

**MEETING OF THE TOWN OF DARIEN**

**DECEMBER 17, 2018**

MINUTES OF THE DARIEN TOWN BOARD: Supervisor David Hagelberger, Council Members David Krzemien, Michael Fix, Barbara Krazmien, Michael Plitt and Town Clerk Alice Calmes.

A meeting of the Darien Town Board, County of Genesee and State of New York was held at the Darien Fire Hall, 10537 Allegany Road, Darien Center, NY on December 17, 2018

PRESENT:	David Hagelberger	Supervisor
	Michael Fix	Councilman
	Barbara Krazmien	Councilwoman
	David Krzemien	Councilman
	Michael Plitt	Councilman
	Alice Calmes	Town Clerk

ABSENT:

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

At 7:30PM, the public hearing for the formation of Water District #6 with a reading of the legal notice as it appeared in the official newspapers. Supervisor Hagelberger explained the background of the water district.

Residents commented on the water district. Comments included:

Cost, what is considered “significant” in the Map, Plan and Report, historically the water in Darien used to be toted as beneficial with people coming for the spa, private residents have no control over what is in the public water system

RESOLUTION #159

**CLOSE PUBLIC HEARING**

At 9:39PM, Supervisor Hagelberger offered a resolution to close the public hearing; second by Councilman Fix.

AYES 5 Hagelberger, Fix, Krazmien, Plitt and Krzemien

RESOLUTION #160

**TOWN OF DARIEN  
RESOLUTION RELATING TO THE  
WATER DISTRICT NO. 6 IN THE TOWN OF DARIEN**

Adopted: Decmeber 17, 2018

The Town Board of the Town of Darien met at a scheduled board meeting at the Darien Fire Hall, 10537 Alleghany Road in the Town of Darien on the 17th day of December 2018, commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	David Hagelberger
	Councilman	Michael Fix
	Councilman	Barbara Krazmien
	Councilman	David Krzemien

Absent: Councilman Michael Plitt

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers 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, the Town Board of the Town of Darien (herein called "Town Board" and "Town", respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-A, caused Mountain Engineering, PLLC, competent engineers duly licensed by the State of New York, to prepare a preliminary map, plan and report for the establishment of Water District No. 6 (the "District"); and

WHEREAS, the improvements proposed consists of the construction and installation of eight (8) inch and twelve (12) inch water main along all roads in the Town of Darien not currently served with public water; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, pump station, water storage tank, apparatus, and other improvements and costs incidental thereto, to be named Town of Darien Water District No. 6; and

WHEREAS, the Town Board intends to conduct an environmental review in accordance with Article 8 of the Environmental Conservation Law, known as the State Environmental Quality Review Act (SEQRA), pursuant to the Rules and Regulations set forth in 6 NYCRR Part 617, and

WHEREAS, the District formation is an administrative act by the Darien Town Board with no other actions or involvement by any other State, Federal or local agencies or municipalities; and thereby, notice and a coordinated review is not required.

NOW ON MOTION OF David Hagelberger which has been duly seconded by Michael Fix, be it

RESOLVED, by the Town Board of the Town of Darien, New York, that the proposed formation of the Town of Darien Water District No. 6 is an "Unlisted Action", as defined under SEQRA; and be it further

RESOLVED that the Town Board does hereby establish itself as the lead agency to conduct an environmental review, and be it further

RESOLVED that the Town Board does hereby authorize and direct the Town Supervisor to file a Short Environmental Assessment Form regarding the formation of the Town of Darien Water District No. 6.

Ayes: 5
Nays: 0
Quorum Present: x Yes \_\_\_ No
Dated: December 17, 2018

[SEAL] Alice Calmes, Clerk
Town of Darien

RESOLUTION #161

TOWN OF DARIEN
RESOLUTION RELATING TO THE
WATER DISTRICT NO. 6 IN THE TOWN OF DARIEN

Adopted: December 17, 2018

The Town Board of the Town of Darien met at a scheduled board meeting at the Darien Fire Hall, 10537 Alleghany Road in the Town of Darien on the 17<sup>th</sup> day of December 2018, commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	David Hagelberger
	Councilman	Michael Fix
	Councilman	Barbara Krazmien
	Councilman	David Krzemien
	Councilman	Michael Plitt
 <u>Absent:</u>	_____	_____

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers 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**, the Town Board of the Town of Darien (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-A, caused Mountain Engineering, PLLC, competent engineers duly licensed by the State of New York, to prepare a preliminary map, plan and report for the establishment of Water District No. 6 (the “District”); and

**WHEREAS**, the improvements proposed consists of the construction and installation of eight (8) inch and twelve (12) inch water main along all roads in the Town of Darien not currently served with public water; together with all related right-of-way costs, site work and other ancillary work, including hydrants, valves, pump station, water storage tank, apparatus, and other improvements and costs incidental thereto, to be named Town of Darien Water District No. 6; and

**WHEREAS**, the Town Board has determined that the proposed formation of the Town of Darien Water District No. 6 is an “Unlisted Action”, as defined under the State Environmental Quality Review Act (SEQRA), and has further established itself as the Lead Agency; and

**WHEREAS**, the Town Board, in its capacity as Lead Agency, has caused to be prepared a Short Environmental Assessment Form in order to determine the significance of any potential environmental impacts of the above listed action.

**NOW ON MOTION OF** David Hagelberger which has been duly seconded by David Krzemien, be it

**RESOLVED** that the Town Board of the Town of Darien, New York, hereby accepts the Short Environmental Assessment Form prepared by the Mountain Engineering, PLLC and filed by the Town Supervisor; and be it further

**RESOLVED** that the Town Board does hereby declare that the proposed action of forming the Town of Darien Water District No. 6 will result in no adverse environmental impacts or that any identified adverse environmental impacts will not be significant; and be it further

**RESOLVED** that the Town Supervisor is hereby authorized and directed to sign Page 2 of 2 of the Short Environmental Assessment Form on behalf of the Town as the Responsible Officer in Lead Agency, to verify the determination that the proposed action to form the Town of Darien Water District No. 6 will not result in any significant adverse environmental impacts.

Ayes: 5

Nays: 0

Quorum Present:   x   Yes      No

Dated: December 17, 2018

SEAL]

\_\_\_\_\_  
Alice Calmes, Clerk  
Town of Darien

RESOLUTION #162

**TOWN OF DARIEN  
RESOLUTION CREATING THE TOWN OF DARIEN  
WATER DISTRICT NO. 6 IN THE TOWN OF DARIEN,  
SUBJECT TO PERMISSIVE REFERENDUM**

Adopted: December 17, 2018

The Town Board of the Town of Darien met at a scheduled board meeting at the Darien Fire Hall, 10537 Alleghany Road in the Town of Darien on the 17th day of December 2018, commencing at 7:30 p.m., at which time and place the following members were:

Present:           Supervisor     David Hagelberger  
                  Councilman     Michael Fix  
                  Councilman     Barbara Krazmien  
                  Councilman     David Krzemien  
                  Councilman     Michael Plitt

Absent:             \_\_\_\_\_       \_\_\_\_\_

**WHEREAS**, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers 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**, the Town Board of the Town of Darien (herein called “Town Board” and “Town”, respectively), in the County of Genesee, New York, has, pursuant to Town Law Article 12-A, caused Mountain Engineering, PLLC, competent engineers duly licensed by the State of New York, to prepare a preliminary map, plan and report for the establishment of Water District No. 6 (the “District”); and

**WHEREAS**, such map, plan and report is on file at the office of the Town Clerk, and available for public inspection at said location; and

**WHEREAS**, such map, plan and report proposes the installation of approximately 375,000 linear feet of 12-inch and 8-inch diameter water main, one water storage tank, and one new pump station, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, including all related right-of-way costs, new service installation, site work and other ancillary work, preliminary costs and other improvements and costs incidental thereto, and in connection with the financing thereof (collectively referred to herein as “Water Improvement”); and

**WHEREAS**, the Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary; and

**WHEREAS**, as stated in such map, plan and report, the project has an estimated maximum cost of \$25,250,000.00, which amount is to be financed by the issuance of serial bonds in an aggregate principal amount not to exceed \$25,250,000.00, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grants funds in an approximate amount of \$10,820,000.00 expected to be received from the USDA [United States of America – Rural Development Agency], and unless paid from other sources or charges (including, but not limited to, water rents), the cost of the Water Improvement will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and

**WHEREAS**, the Town Board may establish water rents as provided in paragraph (d) of subdivision three of Town Law Section 198; and

**WHEREAS**, the expected average annual cost to the Typical Property (as defined by Town Law) in the proposed District (which is a single family home) during the first year will be approximately \$1,275.00 (such amount includes construction financing costs (debt service) and estimated annual water usage costs); and each property will also have to provide for service from their home to the property line and internal plumbing modifications (as applicable) to set a meter and valves at an estimated one-time cost of approximately \$2,895.00 (actual costs will vary depending on the actual length of the service line and the complexity of installation); and

**WHEREAS**, the Town Board has pursuant to an Order Calling for a Public Hearing, which Order was duly posted and published, held a public hearing on December 17, 2018 to consider the creation of the proposed District, at which hearing all members of the public were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF DARIEN** as follows:

The Board hereby determines:

1. That the notice of public hearing was duly published and posted as required by law, and is otherwise sufficient.
2. That all properties and property owners benefited by the improvements are included in the proposed District.
3. That all properties and property owners included in the proposed District are benefited thereby.
4. That it is in the public interest to establish the proposed District.
5. That in the opinion of the Town Board, none of the properties included in the proposed District will be unduly burdened by the creation of the District.

**RESOLVED** that the Town Board hereby approves the creation of The Town of Darien Water District No. 6 in the Town of Darien and shall be bounded and described as follows:

The boundary of the Town of Darien Proposed Water District No. 6 includes all that tract or parcel of land situated in the Town of Darien, County of Genesee, State of New York, being described as follows:

Beginning at a point which is the South West Corner of the Town of Darien municipal boundary, in the Center of County Line Road 49.5' wide right of way, the intersection of Genesee, Erie and Wyoming County boundary Line and 24.75 feet west of the intersection of the easterly right of way line of County Line Road and southerly boundary line of Tax Parcel number 13-1-25.12, more or less; thence,

1. Northerly, along the Westerly Darien Municipal Boundary, to the northwesterly corner of Tax Parcel number 1-1-58.21, a distance of 28,884 feet, more or less; thence,
2. Easterly, along the southerly property lines of Tax Parcel number 1-1-14 to a point on the northerly property line of Tax Parcel number 1-1-67, 500 feet perpendicular to the centerline of County Line Road a distance 2,770 feet, more or less; thence,
3. Northeasterly, through the lands of Tax Parcel number 1-1-14, parallel to the centerline of County Line Road, a distance of 150 feet, more or less, to a point along the southerly property line of said Tax Parcel number, 500 feet perpendicular to centerline of said road; thence,
4. Southwesterly, along the northerly property line of Tax Parcel number, 1-1-14 to a point along the Westerly Darien Municipal Boundary, a distance of 2,832 feet, more or less; thence,
5. Northerly, along the Westerly Darien Municipal Boundary, to the northwesterly corner of the Darien/Pembroke municipal boundary a distance of 2,178 feet, more or less; thence,
6. Easterly, along the Darien/Pembroke municipal boundary, to a point on the Darien/Pembroke municipal boundary excluding Tax Parcel number 22-1-40 assessed in the Town of Pembroke, through Tax Parcel number 22-1-40, to the northeasterly corner of Tax Parcel number 2-1-13 a distance of 12,290 feet, more or less; thence,

7. Southwesterly, along the northerly property line of Tax Parcel number, 1-1-14 to a point on the southerly property line of Tax Parcel number, 1-1-30, a distance of 5,570 feet, more or less, 500 feet perpendicular to the centerline of Fargo Road; thence,
8. Southerly, through the lands of Tax Parcel number 1-1-14, parallel to the centerline of Fargo Road, a distance of 122 feet, more or less, to a point along the northerly property line of Tax Parcel number 1-1-38.1, 500 feet perpendicular to centerline of said road; thence,
9. Northeasterly, along the northerly line of Tax Parcel number 1-1-14, a distance of 6,130 feet, more or less, to a point on the northerly property line of Tax Parcel number 2-1-15 and Darien/Pembroke municipal boundary; thence,
10. Easterly, along the Darien/Pembroke municipal boundary, to the northeasterly corner of Tax Parcel number 2-1-15 a distance of 490 feet, more or less; thence,
11. Southerly, along the easterly line of Tax Parcel number 2-1-15 to an angle point on Tax Parcel number 2-1-14, a distance of 2,709 feet, more or less; thence,
12. Easterly, along a property line of Tax Parcel number 2-1-14, to a angle point a distance of 1,365 feet, more or less; thence,
13. Southerly, along the property line of Tax Parcel number 2-1-14 to a angle point, a distance of 553 feet, more or less; thence,
14. Easterly, along a property line of Tax Parcel number 2-1-14 to a angle point, a distance of 203 feet, more or less; thence,
15. Southerly, along the property line of Tax Parcel number 2-1-14 to a angle point, a distance of 133 feet, more or less; thence,
16. Westerly, along the southern property line of Tax Parcel number 2-1-14 to the southwest corner of Tax Parcel number 2-1-14 and intersection point of northeast corner of Tax Parcel number 2-1-71.1, a distance of 2,960 feet, more or less; thence,
17. Southerly, along the property line of Tax Parcel number 2-1-71.1 to the southeast corner, a distance of 103 feet, more or less; thence,
18. Easterly, along the southern property line of Tax Parcel number 2-1-71.2 to the intersection of existing Water District No.1 Extension No. 1 boundary line a distance of 4,431 feet, more or less; thence,
19. Southerly, along the existing Water District No.1 Extension No. 1 across Tax Parcel number 2-1-68.211, across the right of way McGregor Road 49.5' wide right of way, across Tax Parcel number 2-1-70 to an intersection point along the southerly property line of Tax Parcel number 2-1-70 and the existing Water District No.1 Extension No. 1, a distance of 1,917 feet, more or less; thence,
20. Westerly, along the southerly property line of Tax Parcel number 2-1-70, to the intersection of the southwest property corner of Tax Parcel number 2-1-70 a distance of 1,271 feet, more or less; thence,
21. Southerly along the easterly property line of Tax Parcel number 2-1-58.2 to an angle point, a distance of 584 feet, more or less; thence,
22. Easterly along the northerly property line of Tax Parcel numbers 2-1-57.22 and 2-1-57.21 and northeast property corner a distance of 942 feet, more or less; thence,
23. Southerly, along the easterly property line of Tax Parcel number 2-1-57.21 to the center line of Reynolds Road 66' wide right of way a distance of 652 feet, more or less; thence,
24. Easterly along the center line of Reynolds Road to intersection of the existing Water District No.1 Extension No. 1, a distance of 1,360 feet, more or less; thence,

25. Southerly across Reynolds Road and along the existing Water District No.1 Extension No. 1 and easterly property line of Tax Parcel number 2-1-54.21 to the southeasterly property corner a distance of 811 feet, more or less; thence,
26. Westerly along the southerly property line of Tax Parcel numbers 2-1-54.21, 2-1-75, 2-1-54.1 and across 2-1-74.111 to the intersection along Tax Parcel number 2-1-74.112 easterly property line a distance of 1,111 feet, more or less; thence,
27. Southerly along Tax Parcel number 2-1-74.112 easterly property line to the southeasterly property corner a distance of 916 feet, more or less; thence,
28. Westerly along the southerly property line of Tax Parcel numbers 2-1-74.112, 2-1-74.12 and 2-1-74.21 to the southwesterly property corner a distance of 1,194 feet, more or less; thence,
29. Southerly along the easterly property line of Tax Parcel numbers 2-1-62.111 and 6-1-4 to the southeasterly property corner, a distance of 2,373 feet, more or less; thence,
30. Westerly along the southerly property line of Tax Parcel numbers 6-1-4 and 6-1-3.1 to the southwesterly property corner a distance of 5,251 feet, more or less; thence,
31. Southerly along the easterly property line of Tax Parcel number 6-1-44.1 to southwesterly property corner a distance of 98 feet, more or less; thence,
32. Easterly along the southern property line of Tax Parcel number 6-1-44.2 to the intersection of northeasterly property corner of Tax Parcel number 6-1-9.21 a distance of 7,306 feet, more or less; thence,
33. Southerly along the entire easterly property line of Tax Parcel number 6-1-9.21 to the centerline of Sumner Road 66' wide right of way a distance of 2,527 feet, more or less; thence,
34. Westerly along a southerly property line of Tax Parcel number 6-1-9.21 and along the existing Water District No. 2 boundary to a property corner a distance of 380 feet, more or less; thence,
35. Southerly along the easterly property line of Tax Parcel number 6-1-9.21 and along the existing Water District No. 2 boundary to a point, a distance of 473 feet, more or less; thence,
36. Westerly through the lands of Tax Parcel number 6-1-9.21 and along the existing Water District No. 2 boundary to a point, a distance of 357 feet, more or less; thence,
37. Southerly through the lands of Tax Parcel number 6-1-9.21 and along the existing Water District No. 2 boundary through the Sumner Road right-of-way, to a point on the Sumner Road centerline, a distance of 291 feet, more or less; thence,
38. Easterly along the Sumner Road centerline to an angle point perpendicular to easterly property line of Tax Parcel number 6-1-31.1 a distance of 85 feet, more or less; thence,
39. Southerly along the easterly property line of Tax Parcel number 6-1-31.1 to the southeasterly property corner a distance of 425 feet, more or less; thence,
40. Westerly along the southern property lines of Tax Parcel numbers 6-1-31.1, 31.2, 32, 32.2, 33.1, 34.2, 34.1, 35.1, 35.2, 36 and 37 to the southwesterly property corner and intersection of property line of Tax Parcel number 6-1-42 (Darien Lakes State Park) a distance of 4,740 feet, more or less; thence,
41. Southerly along the property line of Tax Parcel number 6-1-42 (Darien Lakes State Park) a distance of 100 feet, more or less; thence,
42. Westerly across Tax Parcel number 6-1-42 (Darien Lakes State Park) 500 feet south of the centerline of Sumner Road a distance of 1,987 feet, more or less; thence,

43. Southerly along the easterly property line of Tax Parcel number 6-1-41.11 to a property corner, a distance of 434 feet, more or less; thence,
44. Westerly along a southerly property line of Tax Parcel number 6-1-41.11 to a property corner, a distance of 610 feet, more or less; thence,
45. Southerly along an easterly property line of Tax Parcel number 6-1-41.11 to a property corner, a distance of 621 feet, more or less; thence,
46. Westerly along a southerly property line of Tax Parcel number 6-1-41.11 to a property corner, a distance of 652 feet, more or less; thence,
47. Southerly along an easterly property line of Tax Parcel number 6-1-41.12 to a property corner, a distance of 490 feet, more or less; thence,
48. Westerly along the northerly property line of Tax Parcel number 6-1-42 Darien Lakes State Park) to the westerly right of way line of Harlow Road 49.5' wide and a part of existing water district boundary line No.3 a distance of 1,067 feet, more or less; thence,
49. Northerly along the westerly right of way line of Harlow Road and part of existing water district boundary line No.3 a distance of 68 feet, more or less; thence,
50. Westerly along property line of Tax Parcel 5-1-26.2 to the northwesterly property corner a distance of 1,889 feet, more or less; thence,
51. Southerly along westerly property line of Tax Parcel 5-1-26.2 to the southwestly property corner a distance of 1,927 feet, more or less; thence,
52. Westerly along the southerly property lines of Tax Parcel numbers 5-1-27.11 and 5-1-28.1 to the southwest corner of 5-1-28.1, a distance of 1,588 feet, more or less; thence,
53. Southerly along the easterly lines of Tax Parcel numbers 9-1-13.12, 9-1-13.11, 9-1-14.1 and 9-1-14.2 to the northwesterly corner of Tax Parcel number 9-1-15.2, a distance of 3,512 feet, more or less; thence,
54. Easterly along the northerly property line of Tax Parcel number 9-1-15.2 to the northeasterly corner thereof and to the existing water district boundary line No. 4, a distance of 301 feet, more or less; thence,
55. Southerly along the easterly property line of Tax Parcel number 9-1-15.2 to the centerline of Broadway Road 66' wide right of way and part of existing water district boundary line No. 4 a distance of 425 feet, more or less; thence,
56. Easterly along the centerline of Broadway Road part of existing water district boundary line No. 4 and intersection of water district boundary line of No. 3, a distance of 1,174 feet, more or less; thence,
57. Southerly along the existing water district boundary line No. 3 and through the land of Tax Parcel number 9-1-24 to an angle point 500 feet, more or less; thence,
58. Easterly along existing water district boundary line No. 3 and part of Tax Parcel 9-1-24 to intersection of Tax Parcel 9-1-24 easterly property line a distance of 704 feet, more or less; thence,
59. Southerly along the easterly property line of Tax Parcel 9-1-24 to the southeasterly property corner a distance of 1,277 feet, more or less; thence,
60. Westerly along the northerly property line of Tax Parcel number to a point 500 feet from the Western Darien Municipal Boundary, a distance of 6,600 feet, more or less, thence,
61. Southerly though the land of Tax Parcel number 9-1-36 to a point along the southerly property line 500 feet from the Western Darien Municipal Boundary, a distance of 90 feet, more or less; thence,

62. Easterly along the southerly property line of Tax Parcel 9-1-36 to a point 500 feet from the centerline of Harlow Road 49.5' wide right of way, a distance of 7,450 feet, more or less; thence,
63. Northerly though the land of Tax Parcel number 9-1-36 to a point along its northerly property line 500 feet from the centerline of Harlow Road 49.5' wide right of way, a distance of 95 feet, more or less; thence,
64. Easterly along the northerly property line of Tax Parcel 9-1-36 to the center line of Harlow Road 49.5' wide right of way line and part of existing water district No. 3 a distance 482 feet, more or less; thence,
65. Northerly along centerline of Harlow Road and existing water district No. 3 to angle a distance of 340 feet, more or less; thence,
66. Easterly across Harlow Road and along the northerly property line and part of existing water district No. 3 boundary to the northeasterly property corner of Tax Parcel 10-1-85.2 a distance of 1,109 feet, more or less; thence,
67. Southerly along the easterly property line of Tax Parcel 10-1-85.2 to the southeasterly property corner a distance of 618 feet, more or less; thence,
68. Westerly along the northerly property line of Tax Parcel 10-1-97 to a point 500 feet from the centerline of Harlow Road 49.5' wide right of way, a distance of 623 feet, more or less; thence,
69. Southerly though the land of Tax Parcel number 10-1-97 to a point along its southerly property line 500 feet from the centerline of Harlow Road 49.5' wide right of way, a distance of 90 feet, more or less; thence,
70. Easterly along the southerly property line of Tax Parcel 10-1-97 to a point along the northerly property line of Tax Parcel 10-1-98, a point 500 feet from the centerline of Warner Road 49.5' right of way, a distance of 5,596 feet, more or less; thence,
71. Northerly though the land of Tax Parcel number 10-1-97 to a point along its northerly property line 500 feet from the centerline of Warner Road 49.5' wide right of way, a distance of 99 feet, more or less; thence,
72. Westerly along the southerly property line of Tax Parcel 10-1-79.1 to the southwest corner, a distance of 1,028 feet, more or less; thence,
73. Northerly along the westerly property line of Tax Parcel 10-1-79.1 to the intersection of existing water district No. 3 a distance of 2,676 feet, more or less; thence,
74. Easterly along the existing water district No. 3 across Warner Road 49.5' wide right of way and to the intersection of the easterly property line of Tax Parcel 10-1-76.111 a distance of 2,182 feet, more or less; thence,
75. Southerly along the easterly property line of Tax Parcels 10-1-76.111, 76.12 and 76.112 to intersection of the southeasterly property corner of Tax Parcel 10-1-76.112 a distance of 1,246 feet, more or less; thence,
76. Easterly along the northern property line of Tax Parcel 10-1-77.112 and to the northeasterly property corner a distance of 667 feet, more or less; thence,
77. Southerly along the easterly property line of Tax Parcels 10-1-77.112, 77.12 and 77.2 to the southeasterly property corner of Tax Parcel 10-1-77.2 a distance of 1,531 feet, more or less; thence,
78. Westerly along the southerly property line of Tax Parcel 10-1-77.2 to a point 500 feet from the centerline of Warner Road 49.5' wide right of way, a distance of 870 feet, more or less; thence,

79. Southerly though the land of Tax Parcel number 10-1-97 to a point along its southerly property line 500 feet from the centerline of Warner Road 49.5' wide right of way, a distance of 123 feet, more or less; thence,
80. Easterly along the southerly property line of Tax Parcel 10-1-97 to the intersection of existing Water District No. 1, a distance of 3,489 feet, more or less; thence,
81. Southerly along the existing Water District No. 1 boundary line and northerly extension of the easterly property line of Tax Parcel 10-1-70 through the Herkimer Road right of way to the southeasterly corner a distance of 380 feet, more or less; thence,
82. Westerly along the southerly property line of Tax Parcel 10-1-70 and existing Water District No. 1 boundary line a distance of 132 feet, more or less; thence,
83. Southerly along the easterly property line of Tax Parcel 10-1-71.111 and existing Water District No. 1 boundary line, a distance of 462 feet, more or less; thence,
84. Westerly along the southerly property lines of Tax Parcel numbers 10-1-71.111, 103, 71.2, 106, 71.112, 71.122, 71.121 and existing Water District No. 1 boundary line to the southwesterly corner of 10-1-71.121, a distance of 2,504 feet, more or less; thence,
85. Southerly along the easterly property lines of Tax Parcel numbers 14-1-15, 16, 17, 18, 19.11, 19.121, 19.122, 23.11, 23.12 and existing Water District No. 1 boundary line to the southeasterly corner of Tax Parcel 14-1-23.12, a distance of 4,181 feet, more or less; thence,
86. Easterly along the northerly property lines of Tax Parcels 14-1-31.1 and existing Water District No. 1 boundary line through the Allegany Road right of way varies to the centerline, a distance of 3,974 feet, more or less; thence,
87. Northerly along the Allegany Road centerline and existing Water District No. 1 boundary to the intersection of the northerly property line extension of Tax Parcel 15-1-51, a distance of 253 feet, more or less; thence,
88. Easterly along the northerly property line of Tax Parcels 15-1-51 and the existing Water District No. 1 boundary to the northeasterly corner of Tax Parcel 15-1-51, a distance of 2,888 feet, more or less; thence,
89. Northerly along the westerly property lines of Tax Parcels 15-1-17.111, 19.11, 20 and 21.112 and the existing Water District No. 1 boundary line to the northwesterly corner of Tax Parcel 15-1-21.112, a distance of 3,960 feet, more or less; thence,
90. Westerly along the southerly property lines of Tax Parcels 11-1-50.2, 101, 104 and 50.112 and the existing Water District No. 1 boundary line to the southwesterly corner of Tax Parcel 11-1-50.112, a distance of 1,186 feet, more or less; thence,
91. Northerly along the westerly property line of Tax Parcel 11-1-50.112 and the existing Water District No. 1 through the Erie Street, 49.5 right of way, to the centerline of said road, a distance of 1,123 feet, more or less; thence,
92. Easterly along the centerline of Erie Street and crossing Tinkham Road, 49.5' right of way, continuing along the southerly property line of Tax Parcel 11-1-68 to the northeasterly property corner of Tax Parcel 11-2-36, a distance of 6,025 feet, more or less; thence,
93. Southerly along the easterly property lines of Tax Parcels 11-2-36, 35, 34 and 23 and existing Water District No. 1 boundaries to the northwesterly corner of Tax Parcel 15-1-26, a distance of 1,542 feet, more or less; thence,

94. Easterly along the northerly property line of Tax Parcel 15-1-26 and existing Water District No. 1 boundaries to the northeasterly corner, a distance of 1,933 feet, more or less; thence,
95. Northerly along the westerly property line of Tax Parcel 12-1-49 and existing Water District No. 1 boundaries to the northerly corner, a distance of 717 feet, more or less; thence,
96. Southeasterly along the northeasterly property line of Tax Parcel 12-1-49 to the easterly corner, a distance of 1,525 feet, more or less; thence,
97. Easterly through the property of Tax Parcel 12-1-67 to the angle point along the westerly property line of Tax Parcel 12-1-48.2, a distance of 259 feet, more or less; thence,
98. Northwesterly along the westerly property lines of Tax Parcels 12-1-48.2 and 12-1-48.11 to a westerly corner of Tax Parcel 12-1-48.111 and the existing Water District No. 1 boundary, a distance of 1,810 feet, more or less; thence,
99. Northerly along the westerly property line of Tax Parcel 12-1-48.111 and the existing Water District No. 1 boundary to the northwesterly corner, a distance of 701 feet, more or less; thence,
100. Easterly along the northerly property lines of Tax Parcels 12-1-48.111 and 12-1-50 and existing Water District No. 1 boundary to an angle point along a westerly property line of Tax Parcel 12-1-50, a distance of 1,395 feet, more or less; thence,
101. Northwesterly along a westerly property line of Tax Parcel 12-1-50 and existing Water District No. 1 boundary to the northwesterly corner, a distance of 355 feet, more or less; thence,
102. Easterly along a northerly property line of Tax Parcel 12-1-50 and existing Water District No. 1 boundary through the Griswold Road, 49.5' right of way to the centerline of said road, a distance of 308 feet, more or less; thence,
103. Northeasterly along the Griswold Road centerline to the intersection of the New Attica Road, 66' wide right of way and existing Water District No. 1 boundary, a distance of 273 feet, more or less; thence,
104. Southeasterly along the New Attica Road centerline to the extension of the westerly property line of Tax Parcel 12-1-66 and existing Water District No. 1 boundary, a distance of 480 feet, more or less; thence,
105. Northeasterly along a westerly property line of Tax Parcel 12-1-66 to an angle point and existing Water District No. 1 boundary, a distance of 395 feet, more or less; thence,
106. Northerly along a westerly property line of Tax Parcel 12-1-66 to the northwesterly corner and existing Water District No. 1 boundary, a distance of 436 feet, more or less; thence,
107. Easterly along a northerly property line of Tax Parcel 12-1-66 to the northeasterly corner and existing Water District No. 1 boundary, a distance of 537 feet, more or less; thence,
108. Northerly along a westerly property line of Tax Parcel 12-1-42 through the Broadway Road, 66' wide right of way to said road centerline and existing Water District No. 1 boundary, a distance of 1,465 feet, more or less; thence,
109. Westerly along the Broadway Road centerline to the extension of the westerly property line of Tax Parcel 12-1-21 and existing Water District No. 1 boundary, a distance of 257 feet, more or less; thence,

110. Northerly through the Broadway Road right of way continuing along the westerly property line of Tax Parcel 12-1-21 and existing Water District No. 1 boundary to the northwest property corner, a distance of 994 feet, more or less; thence,
111. Easterly along the northerly property line of Tax Parcel 12-1-21 and existing Water District No. 1 boundary to the northeast corner, a distance of 304 feet, more or less; thence,
112. Northerly along the westerly property line of Tax Parcel 12-1-22 and existing Water District No. 1 boundary to the northwest corner, a distance of 1,378 feet, more or less; thence,
113. Westerly along the northerly property line of Tax Parcel 12-1-23 and existing Water District No. 1 boundary to the southwest corner, a distance of 770 feet, more or less; thence,
114. Southerly along the easterly property line of Tax Parcel 12-1-3.11 and existing Water District No. 1 boundary to the southeasterly corner, a distance of 251 feet, more or less; thence,
115. Westerly along the southerly property lines of Tax Parcels 12-1-3.11 and 12-1-2.1 and existing Water District No. 1 boundary through the Harper Road, 49.5' wide right of way to the centerline of said road, a distance of 2,131 feet, more or less; thence,
116. Southerly along the centerline of Harper Road and existing Water District No. 1 boundary to the centerline intersections of Harper Road and Sharrick Road, 49.5' wide right of way, a distance of 1,297 feet, more or less; thence,
117. Northwesterly along the centerline of Sharrick Road and existing Water District No. 1 boundary to the intersection of the extension line of the southerly property line of Tax Parcel 11-2-21.1, a distance of 362 feet, more or less; thence,
118. Westerly along the southerly property line of Tax Parcel 11-2-21.1 and the existing Water District No. 1 boundary to the southwesterly property corner, a distance of 307 feet, more or less; thence,
119. Westerly following the southerly property lines of Tax Parcels 11-2-20.1 and 11-2-19.11 and existing Water District No. 1 boundary to the southwesterly property corner of Tax Parcel 11-2-19.11, a distance of 1,899 feet, more or less; thence,
120. Northerly along the westerly property line of Tax Parcel 11-2-19.11 and existing Water District No. 1 boundary to a point on the westerly property line, a distance of 1,524 feet, more or less; thence,
121. Westerly through the lands of Tax Parcels 11-2-9.1, 11-2-8.2, across Colby Road, 66' wide right of way, along the southerly property line of Tax Parcel 11-2-2 and existing Water District No. 1 boundary to the southwesterly property corner of Tax Parcel 11-2-2, a distance of 4,678 feet more or less; thence,
122. Northerly along the westerly property line of Tax Parcels 11-2-2,2-1 and 7-1-38.1 to the northwesterly property corner of 7-1-38.1 and intersection of existing water district No. 5 a distance of 3,150 feet, more or less; thence,
123. Easterly along the northerly property line of Tax Parcel 7-1-38.1 and existing Water District No. 5 boundary to the southwesterly property corner of Tax Parcel 7-1-37, a distance of 993 feet, more or less; thence,
124. Northerly along the westerly property lines of Tax Parcels 7-1-37 and 7-1-36.21 and the existing Water District No. 5 boundary to the northwesterly property corner of Tax Parcel 7-1-36.21, a distance of 688 feet, more or less, thence,

125. Easterly along the northerly property line of Tax Parcel 7-1-36.21 and existing Water District No. 5 boundary to the southwesterly property corner of Tax Parcel 7-1-35.2, a distance of 487 feet, more or less; thence,
126. Northerly along the westerly property lines of Tax Parcels 7-1-35.2 and 7-1-35.114 and existing Water District No. 5 boundary and through the Sumner Road, 66' wide right of way, to the centerline thereof, a distance of 1,540 feet, more or less; thence,
127. Westerly along the Sumner Road centerline and existing Water District No. 5 boundary to the intersection of the extension from a westerly property line of Tax Parcel 7-1-13.1, a distance of 113 feet, more or less; thence,
128. Northerly through the Sumner Road right of way and westerly property line of Tax Parcel 7-1-13.1 and existing Water District No. 5 boundary to an angle point on the westerly property line, a distance of 300 feet, more or less; thence,
129. Westerly along a southerly property line of Tax Parcel 7-1-13.1 and existing Water District No. 5 boundary to the westerly property corner, a distance of 297 feet, more or less; thence,
130. Northerly along the westerly property line of Tax Parcel 7-1-13.1 to the northwesterly property corner, a distance of 1,792 feet, more or less; thence,
131. Easterly along the northern property line of Tax Parcel 7-1-13.1 to an angle point a distance of 286 feet, more or less; thence,
132. Northerly across Tax Parcel 7-1-50.1 and along the westerly property line of Tax Parcel 7-1-10 to a property corner Tax Parcel 7-1-10 a distance of 353 feet, more or less; thence,
133. Easterly along the southerly property line of Tax Parcel 7-1-9 to a point along the line 500 feet from the centerline of Colby Road, 66' wide right of way, a distance of 1,140 feet more or less; thence,
134. Northerly through the lands of Tax Parcel 7-1-9, 500 feet parallel to Colby Road, a distance of 935 feet, more or less; thence,
135. Westerly along the property line of Tax Parcel 7-1-9 to the northwesterly property corner, a distance of 1,905 feet, more or less; thence,
136. Northerly along a westerly property line of Tax Parcel 7-1-7.2 to an angle point of Tax Parcel 7-1-7.2, a distance of 187 feet, more or less; thence,
137. Westerly along the property line of Tax Parcel 7-1-7.2 to property corner a distance of 555 feet, more or less; thence,
138. Northerly along the westerly property line of Tax Parcel 7-1-7.2 and along property line of Tax Parcel 3-1-35.1 to angle point a distance of 1,153 feet more or less; thence
139. Westerly along the property line of Tax Parcel 3-1-35.1 to property corner a distance of 418 feet, more or less; thence,
140. Northerly along the westerly property line of Tax Parcel 3-1-35.1 to intersection of southern property line of Tax Parcel 3-1-36.1 a distance of 40 feet more or less; thence
141. Westerly along the southern boundary of Tax Parcel 3-1-36.1 a distance of 734 feet, more or less; thence,
142. Northerly along the westerly property line of Tax Parcel 3-1-36.1 and intersection of southeasterly property corner of Tax Parcel 3-1-38 a distance of 828 feet, more or less; thence,

143. Westerly along the southern property line of Tax Parcels 3-1-38, 39, 40, 41, 42, 43.2, 43.1, 2-1-48, 47, 46.1 and 2-1-46.2 southwesterly property corner and part of existing water district No. a distance of 2,718 feet, more or less; thence,
144. Northerly along the westerly property line of Tax Parcel 2-1-46.2 and the existing water district No. 1 Extension 1 to a point, a distance of 185 feet, more or less; thence,
145. Westerly along the southerly property lines of Tax Parcels 2-1-44 and 2-1-43 and the existing water district No. 1 Extension 1 to the southwesterly corner of Tax Parcel 2-1-43, a distance of 198 feet, more or less; thence,
146. Northerly along the westerly property line of Tax Parcel 2-1-43 and existing water district 1 Extension 1 through the McVean Road, 49.5' wide right of way, a distance of 282 feet, more or less; thence,
147. Easterly along the McVean Road centerline to the intersection of the westerly property line extension of Tax Parcel 2-1-40, a distance of 187 feet, more or less; thence,
148. Northerly along the westerly property line of Tax Parcel 2-1-40 to northwesterly property corner a distance of 1,214 feet, more or less; thence,
149. Easterly along the northern property line of Tax Parcels 2-1-40, 3-1-44.1 and 3-1-44.2 to northeasterly property corner of Tax Parcel 3-1-44.2 a distance of 1,906 feet, more or less; thence,
150. Northerly along the westerly property line of Tax Parcel 3-1-59.2 and to a angle point on property line of Tax Parcel 3-1-46.11 a distance of 1,196' feet, more or less; thence
151. Westerly along the property line of Tax Parcel 3-1-46.11 to a angle point a distance of 557 feet more or less; thence,
152. Northerly along the westerly property line of Tax Parcels 3-1-46.11, 46.12, 64, 6, 5.11, 5.2 and 1 to the intersection of northwesterly property corner of Tax Parcel 3-1-3 and being the intersection of the Town of Darien municipal boundary a distance of 3,473 feet, more or less; thence,
153. Easterly along the Town of Darien municipal boundary to the intersection of the Town of Darien, Pembroke and Alexander municipal boundary a distance of 21,705 feet more or less; thence,
154. Southerly along the Town of Darien municipal boundary to the intersection of the northerly property line of Tax Parcel 16-1-52, a distance of 28,835 feet, more or less; thence,
155. Northwesterly along the northerly property line of Tax Parcel 16-1-52 to a point 500 feet from centerline of Attica Road, 49.5' wide right of way, a distance of 5,000 feet more or less; thence,
156. Southerly through the lands of Tax Parcel 16-1-52 to the southerly property line a point 500 feet from the Attica Road centerline, a distance of 127 feet, more or less; thence,
157. Southeasterly along the southerly property line of Tax Parcel 16-1-52 to the Town of Darien municipal boundary, a distance of 5,000 feet, more or less; thence,
158. Southerly along the Town of Darien municipal boundary to the intersection of the Town of Darien, Alexander and Bennington (Wyoming County Line) a distance of 2,744 feet, more or less; thence,
159. Westerly along the Town of Darien municipal boundary to the southwesterly property corner of Tax Parcel 16-1-51.123, a distance of 3,847 feet, more or less; thence,
160. Northerly along the westerly lines of Tax Parcels 16-1-51.123 and 16-1-51.117 to a point along said line, a distance of 1,331 feet, more or less; thence,

161. Westerly through the lands of Tax Parcel 15-1-38 to a point on the westerly property line 500 feet from the centerline of Chick Road, 49.5' wide right of way, a distance of 2,517 feet, more or less; thence,
162. Southerly along the easterly property lines of Tax Parcels 15-1-56, 15-1-40.121 and 15-1-39 to the Town of Darien municipal boundary, a distance of 1,299 feet, more or less, thence,
163. Westerly along the Town of Darien municipal boundary, a distance of 27,692 feet, more or less, to the point of beginning.

Excluding the following areas:

Parcel "A" part of Tax Parcel number 1-1-14, distances easterly 2,232', southerly 117', westerly 2,309' and northerly 150', more or less, containing approximately 5.8 acres of land, more or less,

Parcel "B" part of Tax Parcel number 16-1-52, distances easterly 4,750', southerly 125', westerly 4,750' and northerly 98', more or less, containing approximately 7.6 acres of land, more or less.

All as shown on the maps prepared by the Mountain Engineering entitled, "Proposed Town of Darien Water District No. 6 dated February 24, 2017. The Town of Darien, Water District No. 6, as described above, contains approximately 23,180.5 acres of land, more or less; and

**AND BE IT FURTHER RESOLVED**, that the estimated maximum amount proposed to be expended for such Water Improvement is \$25,250,000.00, which amount is to be financed by the issuance of serial bonds in an aggregate principal amount not to exceed \$25,250,000.00, such amount to be offset by any federal, state, county and/or local funds received including, but not limited to, grants funds in an approximate amount of \$10,820,000.00 expected to be received from the USDA [United States of America – Rural Development Agency], and unless paid from other sources or charges (including, but not limited to, water rents), the cost of the Water Improvement will be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the proposed District which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of the benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

**FURTHER RESOLVED**, that this resolution is subject to a permissive referendum; and be it

**FURTHER RESOLVED**, that the Town Clerk shall, within ten days after the adoption of this Resolution, publish a public notice at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, in the Form of Exhibit A to this Resolution, stating the adoption of this Resolution subject to permissive referendum, and the Town Clerk shall cause to be prepared and have available for distribution proper forms for the petition requesting a referendum and shall distribute a supply to any person requesting same; and be it

MEETING OF THE TOWN OF DARIEN

DECEMBER 17, 2018

**FURTHER ORDERED**, that if the time for filing a petition requesting that the matter be submitted to a referendum of the property owners expires without such a petition being filed, the Town Clerk shall file a certificate stating such fact in the office of the county clerk; and be it

**FURTHER ORDERED**, that if such petition is filed, after such referendum is held the Town Clerk shall file a certificate stating that a petition was filed and a referendum held and certifying the results of the vote on the proposition submitted at such referendum in the office of the county clerk.

DATED: December 17, 2018

TOWN BOARD OF THE  
TOWN OF DARIEN

The question of the adoption of the foregoing resolution (creating the Town of Darien Water District No. 6, subject to permissive referendum) was duly put to vote on a roll call, which resulted as follows:

AYES: Hagelberger, Fix, Krazmien, Plitt and Krzemien

NOES: none

ABSENT: none

The foregoing resolution was thereupon declared duly adopted.

\* \* \*

RESOLUTION #163

**ADJOURN**

At 10:15PM, Supervisor Hagelberger offered a resolution to adjourn; second by Councilman Plitt.

AYES 5 Hagelberger, Plitt, Krzemien,  
Fix and Krazmien NAYS 0

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Alice E. Calmes, Town Clerk

