REGULAR MEETING OF THE TOWN OF DARIEN OCTOBER 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 October 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: Neil Marzolf, Jr – Highway Superintendent; Elijah McWhinney – DiMatteo Roach & Kelly; Members of the public

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

RESOLUTION #115

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 September 2, 2026, meeting as published; second by Councilman Krzemien.

AYES 5 Grant, Krzemien, Benten, Fix, and Ferry NAYS 0

RESOLUTION #116

TOWN OF DARIEN
RESOLUTION TO HOLD A PUBLIC HEARING
Adopted: October 7, 2026

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 October, 2026, commencing at 7:30 p.m. and the following members were:

Present:	Supervisor	Stephen Ferry, Jr
	Council Member	David Krzemien
	Council Member	Timothy Benten
	Council Member	Michael Fix
	Council Member	Michael Grant
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, 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 Timothy Benten, 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 4th day of November 2026 at 7:40 p.m., at which time all interested parties and citizens for or against the proposed law will be heard.

Ayes: _5_
Nays: _0_
Quorum Present: _x_ Yes __ No
Dated: October 7, 2026

_____
Alice Calmes, Town Clerk
Town of Darien

[SEAL]

RESOLUTION #117
BUDGET PUBLIC HEARING
Supervisor Ferry offered a resolution to hold a public hearing to hear comments from the public on the Town's 2027 Preliminary Budget on November 4, 2026 at the Town Hall at 8:00pm; second by Councilman Krzemien.
AYES 5 Ferry, Krzemien, Grant, Fix, and Benten NAYS 0

RESOLUTION #118

TOWN OF DARIEN

RESOLUTION AUTHORIZING THE EXECUTION OF THE LEGAL SERVICES AGREEMENT FOR TOWN OF DARIEN SEWER DISTRICT NO. 1

Adopted: October 7th, 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 October, 2026, commencing at 7:30 P.M. and the following members were:

Present:	Supervisor	Stephen Ferry, Jr
	Councilmember	David Krzemien
	Councilmember	Timothy Benten
	Councilmember	Michael Fix
	Councilmember	Michael Grant
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 Village of Corfu owns, operates, and maintains one sanitary sewer system with adequate excess capacity to provide service to the Town of Darien; and

WHEREAS, the Town of Darien has created a Sewer District, to be known as Darien Sewer District No. 1, which will include the construction of adequate facilities to connect to the Village of Corfu; and

WHEREAS, a portion of the financing of said Sewer District will involve Rural Development funding which requires the submission of RUS Bulletin 1780-7 Legal Services Agreement between the Town of Darien and DiMatteo Roach & Kelly, as Town Attorney's for the Town of Darien; and

WHEREAS, the previous Legal Services Agreement was executed by the Town of Darien and DiMatteo Roach & Kelly on the 3rd day of November, 2021 and previously had the maximum threshold at $20,000.00; and

WHEREAS, the Town of Darien desires to enter into a new Legal Services Agreement, increasing the maximum threshold to $40,000.00; and

WHEREAS, the new agreement and subsequent maximum threshold increase to $40,000.00 is needed due to the time frame of work for Darien Sewer District No. 1, which includes construction of the Sewer District; and

WHEREAS, the Town Board feels it is in the best interest of the Town of Darien to enter into a Legal Services Agreement with DiMatteo Roach & Kelly, Town Attorney for the Town of Darien; and

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

RESOLVED, the Town Board of the Town of Darien hereby authorizes and empowers Stephen Ferry, Jr., Supervisor of the Town of Darien, to execute the RUS Bulletin 1780-7 Legal Services Agreement.

Ayes: _5_
Nays: _0_
Abstain: _0_
Quorum Present: □ Yes □ No
Dated: October 7, 2026

_____
Alice Calmes, Town Clerk
Town of Darien

(SEAL)

RESOLUTION # 119
HALLOWEEN
Supervisor Ferry offered a resolution that Halloween will officially be celebrated this year in the Town of Darien on Saturday, October 31, 2026 between the hours of 5pm to 8pm; second by Councilman Grant. It is suggested to please utilize reflective identification.
AYES 5 Ferry, Grant, Krzemien, Benten, and Fix NAYS 0

RESOLUTION #120
TAX BOND
Supervisor Ferry offered a resolution to acquire $1,000,000 in total 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 5 Ferry, Fix, Benten, Krzemien, and Grant NAYS 0

RESOLUTION #121

NATIONAL GRID

Supervisor Ferry offered a resolution to sign the National Grid use of poles agreement; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Grant, and Krzemien NAYS 0

RESOLUTION #122

DECORATIONS

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

AYES 5 Ferry, Krzemien, Grant, Fix, and Benten NAYS 0

RESOLUTION #123

TRAINING

Supervisor Ferry offered a resolution to approve Town employees to attend NYS DOS Training Program 2026 Local Workshop Tuesday, October 20th in Clarence, NY at reasonable Town expense in accordance with the Town Employee Handbook; second by Councilman Fix.

AYES 5 Ferry, Fix, Benten, Krzemien, and Grant NAYS 0

RESOLUTION #124

FLOOD DRAFT LL

Supervisor Ferry offered a resolution to complete and forward the Flood Prevention Proposed Draft to NYS DEC through DiMatteo Roach & Kelly after Planning Board review; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Grant, and Krzemien NAYS 0

RESOLUTION #125

DEBT REDUCTION

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

AYES 5 Ferry, Grant, Krzemien, Benten, and Fix NAYS 0

RESOLUTION #126

CHANGE ORDER #3

Supervisor Ferry offered a resolution to approve Sewer District #1 Change Order No. 3 as per the Engineer's draft; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Grant, and Krzemien NAYS 0

RESOLUTION #127

LIFT OFF QUOTE

Supervisor Ferry offered a resolution to accept the quote dated 10/5/2026 with Lift Off to maintain our Microsoft Office 365 Licensing at a cost of $1063.20 for 2027 (This is the same price as 2026); second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Gran, and Krzemien NAYS 0

RESOLUTION #128

SIGNS

Councilman Grant offered a resolution to authorize the Highway Superintendent to install 4 welcome to Darien signs and get needed clearances; second by Councilman Krzemien.

AYES 5 Grant, Krzemien, Benten, Fix, and Ferry NAYS 0

RESOLUTION # 129

CEMETERIES

Supervisor Ferry offered a resolution to approve the payment toward the tree work at the Broadway Cemetery in an amount not to exceed the $7500 in the budget for the two cemeteries; second by Councilman Krzemien.

AYES 5 Ferry, Krzemien, Grant, Fix, and Benten NAYS 0

Notifications

Election Day is Tuesday, November 3rd. 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 will be on October 21st, October 22nd, and October 26th (if needed) at 7:30PM

October 27th is the date the public hearings are published in the Town of Darien official newspaper.

The Town Board has until October 27th to finalize the Preliminary Budget.

Reminder to remove all political signs by November 5; please keep our highways free of debris.

Highway – Have been going through the trucks for inspections. Did springs on a couple of trucks; had to send out 1003. Oldest mowing tractor needed work. Everything else is in good working order. Started the 3rd pass of mowing with about ¾ of the town still to go. The state is invoiced. Working with other towns & the County. The new truck is in Watertown, brought new stands for the sander; should be back by the end of the month. When we make sure everything is good, we'll put the other truck on auctions. Around end of November/December 1st will need the other check for the truck. Did get the PO on the Snow & Ice, will have $93,000 coming. CHIPs won't be until December. Sumner Road bridge is about 1 month & 1 week in and County said 2 months. The speed trailer is up & running. There will be traffic counters up in Darien for about a month.

Town Clerk – offices will be closed on October 12th for the holiday.

Historian – changed the displays by the entrance again.

Councilman Grant reached out the logging rep and hasn't heard back yet.

Councilman Krzemien read the Water District #5 & Sewer audit review reports.

RESOLUTION #130

WATER DIST #5 & SEWER

Councilman Grant offered a resolution to accept the reports as read by Councilman Krzemien and make the appropriate changes; second by Councilman Benten.

AYES 5 Grant, Benten, Fix, Krzemien, and Ferry NAYS 0

RESOLUTION #131

CASH REPORT

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

AYES 5 Fix, Benten, Krzemien, Grant, and Ferry NAYS 0

RESOLUTION #132

ABSTRACT

Councilman Fix offered a resolution to pay the bills in accordance with the abstract; second by Councilman Benten. General Fund 232 – 263 for $104,520.98; Highway Fund 126 – 142 for $256,395.05; Sewer 51 – 53 for $1,617.31; Capital Checking – Sewer 28 – 29 for $4,131.40; Water District #5 2 for $2,607.50; and Water District #11 2 for $5,830.00.

AYES 5 Fix, Benten, Krzemien, Grant, and Ferry NAYS 0

RESOLUTION #133

EXECUTIVE SESSION

Supervisor Ferry offered a resolution to go into executive session at 8:28pm to discuss current/pending litigation with the Town Attorney; second by Councilman Fix.

AYES 5 Ferry, Fix, Benten, Krzemien, and Grant NAYS 0

RESOLUTION #134

EXECUTIVE SESSION

Supervisor Ferry offered a resolution to close the executive session at 8:55pm; second by Councilman Grant.

AYES 5 Ferry, Grant, Krzemien, Benten, and Fix NAYS 0

RESOLUTION #135

ADJOURN

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

AYES 5 Grant, Krzemien, Benten, Fix, and Ferry NAYS 0

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Alice E. Calmes, Town Clerk