

**REGULAR MEETING OF THE TOWN OF DARIEN**

**OCTOBER 6, 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 October 6, 2021

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

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

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

**RESOLUTION #155**

**MEETING MINUTES**

Councilman Grant offered a resolution to waive the reading of the minutes from the September 1, 2021 meeting; second by Councilman Benten

AYES 3 Grant, Benten and Krzemien NAYS 0

**RESOLUTION #156**

**OVERRIDE TAX LEVY**

Deputy Supervisor Krzemien offered a resolution to hold a Public Hearing to hear comments from the public on a Local Law to override the tax levy limit established in General Municipal Law §3-c on November 3, 2021 at the Town Hall at 7:40PM; second by Councilman Grant.

AYES 3 Krzemien, Grant and Benten NAYS 0

**RESOLUTION #157**

**BUDGET HEARING**

Deputy Supervisor Krzemien offered a resolution to hold a Public Hearing to hear comments from the public on the Town’s 2022 Preliminary Budget on November 3, 2021 at the Town Hall at 8PM; second by Councilman Benten.

AYES 3 Krzemien, Benten and Grant NAYS 0

**RESOLUTION #158**

**HALLOWEEN**

Deputy Supervisor Krzemien offered a resolution that Halloween will officially be celebrated this year in the Town of Darien on Sunday, October 31<sup>st</sup> between the hours of 5pm to 8pm; second by Councilman Grant. Please follow all social distancing protocols and please wear masks and use hand sanitizers.

AYES 3 Krzemien, Grant and Benten NAYS 0

**RESOLUTION #159**

**TAX COLLECTOR BOND**

Deputy Supervisor Krzemien offered a resolution to acquire a \$900,000 bond to cover the maximum amount of Real Property Tax Receipts held by the Town prior to payment to the taxing agency; second by Councilman Benten.

AYES 3 Krzemien, Benten and Grant NAYS 0

**RESOLUTION #160**

**HOLIDAY DECORATIONS**

Deputy Supervisor Krzemien offered a resolution to authorize the Highway Superintendent to install the holiday decorations on power poles in town in the same locations as last year after Thanksgiving; second by Councilman Grant. Decorations shall be removed and stored as soon as practical after New Year’s Day.

AYES 3 Krzemien, Grant and Benten NAYS 0

RESOLUTION # 161

**TRAINING**

Deputy Supervisor Krzemien offered a resolution to approve Town Employees to attend the Genesee Finger lakes Regional Planning Council Fall 2021 Local Workshop from October 18<sup>th</sup> through November 10<sup>th</sup> at reasonable town expense in accordance with the Town’s employee handbook; second by Councilman Grant.

AYES 3 Krzemien, Grant and Benten NAYS 0

RESOLUTION #162

**AMEND ABSTRACT**

Deputy Supervisor Krzemien offered a resolution to amend the September 1, 2021 Highway Abstract claim 101 from \$970.11 to \$970.10 for a new total of \$161,109.92; second by Councilman Benten.

AYES 3 Krzemien, Benten and Grant NAYS 0

Went through Parts II & III of the SEQR for the Proposed Water District #11 – Walker Road.

RESOLUTION #163

**SEQR RESOLUTION – NEGATIVE DECLARATION FOR PROPOSED WATER DISTRICT NO. 11 – WALKER ROAD**

**WHEREAS**, the project is generally described as follows: The Town of Darien Water District No. 11 will connect to the Town of Alexander Water District No. 6 Water System at the town line on Walker Road. The water main will include approximately 8,400 linear feet of 8-inch water main along Walker Road. The water main will serve approximately 20 units.

**NOW THEREFORE**, on a motion of Timothy Benten and duly seconded by Michael Grant; be it **RESOLVED**, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Town Board of the Town of Darien has determined that 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 Parts 1, 2 and 3 of the Environmental Assessment Form regarding the project, and be it further

**RESOLVED**, that the Town Board hereby accepts the long form Environmental Assessment Parts 1, 2 and 3 that have been prepared for this project, and be it further

**RESOLVED**, the Town Board declares that, based on the Environmental Assessment which has been prepared in Parts 1, 2 and 3, the project will result in no significant impact to the environment. Therefore, the Town Board declares that a Negative Declaration under SEQR is therefore issued for this project; and, be it further

**RESOLVED**, that all appropriate notices and filings shall be completed.

Ayes: Councilman Timothy Benten, Councilman Michael Grant & Deputy Supervisor David Krzemien

Nays:

Absent: Supervisor Stephen Ferry & Councilman Michael Fix

Abstain:

Quorum Present  Yes  No

RESOLUTION #164

**FIRE HALL DITCH**

Deputy Supervisor Krzemien offered a resolution that the Town of Darien will take responsibility for the ditch at 10537 Alleghany Road, in front of the Darien Fire Hall, with the improvement being done by piping the ditch between the two entrances; second by Councilman Benten.

AYES 3 Krzemien, Benten and Grant

NAYS 0

RESOLUTION #165

**RESOLUTION ADOPTING OF A FAIR HOUSING PLAN AND DESIGNATING FAIR HOUSING OFFICER, SECTION 3 OFFICER AND LABOR STANDARDS OFFICER FOR THE TOWN OF DARIEN**

WHEREAS, the Town of Darien is a recipient of the Community Development Block Grant (CDBG) funding through the United States Department of Homes and Community Renewal, administered by the New York State Governor’s Office for Small Cities; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town of Darien is responsible for taking specific actions to affirmatively further fair housing (AFFH) practices in the Town of Darien; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town of Darien be responsible for ensuring compliance with Section 3 of the Housing and Urban Development Act of 1968, as amended, including the appointment of a Section 3 Officer to oversee compliance; and

WHEREAS, the rules and regulations governing the Community Development Block Program require that the Town of Darien to be responsible for ensuring compliance with Davis Bacon and Related Labor Standards Acts including the appointment of a Labor Standards Officer to review and/or oversee compliance;

NOW THEREFORE, on a motion of David Krzemien, which has been duly seconded by Michael Grant, be it

RESOLVED, that it is the policy of the Town of Darien to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, handicap or disability, or familial status or national origin, and that discrimination in the sale, rental, leasing, financing of housing to be used for construction of housing, or in the provision of brokerage services, because of race, color, religion, ancestry, sex, national origin, handicap or disability, is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Housing Law); and be it further

RESOLVED, that the Town of Darien will undertake the following AFFH actions within one (1) year of the award of CDBG funds:

1. Display fair housing posters and distribute fair housing materials prepared by New York State, the municipality, U.S. Department of Housing and Urban Development (HUD), or fair housing organizations to community residents, landlords, real estate professional and lenders;
2. The fair housing officer, Town Board members and any employees in charge of housing decisions shall take annual online fair housing training.

RESOLVED, that Alice Calmes, Town Clerk of the Town of Darien, shall be designated as the Fair Housing Officer for the Town of Darien for the 2021 Fiscal Year; and be it further

RESOLVED, that Michael Grant, Town Councilman shall be designated as the Section 3 Officer for the Town of Darien for the 2021 Fiscal Year; and be it further

RESOLVED, that Barbara Krazmien, Bookkeeper, shall be designated as the Labor Standards Officer for the Town of Darien for the 2021 Fiscal Year; and be it further

RESOLVED, that these positions of Fair Housing Officer, Section 3 Officer and Labor Standards Officer shall be renewed annually.

RESOLVED, that the Town of Darien Town Board may, on its own initiative or on petition, amend, supplement, or repeal the provisions of this resolution in conformity with applicable rules and regulations and in their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this resolution are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the highest standards, shall govern; and be it further

RESOLVED, that this Resolution shall take effect immediately.

- Vote: Stephen Ferry, Jr. Yes / No / Absent / Abstain
- David Krzemien Yes / No / Absent / Abstain
- Timothy Benten Yes / No / Absent / Abstain
- Michael Fix Yes / No / Absent / Abstain
- Michael Grant Yes / No / Absent / Abstain

Notifications

Election Day is Tuesday, November 2<sup>nd</sup>. Polls will be open from 6AM – 9PM at the Town Hall. Electing Government Officials is your responsibility; please exercise your right to vote; covid protocols will be in effect. Budget workshop meetings to be held on October 18<sup>th</sup> & October 25<sup>th</sup> (if needed) Town offices will be closed on Monday, October 11<sup>th</sup> for Columbus Day

HIGHWAY – everything is in good working order. Going through the inspections on all the trucks and equipment and they should all be done within the next week and a half. The salt is put away; it cost the same as last year. In September, the County did the shoulders on some of Sumner and on Fargo, all our trucks helped. Fargo should be paved next year. Worked with other towns oiling & blacktopping. Did some ditching and the second pass of mowing is done; going back on the state roads to make a pass. The CHIPs money came in - \$210,000. Getting ready for snow; getting the plows & hitches moved around.

TREATMENT PLANT – numbers are good. The DEC inspection was Thursday, and everything went well. ZEO – emailed the updates. The attorney contacted us on My Saloon and would like the board’s opinion how to proceed with either routine enforcement through the courts or send a letter to the liquor authority? The board members present felt to start with a letter from the attorney and if that gets no action, then will have to take action.

BUILDING INSPECTOR – Darien Lake had only 2 Pyro events this year, but just did the inspections for the Haunted Houses.

ENGINEER – Sewer Engineer, have a bill but there were questions, going to hold off until Steve is back to see what he found out with it.

TOWN CLERK – The department of public service is looking for people to answer surveys on Internet & Broadband to see where more coverage is needed. The survey can be found on the Town website. There will be a blood drive on October 15<sup>th</sup>.

Councilman Grant has been talking to Solar by CIR on the potential viability to bring a solar array to the Sewer Plant property or the transfer station property. Just got some of the information this morning, at first glance – as a municipality, we don’t get the same types of rebates and tax credits as residential customers. Looking into the possibility of grouping with other municipalities to get try to get better grants.

Deputy Supervisor Krzemien thanked the other board members for their help.

RESOLUTION #166

ABSTRACT

**REGULAR TOWN BOARD MEETING**

**OCTOBER 6, 2021**

Councilman Grant offered a resolution to pay the bills in accordance with the abstract as read; second by Councilman Benten. General Fund 231 – 262 for \$41,035.30; Highway Fund 104 – 116 for \$112,740.41; Sewer District #1 80 – 90 for \$4,119.22; and Water District #5 2 for \$2,720.00.

AYES 3 Grant, Benten and Krzemien NAYS 0

Comments from the Public

Mr. Don Koepf is happy with the shoulders on Fargo Road and asked if the Town was considering opting out of the Pot Sales. Ms. Sherri Garigen asked if Darien Lake said anything about their holiday light fest. Mr. Bruce LeRoy asked about the right of way on town roads when the County is responsible for the bridge because the county just took down some trees.

RESOLUTION #167

**ADJOURN**

At 8:50PM, Councilman Grant offered a resolution to adjourn; second by Councilman Benten.

AYES 3 Grant, Benten and Krzemien NAYS 0

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Alice E. Calmes, Town Clerk