

REGULAR MEETING OF THE TOWN OF DARIEN

DECEMBER 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 December 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 some residents

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

RESOLUTION #190

MEETING MINUTES

Councilman Fix offered a resolution to accept the minutes from the November 3, 2021 meeting as read; second by Councilman Benten.

AYES 4	Fix, Benten, Grant and Ferry	NAYS 0
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RESOLUTION # 191

WAGE PACKAGE

Supervisor Ferry offered a resolution to authorize the Supervisor to implement the 2022 employee wage increase package included in the 2022 Adopted Budget; second by Councilman Grant.

AYES 4	Ferry, Grant, Benten and Fix	NAYS 0
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RESOLUTION #192

INSURANCE CONTRIBUTION

Supervisor Ferry offered a resolution to set the employee contribution rate for health insurance at 5% of the cost of their monthly premium to be added as a deduction on their paycheck starting with the first paycheck of 2022 for those eligible employees accepting the insurance and not covered by a collective bargaining agreement: second by Councilman Benten.

AYES 4	Ferry, Benten, Fix and Grant	NAYS 0
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RESOLUTION #193

USDA APPLICATION

Supervisor Ferry offered a resolution for the supervisor to sign the USDA RD application for funding for Water District # 11 – Walker Road; second by Councilman Fix.

AYES 4	Ferry, Fix, Benten and Grant	NAYS 0
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RESOLUTION #194

**TOWN OF DARIEN WATER DISTRICT NO. 11-WALKER ROAD
LATERAL RESTRICTIONS RESOLUTION**

WHEREAS, the Town is proposing establishment of Water District No. 11, and

WHEREAS, the Town Board of the Town of Darien has created the Town of Darien Water District No. 11 pursuant to Town Law for the express purpose of providing public water supply to residents along Walker Road in the Town of Darien; and

WHEREAS, part of the land area within Water District No. 11 is also within Genesee County Agricultural District No. 1; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 1; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE, on a motion of Stephen Ferry Jr., which has been duly second by Michael Grant

BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Darien imposes the following conditions, on the management of water/sewer lines located along Walker Road, included in Walker Road Water District No. 11 within an agricultural district, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.

Absent: David Krzemien

APPROVED by unanimous vote (Yes)

RESOLUTION #198

MUNICIPAL SOLUTIONS

Supervisor Ferry offered a resolution to authorize the Supervisor to sign the contract amendment dated November 3, 2021 with Municipal Solutions for adding work related to the USDA RD portion of the Wastewater Treatment Plant Project: second by Councilman Fix.

AYES 4 Ferry, Fix, Benten and Grant NAYS 0

RESOLUTION #199

AUDIT

Supervisor Ferry offered a resolution to accept the Audit of 2020 Financials as done by Freed Maxick; second by Councilman Fix.

AYES 4 Ferry, Fix, Benten and Grant NAYS 0

Notifications

Town offices will be closed for the holidays on December 24th and December 31st.

The Town Board’s Year End meeting will be held at the Town Hall on Wednesday, December 30th at 7:30PM.

The 2022 Town Board Organizational meeting is scheduled for January 5, 2022 at 7:30PM.

HIGHWAY – everything is in good working order, finished putting everything together for snow. Cut trees for a week, the tractor is being gone through and we were out a few times this past weekend.

TREATMENT PLANT – numbers are good, haven’t heard a word from anyone.

ATTORNEY – reviewing the contract with Nussbaumer & Clarke and ready to go with the legal petition for WD #11 once we get a number.

TAX COLLECTOR – we are coming into tax month, so I’ll start getting busy.

RESOLUTION #200

CASH REPORTS

Councilman Fix offered a resolution to accept the Supervisor Cash Reports for October of 2021; second by Councilman Benten.

AYES 4 Fix, Benten, Grant and Ferry NAYS 0

RESOLUTION #201

ABSTRACT

Councilman Fix offered a resolution to pay the bills in accordance with the abstract as read; second by Councilman Benten. General Fund 287 – 314 for \$65,751.75; Highway Fund 134 – 146 for \$46,901.90; Sewer District #1 102 – 110 for \$6,368.96; Water District #3 2 for \$11,731.00; and Special Zoning 1 for \$1,576.25.

AYES 4 Fix, Benten, Grant and Ferry NAYS 0

RESOLUTION #202

ADJOURN

At 8:14PM, Councilman Benten offered a resolution to adjourn; second by Councilman Fix.

AYES 4 Benten, Fix, Grant and Ferry NAYS 0

Alice E. Calmes, Town Clerk