

REGULAR MEETING OF THE TOWN OF DARIEN

AUGUST 5, 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 August 5, 2026

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; Gordon Dibble – 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 #91

MEETING MINUTES

Councilman Grant offered a resolution to waive the formal reading of the minutes in lieu of the minutes being posted on the website and approve the minutes from the July 1, 2026, meeting as submitted; second by Councilman Krzemien.

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

NAYS 0

RESOLUTION #92

SEWER BILLING CLERK

Supervisor Ferry offered a resolution to terminate the sewer billing clerk as of June 30, 2026; second by Councilman Krzemien.

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

NAYS 0

RESOLUTION #93

ASST. SEWER TREATMENT OPERATOR

Supervisor Ferry offered a resolution to terminate the assistant sewer treatment operator as of June 30, 2026; second by Councilman Benten.

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

NAYS 0

RESOLUTION #94

SEWER TREATMENT OPERATOR

Supervisor Ferry offered a resolution to terminate the Sewer Treatment Operator as of August 14, 2026; second by Councilman Krzemien.

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

NAYS 0

RESOLUTION #95

CIVIL SERVICE

Supervisor Ferry offered a resolution to eliminate the positions with the Sewer Plant currently held in the Town of Darien from the Genesee County Civil Service List; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Grant, Krzemien

NAYS 0

RESOLUTION #96

APPOINTMENT

TOWN BOARD MEETING

AUGUST 5, 2026

Supervisor Ferry offered a resolution to appoint Jerry Yoder as Zoning Clerk at \$20.00 per hour for the rest of the 2026 calendar year; second by Councilman Fix.

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

NAYS 0

RESOLUTION #97

INVOICE

Supervisor Ferry offered a resolution to add Invoice # 26581010077 Pace Analytical to the June abstract for \$300.00 from a clerical error, the new total for sewer in June is \$3058.27; second by Councilman Benten.

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

NAYS 0

RESOLUTION #98

SNOW & ICE

Supervisor Ferry offered a resolution to authorize the Supervisor to sign NYS Snow and Ice Supplemental Agreement No. 4 Contract No. DO14839 with New York State; second by Councilman Krzemien.

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

NAYS 0

RESOLUTION #99

WWTP CHANGE ORDER

Supervisor Ferry offered a resolution to authorize the Supervisor to sign Change Order 2 for the sewer plant; second by Councilman Grant.

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

NAYS 0

RESOLUTION #100

INSURANCE PAYMENT

Supervisor Ferry offered a resolution to authorize an insurance payment for the 2026-2027 Insurance Renewal at a sum not to exceed \$74,490.06; second by Councilman Fix.

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

NAYS 0

RESOLUTION #101

HISTORIAN REPORT

Supervisor Ferry offered a resolution to accept the Historian's report; second by Councilman Benten.

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

NAYS 0

At 7:38pm, the public hearing for the proposed Local Law #1 of 2026 "Prohibition on Illegal Connections to Public Sewer System and Inspection Prior to Transfer of Title" was open with a reading of the notice as it appeared in the Town's official newspaper. Supervisor Ferry read the proposed local law. Mr. LeRoy recommended that there should be a time limit. With further no comments or questions, the board kept the public hearing open and continued with other business.

Notifications

Budget process for 2027 will begin this month with Department input and Special budget work sessions to be announced in September and October.

This year's notification on sales tax distribution and discussion. The County is splitting additional funds with the Towns and Villages; will put the money into next year's budget.

Reyncrest Farms received the Genesee County Agricultural Business of the Year; letter received about Reyncrest Farms from a resident.

RESOLUTION #102

CLOSE HEARING

TOWN BOARD MEETING

AUGUST 5, 2026

At 7:51pm, Supervisor Ferry made a motion to close the public hearing on proposed Local Law #1 of 2026 “Prohibition on Illegal Connections to Public Sewer System and Inspection Prior to Transfer of Title”; second by Councilman Benten.

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

NAYS 0

RESOLUTION #103

TOWN OF DARIEN

**RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2026 ENTITLED,
“PROHIBITION ON ILLEGAL CONNECTIONS TO PUBLIC SEWER SYSTEM AND
INSPECTION PRIOR TO TRANSFER OF TITLE”**

Adopted: August 5th, 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 5th day of August, 2026, commencing at 7:30 P.M., and thereafter a public hearing was held at 7:40 P.M. at which time and place 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, §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 is considering a proposed local law entitled, “PROHIBITION ON ILLEGAL CONNECTIONS TO PUBLIC SEWER SYSTEM AND INSPECTION PRIOR TO TRANSFER OF TITLE” as the Town Board of the Town of Darien recognizes the importance in preventing illegal connections to the public sewer system which, among other things, will further incentivize legal connections to the system and avoid unanticipated flow capacity into the sewer system; and

WHEREAS, on July 1st, 2026, the Town Board of the Town of Town of Darien adopted a Resolution to Authorize Public Hearing set for August 5th, 2026 regarding said proposed local law, at which time all interested parties and citizens for or against the proposed local law would be heard; and

WHEREAS, the Town Clerk published Notice of Public Hearing in the Town’s Official Newspaper on July 21, 2026 and posted such Notice at the Town Hall on July 23, 2026; and

WHEREAS, the Town Board of the Town of Darien held a public hearing on August 5th, 2026, 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, the Town Board of the Town of Darien finds it to be in the best interest of said Town to adopt said local law; and

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

RESOLVED, that the Town Board of the Town of Darien hereby adopts Local Law No. 1 of 2026, entitled, “PROHIBITION ON ILLEGAL CONNECTIONS TO PUBLIC SEWER SYSTEM AND INSPECTION PRIOR TO TRANSFER OF TITLE”; and be it further

RESOLVED, that the Town Board of the Town of Darien establishes \$75.00 as the permit fee as outlined in Section IV “Provisions”, h. “Permit Application Procedures” of said Local Law 1 of 2026 and the Town Clerk hereby is directed to update the fee schedule on file at the Town Clerk’s office; and

RESOLVED, that the Town Clerk hereby is directed to enter 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.

Ayes: 5

Nays: 0

Quorum Present: ☐ Yes ☐ No

Dated: August 6, 2026

[SEAL]

Alice Calmes, Town Clerk
Town of Darien

TOWN OF DARIEN

LOCAL LAW NO. 1 OF 2026 ENTITLED

“PROHIBITION ON ILLEGAL CONNECTIONS TO PUBLIC SEWER SYSTEM AND INSPECTION PRIOR TO TRANSFER OF TITLE”

BE IT ENACTED by the Town Board of the Town of Darien as follows:

SECTION I. TITLE

This local law shall be known as Local law No. 1 of 2026 entitled "Prohibition on Illegal Connections to Public Sewer System and Inspection Prior to Transfer of Title".

SECTION II. AUTHORITY

This local law is adopted pursuant to New York Municipal Home Rule Law.

SECTION III. LEGISLATIVE PURPOSES AND OBJECTIVES

The Town Board of the Town of Darien enact this local law to promote the general welfare of its constituents by:

- a. Ensuring that public sewer connections for all property owners within the Town are safe, adequate, and properly connected to the public sewer system;
- b. Preventing illegal connections to the public sewer system which, among other things, will further incentivize legal connections to the system and avoid unanticipated flow capacity into the sewer system;
- c. Promoting the marketability of property within the Town;
- d. Providing assurances to any potential purchaser of a property in the Town that sewer connections are safe, adequate, and properly connected to the public sewer system; and
- e. Otherwise promoting the health, safety, and welfare of the residents of the Town.

SECTION IV. PROVISIONS

The Town Board of the Town of Darien hereby enacts the following provisions with regard to public sewer system connections:

- a. Permit Required
No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.
- b. Connection Permit
The owner of a parcel seeking connection shall make application to the Town, with said application to be submitted to the Town, along with supplemental plans and specifications, in such form and content as the Town may from time to time require.
- c. Costs Borne by Owner
All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. If the Town performs the sewer tap to the public sewer, a fee as set forth from time to time by resolution of the Town Board of the Town of Darien shall be paid to the Town upon completion of the tap. The owner shall pay the Town for any loss or damage (including claims of others against the Town) that may directly or indirectly be occasioned by his installation of the building sewer.
- d. Certain Connections Prohibited - Sanitary Sewer
No person shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, floor drains, such as garage or basement, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connection now in existence shall be removed.
- e. Certain Connections Prohibited - Wastewater
No person shall make connection to the public wastewater sewer system, or any appurtenance thereof, without first having obtained a written permit from the Town. Any property owner seeking to connect to the public wastewater sewer system must follow the permit application

procedures as outlined further in this Local Law Section IV “Provisions”, h “Permit Application Procedures”.

f. Inspection Prior To Transfer of Title

No person shall transfer title to another person, nor accept from any other person the transfer of title to any structure or parcel of land upon which a structure is located, until the Town, through the Superintendent of Public Works or his authorized agency, shall have inspected the wastewater connections, sump pump system, footing drains, yard drains and downspouts of such structure or parcel of land and issued a certificate of compliance stating that the same is found to be in compliance with the provisions of this local law. This section shall not apply to transfers of property by gift, intestacy or testamentary disposition, or transfers made pursuant to the Bankruptcy Code, partition or matrimonial settlement.

g. Costs of Inspection

The fee for an inspection as outlined in Section 4(f) above shall be Seventy-Five and 00/100 Dollars (\$75.00) unless otherwise specified by the Town Board of the Town of Darien in a subsequent resolution or local law. This cost shall be borne by the owner/seller of the property, unless otherwise agreed in a duly executed contract between the purchaser and seller.

h. Permit Application Procedures

The permit application shall be submitted to the Superintendent. The permit application shall be supplemented by any plans, specifications, or other information consider pertinent, in the judgment of the Superintendent. A fee, as set forth in the fee schedule on file with the Town Clerk of the Town of Darien and as further established by the Town Board of the Town of Darien, shall accompany the application.

SECTION V. SEVERABILITY

The invalidity of any clause, sentence, paragraph, or provision of this local law shall not invalidate any other clause, sentence, paragraph or part hereof.

SECTION VI. REPEAL AND SUPERSESSION

All local laws, ordinances, or resolutions or parts thereof in conflict with any part of this local law are hereby repealed.

SECTION VII. EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing in the Office of the New York State Secretary of State.

OPEN OF RE-ZONE PUBLIC HEARING

At 7:55pm, the public hearing on the re-zone application submitted for the parcel on County Line Road with the tax map # 9.-1-34.21 was opened with a reading of the notice as it appeared in the Town’s official newspaper.

Mrs. Pam Henry brought up multiple issues they already deal with on the property on the Erie County side also owned by Mr. Zoladz. Her issues include: dealing with a lot of noise, light pollution, hearing the beeping of backing construction vehicles at 6:30am. Mrs. Henry stated that this is all on the north of her house and already obnoxious. She also asked if it gets re-zoned what that does to the taxes for that property. Supervisor Ferry stated that it usually effects just the usage, the Assessor makes the determination on the assessed value which determines taxes.

Mr. Don Langiewicz completely objects to the re-zone due to it being an ongoing battle for him. He showed the board pictures (attached as Appendix A at end of minutes) and a short video. Mr. Langiewicz stated the Lavender property at the corner (south east corner of Broadway & County Line) had been cleaned up but it is becoming a mess and is getting bad. He also mentioned that the Averdi property was approved to Commercial a few years ago, and that he didn't get notified of that. He asked that if this is approved to Commercial, what stops Zoladz from selling to Averdi. Additionally, due to the contour of the properties with a 6' to 6 1/2' dip, even a properly built 10-14 foot berm wouldn't be high enough to block the stuff there. Mr. Langiewicz stated that another resident was going to come buy he is deceased now, Dimitar Koellf. He commented that the blocks are already there and the lights from Mr. Zoladz property across the street are already blinding; and with the pictures providing with what Mr. Zoladz wants to store, how much old equipment will get stored there – who knows what will leak. Mr. Langiewicz stated it is a little confusing on if there is a timeframe when a vote will be held. Mr. Langiewicz also announced there is family involvement there, but when the property came up for auction, there was a verbal handshake between Mr. Zoladz & himself that Mr. Zoladz was going to get 300' of road to sell for residential property and Mr. Langiewicz would get rest of the 212'; and that didn't happen. Mr. Langiewicz stated that he has known Mr. Zoladz for a long time and Mr. Zoladz will probably buy Mr. Koellf's lot, and is looking into buying Lavender's. He hopes the board will take this seriously and not allow the re-zone to go through; he also questioned the process and when a vote will be taken. Supervisor Ferry explained the process.

Miss Rebecca Henry spoke on behalf of her father who is a long time resident of Alden and could not be present. She explained that her parents built this home to become their retirement home; they both work from home, her parents' bedroom faces the road. Miss Henry stated that the issues they are already having on the Erie County side property along with the noise from the Genesee County side of the road have impacted their health & stress levels. She repeated issues with the property Mr. Zoladz owns on the Erie County side, stating that lights are shining toward her parents' house, the property have been allowed to become overgrown and it is an eyesore. She stated that there is an inability on their (Mr. Zoladz) part to maintain the property. Miss Henry stated that there was an accident & the fender is still under a block there; their corner lot in Alden is gravelly and hard to tell apart the road from their property. She repeated that there are multiple lights shining towards the house; their (Zoldaz's property) is a general eye sore & their inability to maintain the properties are issues. Miss Henry lastly stated that there are traffic issues with the construction vehicles and having to see around them and get around them, and this all effects property value.

Councilman Krzemien asked if they had contacted Erie County or the Town of Alden and filed any complaints on the property on the Erie County side. Mrs. Pam Henry stated that they have not because it was like that when they moved in and her issue is with the Darien side because they are already storing stuff there and it will just expand.

Mr. Michael Retzlaff, acting as authorized agent for Mr. John Zoladz, spoke on the intentions for the parcel and explained the application. He explained that the yard on the Erie County side gets picked up 2-3 times a year and is not in violation in Alden. He stated that it will mainly be storage in the winter; they were never informed of the light pollution from the tire shop on the Erie County side, but he will look at it. He explained that nothing has changed, it has always been outdoor storage. Mr. Retzlaff responded that he will not be going down the family issues. He stated they will look at the code and will follow the code; they just want to be good neighbors. Mrs. Henry asked if they were going to be putting vehicles on the property they want to re-zone. Mr. Retzlaff stated that management told him they are not looking for lights, just looking for outdoor storage. Supervisor Ferry stated that if this is okay'd he believes they would have to come back to the Planning Board for a Site Plan Review which would look at lighting.

TOWN BOARD MEETING

AUGUST 5, 2026

Mr. Bruce LeRoy commented that the explanation of what they are planning to do is too vague and he has a problem with the man representing Zoladz trying to destroy the town.

RESOLUTION #104

CLOSE HEARING

Supervisor Ferry made a motion at 8:40pm to close the public hearing on the re-zone application; second by Councilman Fix.

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

NAYS 0

Supervisor Ferry asked the board if they felt they were ready to make a decision or if they wanted to gather additional information on their own and take into account everything they heard here. Consensus was that they wanted more time to take everything into account. Supervisor Ferry announced that this matter will be discussed at the next board meeting on September 2, 2026, with the meeting opening at 7:30pm; he also stated that the public comment period will not be re-opened next month.

HIGHWAY – everything is in good working order. Milled & filled shoulders on Tinkham, Lippold, & Chick. Have done a lot of work with other towns and the County. The money from the state is CHIPS money. Had a couple discussions with the County on the Snow & Ice agreement with them, it will be going up.

TOWN CLERK – the Town Clerk's office will be closed August 6th; hunting licenses are now on sale. Also received a cybersecurity alert that scammers are impersonating local planning and zoning departments in an attempt to collect fraudulent permit and application fees. Will post the flyer on the bulletin boards and online.

TREATMENT PLANT – everything is going to Corfu; doing a little cleaning up and touch ups at the plant. A plumbing part is needed for the backflow and there are a couple other little things they will be doing.

Councilman Grant asked Neil if the forestry guys contacted him yet.

Councilman Krzemien said that Student Transportation of America may be interested in using part of the parking lot on the north side of the building for doing their road test checks, it has to be approved by the state. Councilman Grant requested that the Town be named as an additional insured on their insurance and Supervisor Ferry stated to get the insurance paperwork and we'll forward to our insurance & attorney to review quick.

RESOLUTION #105

CASH REPORT

Councilman Fix offered a resolution to accept the Supervisor's Cash Report dated June 2026; second by Councilman Grant.

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

NAYS 0

RESOLUTION #106

ABSTRACT

Councilman Fix offered a resolution to pay the bills in accordance with the abstract; second by Councilman Benten. General Fund 181 – 208 for \$19,549.89; Reilein Trust 1 for \$3260.00; Highway Fund 96 – 111 for \$315,342.73; Sewer 43 – 47 for \$2,994.39; and Capital Checking – Sewer 22 – 24 for \$301,963.74.

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

NAYS 0

RESOLUTION #90

ADJOURN

At 9:04pm, Supervisor Ferry offered a resolution to adjourn; second by Councilman Krzemien.

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

NAYS 0

Alice E. Calmes, Town Clerk

APPENDIX A



