

REGULAR ARCADIA TOWN BOARD MEETING

June 11, 2024 – 7:00 PM

Town Hall

201 Frey St.

Newark, NY 14513

Supervisor Piscioti welcomed those in attendance followed by the gathering in the pledge of allegiance.

PRESENT: Supervisor Piscioti
Councilmembers: Greco, Gerbig, Diamond
Highway Supt. Kuhlman

ABSENT: Councilmember VanLaeken
CEO DeWolf

MINUTES: Motion made by Councilman Gerbig, seconded by Councilman Greco to approve the minutes of May 14, 2024 Regular Town Board meeting.
All voted Aye.

HIGHWAY REPORT: Highway Superintendent Kuhlman read his report.

Highway Superintendent Report
June 11, 2024 Town Board Meeting

We have been working on our summer projects; Ford Rd., DeCann Rd. and Parker Rd.

I would like to surplus our Large CAT Roller. I had spoken to Supervisor Piscioti about this at the beginning of the year. It is a little heavy for a lot of the work we do; for example wedging. It tends to break or crack the new black top. I have an offer of \$75,000 through RTI Auction. I feel this is a good price for an 8 year old machine. I would like to surplus and sell for that price.

I also have a 2014 Mack Tandem Truck that is due to be replaced in 2 years. The way the truck and plow suppliers are operating these days it takes a good 2 years to get a new one in the fleet. There are some advantages if you sign on to order new chassis and plow equipment, you are

locked in at this year's price and avoid any increases there may be in the future. I have two quotes for a Mack, one with Tenco Plow equipment for \$289,340.52 and one with Viking Plow Equipment for \$278,405.82. Which is a difference of \$10,934.70. Both companies are of comparable quality. With a \$10,000.00 difference I don't feel Tenco is better than Viking so I would accept Viking bid if you want to order a truck at this time. I also feel that our truck we are replacing has good value and would put in auction in the spring of 2026. I would expect to get \$100,000.00 plus for this truck.

Thomas Kuhlman Highway Superintendent

Surplus Large CAT Roller: Councilmembers asked if a new roller would be purchased and what size was he is thinking. Highway Superintendent Kuhlman is not planning on purchasing one at this time. For the amount of time the roller is used it is more cost effective to rent one for now. When the time comes to get one it would be smaller like 9-10 Ton.

Moved by Councilman Greco, seconded by Councilman Gerbig to Surplus the large CAT Roller.

Roll Call:

Councilman VanLaeken	Absent
Councilman Greco	Aye
Councilman Gerbig	Aye
Councilman Diamond	Aye
Supervisor Piscioti	Aye

New Highway Tandem Axle Dump Truck (long lead time):

Councilmembers asked about surplus the 2014 Mack Tandem Truck. Highway Superintendent Kuhlman said not at this time; would surplus the truck in 2026 and the money would go towards the truck when it come in.

Moved by Councilman Greco, seconded by Councilman Diamond to purchase a new Tandem Axle Dump Truck with Viking plow Equipment for \$278,405.82.

Roll Call:

Councilman VanLaeken	Absent
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Councilman Greco	Aye
Councilman Gerbig	Aye
Councilman Diamond	Aye
Supervisor Piscioti	Aye

CODE ENFORCEMENT: Councilman Greco read CEO DeWolf's report in his absence.

Town of Arcadia Code Enforcement Monthly Report For: May

Total Permits Issued for the Month	12
Total Cost of Permits	\$ 1,032.00
Inspections Done for the Month	6
Total C of C's Issued for the Month	0
Total C of O's Issued for the Month	0
Total Variances Processed for the Month	4
Total Complaints Received	3
Total of Violation Letters Sent	16
Total Violation Letters for Mobile Home Parks	25
Total of Violations Resolved	0
Total of Appearance Tickets Issued	0

Supervisor Piscioti also stated that CEO DeWolf meet with Scott Burm regarding his property clean up. It is about 90% done. CEO DeWolf will give a full report at the July Regular Town Board Meeting.

COMMUNICATIONS: Cole Rd. and Pleasant Valley Rd. water surveys were mailed out on May 31, 2024. Starting to receive in responses.

PUBLIC HEARING: Proposed Local Law to Amend and Supersede Section 23(1) of the New York Town Law and Section 3(1) of the Public Officers Law to Allow the Deputy Town Clerk to be a resident of Wayne County or an Adjoining County.

7:20 PM Moved by Councilman Diamond, seconded by Councilman Gerbig to close the Regular Town Board meeting and Open to a Public Hearing for Proposed Local Law.

All voted Aye.

Moved by Councilman Diamond, seconded by Councilman Greco to waive the reading of the legal notice.

All voted Aye.

Supervisor Piscioti asked for any Public comments.

Hearing none Supervisor Piscioti asked for motion to close Public Hearing.

7:25 PM Moved by Councilman Diamond, seconded by Councilman Gerbig to close the Public Hearing and reopen to the Regular Town Board Meeting.

All Voted Aye.

Moved by Councilman Greco, seconded by Councilman Gerbig adopting Local Law No. 4 of the year 2024 to amend section 23(1) of the New York Town Law and Section 3(1) of the Public Officers Law to allow the Deputy Town Clerk to be a resident of Wayne County or an adjoining County.

Roll Call:

Councilman VanLaeken	Absent
Councilman Greco	Aye
Councilman Gerbig	Aye
Councilman Diamond	Aye

UNFINISHED BUSINESS:

Sleight Rd. NY Solar Request for SUP Extension: Todd Friedman and Matt Diminich, Representatives of Resunance/Sleight Rd. NY Solar spoke as to why they are asking for another extension. NY State was offering an incentive to get 50% instead of 20% tax credit. This was like a lottery and they were waiting to see if they would be selected. Unfortunately they were not selected. They do expect to be under construction by mid winter or next spring.

Moved by Councilman Gerbig, seconded by Councilman Greco to approve 1 year SUP Extension for Sleight Rd. NY Solar.

Roll Call:

Councilman VanLaeken	Absent
Councilman Greco	Aye
Councilman Gerbig	Aye
Councilman Diamond	Aye
Supervisor Piscioti	Aye

NEW BUSINESS:**Amendment No. 1 to Owner/Engineer Agreement for WD#15:**

Amendment No. 1 to the Owner/Engineer Agreement for WD#15 is an increase in budget for construction administration and a corresponding reduction in the additional service budget of making it a net-zero change to the Engineering Agreement (reallocation of where funds went)

Moved by Councilman Greco, seconded by Councilman Gerbig to approve a transfer \$14,500.00 from the additional service line of the project budget to the construction administration line (noting it does not change the overall amount of the agreement.)

Roll Call:

Councilman VanLaeken	Absent
Councilman Greco	Aye
Councilman Gerbig	Aye

Councilman Diamond Aye
Supervisor Piscioti Aye

MRB Invoice No. 61040: Moved by Councilman Greco, seconded by Councilman Gerbig to approve payment of MRB invoice 61040 for professional services from April 7, 2024 to May 4, 2024 for \$9,292.22.

Roll Call:

Councilman VanLaeken Absent
Councilman Greco Aye
Councilman Gerbig Aye
Councilman Diamond Aye
Supervisor Piscioti Aye

Payment Requisition application #9 for WD#15 (Final): Moved by Councilman Greco, seconded Councilman Gerbig to approve Payment Requisition Application #9 (final) to WCWSA for \$111,687.32.

Roll Call:

Councilman VanLaeken Absent
Councilman Greco Aye
Councilman Gerbig Aye
Councilman Diamond Aye
Supervisor Piscioti Aye

PUBLIC COMMENTS:

Debbie Lochner spoke wanting to make sure the Town was aware of Changes coming regarding our children and schools. NYS Education Dept. has amendments to sections of the regulation of Commissioner of Education related to Athletics and Mixed Competition. She also pointed out items the Biden Administration is doing. There is also proposed changes to language on the New York State Equal Rights Amendment. She provided some handouts for these items. (attached)

Elaine Spross spoke regarding where we were at with the Snake Rd. water. Supervisor Piscioti answered her question.

Gina Donnelly stated she is the Fairville Treasure and wanted to announce that there will be a chicken BBQ fundraiser for the Fairville Cemetery. She said they went through all the channels to be allowed to do this and were very excited about it.

Tim Wood gave an update on NAVA. They had another record number of transports. NAVA is doing more community events.

REPORTS OF TOWN OFFICIALS:

All Town Reports

Moved by Councilperson Greco, seconded by Councilperson Diamond to accept the following reports: Town Clerk, Code Officer, Assessor, Supervisor and Highway reports.

Roll Call:

Councilman VanLaeken	Absent
Councilman Greco	Aye
Councilman Gerbig	Aye
Councilman Diamond	Aye
Supervisor Piscioti	Aye

AUDIT/PAYMENT OF BILLS APPROVED BY THE TOWN BOARD:

General	#187-232	\$336,233.14
Highway	#100-118	\$102,928.54

Moved by Councilman Greco, seconded by Councilman Diamond to authorize payment of the General and Highway bills.

Roll Call:

Councilman VanLaeken	Absent
Councilman Greco	Aye
Councilman Gerbig	Aye
Councilman Diamond	Aye
Supervisor Piscioti	Aye

ADJOURNMENT:

7:45 PM Moved by Councilman Greco, seconded by Councilman
Gerbig to adjourn the Town Board meeting.
All Voted Aye

Respectfully Submitted,
Terresa Vastbinder
Town Clerk

Proposed Local Law
To Amend And Supersede Section 23(1) Of The New York Town Law And Section 3(1) Of
The Public Officers Law To Allow The Deputy Town Clerk To Be A Resident Of Wayne
County Or An Adjoining County

TOWN OF ARCADIA

LOCAL LAW NO. 4 OF THE YEAR 2024

A Local Law to amend and supersede Section 23(1) of the New York Town Law and Section 3(1) of the Public Officers Law to allow the Deputy Town Clerk, if not a resident of the Town, to be a resident of Wayne County or an adjoining county

Be it enacted by the Town Board of the Town of Arcadia as follows:

Section 1. Legislative Intent: It is the intention of the Town Board to appoint and retain the best qualified individuals for Town positions. However, New York Town Law § 23(1) and Public Officers Law § 3(1) require that appointed officials must be electors/residents of the municipality of which they serve. The purpose and intent of this local law is to expand the pool of prospective candidates for the Deputy Town Clerk position by allowing such individuals, if they are not residents of the Town, to be residents of Wayne County or an adjoining county. The Town Board believes that it is in the best interests of the Town to be able to do so, and the Town is permitted to supersede the aforementioned sections of the Town Law and Public Officers Law pursuant to New York Municipal Home Rule Law § 10.

Section 2. Residency Requirement of Deputy Town Clerk.

With regard to New York Town Law § 23(1), said section is amended and superseded as follows: in the Town of Arcadia, notwithstanding the provisions of New York Town Law § 23(1), the person performing the functions of Deputy Town Clerk need not be an elector of the Town, provided that such person is an elector in the County of Wayne or an adjoining county within the state of New York.

With regard to New York Public Officers Law § 3(1), said section is amended and superseded as follows: in the Town of Arcadia, the provisions of Public Officers Law § 3(1) requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised, shall not prevent a person from holding the office of Deputy Town Clerk of the Town of Arcadia, if such person resides in the County of Wayne or an adjoining county within the state of New York.

Section 3. Supersession and Authority. This Local Law is adopted pursuant to Municipal Home Rule Law §10. It is the intent of the Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede such portions of § 23(1) of the Town Law of the State of New York and § 3(1) of the Public Officers Law insofar as those sections require a person performing

the functions of an appointed Deputy Town Clerk to be an elector/resident of the Town. This Local law shall supersede in its application Town Law §23(1) and Public Officers Law § 3(1).

Section 4. Severability. If any clause, sentence, paragraph, section or part of this Local Law or the application thereof to any person, firm or corporation or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this Local Law, or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date. This local law shall take effect immediately upon its filing in the office of the Secretary of State.

At a Regular meeting of the Town Board of the Town of Arcadia, Wayne County, New York, held at the Town Hall at No. 201 Frey Street in the Village of Newark, Wayne County, New York, in said Town, on the 11th day of June, 2024 at 7:00 P.M., Prevailing Time.

PRESENT: Supervisor Dawn L. Pisciotti
Michael J. Diamond, Councilperson
David Greco, Councilperson
Joseph W. Gerbig, Councilman

ABSENT: Richard D. VanLaeken, Councilperson

The following Resolution was offered by Councilman David Greco, who moved its adoption, seconded by Councilman Joseph Gerbig, to wit:

RESOLUTION DATED June 11, 2024

A RESOLUTION ADOPTING A PROPOSED LOCAL LAW OF THE YEAR 2024 TO AMEND SECTION 23(1) OF THE NEW YORK TOWN LAW AND SECTION 3(1) OF THE PUBLIC OFFICERS LAW TO ALLOW THE DEPUTY TOWN CLERK TO BE A RESIDENT OF WAYNE COUNTY OR AN ADJOINING COUNTY.

WHEREAS, a Resolution introducing a proposed Local Law for the year 2022 entitled "A Local Law To Amend Section 23(1) Of The New York Town Law And Section 3(1) Of The Public Officers Law To Allow The Deputy Town Clerk To Be A Resident Of Wayne County Or An Adjoining County" was duly adopted by the Town Board of the Town of Arcadia on June 11, 2024; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, said Town Board has duly held a public hearing on the proposed Local Law on June 11, 2024, at which all interested persons had an opportunity to be heard; and

WHEREAS, said Town Board has determined that the adoption of said Local Law would promote the general welfare of the residents of said Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Arcadia, Wayne County, New York, as follows:

Section 1. The Town Board, as the only involved agency and therefore the Lead Agency, hereby determines that the aforementioned Local Law constitutes a Type II action under the New York State Environmental Quality Review Act ("SEQRA") and therefore requires no further environmental review.

Section 2. The aforementioned proposed Local Law is hereby adopted in the form heretofore introduced before said Town Board by Resolution dated May 14, 2024.

Section 3. The Town Clerk is hereby directed to enter said Local Law in the Minutes of this meeting, and to give due notice of the adoption of said Local Law to the New York Secretary of State.

The question of the adoption of the foregoing **Resolution** was duly put to a vote on roll call, which resulted as follows:

Dawn L. Pisciotti	VOTING	<u>Aye</u>
Michael J. Diamond	VOTING	<u>Aye</u>

David Greco	VOTING	Aye
Richard D. VanLaeken	VOTING	<u>Absent</u>
Joseph W. Gerbig	VOTING	<u>Aye</u>

The Resolution was thereupon declared duly adopted on June 11, 2024.