

REGULAR MEETING OF THE TOWN OF DARIEN

NOVEMBER 5, 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 November 5, 2025.

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

ABSENT:

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 #123

MEETING MINUTES

Councilman Grant offered a resolution to waive the reading of minutes in lieu of the copy online for the October 1, 2025 meeting with the correction to the date to October 1, 2025; second by Councilman Krzemien.

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| AYES 5 | Grant, Krzemien, Benten, Fix, and Ferry | NAYS 0 |
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RESOLUTION #124

MEETING MINUTES

Councilman Benten offered a resolution to accept the October 20, 2025 minutes as read; second by Councilman Grant.

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| AYES 5 | Benten, Grant, Krzemien, Fix, and Ferry | NAYS 0 |
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RESOLUTION # 125

HEALTH INSURANCE

Supervisor Ferry offered a resolution to authorize the Supervisor to sign the Independent Health Flex Fit and HSA account medical plan with pediatric dental coverage for calendar year 2026 and offer an “in lieu of medical insurance” payment to eligible employees declining the town’s offered medical plan in the amount of \$3,500 in accordance with the Highway Employee’s Contract and the Town Handbook, co-pay amounts to remain at the same level as 2025; second by Councilman Fix.

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| AYES 5 | Ferry, Fix, Benten, Krzemien, and Grant | NAYS 0 |
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RESOLUTION #126

2nd MAILING

Supervisor Ferry offered a resolution to authorize the Tax Collector to impose a \$2.00 postage and handling fee for outstanding and unpaid 2026 County Real Property Tax bills to cover the cost of a second mailing; second by Councilman Krzemien.

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| AYES 5 | Ferry, Krzemien, Grant, Benten, and Fix | NAYS 0 |
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RESOLUTION #127

DELINQUENT SEWER

Supervisor Ferry offered a resolution to levy unpaid 2025 sewer rent bills on delinquent property owner’s 2026 tax bill; second by Councilman Grant.

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| AYES 5 | Ferry, Grant, Krzemien, Benten, and Fix | NAYS 0 |
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RESOLUTION #128

CODES TRAINING

Supervisor Ferry offered a resolution to pay Code Officials training for Greg Podsiadlo as per Darien's Town Handbook; second by Councilman Krzemien.

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

NAYS 0

RESOLUTION #129

CLOUD PERMIT

Supervisor Ferry offered a resolution to authorize the Supervisor to enter into the contract with Cloud Permit with a down payment of \$1600 in 2025 and the balance paid in 2026; second by Councilman Fix.

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

NAYS 0

RESOLUTION #130

CDBG EXTENSION

Supervisor Ferry offered a resolution to authorize the Supervisor to sign the CDBG extension letter; second by Councilman Benten.

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

NAYS 0

RESOLUTION #131

ATTORNEY

Supervisor Ferry offered a resolution to allow the Zoning Office to expend funds to utilize the Town Attorney in an ongoing trial related to Zoning issues; second by Councilman Grant.

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

NAYS 0

At 7:40pm, the public hearing for the proposed local law to override the tax levy limit established in General Municipal Law §3-c was opened with a reading of the notice as it appeared in the Town's official newspaper. Residents asked what the reason was for raising taxes. Members of the board explained about the sales tax sharing, even though we moved up to the 3rd highest in assessed value in the County; we lost \$20,000 since last year. This is due to the disbursement from the County being directly proportionate to their assessed value, and 6 years ago, the Sales Tax sharing changed, and the Town lost \$600,000 in revenue. Costs continue to rise, revenues from the County remain flat or even decrease, and we are also keeping things like trucks longer. Questions and comments from residents also included that we are all trying to get by and it is disgusting how taxes and assessment go up. The response from the board was that if there was no tax associated with your property, it would then be considered an investment for them to increase in value.

RESOLUTION #132

CLOSE LL PUBLIC HEARING

Supervisor Ferry offered a resolution to close the public hearing on the proposed Local Law to override the Tax Cap at 8:07PM; second by Councilman Krzemien.

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

NAYS 0

At 8:10PM, the public hearing for the Preliminary Budget was opened with a reading of the notice as it appeared in the Town's official newspaper. Supervisor Ferry read the tax rates and then went through the budget. Residents asked about the budget for the fire company and if it would be beneficial for Darien to be like LeRoy with the fire department controlling their own budget. Board members explained that the Board does the negotiating for the residents.

RESOLUTION #133

TOWN OF DARIEN**RESOLUTION TO ADOPT 2% TAX CAP LOCAL LAW NO. 1 OF 2025**

Adopted: November 5, 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 5th day of November, 2025, commencing at 7:30 p.m. and the following members were:

| | | |
|----------|---------------|---------------------------|
| Present: | Supervisor | <u>Stephen Ferry, Jr.</u> |
| | Councilmember | <u>David Krzemien</u> |
| | Councilmember | <u>Timothy Benten</u> |
| | Councilmember | <u>Michael Fix</u> |
| | Councilmember | <u>Michael Grant</u> |
| Absent: | _____ | _____ |

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 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, Section 3-C of General Municipal Law 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, only if the Town Board first enacts, by a vote of sixty percent (60%) of the total voting power, a local law to override such limit for such coming fiscal year only; and

WHEREAS, the funds necessary to operate and maintain the Town of Darien shall require a tax levy greater than two percent (2%); and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Darien; and

WHEREAS, said public hearing was held on November 5, 2025, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, after due consideration and discussion the Town Board has decided to adopt said proposed local law.

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

RESOLVED, that the Town Board of the Town of Darien feels it is in the best interests of the Town of Darien to adopt Local Law No. 1 of 2025 entitled, "Override the Tax Levy Limit Established in General Municipal Law Section 3-C."; and be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is directed to enter the adoption of said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

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| Ayes: | <u>5</u> |
| Nays: | <u>0</u> |
| Abstain: | <u>0</u> |

Quorum Present: ☐ Yes ☐ NoDated: November 6, 2025

[SEAL]

Alice Calmes, Town Clerk
Town of Darien

Supervisor Ferry asked if there were any more questions on the budget. Residents in attendance asked if it was possible to have the speed reduced on Reynolds Road, especially in the summer there are quite a few people driving excessively fast for the road, which makes going for a walk risky. Discussion was held on options since the town on numerous occasions sent letters to the Sheriff's and Trooper's asking for more patrols.

RESOLUTION #134

CLOSE BUDGET HEARING

At 8:40PM, Supervisor Ferry offered a resolution to close the public hearing on the Preliminary Budget; second by Councilman Fix.

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

NAYS 0

At 8:42PM, the public hearing for the CDBG Grant was open with a reading of the notice as it appeared in the official newspaper. Supervisor Ferry explained what the CDBG Grant has been used for and asked if there were any questions. No questions at this time, the board proceeded with business while leaving the hearing open in case anyone came up with any questions.

RESOLUTION #135

BUDGET

Supervisor Ferry offered a resolution to adopt the 2026 Preliminary Budget as the 2026 Adopted Budget; second by Councilman Fix.

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

NAYS 0

RESOLUTION #136

**Municipal Agreement – New York State DOT 2025-2026
Supplemental Agreement & Adjustments to the Snow & Ice Agreement
Contract # DO14839**

WHEREAS, the present New York State DOT Snow & Ice Agreement needs to be adjusted based on new calculations;

NOW, THEREFORE, on a motion by Stephen Ferry, Jr. which was duly seconded by Timothy Benten; **BE IT**

RESOLVED, that the Town of Darien approves the 2025-2026 Supplemental Agreement & Adjustments to the Snow & Ice Agreement – Contract #DO14839 between the State of New York and the Town of Darien for snow & ice control; and **BE IT FURTHER**

RESOLVED, that the Town Board of the Town of Darien hereby authorizes the Supervisor to sign any paperwork between the New York State Department of Transportation and the Town of Darien regarding the agreement.

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

NAYS 0

Notifications

The Alexander Cub Scout Pack 650 will be taking down the flags in the Town cemeteries this year.

The Town Board Year End meeting is scheduled for Tuesday, December 30, 2025, at 7:30pm at the town hall.

TOWN BOARD MEETING

NOVEMBER 5, 2025

Town offices will be closed for the holidays on November 27th, December 35th, and January 1st.

The 2026 Town Board Organizational meeting is scheduled for January 7, 2026, at 7:30pm.

Sewer update from CPL read.

HIGHWAY – all trucks have been gone through and inspected. The plow equipment is all set. The Snow & Ice increased \$48,000. We have been helping other towns and the County.

ZEO – has litigation coming up.

PLANNING BOARD – doing work on the Comprehensive Plan update.

ENGINEER – report read from the sewer engineers; water engineers are starting to work on the Sumner Road Map, Plan, & Report

TOWN CLERK – Town Offices will be closed on Tuesday, November 11th for Veterans Day.

TREATMENT PLANT – everything is good. We had a couple BOD that were bad, but the lab sent a letter that there were mistakes, and the BOD was good.

Councilman Fix thanked everyone who voted.

RESOLUTION #137

SUPERVISOR CASH REPORT

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

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

NAYS 0

RESOLUTION #138

ABSTRACT

Councilman Fix offered a resolution to pay the bills in accordance with the abstract; second by Councilman Grant. General Fund 254 – 283 for \$20,633.67; Highway Fund 123 – 144 for \$137,304.47; Sewer 70 – 78 for \$3,736.04; and Capital Checking – Sewer 37 – 42 for \$308,141.59.

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

NAYS 0

Supervisor Ferry again asked if there were any questions on the open hearing on the CDBG Grant. There were no questions.

RESOLUTION #139

CLOSE CDBG HEARING

Supervisor Ferry offered a resolution to close the public hearing for the CDBG Grant at 8:55pm; second by Councilman Grant.

RESOLUTION #140

ADJOURN

At 8:56 pm, Councilman Grant offered a resolution to adjourn; second by Councilman Krzemien.

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

NAYS 0

Alice E. Calmes, Town Clerk