

**REGULAR MEETING OF THE TOWN OF DARIEN**

**FEBRUARY 6, 2019**

MINUTES OF THE DARIEN TOWN BOARD: Supervisor David Hagelberger, Council Members Michael Fix, Barbara Krazmien, David Krzemien, Michael Plitt 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 February 6, 2019

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

ABSENT:

OTHERS PRESENT: Sue Galbraith-Alden Advertiser; Neil Marzolf – Highway Superintendent; and members of the public.

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

RESOLUTION #24

**MEETING MINUTES**

Councilman Krzemien offered a resolution to accept the meeting minutes from the January 2, 2019 meeting; second by Councilwoman Krazmien.

AYES 5	Krzemien, Krazmien, Fix, Plitt and Hagelberger	NAYS 0
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RESOLUTION #25

**TOWN OF DARIEN  
RESOLUTION  
APPROVING THE ESTABLISHMENT OF WATER DISTRICT NO. 6  
IN THE TOWN OF DARIEN,  
SUBJECT TO MANDATORY REFERENDUM  
Adopted: February 6, 2019**

The Town Board of the Town of Darien met at a regular board meeting at the Town Offices of the Town of Darien on the 6<sup>th</sup> day of February 2019, 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

Absent:	_____	_____
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**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 establishment of the proposed District is hereby approved, as hereinafter described, and said District shall be designated and known as 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 1,271feet, 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 southwesterly 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 southwesterly 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 a 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 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 and Order is subject to the approval of the Office of the State Comptroller, Department of Audit and Control and the Town Supervisor, assisted by the Town Attorney, will prepare an application to the Office of the State Comptroller, Department of Audit and Control for approval of the formation of this water district; and be it further

**RESOLVED**, that this Resolution and Order is subject to a mandatory referendum in the manner provided by law; and be it further

**RESOLVED**, that the Town Clerk be and she hereby is authorized and directed, within ten (10) days hereof, to record a certified copy of this Resolution with the Genesee County Clerk’s Office, and be it further

**RESOLVED**, that a Special Election shall be called to be held not less than sixty (60) days, nor more than seventy-five (75) days after the filing of this Resolution; and be it further

**RESOLVED**, that the Town Clerk be and she hereby is authorized and directed, at least thirty-six days prior to the election, to transmit to each board of elections a certified copy of the text of this referendum and a statement of the form in which it is to be submitted with the date of such election.

DATED: February 6, 2019

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 mandatory referendum) was duly put to vote on a roll call, which resulted as follows:

AYES: D. Hagelberger, M. Fix, B. Krazmien, D. Krzemien, M. Plitt

NOES:

ABSENT:

The foregoing resolution was thereupon declared duly adopted.

\* \* \*

RESOLUTION #26

**TRAINING**

Supervisor Hagelberger offered a resolution to authorize town officials with planning or zoning responsibilities attendance at “The Comprehensive Planning Process: Overview and First Step” trainings sponsored by Genesee

**TOWN BOARD MEETING**

**FEBRUARY 6, 2019**

County Planning Department on February 26, 2019 in Corfu, NY at reasonable town expense in accordance with the Employee Handbook; second by Councilman Plitt.

AYES 5 Hagelberger, Plitt, Krzemien, Krazmien and Fix

NAYS 0

**RESOLUTION #27**

**FEE SCHEDULE**

Supervisor Hagelberger offered a resolution to approved the revised Town of Darien Fee Schedule and have the effective date for the new fees as of February 7, 2019; second by Councilman Krzemien.

AYES 5 Hagelberger, Krzemien, Fix, Krzemien and Plitt

NAYS 0

Fee Schedule attached at end of minutes.

**RESOLUTION #28**

**AOTS DELEGATE**

Supervisor Hagelberger offered a resolution to switch the Town of Darien named delegate to the New York State Associations of Towns Annual Meeting from Councilman David Krzemien to Councilman Michael Fix; second by Councilwoman Krazmien.

AYES 5 Hagelberger, Krazmien, Fix, Plitt and Krzemien

NAYS 0

**Notifications**

The election on Water District No. 6 will be held within 60 to 75 days after the filing of the above resolution in the Genesee County Clerk’s Office. The arrangements for this election are in progress but are not finalized at this time. The election will be held in April with the date and time to be announced at our March Town Board meeting.

HIGHWAY – last month did a lot of plowing and pushing back banks. Everything is in good working order; did pull one radiator. Sold the 2016 pickup with plow for \$29,100 on auction. There is a little less than half the salt remaining for this winter season.

ZEO – have been a little less busy in the office; attended the codes conference. Held a preliminary meeting with Live Nation and Darien Lake. Working on the Comp Plan to get people involved; working with Genesee County Planning Department to get information for the Comp Plan Review. Have been continuing to update records in the new computer program; the backups will facilitate moving forward.

ATTORNEY – working hard on the election and providing guidance; the Genesee County Board of Elections does not handle per letter. The town will be running the election.

ASSESSOR – STAR deadline is March 1st

ENGINEER – engaged an engineer to work on the snail problem at the Sewer Plant.

TOWN CLERK – Offices closed February 18<sup>th</sup> for President’s Day

TAX COLLECTOR – report read

HISTORIAN – the new Historian engaged and working

TREATMENT PLANT – numbers are pretty good; working with an Engineer to take care of some issues with snails. The temps have been cold so it has been a struggle, but it’s holding up good.

Councilman Plitt looked into the USDA Recharge Grant for high speed internet; it would be if we created our own. Working with Jerry on the Comp Plan Review.

Councilman Krzemien thanked Neil and the Highway department for a fantastic job on the roads.

Councilwoman Krazmien announced that she is continuing to work on the Sexual Harassment Policy Training requirements

**RESOLUTION #29**

**CASH REPORT**

**TOWN BOARD MEETING**

**FEBRUARY 6, 2019**

Councilwoman Krazmien offered a resolution to accept the Supervisor’s Cash Report dated January 31, 2019; second by Councilman Fix.

AYES 5      Krazmien, Fix, Plitt, Krzemien and Hagelberger

NAYS 0

**RESOLUTION #30**

**ABSTRACT**

Councilman Fix offered a resolution to pay General Fund 14 – 54 & 17H – 22H for \$42,044.11; Highway 3 & 2H – 13H for \$11,069.87; Sewer District #1 5 – 7 & 14H – 16H for \$2,194.97; and Trust & Agency 3 - 4 for \$309,638.67; second by Councilwoman Krazmien.

AYES 5      Fix, Krazmien, Krzemien, Plitt and Hagelberger

NAYS 0

**Comments from the Public**

There were numerous comments and questions pertaining to the Water District and the upcoming election from the public.

**RESOLUTION #31**

**ADJOURN**

At 9:05PM, Councilman Plitt offered a resolution to adjourn; second by Councilwoman Krazmien.

AYES 5      Plitt, Krazmien, Fix, Krzemien and Hagelberger

NAYS 0

\_\_\_\_\_  
Alice E. Calmes, Town Clerk

## Town of Darien 2019 Fee Schedule

### Zoning Fees

1. Appeals for Area or Use Variance	\$100.00
2. Site Plan Review	\$100.00
3. Land Separation	\$100.00
4. Special Use Permit	\$100.00
5. Public Hearing Fee	\$50.00
6. Subdivision	\$500.00
7. Planned Unit Development	\$500.00
8. Items requiring Zoning Permit only	\$35.00

### Building Permit Fees:

#### Residential Structures

1. New construction – Building Inspections additional (examples: Homes, Additions, Porches, Decks, Renovations)	\$75.00
2. Roofs – (ex. Metal, asphalt)	\$75.00
3. Demolition (fee waived if new building permit issued)	\$75.00
4. Swimming Pools (in/above ground) or Hot Tubs	\$75.00
5. Shed – Pre-manufactured	\$50.00
6. Shed – Stick built, per new construction	\$75.00
7. Solar Panels (residential – ground or roof)	\$75.00
8. Generator	\$35.00
9. Pond/lagoons (Special Use Permit required)	\$35.00
10. Signs (without foundations)	\$35.00

Commercial Structures – Determined on a case by case bases

Inspection fee (determine by Building Inspector during plan review) \$35.00 each

**Operating Permits** \$50.00

#### Fireworks Permit Fees

1. Fireworks (one set up -single event)	\$75.00
2. Annual Fireworks Permit (single setup – reoccurring static display)	\$1250.00

**Pyrotechnic Permit Fee** (single setup – single event) \$700.00

#### Dog License Fees

1. Dog License – Altered	\$5.00
2. Dog License – Unaltered	\$13.00
3. Dog License - Replacement Tag	\$3.00

#### Other Fees

Games of Chance	\$25.00
Junkyard License	\$120.00

**Transfer Station Fees** – see separate fee schedule