

REGULAR MEETING OF THE TOWN OF DARIEN

JANUARY 5, 2011

MINUTES OF THE DARIEN TOWN BOARD: Supervisor David Hagelberger, Councilman Stephen Ferry, David Riker, Christopher Nicastro 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 5, 2011.

PRESENT:	David Hagelberger	Supervisor
	Stephen Ferry	Councilman
	David Riker	Councilman
	Christopher Nicastro	Councilman
	Alice Calmes	Town Clerk

OTHERS PRESENT: Sue Galbraith-Alden Advertiser; Neil Marzolf-Highway Superintendent; Elmer Heiman-Historian; Michael Plitt-Planning Board Member; Charles Reid-ZEO and many Town residents.

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

RESOLUTION # 1

APPROVAL OF MINUTES

Supervisor Hagelberger made a motion, second by Councilman Ferry to accept the minutes of the December 1, 2010 meeting as read.

AYES 4 Hagelberger, Ferry, Riker and Nicastro NAYS 0

RESOLUTION #2

RE ORGANIZATION

Councilman Ferry made a motion, second by Councilman Nicastro to accept the 2011 Town Board Appointments, schedules and fees as read.

AYES 4 Ferry, Nicastro, Riker and Hagelberger NAYS 0

2011 Town Board Appointments

Zoning Enforcement Officer: Charles Reid @ \$8,735.00/yr

Code Enforcement Officer: Charles Reid @ \$2,457.50/yr

Building Inspector: David Mosier @ \$ 10,506.00/yr

House Enumerator: Neil Marzolf Jr. @ \$350.00 Stipend

Cemetery Flags: TBD

Dog Control: Genesee County (585)343-6410

Dog Enumerator: TBD

Official Newspapers: The Daily News & Alden Advertiser

Official Banks: Five Star Bank, HSBC, M&T, Alden State Bank, KeyBank

Landfill Permit Rates: \$1.00 per 30 gallon Container

Planning Board & Zoning Board of Appeals Rates

Member: \$20.00/Meeting; Chair: \$40.00/Meeting; Clerk: \$40.00/Meeting

Board of Assessment Review

Member: \$10.00/Hour

Gas Mileage: \$.50/mile

Board Meetings: 1st Wednesday of the month at 7:30PM

Engineer: Contract with Paul Chatfield

Attorney: Contract with David DiMatteo

Town Prosecutor: Contract with Robert Zickl

TOWN BOARD MEETING**PAGE 2****JANUARY 5, 2011**

Highway Employee's Work Schedule: May – Oct – 4 10 Hr work days; Oct – May – 6:30am – 3:00pm

Budget Control Officer: David Hagelberger @ \$0.00

Coordinator of Disaster Preparedness: David Hagelberger @ \$0.00

Janitorial Services: Continue with Robert Sommer

Planning Board Member (7 yr term expiring 12/31/17): Joseph Satkowski

Zoning Board of Appeals Member (5 yr term expiring 12/31/15): Dawn Mark

Zoning Board of Appeals Member (unexpired term expiring 12/31/14): TBD

Registrar of Vital Statistics: Alice Calmes @ \$450.00/yr

Records Management Officer/Records Access Officer: Alice Calmes @ \$2,000.00/yr

Fee Schedule

Building/Zoning Permit	\$25.00
Inspections	\$30.00/each
Land Separation	\$25.00
Site Plan Review	\$30.00
Special Use Permit (SUP)	\$30.00
Variance	\$30.00
Public Hearing	\$30.00
Home Occupation	\$25.00
Fireworks	\$10.00/each occurrence
Games of Chance	\$25.00
Junkyard License	\$120.00
Pyrotechnics Permit	\$350.00
Dog License – Altered	\$5.00
Dog License – Unaltered	\$13.00
Dog License – Replace Tag	\$3.00

Sewer District #1 Operation

Sewer Bill Collector: Alice Calmes @ \$530.00/yr

Waste Treatment Plant Operator: Neil Marzolf Jr. @ \$9,500.00/yr

Waste Treatment Plant Operator – Assistant: Joe Marino Jr. @ \$17.00/hr

Quarterly Sewer Billing Rates

Minimum Payment (includes first 4,000 gallons) \$25.00

For each additional 1,000 gallons over 4,000 \$4.50

2011 Holiday Schedule

New Year's Day 2011 – Friday, December 31, 2010; Martin Luther King Day – Monday, January 17; Presidents' Day – Monday, February 21; Memorial Day – Monday, May 30; Independence Day – Monday, July 4; Labor Day – Monday, September 5; Columbus Day – Monday, October 10; Veteran's Day – Friday, November 11; Thanksgiving Day – Thursday, November 24; Christmas Day – Monday, December 26; New Years Day 2012 – Monday, January 2, 2012

2011 Town Board Meetings

1st Wednesday of the Month: January 5; February 2; March 2; April 6; May 4; June 1; July 6; August 3; September 7; October 5; November 2; December 7; December 28 (Year End Meeting)

2011 Town Board Work Sessions

Meets only when Business Requires (usually Monday preceding the Monthly Meetings): January 3; January 31; February 28; April 4; May 2; Tuesday, May 31 (due to Holiday); Tuesday, July 5 (due to Holiday); August 1; Tuesday, September 6 – Budget Meeting (due to Holiday); October 3; October 31; December 5

HIGHWAY APPOINTMENTS: Deputy Superintendent – Brian Bontrager

TOWN CLERK APPOINTMENTS: Deputy Town Clerks – Teresa Burkhardt & Jane Kershenski

SUPERVISOR APPOINTMENTS: Deputy Supervisor – Stephen Ferry Jr

Historian – Elmer Heiman

Supervisor's Inter-Community Rep: Elmer Heiman

Bookkeeper: Jessica Lahti

RESOLUTION #3

AUDIT

Supervisor Hagelberger offered a resolution to authorize the Supervisor to contract with an independent agency to audit 2010 financials in accordance with the budget, second by Councilman Nicastro.

AYES 4 Hagelberger, Nicastro, Riker and Ferry NAYS 0

RESOLUTION # 4

ASSOCIATION OF TOWNS MEMBERSHIP

A motion was made by Supervisor Hagelberger, second by Councilman Riker to continue the Town's membership in the NYS Association of Towns for 2011.

AYES 4 Hagelberger, Riker, Nicastro, and Ferry NAYS 0

RESOLUTION # 5

UTILITY BILLS

Supervisor Hagelberger made a motion to authorize the Supervisor to pay Utility Bills prior to abstract approval to avoid late payment charges, second by Councilman Ferry.

AYES 4 Hagelberger, Ferry, Nicastro and Riker NAYS 0

RESOLUTION # 6

GARBAGE DISPOSAL BILLS

A resolution was made by Supervisor Hagelberger, second by Councilman Ferry to authorize the Supervisor to pay garbage disposal bills prior to abstract approval to avoid late payment charges.

AYES 4 Hagelberger, Ferry, Riker and Nicastro NAYS 0

RESOLUTION # 7

ASSOCIATION OF TOWNS MEETING

The Supervisor offered a resolution to approve the attendance of the Town Assessor and up to two other Town Officials to attend this year's NYS Association of Towns annual meeting and training school in New York City at reasonable town expense, second by Councilman Riker.

AYES 4 Hagelberger, Riker, Nicastro and Ferry NAYS 0

RESOLUTION # 8

DISPOSAL & RECYCLING FEES

A resolution was offered by the Supervisor to maintain the same set of disposal & recycling fees in 2011 as was used at the end of 2010 for the town Transfer Station, second by Councilman Nicastro.

AYES 4 Hagelberger, Nicastro, Riker and Ferry NAYS 0

RESOLUTION # 9

TOWN CLERK FEES

Supervisor Hagelberger made a motion, second by Councilman Nicastro to maintain the same set of Town Clerk town fees as was used at the end of 2010.

AYES 4 Hagelberger, Nicastro, Riker, and Ferry NAYS 0

RESOLUTION # 10

SEWER RENTS & FEES

Supervisor Hagelberger made a motion to maintain the same set of Sewer District #1 rents and fees as used at the end of 2010, second by Councilman Riker.

AYES 4 Hagelberger, Riker, Nicastro and Ferry NAYS 0

RESOLUTION #11

STATE AND COUNTY BID

The Supervisor offered a resolution to authorize the Highway Superintendent to make purchases at State and County Bid price, second by Councilman Ferry.

AYES 4 Hagelberger, Ferry, Nicastro and Riker NAYS 0

RESOLUTION #12

TRUCK & PLOW BID

Supervisor Hagelberger offered a resolution to authorize the Highway Superintendent to prepare a bid package and advertise for sealed bids for a new truck & plow in accordance with the Budget; second by Councilman Ferry.

AYES 4 Hagelberger, Ferry, Riker and Nicastro NAYS 0

RESOLUTION #13

HIGHWAY SEMINARS

A resolution to authorize the Highway Superintendent to attend highway seminars at reasonable town expense in the spring and fall of 2011 was offered by Supervisor Hagelberger, second by Councilman Nicastro.

AYES 4 Hagelberger, Nicastro, Riker and Ferry NAYS 0

RESOLUTION # 14

TOWN OF DARIEN RESOLUTION

Adopted: January 5, 2011

The Town Board of the Town of Darien met at a regular board meeting at the Town Offices of the Town of Darien located at located at 10569 Allegheny Road in the Town of Darien, New York on the 5th day of January 2011 commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	<u>David Hagelberger</u>
	Councilman	<u>Stephen Ferry Jr.</u>
	Councilman	<u>Christopher Nicastro</u>
	Councilman	<u>David Riker</u>
	Councilman	<u>open position</u>

Absent: _____

WHEREAS, all Town Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, in accordance with Local Law No. 4 of 1996, specifically Article III, Section 2 (A) – Preliminary Plat Application and Fee and Section 3 (A) – Final Plant

Application Fee, the Town Board of the Town of Darien feels it is necessary to establish a fee schedule for same; and

WHEREAS, a fee of \$25.00 for each parcel being subdivided will be required with the submission of a Subdivision Application; and

WHEREAS, this fee is based on the number of existing lots proposed to be divided by the applicant, not the actual number of lots that will be created by the subdivision; and

WHEREAS, all costs incurred by the Town of Darien, including but not limited to, publication fees; postage expenses; consultation fees such as engineering and legal or any other extraordinary expenses incurred in connection with the review of a Subdivision Application shall be charged to and reimbursed by the applicant; and

WHEREAS, that the Town Board of the Town of Darien feels it is in the best interests of the Town of Darien to adopt said Fee Schedule and reimbursement requirements.

NOW ON MOTION OF David Hagelberger, which has been duly seconded by Stephen Ferry Jr., therefore, be it

RESOLVED, that the Town Board of the Town of Darien feels it is in the best interests of the Town of Darien to adopt said Fee Schedule in accordance with Local Law No. 4 of 1996; and be it further

RESOLVED, all costs incurred by the Town of Darien, including but not limited to, publication fees; postage expenses; consultation fees such as engineering and legal or any other extraordinary expenses incurred in connection with the review of a Subdivision Application shall be charged to and reimbursed by the applicant.

Ayes: 4

Nays: 0

Absent/Abstain:

Quorum Present: Yes No

Dated: January 5, 2011

Alice Calmes, Clerk
Town of Darien

[SEAL]

RESOLUTION #15

CHRISTMAS CAROLING

Supervisor Hagelberger made a motion, second by Councilman Nicastro to authorize the use of the Town Hall on Sunday, December 11, 2011 from 6pm – 9pm for the Annual Community Christmas Caroling sponsored by The Darien Methodist Church and Our Lady of Good Counsel Church.

AYES 4

Hagelberger, Nicastro, Riker and Ferry

NAYS 0

NOTIFICATION:

There will be a Public Hearing on Wednesday, February 2, 2011 at 7:45pm at the town hall on the pending 2011 Fire Protection Contract with Darien Chemical Fire Company, Inc.

DEPARTMENT REPORTS

HIGHWAY – have been busy with the snow and the salt is doing okay.

PLANNING BOARD – the meeting on January 17 will be more about the Bonnie Brae Subdivision

ATTORNEY – the judge’s decision on the Allison property is still in place

ENGINEER – reviewing the Bonnie Brae Subdivision plans

CLERK – Town Offices will be closed for Martin Luther King, Jr Day on January 17th

HISTORIAN – received a call on Dr. Cross; man is researching for his mother. Went to the LeRoy printers to get some cemetery records printed; working on the Darien Days handout; now with the fire what is the town going to do about the Allison property?

TREATMENT PLANT – numbers are good & in winter mode

COUNCIL

Councilman Ferry announced that we are still under the old contract with the Fire Department so there is no need to worry that they won’t respond; the Board did not set the Chairmen for the Planning & Zoning Boards, allowing them to choose their own. We received a notice from Jeff Haber the Executive Director for AoTSNY, urging towns to make a resolution on property tax caps & unfounded mandates. The next GAM meeting will be the 3rd Thursday in Stafford at the Town offices.

RESOLUTION # 16

SUPERVISORS CASH REPORT

Councilman Ferry made the motion to accept the Supervisors Cash Report as of December 31, 2010, second by Councilman Nicastro.

AYES 4 Ferry, Nicastro, Riker and Hagelberger NAYS 0

RESOLUTION #17

ABSTRACT

Councilman Ferry made a motion to pay General Fund 1 – 21 & 8H – 9H for \$12,207.31; Highway 1 & 1H – 7H for \$6,580.79; and Sewer 1 - 3 for \$492.56, second by Councilman Nicastro.

AYES 4 Ferry, Nicastro, Riker and Hagelberger NAYS 0

RESOLUTION # 18

ADJOURNMENT

At 8:24 pm, Councilman Nicastro made a motion, second by Councilman Riker to adjourn.

AYES 4 Nicastro, Riker, Ferry and Hagelberger NAYS 0

Alice E. Calmes, Town Clerk