

REGULAR MEETING OF THE TOWN OF DARIEN

JUNE 2, 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 May 5, 2021

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

OTHERS PRESENT: Neil Marzolf – Highway Superintendent; Sue Galbraith – Alden Advertiser; Sherri Garigen - Seniors

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

RESOLUTION #87

MEETING MINUTES

Councilman Fix offered a resolution to accept the meeting minutes from the May 5, 2021 meeting as read; second by Councilman Benten.

AYES 4 Fix, Benten, Krzemien and Ferry

NAYS 0

RESOLUTION #88

**TOWN OF DARIEN
RESOLUTION RELATING TO THE PROPOSED
LOCAL LAW ENTITLED "2021 UPDATES TO THE TOWN ZONING LAW"
IN THE TOWN OF DARIEN**

Adopted: June 2, 2021

The Town Board of the Town of Darien held a regular meeting at the Town Hall located at 10569 Alleghany Road, Darien Center, New York on the 2nd day June 2021, commencing at 7:30 p.m. and the following members were:

Present:	Supervisor	Stephen Ferry Jr
	Council Member	David Krzemien
	Council Member	Timothy Benten
	Council Member	Michael Fix
Absent:	Council Member	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 due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, pursuant to Governor Andrew Cuomo’s Executive Orders put into place in consideration of the COVID-19 pandemic and the guidelines put in place during Phase IV of New York Forward, said meeting was held in accordance with social distancing protocol and face coverings were worn by all Board Members and public attendees; and

WHEREAS, the Town Board of the Town of Darien is considering a proposed local law, entitled “2021 Updates to the Town Zoning Law”, to regulate Tier 1 and Tier 2 Battery Energy Storage Systems within

the Town of Darien and remove the Elderly Cottage Housing (ECHO) provision of the Town of Darien Zoning Law ; and

WHEREAS, the Town of Darien recognizes that battery energy storage systems are becoming an integral component to alternative energy sources; and

WHEREAS, pursuant to §§239-l and 239-m of the General Municipal Law, said local law and all supporting documentation, including Part 1 of the FEAF, was submitted to the Genesee County Planning Board for review at their, March 11, 2021 meeting, and the following determination was made:

Approval with Comments, said comments being annexed hereto as Exhibit A; and

WHEREAS, the Town Board did hold a public hearing on the 5th day of May 2021 to consider the adoption of said local law; and

WHEREAS, the Town Board has sought Lead Agency status for the purposes of the State Environmental Quality Review Act (hereinafter “SEQRA”) review of said project, by resolution dated April 7, 2021, and, through a Notice of Intent to Act as Lead Agency, advised the potentially involved or interested agencies, dated April 30, 2021; 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 Planning Board, the public, and the Town Attorney and has completed parts 2 and 3 of the full EAF; and

WHEREAS, the Town Board, in accordance with SEQRA, has determined that the proposed local law will not adversely affect the natural resources of New York 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.

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

RESOLVED, that Town Board of the Town of Darien, as Lead Agency, hereby issues a Negative Declaration and the Supervisor of the Town of Darien is hereby authorized to sign Part 3 of the FEAF which will act as the SEQR Negative Declaration; and be it further

RESOLVED, that the Town Board of the Town of Darien hereby adopts the local law entitled “2021 Updates to the Town Zoning Law”, to regulate Tier 1 and Tier 2 Battery Energy Storage Systems within the Town of Darien and to remove the Elderly Cottage Housing (ECHO) provision of the Town of Darien Zoning Law.

Ayes: 4

Nays: 0

Quorum Present: Yes No

Dated: June 2, 2021

Alice Calmes, Clerk

Town of Darien

[SEAL]

RESOLUTION #89

FEE SCHEDULE

Supervisor Ferry offered a resolution to adopt the proposed fee schedule in accordance with Zoning Enforcement Officer, Jerry Yoder’s recommendation; second by Councilman Benten.

Discussion on the resolution resulted in questions where the fee came from and if it would be enough for the Tier 3 projects as well; would like to table until the July meeting.

NO VOTE TAKEN DUE TO RESOLUTION #90

RESOLUTION #90

TABLE RES. #89

Supervisor Ferry offered a resolution to table Resolution #89 for one month to talk to Jerry about the fees; second by Councilman Krzemien.

AYES 4 Ferry, Krzemien, Fix and Benten

NAYS 0

RESOLUTION #91

WALKER RD WATER

Supervisor Ferry offered a resolution to sign the contract for Preliminary Engineering Services B.1.a. and B.1.f. as provided in the proposal by Mountain Engineering for Walker Road Water District not to exceed \$22,700; second by Councilman Krzemien.

AYES 4 Ferry, Krzemien, Fix and Benten

NAYS 0

RESOLUTION #92

**TOWN OF DARIEN
A RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF DARIEN
TO ENTER INTO AN AGREEMENT WITH THE
TOWN OF ALEXANDER FOR THE TOWN OF DARIEN
WATER IMPROVEMENT AREA**

Date Adopted: June 2, 2021

WHEREAS, the Town Board of the Town of Darien met at a regular board meeting at the Town Offices of the Town of Darien in the Town of Darien, New York on the 2nd day of June, 2021, commencing at 7:30 p.m., at which time and place the following members were:

- | | | |
|-----------------|----------------|------------------|
| <u>Present:</u> | Supervisor | Stephen Ferry Jr |
| | Council Member | David Krzemien |
| | Council Member | Timothy Benten |
| | Council Member | Michael Fix |
| <u>Absent:</u> | Council Member | 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 due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, pursuant to Governor Andrew Cuomo’s Executive Orders put in place in consideration of the COVID-19 pandemic and the guidelines put in place during New York Forward, said meeting was held in accordance with social distancing protocol; and

WHEREAS, the Town Board of the Town of Darien is in the process of forming a water improvement area which shall be entitled “Town of Darien Water Improvement Area”; and

WHEREAS, The Town of Darien Water Improvement Area project will connect to the existing Town of Alexander Water District No. 5, of which a portion is constructed along Alexander-Darien Townline Road. The Town of Darien Water Improvement Area will serve approximately 21 units; and

WHEREAS, the Water Improvement Area has been identified through public interest; and

WHEREAS, the Water Improvement Area shall contribute to the costs of the Town of Alexander Water District No. 5; and

WHEREAS, Town of Alexander has an excessive water supply and is willing and desirous of allowing Town of Darien to extend this facility for the benefit and use of said Water Improvement Area, upon the terms stated with the proposed intermunicipal agreement (annexed hereto as Exhibit A); and

WHEREAS, the Town of Darien has been presented with an intermunicipal agreement between the Town of Darien and the Town of Alexander and all members of the Town Board of the Town of Darien have had an opportunity to review this Agreement; and

RESOLUTION #98

PAY DAY

Supervisor Ferry offered a resolution to change the day of pay in the handbook from Thursday to Friday (1 day); second by Councilman Fix.

AYES 4 Ferry, Fix, Benten and Krzemien

NAYS 0

Notifications

Sewer update – received \$1 million CBDG funding; Rural Development is still working through the process. The Sewer Engineer is working on a letter in response to our letter. Submitted to Senator Schumer’s office for money available; Darien Lake wrote a couple letters to them and Gillibrand’s office. The funding through Schumer’s office closed on May 26th and haven’t heard back yet. The GCEDC is getting forms to Darien Lake and the GCEDC is trying to work on updated numbers on the cost to go to the Corfu Plant.

Sales Tax Sub Committee – in 5 months, have received \$356,359.30. The County had said to plan on us getting approximately \$782,600 total for the year. At that rate, it may be up about \$30,000 from what the County said, but there are up & down months. Supervisor Ferry is on the GAM Committee to work with the County to get some type of baseline to work from.

HIGHWAY – everything is in good working order; both trucks are back and look good. Have been working on ditching and replacing driveway pipes. Fiber mat & oiled Seven Day Rd last week. Walker Road, Lippold Rd, Chick Rd and Ortner Road will be next for stone. Started mowing and have about 1/3 of the town done. Salt Shed cover is done & looks good; they changed the way it is strapped down. State Snow & Ice final check came; received 86% of the contract which is about \$28,000 short of the full contract because the winter wasn’t as severe.

ATTORNEY – working on the Water Improvement District

ASSESSOR – Grievance Day is Monday, June 7th

ENGINEER – will get the letter out on the Sewer District concerns

TOWN CLERK – The Red Cross is holding a blood drive here on Friday, June 25th from 1pm – 6pm; GLOW Solid Waste have announced their fall dates – Household Hazardous Waste Collection will be Saturday, September 18th in Wyoming County from 9AM – 12:15PM and the Electronics Collection will be Saturday, September 25th in Wyoming County from 9AM – 12PM; both are by appointment which can be made starting on July 26th by calling 585-344-2580 ext. 5463. The offices will be closed on Monday, July 5th for the 4th of July holiday.

TREATMENT PLANT – numbers are real good. Everything is working good right now except the pH & DO meter, borrowed Akron’s for now and ordered a new one which is about \$2500. This is the 3rd one in about 24 years.

Councilman Krzemien received a complaint in regards to the sewer adjustments; understand his complaint and explained about the board going forward. Also was approached by the Genesee County Women’s Republican Club; they are looking for a municipality that doesn’t have a library in order to put a donated little free library up.

RESOLUTION #99

LITTLE FREE LIBRARY

Councilman Krzemien offered a resolution to contact the Genesee County Women’s Republican Club in regards to putting up the little free library on the Town property; second by Councilman Benten.

AYES 4 Krzemien, Benten, Fix and Ferry

NAYS 0

RESOLUTION #100

CASH REPORT

Councilman Fix offered a resolution to accept the Supervisor’s Cash report for April 2021; second by Councilman Benten.

AYES 4 Fix, Benten, Krzemien and Ferry

NAYS 0

RESOLUTION #101

ABSTRACT

Councilman Fix offered a resolution to pay the bills in accordance with the abstract as read; second by Councilman Krzemien. General Fund 123 – 146 for \$126,472.79; Highway Fund 52 – 61 for \$22,597.16; Sewer District #1 40 – 47 for \$3,024.49; Water District #3 1 for \$5,031.00; and Trust & Agency 3 for \$374.28.

AYES 4 Fix, Krzemien, Benten and Ferry

NAYS 0

Comments from the Public – Sherri Garigen asked about some of the seniors playing cards at the Town Hall again.

RESOLUTION #102

ADJOURN

At 8:30PM, Supervisor Ferry offered a resolution to adjourn; second by Councilman Benten.

AYES 4 Ferry, Benten, Fix and Krzemien

NAYS 0

Alice E. Calmes, Town Clerk