

REGULAR MEETING OF THE TOWN OF DARIEN

SEPTEMBER 1, 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 September 1, 2021

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

OTHERS PRESENT: Neil Marzolf – Highway Superintendent; Sue Galbraith – Alden Advertiser; and multiple residents

At 7:32PM the Supervisor called the meeting to order and recited the Pledge to the Flag.

RESOLUTION #141

MEETING MINUTES

Councilman Fix offered a resolution to accept the meeting minutes from the August 4, 2021, meeting as read; second by Councilman Benten

AYES 4 Fix, Benten, Grant and Ferry NAYS 0

RESOLUTION #142

MEETING MINUTES

Councilman Fix offered a resolution to accept the meeting minutes from the August 10, 2021, Special meeting as read; second by Councilman Benten

AYES 4 Fix, Benten, Grant and Ferry NAYS 0

RESOLUTION #143

MEETING MINUTES

Councilman Fix offered a resolution to accept the meeting minutes from the August 24, 2021, Special meeting as read; second by Councilman Benten.

AYES 4 Fix, Benten, Grant and Ferry NAYS 0

RESOLUTION #144

RD ACCEPTANCE LETTER

Supervisor Ferry offered a resolution to authorize the Supervisor to sign the acceptance letter by RD for a grant and a loan for Sewer Plant upgrades; second by Councilman Grant.

AYES 4 Ferry, Grant, Fix and Benten NAYS 0

RESOLUTION #145

RESOLUTION TO REQUEST AND INTENT TO DECLARE LEAD AGENCY STATUS FOR PROPOSED WATER DISTRICT NO. 11 – WALKER ROAD

WHERE AS, the Town is proposing establishment of Water District No. 11-Walker Road, and

WHERE AS, the project is generally described as follows: District formation and the installation of approximately 8,400 linear feet of waterline along Walker Road in the Town of Darien. The project will provide public water to properties that are currently dependent upon individual groundwater supplies that historically have produced very low yields of poor-quality water.

NOW ON A MOTION of Stephen Ferry, Jr which has been duly seconded by Michael Fix

THEREFORE, BE IT RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Darien hereby

announces its intent to serve as Lead Agency to conduct an environmental review of the construction of public water supply improvements to serve the proposed Water District No. 11 -Walker Road, and be it further

RESOLVED, the Town Board has determined that, as portions of the project are located within an Agricultural District, the proposed action is a Type I action as defined under SEQR; and be it further

RESOLVED, the Town Board has commissioned Mountain Engineering, PLLC to prepare Part 1 of the Environmental Assessment Form regarding the project, and be it further

RESOLVED, that Mountain Engineering on behalf of the Town Board will notify the involved and interested Agencies of the Town’s intention to act as Lead Agency for this project and will provide them with a copy of the completed Part 1 of the full Environmental Assessment Form for review during the comment period, and be it further

RESOLVED, the Town Board anticipates declaring a Negative Declaration under SEQR for this project.

Ayes: 4

Nays: 0

APPROVED by unanimous vote (Yes)

RESOLUTION #146

EAF

Supervisor Ferry offered a resolution to authorize the Supervisor to sign the Environmental Assessment Form for Water District # 11 – Walker Road; second by Councilman Grant.

AYES 4 Ferry, Grant, Benten and Fix NAYS 0

RESOLUTION #147

ENGAGE ATTORNEY - KONFEDERATH

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that Richard Konfederath is in violation of the 2020 New York State Residential Code and the Town of Darien Zoning Law relative to the property located at 9824 Colby Road, Corfu, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit Richard Konfederath from continuing to be in violation of the 2020 New York State Residential 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 2020 New York State Residential Code and the Town of Darien Zoning Law against Richard Konfederath 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 2020 New York State Residential Code and the Town of Darien Zoning Law by Richard Konfederath.

Motion made by Stephen Ferry, Jr, and duly seconded by Timothy Benten.

Ayes 4

Nays 0

Absent 1

Abstain 0

Quorum Present: x Yes No

Dated: September 1, 2021

Alice E. Calmes, Clerk
Town of Darien

[SEAL]

RESOLUTION #148

ENGAGE ATTORNEY - EDWARDS

TOWN OF DARIEN RESOLUTION

DIRECTING COMMENCEMENT OF ACTION ON BEHALF OF MUNICIPALITY

WHEREAS, it appears that Gary Edwards is in violation of the 2020 New York State Building Code and the 2020 New York State Fire Code relative to the property located at 1928 Broadway Road, Darien, New York; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit Gary Edwards from continuing to be in violation of the 2020 New York State Building Code and the 2020 New York State Fire Code; 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 2020 New York State Building Code and the 2020 New York State Fire Code against Gary Edwards 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 2020 New York State Building Code and the 2020 New York State Fire Code by Gary Edwards.

Motion made by Stephen Ferry, Jr, and duly seconded by Timothy Benten.

Ayes 4

Nays 0

Absent 1

Abstain 0

Quorum Present: Yes No

Dated: September 1, 2021

Alice E. Calmes, Clerk
Town of Darien

[SEAL]

RESOLUTION #149

SEWER CREDIT

Supervisor Ferry offered a resolution to credit Michelle Krzemien of 10624 Alleghany Road, for a sewer refund/credit of 18,000 gallons due to filling a new inground pool; second by Councilman Grant.

AYES 4

Ferry, Grant, Benten and Fix

NAYS 0

Notifications

The Town of Darien water users' surcharge will be increasing \$0.60 per thousand starting in the end of December 2021

2022 Tentative Budget will be ready the week of September 20, 2021, for Distribution to Board members

The County Revenue Sharing plan is now defunct and is replaced with a sales tax agreement which is locked in at \$10 million per year. Distribution is based on assessed value in quarterly payments.

Go Art! Has grant workshops

The water surcharge had multiple meetings; the board felt it was in the best interest of the town when the paragraph was included to petition MCWA to get an equalized rate; although Darien is still making about \$500,000 less than the last sales tax sharing agreement.

REGULAR TOWN BOARD MEETING

AUGUST 4, 2021

Extra budget work sessions will be held on 10/18 and 10/25 (if needed) at 7:30PM.

HIGHWAY – everything is in good working order. Have done a lot of work with other towns and the County on Fargo and Sumner. Everyone has done a lot of work. CHIPS has a ton of money out there and they gave everyone all of it. Put the paperwork in, so in mid-September should get about \$208,000. The first mowing check came through and the second pass of mowing is half done. Changed 3 culvert pipes on Mammoth, have about 12 culverts left that are metal. Sealed Smithley, Walker, Ortner, Chick and part of Alley. Stripes will get done in a couple weeks and the salt is getting put in the barn.

ATTORNEY – engaged in some Zoning

ENGINEER – Steve Mountain is working on the water district and sewer is on hold until the paperwork is done for the grants

TOWN CLERK – Offices will be closed on Labor Day, September 6, 2021, and the Darien Fire Department is looking for members; to find out more information, stop down on a Monday night at 7pm during training or call 585-547-9586.

TREATMENT PLANT – numbers are good; working with what we have.

Councilman Grant commends the board for sticking to their guns to the County on the water surcharge. Trying to develop a plan to help recoup money from lost fines.

RESOLUTION #150

CASH REPORT

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

AYES 4 Fix, Benten, Grant and Ferry NAYS 0

RESOLUTION #151

ABSTRACT

Councilman Fix offered a resolution to pay the bills in accordance with the abstract as read; second by Councilman Benten. General Fund 206 – 230 for \$75,290.38; Highway Fund 92 – 103 for \$161,109.93; and Sewer District #1 72 – 79 for \$5,616.91.

AYES 4 Fix, Benten, Grant and Ferry NAYS 0

RESOLUTION #152

EXECUTIVE SESSION

Councilman Grant offered a resolution to enter into executive session at 8:10PM for the board to discuss a personnel matter; second by Councilman Fix.

AYES 4 Grant, Fix, Benten and Ferry NAYS 0

RESOLUTION #153

EXECUTIVE SESSION

Councilman Grant offered a resolution to close the executive session at 8:20PM; second by Councilman Fix.

AYES 4 Grant, Fix, Benten and Ferry NAYS 0

RESOLUTION #135

ADJOURN

At 8:38PM, Councilman Grant offered a resolution to adjourn; second by Councilman Benten.

AYES 4 Grant, Benten, Fix and Ferry NAYS 0

Alice E. Calmes, Town Clerk