

## REGULAR MEETING OF THE TOWN OF DARIEN

OCTOBER 1, 2025

MINUTES OF THE DARIEN TOWN BOARD: Supervisor Stephen Ferry, Council Members Timothy Benten, Michael Fix, Michael Grant, David Krzemien, and Town Clerk Alice Calmes.

A special 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 October 1, 2025.

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

OTHERS PRESENT: Neil Marzolf, Jr – Highway Superintendent; and members of the public

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

RESOLUTION #106

### MEETING MINUTES

Councilman Grant offered a resolution to waive the reading of and accept the September 3, 2025, minutes as presented online; second by Councilman Krzemien.

AYES 4 Grant, Krzemien, Fix, and Ferry

NAYS 0

RESOLUTION #107

### TOWN OF DARIEN RESOLUTION TO HOLD A PUBLIC HEARING

Adopted: October 1, 2025

The Town Board of the Town of Darien met at a regular board meeting at the Town Hall located at 10569 Alleghany Road, Darien Center, New York, 14040, on the 1st day of October, 2025, commencing at 7:30 p.m. and the following members were:

|          |                |                           |
|----------|----------------|---------------------------|
| Present: | Supervisor     | <u>Stephen Ferry, Jr.</u> |
|          | Council Member | <u>David Krzemien</u>     |
|          | Council Member | <u>Michael Fix</u>        |
|          | Council Member | <u>Michael Grant</u>      |
| Absent:  | Council Member | <u>Timothy Benten</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**, Chapter 97 of the Laws of 2011 – “The Property Tax Cap” added a new section 3-c to the General Municipal Law that provides that the amount of real property taxes that may be levied by or on behalf of any local government shall not exceed two percent (2%); and

**WHEREAS**, in order to adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power of the Town Board, a local law to override such limit for the upcoming fiscal year only; and

**WHEREAS**, the Town Board of the Town of Darien finds it in the best interest of the Town to hold a public hearing to consider the adoption of said local law.

**NOW ON MOTION OF** Stephen Ferry, Jr. which has been duly seconded by Michael Fix, be it

**RESOLVED**, by the Town Board of the Town of Darien will hold a public hearing on the proposed adoption of said local law on the 5<sup>th</sup> day of November 2025 at 7:40 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: 4

Nays: 0

Absent/Abstain: 1

Quorum Present: x Yes \_\_\_ No

Dated: October 1, 2025

[SEAL]

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

RESOLUTION # 108

**BUDGET PUBLIC HEARING**

Supervisor Ferry offered a resolution to hold a Public Hearing to hear comments from the public on the Town's 2026 Preliminary Budget on November 5, 2025, at the Town Hall at 8:00PM; second by Councilman Krzemien.

AYES 4      Ferry, Krzemien, Grant, and Fix

NAYS 0

RESOLUTION # 109

**CDBG PUBLIC HEARING**

Supervisor Ferry offered a resolution to hold a public hearing on November 5, 2025 at 8:20pm for public comments on the Town of Darien's current Community Development Block Grant (CDBG) project: 306PR139-23 Force Main Sewer construction; second by Councilman Grant.

AYES 4      Ferry, Grant, Krzemien, and Fix

NAYS 0

RESOLUTION #110

**HALLOWEEN**

Supervisor Ferry offered a resolution that Halloween will be officially celebrated this year in the Town of Darien on Friday, October 31<sup>st</sup> between the hours of 5pm to 8pm; second by Councilman Fix.

AYES 4      Ferry, Fix, Krzemien, and Grant

NAYS 0

RESOLUTION #111

**TAX COLLECTOR BOND**

Supervisor Ferry offered a resolution to acquire a \$900,000 bond to cover the maximum amount of Real Property Tax receipts held by the Town prior to payment to the taxing agency; second by Councilman Fix.

AYES 4      Ferry, Fix, Krzemien, and Grant

NAYS 0

RESOLUTION #112

**HOLIDAY DECORATIONS**

Supervisor Ferry offered a resolution to authorize the Highway Superintendent to install the holiday decorations on power poles in town in the same locations as last year after Thanksgiving; second by Councilman Grant. Decorations shall be removed and stored as soon as practical after New Year's Day.

AYES 4      Ferry, Grant, Krzemien, and Fix

NAYS 0

## RESOLUTION #113

**TRAINING**

Supervisor Ferry offered a resolution to approve Town employees to attend the Monroe County Land Use Decision Making Training Program 2025 Local Workshop on October 21, 2025 at Monroe Community College at reasonable town expense in accordance with the Town Employee Handbook; second by Councilman Fix.

AYES 4      Ferry, Fix, Krzemien, and Grant

NAYS 0

## RESOLUTION #114

**INSURANCE ADD-ON**

Supervisor Ferry offered a resolution to change insurance coverage to include Forgery and Alteration coverage to the Town's insurance coverage at \$1337.00 per year; second by Councilman Krzemien.

AYES 4      Ferry, Krzemien, Grant, and Fix

NAYS 0

## RESOLUTION #115

**WD #11 DEBT RESERVE**

Supervisor Ferry offered a resolution to apply \$2788.00 from Water District #11 Debt Reserve Fund applied to the 2026 district as debt service reduction; second by Councilman Grant.

AYES 4      Ferry, Grant, Krzemien, and Fix

NAYS 0

## RESOLUTION #116

**SEWER CREDIT**

Supervisor Ferry offered a resolution to credit the Fire Department \$713 from the sewer billing due to Road Contractor usage of water; second by Councilman Grant. Averaging the usage for the last year was the method used to determine the Fire Department's normal usage; \$713 was the remaining amount after their average normal usage.

AYES 4      Ferry, Grant, Krzemien, and Fix

NAYS 0

Supervisor Ferry announced that we have received an informal petition for a water extension on Sumner Road with 56% of the assessed value in that section signing the informal petition, although it would be preferred to loop not just extend.

## RESOLUTION #117

**SUMNER RD WATER EXTENSION**

Supervisor Ferry offered a resolution to authorize for the expenditure of funds for Engineering and Legal work of a water line extension of Sumner Rd water line to Harlow Rd water line; second by Councilman Fix.

AYES 3      Ferry, Fix, and Krzemien

NAYS 1      Grant

## RESOLUTION #118

**RESOLUTION OPPOSING LARGE-SCALE SOLAR PROJECTS THAT OVERRIDE LOCAL LAND USE AUTHORITY AND IMPACT AGRICULTURAL LAND IN GENESEE COUNTY**

**WHEREAS**, current and planned large-scale solar energy projects are significantly altering land use patterns and the rural character of Genesee and surrounding Counties; and

**WHEREAS**, Genesee County, as New York State's fourth largest agricultural producer, has already experienced the conversion of a substantial portion of its farmland to industrial-scale solar energy infrastructure; and

**WHEREAS**, this accelerating trend results in the permanent loss of prime agricultural land, placing long-term food production capacity, rural economic stability, and environmental stewardship at increasing risk; and

**WHEREAS**, developers of large-scale solar projects frequently seek waivers from the State of New York in order to bypass County, City, Town, and Village comprehensive plans, zoning laws, and other locally enacted land use regulations, including those adopted in accordance with New York State Town Law and other applicable statutes, meaning such projects often cannot proceed without overriding or circumventing local legal authority; and

**WHEREAS**, these projects are consistently sited on highly productive farmland that has historically supported the local economy, food security, and the rural heritage of the region; and

**WHEREAS**, the conversion of such land to industrial energy production represents an irreversible loss of valuable agricultural resources; and

**WHEREAS**, the use of state level siting mechanisms to override or circumvent local laws and planning documents, including comprehensive and agricultural protection plans, effectively strips municipalities and residents of their right to self-determination in land use matters; and

**WHEREAS**, such actions undermine the authority of local governments and erode the principle of "home rule," threatening democratic participation and the ability of communities to plan for their own futures; and

**WHEREAS**, Article XIV, Section 4 of the New York State Constitution declares that it is a State policy to conserve, protect, and encourage agricultural lands, mandating the legislature create adequate protections for agricultural lands, and

**WHEREAS**, the Town of Darien has an interest in application of Article 25-AA of the New York State Agriculture and Markets Law, which states:

Declaration of legislative findings and intent . . . the declared policy of the state [is] to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.

The constitution of the state of New York directs the legislature to provide for the protection of agricultural lands. It is the purpose of this article to provide a locally initiated mechanism for the protection and enhancement of New York State's agricultural land as a viable segment of the local and state economies and as an economic and environmental resource of major importance.

**NOW, ON A MOTION** of Stephen Ferry, Jr. which has been duly seconded by David Krzemien;

**THEREFORE, BE IT RESOLVED**, that the Town of Darien formally opposes any and all large-scale solar projects that override or disregard local land use policies, zoning regulations, and comprehensive plans; and

**BE IT FURTHER RESOLVED**, that this opposition is based on the projects' clear and irreversible harm to agricultural lands, their circumvention of local laws, and the broader threat they pose to the integrity and autonomy of municipal planning authority in Genesee County; and

**BE IT FURTHER RESOLVED**, that the Town of Darien supports legislative efforts to restrict the development of large-scale solar projects on prime soils and soils of Statewide significance, and demands that the Farmland Protection Working Group created by the Renewable citing law be immediately convened to address the issue of the loss of a critical mass of farmland in Genesee County; and

**BE IT FINALLY RESOLVED**, that the Town of Darien joins with Genesee County in demanding that all current and future solar energy projects comply fully with all applicable local laws, zoning ordinances, and adopted land use plans; and further urges the State of New York to uphold the principles of home rule as guaranteed by Article IX of the New York State Constitution, affirming the right of local governments to control land use and development within their jurisdictions.

Adopted this 1<sup>st</sup> day of October, 2025, by the Town of Darien with the following vote:

Supervisor Stephen Ferry, Jr. - Aye  
Councilman David Krzemien – Aye  
Councilman Michael Grant – Aye  
Councilman Michael Fix – Aye  
Councilman Timothy Benten - Absent

#### Notifications

Election Day is Tuesday, November 4<sup>th</sup>. Polls will be open from 6:00AM to 9:00PM at the Town Hall. Electing Government Officials is your responsibility; please exercise your right to vote.

Budget workshop meetings to be held on October 20<sup>th</sup>, October 22<sup>nd</sup>, and October 27<sup>th</sup> (if needed)

October 27, 2025 is the date by which the public hearing needs to be submitted for publication in the Town of Darien official newspaper. The Town Board has until October 27<sup>th</sup> to finalize the Preliminary Budget.

Reminder to remove all political signs by November 8<sup>th</sup>, please keep our highways free of debris.

HIGHWAY – had the 2012 truck in the shop with an ECU that went bad. It's been there about 1 ½ weeks; everything else is in good working order. Did some oil & stone. Salt mixed, 25 ton this year. State roads are done being mowed, billed them today. Will be touching up a 3<sup>rd</sup> time. Have been helping other towns & the County. Colby Road bridge is done; the road has re-opened. The Richley Road bridge probably won't be done until February.

ZEO – Cloud Permitting information passed out for review.

PLANNING BOARD – have started working on the Comprehensive Plan.

ENGINEER – May have more information on the sewer project after the October 9<sup>th</sup> construction meeting. There have been a couple of wrinkles, including doing the line under the CSX tracks, just waiting on the needed flaggers from the Railroad.

TOWN CLERK – Town Offices will be closed on Monday, October 13<sup>th</sup> for the Holiday.

TREATMENT PLANT – one BOD was higher than the limits; cleaned the tanks for algae. The next sample was good. The sewer project – the lines are all in except the railroad, so far everything looks good.

Councilman Krzemien thanked Neil for helping out.

#### RESOLUTION #120

##### **SUPERVISOR CASH REPORT**

Councilman Fix offered a resolution to accept the Supervisor's Cash report for the month of August 2025; second by Councilman Grant.

AYES 4      Fix, Grant, Krzemien, and Ferry

NAYS 0

#### RESOLUTION #121

**ABSTRACT**

Councilman Fix offered a resolution to pay the bills in accordance with the abstract; second by Councilman Krzemien. General Fund 228 – 253 for \$120,077.69; Reilien Trust 1 for \$2,625.00; Highway Fund 108 – 122 for \$291,120.14; Sewer 64 – 69 for \$2,165.63; Capital Checking – Sewer 34 – 36 for \$187,567.11; CDBG 4 for \$61,210.94; Water District #5 2 for \$2,630.00; and Water District #11 2 for \$5,940.00.

AYES 4      Fix, Krzemien, Grant, and Ferry

NAYS 0

Comments from the Public

Residents brought up the following concerns which were discussed: speed on Route 77, especially with Halloween being on a Friday night this year and there is a section with no sidewalk; and tractor trailers using engine brakes; the condition at the old train depot; and the abandoned house on Herkimer.

RESOLUTION #122

**ADJOURN**

At 8:15 pm, Supervisor Ferry offered a resolution to adjourn; second by Councilman Krzemien.

AYES 4      Ferry, Krzemien, Grant, and Fix

NAYS 0

---

Alice E. Calmes, Town Clerk