darien Center, including installation of a new treatment process and replacement of equipment;

**NOW ON A MOTION OF** Stephen Ferry, Jr. which has been duly seconded by Michael Fix, now therefore, be it

**RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board has determined that the proposed action is a Type II action under 6CRR NY

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617.5(c)(7) which states that the “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area” is not subject to SEQR review.

FURTHER RESOLVED, the Town Board will take no further action with regard to SEQR for this project as Type II actions are not subject to review under SEQR.

AYES 4

NAYS 0

ABSENT 1

Quorum Present: X Yes    \_\_\_No

\_\_\_\_\_  
Alice E. Calmes, Town Clerk

[SEAL]

Supervisor Ferry requested Kathy Dear call him if there was anything he missed that was required for this meeting. Kathy Dear called Supervisor Ferry’s cell phone and stated that everything was good.

RESOLUTION #38

**ADJOURN**

At 8:14PM, Supervisor Ferry offered a resolution to adjourn; second by Councilman Krzemien.

AYES 4            Ferry, Krzemien, Benten and Fix

NAYS 0

\_\_\_\_\_  
Alice E. Calmes, Town Clerk