

REGULAR MEETING OF THE TOWN OF DARIEN

JANUARY 7, 2026

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 January 7, 2026

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

ABSENT:

OTHERS PRESENT: Gordon Dibble – Genesee County Legislator; and members of the public

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

RESOLUTION #1

MEETING MINUTES

Councilman Grant offered a resolution to waive the formal reading of the minutes in lieu of them being posted on the website and approve the minutes from the December 3, 2025 and December 29, 2025 meetings as submitted; second by Councilman Benten.

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

NAYS 0

RESOLUTION #2

PB POSITION

Supervisor Ferry offered a resolution to reappoint Tom Dougherty to the Planning Board as Chairman; second by Councilman Krzemien.

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

NAYS 0

RESOLUTION #3

HIGHWAY MONIES

Supervisor Ferry offered a resolution for the approval and the board to sign the Agreement for the Expenditures of Highway Monies; second by Councilman Krzemien.

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

NAYS 0

Town holidays, meeting schedule, appointments and fees attached at end of minutes.

RESOLUTION #4

APPOINTMENTS & FEES

Supervisor Ferry offered a resolution to set the 2026 appointments and presented; second by Councilman Grant.

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

NAYS 0

RESOLUTION #5

DEPUTY APPOINTMENTS

Supervisor Ferry offered a resolution to accept the Supervisor's, Highway Superintendent's, and Town Clerk's Deputies; second by Councilman Grant.

Deputy Supervisor – Dave Krzemien, Deputy Highway Superintendent – Joe Marino,
And Deputy Town Clerk – Gwen Yoder

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

NAYS 0

RESOLUTION #6

AUDIT

Supervisor Ferry offered a resolution to authorize the Supervisor to contract with an independent agency, Lumsden McCormick, LLP, to audit the 2025 year-end financials; second by Councilman Benten.

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

NAYS 0

RESOLUTION #7**NYSAOT**

Supervisor Ferry offered a resolution to continue the town's membership in the NYS Association of Towns for 2026; second by Councilman Benten.

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

NAYS 0

RESOLUTION #8**ATTORNEY**

Supervisor Ferry offered a resolution to authorize the Supervisor to sign the contract for Town Attorney Services; second by Councilman Fix.

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

NAYS 0

RESOLUTION #9**UTILITY BILLS**

Supervisor Ferry offered a resolution to authorize the Supervisor to pay utility bills prior to abstract approval to avoid late payment charges; second by Councilman Fix.

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

NAYS 0

RESOLUTION #10**GARBAGE BILLS**

Supervisor Ferry offered a resolution to authorize the Supervisor to pay garbage disposal bills prior to abstract approval to avoid late payment charges; second by Councilman Benten.

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

NAYS 0

RESOLUTION #11**INSURANCE & RETIREMENT**

Supervisor Ferry offered a resolution to authorize the Supervisor to pay authorized medical insurance premiums and New York State Retirement employee benefit expenses prior to abstract approval; second by Councilman Krzemien.

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

NAYS 0

RESOLUTION #12**BUDGET TRANSFERS**

Supervisor Ferry offered a resolution to approve the budget transfers for Highway, Sewer, and General Funds; second by Councilman Benten. List of transfers is at the end of the minutes.

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

NAYS 0

RESOLUTION #13**HIGHWAY PURCHASES**

Supervisor Ferry offered a resolution to authorize the Highway Superintendent to make purchases at State and County bid prices and piggyback off other municipal bid contracts; second by Councilman Fix.

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

NAYS 0

RESOLUTION #14

HIGHWAY SEMINARS

Supervisor Ferry offered a resolution to authorize the Highway Superintendent to attend highway 2026 spring and fall seminars at reasonable town expense in accordance with the Town's Employee Manual; second by Councilman Fix.

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

NAYS 0

RESOLUTION #15**POLLING PLACE**

Supervisor Ferry offered a resolution to designate the Darien Town Hall, 10569 Alleghany Road, Darien Center, New York as the official polling place for 2026 elections in the Town of Darien pursuant to Section 4-104 of New York State Election Law Section 6202; second by Councilman Grant.

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

NAYS 0

RESOLUTION #16

**TOWN OF DARIEN
RESOLUTION TO DIRECT COMMENCEMENT OF ACTION
ON BEHALF OF MUNICIPALITY**

Adopted: January 7, 2026

WHEREAS, 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 7th day of January 2026, commencing at 7:30 p.m., at which time and place the following members were:

<u>Present:</u>	Supervisor	<u>Stephen Ferry, Jr.</u>
	Councilman	<u>David Krzemien</u>
	Councilman	<u>Timothy Benten</u>
	Councilman	<u>Michael Fix</u>
	Councilman	<u>Michael Grant</u>

<u>Absent:</u>	<u> </u>	<u> </u>
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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, it appears that the property located at 10934 Alleghany Road, Darien, New York 14040, designated as Genesee County Tax Map No. 14.-1-27.1, is in violation of the following sections in the Town of Darien Zoning Code: Article VIII, §815 "PONDS", Article VIII, §820 "DOG KENNEL", Article VI, §606 "STABLING FARM ANIMALS", and Article VI, §603 "REGULATIONS APPLICABLE TO ALL DISTRICT", M "PROHIBITED USE"; and

WHEREAS, it appears to be in the best interest of the Town of Darien to prohibit the owner of said property from continuing to be in violation of Town of Darien Zoning Code: Article VIII, §815 "PONDS", Article VIII, §820 "DOG KENNEL", Article VI, §606 "STABLING FARM ANIMALS", and Article VI, §603 "REGULATIONS APPLICABLE TO ALL DISTRICT", M "PROHIBITED USE"; and

WHEREAS, the Town Board of the Town of Darien feels it is in the best interest of the Town of Darien to retain the services of Town Attorneys, DiMatteo Roach & Kelly, Attorneys at Law, to pursue the enforcement of the Town of Darien Zoning Code through the Supreme Court, against the owner of 10934

Alleghany Road, Darien, New York 14040, designated as Genesee County Tax Map No. 14.-1-27.1, to ensure that this property is brought into compliance with said Law; and

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

RESOLVED, that the Supervisor of the Town of Darien, be and he hereby is authorized and directed to retain the services of DiMatteo Roach & Kelly, Attorneys at Law, as attorneys for the Town of Darien in this matter, upon such terms as he deems proper and advisable, and Supervisor of the Town of Darien shall authorize DiMatteo Roach & Kelly, Attorneys at Law, on behalf of the Town of Darien to take such action through the Supreme Court as may be deemed advisable to prevent any continuation of the violation of the Town of Darien Zoning Code.

Ayes: 4

Nays: 0

Quorum Present: x Yes No

Dated: January 7, 2026

Alice Calmes, Town Clerk
Town of Darien

[SEAL]

Notifications

Committee assignments: Justice Court Audit – Councilmen Fix and Benten
Town Beautification – Councilman Grant
Insurance Reviews – Councilman Benten
LED Street Lighting – Councilman Krzemien
Fire Contract negotiations – Councilmen Fix and Grant
Fire Dept Liaison – Councilman Krzemien
Highway Contract Negotiations – Councilmen Krzemien & Benten
Information on Webinars for Fiscal Oversight Responsibilities of Governing Board and Improving the Effectiveness of Claims Auditing Process passed out to board members.

HIGHWAY – Superintendent Marzolf was unavailable for the meeting, the following was submitted as a written report: Front rear right spring on 1003 was repaired and the fan clutch repaired on 1001. Everything else is in good working order. Plowing has been busy; Salt pile is less than half. Cleaned up trees from the windstorm.

PLANNING BOARD – working on the Comprehensive Plan

ATTORNEY – will be taking a case to the Genesee County Supreme Court

BUILDING INSPECTOR – there are currently 4 new homes being built.

ENGINEER – next meeting is January 30th

TOWN CLERK – offices will be closed on January 19th for Martin Luther King Jr Day

TAX COLLECTOR – bills have been sent out, and people are paying already.

Councilman Grant met with the forestry consultant; he will have come for the February work session.

RESOLUTION #17

CASH REPORT

Councilman Fix offered a resolution to accept the Supervisor's Cash Report dated November 2025; second by Councilman Benten.

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

NAYS 0

Councilman Fix also expressed gratitude to the highway department for helping clean up after the winds.

RESOLUTION #18

ABSTRACT

Councilman Fix offered a resolution to pay the bills in accordance with the abstract; second by Councilman Krzemien. General Fund 1 – 22 for \$9,135.68; Highway Fund 1 – 2 for \$14,022.02; Sewer 1 – 4 for \$939.78; Fire Protection (TA) 1 for \$7,434.00; and Capital – Sewer 1 – 2 for \$2,148.08.

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

NAYS 0

Comments from the Public

County Legislator Gordon Dibble announced that the Legislature installed Christian Yunker as the Chair and Mary Ann Clattenburg as Vice Chair. Matt Landers extends the opportunity to come out and meet with the board.

RESOLUTION #19

EXECUTIVE SESSION

Supervisor Ferry offered a resolution to enter into executive session at 8:05pm for contract negotiations; seconded by Councilman Krzemien.

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

NAYS 0

RESOLUTION #20

EXECUTIVE SESSION

Councilman Grant offered a resolution at 8:42pm to adjourn the executive session; second by Councilman Krzemien.

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

NAYS 0

RESOLUTION #21

ADJOURN

At 8:43pm, Councilman Grant offered a resolution to adjourn; second by Supervisor Ferry.

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

NAYS 0

Alice E. Calmes, Town Clerk

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

Agreement shall take effect when it is approved by the County Superintendent of Highways.

Agreement between the Town Highway Superintendent of the Town of Darien, County of Genesee, New York and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highway, and received from the State for State aid for the repair and improvement of highways shall be expended as follows:

1. GENERAL REPAIRS: The sum of \$480,000 shall be set aside to be expended for primary work and general repairs upon 42.19 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

2. PERMANENT IMPROVEMENTS: The following sums shall be set aside to be expended for the permanent improvement of town highways:

a. On all town owned roads, a distance of 42.19 miles there shall be expended not over the sum of \$480,000.

TYPE _____ THICKNESS _____
WIDTH OF TRAVELED SURFACE _____
SUBBASE _____

b. On the road commencing at _____
and leading to _____ a distance of _____ miles
there shall be expended not over the sum of \$_____.
TYPE _____ THICKNESS _____
WIDTH OF TRAVELED SURFACE _____
SUBBASE _____

No moneys set aside for such permanent improvements shall be expended, nor shall any work be undertaken on such improvements, until the County Superintendent of Highways approves the plans, specifications and estimates for such construction.

2026 Holiday Schedule (partial)

New Year's Day	January 1st	Thursday
Martin Luther King Day	January 19th	Monday
Presidents' Day	February 16th	Monday
Memorial Day	May 25th	Monday
Independence Day	July 4 th (observed July 3 rd)	Friday
Labor Day	September 7th	Monday
Indigenous Peoples	October 12th	Monday
Veteran's Day	November 11th	Wednesday
Thanksgiving Day	November 26th	Thursday
Christmas Day	December 25th	Friday

2027 Holiday Schedule (partial)

New Year's Day 2027	January 1st	Friday
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Meeting Schedule: First Wednesday of the Month @ 7:30PM

January 7, 2026	February 4, 2026	March 4, 2026
April 1, 2026	May 6, 2026	June 3, 2026
July 1, 2026	August 5, 2026	September 2, 2026
October 7, 2026	November 4, 2026	December 2, 2026

December 28, 2026 – Year End Meeting

Partial 2027 Meeting Schedule: Organizational Meeting January 6, 2027

Work Sessions: Monday before meeting if needed at 7:30PM

February 2, 2026	March 2, 2026	March 30, 2026
May 4, 2026	June 1, 2026	June 29, 2026
August 3, 2026	August 31, 2026	October 5, 2025

Tentative 2027 Budget meetings TBA

November 2, 2026 November 30, 2026

Partial 2027 Work Sessions: January 4, 2027

2026			
Town Board Appointments & Fees			
Position	Appointment	Yearly Salary or Hourly Rate	
Zoning Enforcement Officer (ZEO)/CEO	Gregory Podsiadlo	\$ 24,918.00	Salary
Building Inspector, Senior/CEO	Joseph Kowalik	\$ 13,974.00	Salary
Building Inspector /CEO & Assistant ZEO	Gregory Podsiadlo / Jerome Yoder	in salary / hourly	Salary
House Enumerator	Neil Marzolf Jr.	\$700.00	Stipend
Cemetery Flags	TBD (To Be Determined)		
Dog Control	Genesee County		
Dog Enumerator	Deputy Town Clerk		
Official Newspapers	The Daily News		
Official Bank	Depository Name	Maximum Amount	Office
	Five Star Bank,	\$4,000,000	Attica
	Key Bank	\$1,000,000	Attica
	M&T Bank	\$1,000,000	
	NYCLASS	\$7,000,000	
Planning Board			
Member		\$ 50.00	Per Meeting
Chair		\$ 65.00	Per Meeting
Clerk		\$ 65.00	Per Meeting
Zone Board of Appeals			
Member		\$ 50.00	Per Meeting
Chair		\$ 65.00	Per Meeting
Clerk		\$ 65.00	Per Meeting
Board of Assessment Review			
Member		\$ 50.00	Per Meeting
Gas Mileage (\$/mile)		\$ 0.72	\$/mile
Board Meetings	1st Wednesday of the month 7:30 p.m.		

TOWN BOARD MEETING

JANUARY 7, 2026

Engineer	Sewer on going CPL / Projects to be named		
Attorney	Contract with DiMatteo, Roach & Kelly		
Town Prosecutor	Contract with Robert Zickl		
Highway Employee's Work Schedule	May -Oct 4-10 hour days, Oct-May 6:30 a.m.-3:00p.m.	per contract	
Budget Control Officer	Stephen Ferry Jr.	\$546.00	Salary
Coordinator of Disaster Preparedness	Stephen Ferry Jr.	\$ -	Salary
Janitorial Service	Contract with Warren Commercial Cleaning Inc.		
Planning Board Member 12/31/2032 (7-year term)	Thomas Dougherty		
Zoning Board of Appeals Member 12/31/2030 (5-year term)	Al Stein		
Board of Assessment Review Member 9/30/2030 (5-year term)			
Planning Board Member (unexpired term to 12/31/2029)			
Registrar of Vital Status	Alice Calmes	\$ 800.00	Salary
Records Management	Alice Calmes	\$ 2,500.00	Salary
Fee Schedule (see separate sheet)			
Sewer District #1 Operation			
Sewer Bill Collector	Alice Calmes	\$ 750.00	Salary
Waste Treat Plant Operator	Neil Marzolf Jr.	\$ 15,000.00	Salary
Waste Treat Plant Operator - Assistant	Joseph Marino Jr.	\$ 2,368 budgeted amount	\$/hr Rate
Quarterly Sewer billing rate			
minimum payment (includes 4,000 gal usage)		\$46.60	
For each 1,000 gals above 4,000 gals		\$10.66	
Ethics Review Board			
Ethics Review Board, Town Official	Michael Grant	\$ -	To be
Ethics Review Board	Donna Ferry	\$ -	Confirmed
Ethics Review Board		\$ -	

Town of Darien 2026 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	\$60.00
6. Subdivision	\$500.00
7. Planned Unit Development	\$500.00
8. Items requiring a 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 basis

Inspection fee (determined 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
4. Late Fee (60 days overdue)	\$5.00
5. Enumeration Fee (each unlicensed dog)	\$5.00

Other Fees

Games of Chance	\$25.00
Junkyard License	\$120.00