

REGULAR MEETING OF THE TOWN OF DARIEN

JANUARY 4, 2023

MINUTES OF THE DARIEN TOWN BOARD: Supervisor Stephen Ferry, Council Members Timothy Benten, Michael Fix, Michael Grant, David Krzemien 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 January 4, 2023

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

ABSENT:

OTHERS PRESENT: Neil Marzolf Jr – Highway Superintendent; Sue Galbraith – Alden Advertiser; and Members of the public

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

RESOLUTION #1

MEETING MINUTES

Councilman Grant offered a resolution to accept the minutes from the December 7, 2022 meeting as presented and from the December 29, 2022 meeting as corrected while read; second by Councilman Krzemien.

AYES 5	Grant, Krzemien, Benten, Fix, and Ferry	NAYS 0
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RESOLUTION #2

BOARD MEMBERS

Supervisor Ferry offered a resolution to reappoint members Greg Podsiadlo and Ben Kohlhagen to the Planning Board and Zoning Board of Appeals respectively; second by Councilman Krzemien.

AYES 5	Ferry, Krzemien, Grant, Fix and Benten	NAYS 0
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RESOLUTION #3

EXPENDITURES OF HIGHWAY MONEYS

Supervisor Ferry offered a resolution to approve the Board to sign the Agreement for the Expenditures of Highway Moneys; second by Councilman Grant.

AYES 5	Ferry, Grant, Krzemien, Benten, and Fix	NAYS 0
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RESOLUTION #4

WETLAND DELINEATION

Supervisor Ferry offered a resolution to authorize CPL to amend the contract to the sum of \$8100 to include wetland delineation; second by Councilman Krzemien.

AYES 5	Ferry, Krzemien, Grant, Fix, and Benten	NAYS 0
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Town Holiday Schedule

New Year’s Day, January 1st (Monday 1/2); Martin Luther King Day, January 16th (Monday); Presidents Day, February 20th (Monday); Memorial Day, May 29th (Monday); Independence Day (July 4th Tuesday); Labor Day (September 4th Monday); Indigenous People Day, October 9th (Monday); Veteran’s Day, November 10th (Friday); Thanksgiving Day (November 23rd Thursday); Christmas Day, December 25th (Monday); New Year’s Day 2023, January 1st (Monday)

Town Board Meeting Schedule (1st Wednesday of the Month)

TOWN BOARD MEETING

JANUARY 4, 2023

January 4 (Organizational Meeting), February 1, March 1, April 5, May 3, June 7, July 5, August 2, September 6, October 4, November 1, December 6, December 28, January 3 (2024 Organizational Meeting)

Town Board Work Sessions (Board meets when business requires; Monday preceding the monthly meeting)
 January 30, February 27, April 3, May 1, June 5, July 3, July 31, September 5 (moved to Tuesday due to Holiday),
 October 2 (2024 Budget Meeting – Tentative), October 30, December 4, January 2, 2024 (Moved to Tuesday for Holiday)

Appointments & Fees

2023
Town Board Appointments & Fees

Position	Appointment	Yearly Salary or Hourly Rate	
Zoning Enforcement Officer (ZEO)/CEO	Jerome Yoder	\$ 23,088.00	Salary
Building Inspector, Senior/CEO	Joseph Kowalik	\$ 12,038.00	Salary
Building Inspector /CEO	Jerome Yoder	Inclusive above	Salary
House Enumerator	Neil Marzolf Jr.	\$600.00	Salary
Cemetery Flags	TBD (To Be Determined)		
Dog Control	Genesee County		
Dog Enumerator	Deputy Town Clerk		
Official Newspapers	The Daily News Alden Advertiser		
Official Bank	Depository Name	Maximum Amount	Office
	Five Star Bank,	\$4,000,000	Attica
	Key Bank	\$3,000,000	Batavia
	NYCLASS	\$4,000,000	Batavia
Planning Board			
Member		\$45.00	Per Meeting
Chair		\$ 65.00	Per Meeting
Clerk		\$ 65.00	Per Meeting
Zone Board of Appeals			
Member		\$45.00	Per Meeting
Chair		\$65.00	Per Meeting
Clerk		\$65.00	Per Meeting
Board of Assessment Review			
Member		\$45.00	Per Meeting
Gas Mileage (\$/mile)		\$0.65	\$/mile
Board Meetings	1st Wednesday of the month 7:30 p.m.		
Engineer	TBD as needed		

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Attorney	Contract Per Diem with David M DiMatteo		
Town Prosecutor	Contract with Robert Zickl		
Highway Employee's Work Schedule	May -Oct 4-10 hour days, Oct-May 6:30 a.m.-3:00p.m.	per contract	
Budget Control Officer	Stephen Ferry Jr.	\$530.00	Salary
Coordinator of Disaster Preparedness	Stephen Ferry Jr.	\$ -	Salary
Janitorial Service	Contract with Warren Commercial Cleaning Inc.		
Planning Board Member 12/31/2029 (7 year term)	Greg Podsiadlo		
Zone Board of Appeals Member to12/31/2027 (5 year term)	Ben Kohlhagen		
Board of Assessment Review Member 9/30/202? (5 year term)	N/A		
Registrar of Vital Status	Alice Calmes	\$626.00	Salary
Records Management	Alice Calmes	\$2,200.00	Salary
Fee Schedule (see separate sheet)	Same for 2023 as in 2022		
Sewer District #1 Operation			
Sewer Bill Collector	Alice Calmes	\$750.00	Salary
Waste Treat Plant Operator	Neil Marzolf Jr.	\$ 12,500.00	Salary
Waste Treat Plant Operator - Assistant	Joseph Marino Jr.	\$18.50	\$/hr Rate
Quarterly Sewer billing rate			
minimum payment (includes 4,000 gal usage)		\$35.00	
For each 1,000 gals above 4,000 gals		\$7.75	
Ethics Review Board			
Ethics Review Board, Town Official	Michael Grant	\$-	
Ethics Review Board	Donna Ferry	\$-	
Ethics Review Board	Christopher Nicastro	\$-	
Temporary MEO			
As needed during emergency events		\$26.50/hour	

RESOLUTION #5

APPROVE HOLIDAYS, MEETINGS & APPOINTMENTS

Supervisor Ferry offered a resolution to approve the Holiday schedule, Meeting & Work Session schedule, and Appointment & Fees; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Krzemien, and Grant NAYS 0

Supervisor Appointments

- Deputy Supervisor – David Krzemien
- Bookkeeper – Barb Krazmien
- Historian – TBD

Town Clerk Appointments

- 1st Deputy Town Clerk – Gwen Yoder
- 2nd Deputy Town Clerk – TBD

Highway Superintendent Appointments

- Deputy Highway Superintendent – Joe “China” Marino

RESOLUTION #6

APPOINTMENT APPROVAL

Supervisor Ferry offered a resolution to approve the Supervisor Appointments, Highway Appointments, and Town Clerk Appointments; second by Councilman Grant.

AYES 5 Ferry, Grant, Krzemien, Benten, and Fix NAYS 0

RESOLUTION # 7

2022 AUDIT

Supervisor Ferry offered a resolution to authorize the Supervisor to contract with an independent agency, Lumsden & McCormick LLP, to audit the 2022 year-end financials for the Town and the Court; second by Councilman Fix.

AYES 5 Ferry, Fix, Benten, Krzemien, and Grant NAYS 0

RESOLUTION # 8

AOTSNY

Supervisor Ferry offered a resolution to continue the town’s membership in the NYS Association of Towns for 2023; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Grant, and Krzemien NAYS 0

RESOLUTION #9

UTILITY BILLS

Supervisor Ferry offered a resolution to authorize the Supervisor to pay utility bills prior to abstract approval to avoid late payment charges; second by Councilman Krzemien.

AYES 5 Ferry, Krzemien, Grant, Fix, and Benten NAYS 0

RESOLUTION #10

GARBAGE DISPOSAL BILLS

Supervisor Ferry offered a resolution to authorize the Supervisor to pay garbage disposal bills prior to abstract approval to avoid paying late payment charges; second by Councilman Grant.

AYES 5 Ferry, Grant, Krzemien, Benten, and Fix NAYS 0

RESOLUTION #11

INSURANCE & RETIREMENT

TOWN BOARD MEETING

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Supervisor Ferry offered a resolution to authorize the Supervisor to pay authorized medical insurance premiums and New York State Retirement employee benefit expenses prior to abstract approval; second by Councilman Fix.

AYES 5 Ferry, Fix, Benten, Krzemien, and Grant

NAYS 0

RESOLUTION #12

HIGHWAY PURCHASES

Supervisor Ferry offered a resolution to authorize the Highway Superintendent to make purchases at State and County bid prices and piggyback off other municipal bid contracts; second by Councilman Krzemien.

AYES 5 Ferry, Krzemien, Grant, Fix and Benten

NAYS 0

RESOLUTION #13

HIGHWAY SEMINARS

Supervisor Ferry offered a resolution to authorize the Highway Superintendent to attend 2023 spring and fall highway seminars at reasonable town expense in accordance with the town’s employee manual; second by Councilman Grant.

AYES 5 Ferry, Grant, Krzemien, Benten, and Fix

NAYS 0

RESOLUTION #14

HIGHWAY CONTRACT

Supervisor Ferry offered a resolution to authorize the Town Board to sign the Highway Contract; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Grant, and Krzemien

NAYS 0

RESOLUTION # 15

ADJUST ABSTRACT

Supervisor Ferry offered a resolution to adjust claim #189(263H) for Sunoco LP on Abstract # 13 dated December 29, 2022 from \$412.91 to \$412.90 and the total for abstract #13 Highway from \$19,488.50 to \$19,488.49; second by Councilman Krzemien.

AYES 5 Ferry, Krzemien, Grant, Fix, and Benten

NAYS 0

RESOLUTION # 16

POLLING PLACE

Supervisor Ferry offered a resolution to designate the Darien Town Hall, 10569 Alleghany Road, Darien Center, New York as the official Polling Place for 2022 elections in the Town of Darien pursuant to Section 4-104 of New York State Election Law Section 6202; second by Councilman Fix.

AYES 5 Ferry, Fix, Benten, Krzemien, and Grant

NAYS 0

RESOLUTION #17

SEWER LETTER

Supervisor Ferry offered a resolution to authorize a letter to update Sewer District Residents on the state of the sewer plant to be included in the sewer bills; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Grant, and Krzemien

NAYS 0

Notifications

Happy New Year

Committee Assignments:

Justice Court Audit – Fix & Benten; Replace Flags & Decorations – Grant; LED Street Lighting – Krzemien; Insurance Reviews – Benten; Fire Contract Negotiations – Fix & Grant; Fire Dept Liaison - Krzemien

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HIGHWAY – everything is in good working order; had wing braces messed up, so did some fabricating to get going and bought a couple of new ones to have on hand. FEMA is asking for numbers for the last storm. Think there should be a plan in place with Emergency Management because we are getting these storms every 8-10 years. Put in an order for an F450 & F250 to get on the list, but we can cancel either one. F450 is needing to be replaced. The F450 quote with body and plow is \$84,990.80 and the F250 quote is \$58,939.26 for a total of \$143,930.06 for the two of them. We have \$105,000 in the budget without selling. Supervisor Ferry explained that the sale of the trucks is already balanced in the expenditures.

RESOLUTION #18

F450

Supervisor Ferry offered a resolution to authorize the purchase of an F450 for \$84,990.80; second by Councilman Krzemien.

AYES 5 Ferry, Krzemien, Grant, Fix, and Benten

NAYS 0

Supervisor Ferry explained, didn't budget enough for an F350 also and to get prices on mowers. Superintendent Marzolf said he will cancel the F250 order and will get 3 prices for mowers and bring them back next month.

TOWN CLERK – NYS is looking for help with a Broadband map, information will be posted online and at the Town Clerk's office. Received a letter from PYA requesting Reilein Fund be used to offset the cost of youth baseball for Darien residents. Also, other towns have been using a late fee with dog licenses and it has helped get compliance, \$5 per dog license 60 days past due.

RESOLUTION #19

REILEIN TRUST

Councilman Grant offered a resolution to approve the PYA request for Darien residents' youth baseball registration fees to be offset by the Clifford Reilein Trust; second by Councilman Krzemien.

AYES 5 Grant, Krzemien, Benten, Fix, and Ferry

NAYS 0

RESOLUTION #20

LATE FEE – DOG LICENSES

Supervisor Ferry offered a resolution to authorize a \$5 late fee on dog licenses after 60 days; second by Councilman Grant.

AYES 4 Ferry, Grant, Benten, and Fix

NAYS 1 Krzemien

TAX COLLECTOR – only 2 days into collecting and have been very busy so far
TREATMENT PLANT – numbers are good.

Councilman Grant asked if money is in the budget for banners so the order could be placed in time for summer. Councilman Krzemien gave an update on the letter to the State Police and County Sheriff; they have been more active and said the Darien City residents have said it was noticeable.

RESOLUTION #21

CASH REPORT

Councilman Fix offered a resolution to accept the Supervisor's Cash Report for November 2022; second by Councilman Benten.

AYES 5 Fix, Benten, Krzemien, Grant, and Ferry

NAYS 0

RESOLUTION #22

ABSTRACT

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Councilman Fix offered a resolution to pay the bills in accordance with the abstract; second by Councilman Krzemien. General Fund 1 – 23 for \$13,698.21; Highway 1 - 3 for \$4,273.96; Sewer District #1 1 – 4 for \$1,056.84; and Fire Protection District 1 for \$4,683.00.

AYES 5 Fix, Krzemien, Grant, Benten, and Ferry

NAYS 0

RESOLUTION #23

ADJOURN

At 8:59PM, Supervisor Ferry offered a resolution to adjourn; second by Councilman Krzemien.

AYES 5 Ferry, Krzemien, Grant, Fix, and Benten

NAYS 0

Alice E. Calmes, Town Clerk