

REGULAR MEETING OF THE TOWN OF DARIEN

JULY 7, 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 July 7, 2021

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

OTHERS PRESENT: Neil Marzolf – Highway Superintendent; Jerry Yoder – ZEO; Sue Galbraith – Alden Advertiser; Sherri Garigen – Seniors; and multiple residents

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

RESOLUTION #103

MEETING MINUTES

Councilman Fix offered a resolution to accept the meeting minutes from the June 2, 2021 meeting as read; second by Councilman Benten.

AYES 4 Fix, Benten, Grant and Krzemien NAYS 0

RESOLUTION #104

GRANT AGREEMENT

Deputy Supervisor Krzemien offered a resolution to authorize the Supervisor to sign the CDBG Project #306PR45-20 Grant Agreement and submit with all the required documentation; second by Councilman Grant.

AYES 4 Krzemien, Grant, Fix and Benten NAYS 0

RESOLUTION #105

CERTIFYING OFFICER

Deputy Supervisor Krzemien offered a resolution to authorize the Supervisor to sign the Designation of Certifying Officer and Environmental Responsibility Certification naming Stephen Ferry, Jr., Town Supervisor as the Certifying Officer; second by Councilman Fix.

AYES 4 Krzemien, Fix, Benten and Grant NAYS 0

RESOLUTION #106

RELEASE OF FUNDS

Deputy Supervisor Krzemien offered a resolution authorizing the Supervisor to sign the Authorized Signature Form for Request for Funds naming Barbara Krzemien, Bookkeeper; Alice E. Calmes, Town Clerk; and Timothy Benten, Councilmember as authorized signatories to request funds; second by Councilman Benten.

AYES 4 Krzemien, Benten, Fix and Grant NAYS 0

RESOLUTION #107

JUNE GENERAL FUND

Deputy Supervisor Krzemien offered a resolution to adjust the June General Abstract; voucher #141 (96h) Midland Asphalt Materials for \$57,665.35 should have been on the Highway Abstract making the correct amount for the June Abstract \$68,807.44; second by Councilman Grant.

AYES 4 Krzemien, Grant, Fix and Benten NAYS 0

RESOLUTION #108

JUNE HIGHWAY FUND

Deputy Supervisor Krzemien offered a resolution add voucher #141 (96H) to the June Highway Fund Abstract and correct the amount of voucher #53 (82H) due to a duplicate invoice for Attica Ace Hardware to be \$474.92 making the total for the June Highway Fund Abstract to be \$80,240.04; second by Councilman Benten.

AYES 4 Krzemien, Benten, Fix and Grant NAYS 0

RESOLUTION #109

ZONING FEE

Deputy Supervisor Krzemien offered a resolution to set a Zoning fee of \$3500.00 for the administration for all Tier 2 Battery Energy Storage Systems as a non-refundable application fee; second by Councilman Benten.

AYES 4 Krzemien, Benten, Fix and Grant NAYS 0

RESOLUTION #110

PLANNING BOARD

Deputy Supervisor Krzemien offered a resolution to name Greg Podsiadlo to the unexpired term on the Planning Board with the term expiring 12/31/2022; second by Councilman Fix.

AYES 4 Krzemien, Fix, Benten and Grant NAYS 0

RESOLUTION #111

TRAINING

Deputy Supervisor Krzemien offered a resolution to authorize Town officials interested in the 2021 Governmental Accounting Classes attendance at reasonable Town expense in accordance with the Town Handbook; second by Councilman Fix.

AYES 4 Krzemien, Fix, Benten and Grant NAYS 0

RESOLUTION #112

SEWER CREDIT

Deputy Supervisor Krzemien offered a resolution to credit Sewer billing for Gary Davis at 10741 Alleghany Rd, Darien for the amount of 9000 gallons for a pool refill; second by Councilman Grant.

AYES 4 Krzemien, Grant, Fix and Benten NAYS 0

RESOLUTION #113

ENGAGE ATTORNEY - WALKOWSKI

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that Joseph Walkowski is in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law relative to the property located at 851 Sumner Road, Darien, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit Joseph Walkowski from continuing to be in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law; and

WHEREAS, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the New York State Property Maintenance Code and the Town of Darien Zoning Law against Joseph Walkowski to ensure that this property comes into compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and the Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed

REGULAR TOWN BOARD MEETING

JULY 7, 2021

advisable to prevent any continuation of the violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law by Joseph Walkowski.

Motion made by David Krzemien, and duly seconded by Timothy Benten.

Ayes 4

Nays 0

Absent 1

Abstain 0

Quorum Present: Yes No

Dated: July 7, 2021

[SEAL]

Alice E. Calmes, Clerk
Town of Darien

RESOLUTION #114

ENGAGE ATTORNEY - FRAYNE

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that Darren Frayne is in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law relative to the property located at 1043 Sumner Road, Darien, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit Darren Frayne from continuing to be in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law; and

WHEREAS, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the New York State Property Maintenance Code and the Town of Darien Zoning Law against Darren Frayne to ensure that this property comes into compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and the Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law by Darren Frayne.

Motion made by David Krzemien, and duly seconded by Timothy Benten.

Ayes 4

Nays 0

Absent 1

Abstain 0

Quorum Present: Yes No

Dated: July 7, 2021

[SEAL]

Alice E. Calmes, Clerk
Town of Darien

RESOLUTION #115

ENGAGE ATTORNEY - BREISSINGER

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that Thomas Breissinger is in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law relative to the property located at 1133 O'Connor Road, Darien, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit Thomas Breissinger from continuing to be in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law; and

WHEREAS, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the New York State Property Maintenance Code and the Town of Darien Zoning Law against Thomas Breissinger to ensure that this property comes into compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and the Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law by Thomas Breissinger.

Motion made by David Krzemien, and duly seconded by Timothy Benten.

Ayes 4

Nays 0

Absent 1

Abstain 0

Quorum Present: x Yes No

Dated: July 7, 2021

Alice E. Calmes, Clerk
Town of Darien

[SEAL]

RESOLUTION #116

ENGAGE ATTORNEY – INMAN HOTCHKISS

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that Carl Inman and Cathie Hotchkiss is in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law relative to the property located at 1752 Broadway Road, Darien, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit Carl Inman and Cathie Hotchkiss from continuing to be in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law; and

WHEREAS, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the New York State Property Maintenance Code and the Town of Darien Zoning Law against Carl Inman and Cathie Hotchkiss to ensure that this property comes into compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and the Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law by Carl Inman and Cathie Hotchkiss.

Motion made by David Krzemien, and duly seconded by Timothy Benten.

Ayes 4

REGULAR TOWN BOARD MEETING

JULY 7, 2021

Nays 0

Absent 1

Abstain 0

Quorum Present: x Yes No

Dated: July 7, 2021

Alice E. Calmes, Clerk
Town of Darien

[SEAL]

RESOLUTION #117

ENGAGE ATTORNEY – STABA

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that David Staba is in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law relative to the property located at 1369 Broadway Road and vacant land on Tinkham Road, Darien, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit David Staba from continuing to be in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law; and

WHEREAS, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the New York State Property Maintenance Code and the Town of Darien Zoning Law against David Staba to ensure that this property comes into compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and the Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law by David Staba.

Motion made by David Krzemien, and duly seconded by Timothy Benten.

Ayes 3

Nays 1

Absent 1

Abstain 0

Quorum Present: x Yes No

Dated: July 7, 2021

Alice E. Calmes, Clerk
Town of Darien

[SEAL]

RESOLUTION #118

ENGAGE ATTORNEY – HEINEMANN

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that Julie Heinemann is in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law relative to the property located at 213 Broadway Road, Darien, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit Julie Heinemann from continuing to be in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law; and

WHEREAS, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the New York State Property Maintenance Code and the Town of Darien Zoning Law against Julie Heinemann to ensure that this property comes into compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and the Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law by Julie Heinemann.

Motion made by David Krzemien, and duly seconded by Timothy Benten.

Ayes 4

Nays 0

Absent 1

Abstain 0

Quorum Present: x Yes No

Dated: July 7, 2021

Alice E. Calmes, Clerk
Town of Darien

[SEAL]

RESOLUTION #119

ENGAGE ATTORNEY – JOSEPHITE

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that Jeramie Josephite is in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law and New York State Penal Law relative to the property located at 213 Broadway Road, Darien, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit Jeramie Josephite from continuing to be in violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law and the New York State Penal Law; and

WHEREAS, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorney, David M. DiMatteo, to pursue the enforcement of the New York State Property Maintenance Code and the Town of Darien Zoning Law and the New York State Penal Law against Jeramie Josephite to ensure that this property comes into compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of David M. DiMatteo, Attorney for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and the Supervisor of the Town of Darien shall authorize David M. DiMatteo on behalf of the Town of Darien to take such action as may be deemed advisable to prevent any continuation of the violation of the New York State Property Maintenance Code and the Town of Darien Zoning Law and the New York State Penal Law by Jeramie Josephite.

Motion made by David Krzemien, and duly seconded by Timothy Benten.

Ayes 4

Nays 0

Absent 1

Abstain 0

