

**REGULAR ARCADIA TOWN BOARD MEETING**

**January 14, 2025 – 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: Diamond, Greco, Gerbig, VanLaeken  
CEO DeWolf  
Deputy Town Clerk Vacchetto

**ABSENT:** Highway Supt. Kuhlman

**MINUTES:** Motion made by Councilman VanLaeken, seconded by Councilman Greco to approve the minutes of January 2, 2025 Organizational meeting.

All voted Aye.

**HIGHWAY REPORT:** In Highway Supt. Kuhlman's absence Councilman Greco read his report.

Arcadia Town Board Meeting 1/14/2025

Winter has come on pretty strong in the last month or so, we turned in 26 plow trips to Wayne County Highway for the month of December, and we already have 19 trips for the month of January. In between plow runs we have been performing maintenance and repairs on all the equipment as needed.

Thank you

Thomas Kuhlman/Highway Superintendent

**CODE ENFORCEMENT REPORT:** CEO DeWolf read his December report.

	December 2024
Town of Arcadia Code Enforcement Monthly Report For:	
Total Permits Issued for the Month	6
Total Cost of Permits	\$ 320.00
Inspections Done for the Month	26
Total C of C's Issued for the Month	6
Total C of O's Issued for the Month	1
Total Variances Processed for the Month	0
Total Complaints Received	1
Total of Violation Letters Sent	2
Total of Violations Resolved	0
Total of Appearance Tickets Issued	0

CEO DeWolf informed the Town Board that NYSEG has property on Vienna Rd. and are adding on the westerly line which is on the Town and Village line. The Village wanted to make sure the Town did know about this and had no issues with this. Councilman Gerbig was interested in the size of the new building. The Town Board all stated they had no issues.

CEO DeWolf also informed the Town Board he and his Assistant Vacchetto have been looking into a Cloud Based Program for Code Enforcement. Right now they are all paper and are looking to move to digital. This would help modernize records and production. They have a quote from Cloud Permit for \$11,000.00 for the first year and \$6,000.00 after that with a 4% estimate increase each year. They have been looking into other companies and so far they are higher in price. They are still doing research on this. Town Board recommended CEO DeWolf check with other towns and see what programs they use and how they like them. Councilman VanLaeken said we may need to increase the Code Enforcement budget next year to help accommodate this.

CEO DeWolf wanted the Board to be aware he is starting to get calls regarding Cannabis growing and retail and maybe we should start thinking about making a law for this. The most recent inquiry is about a wholesale shop. Retail would have to fit into certain zoning. We can regulate through Zoning. Attorney Hou said we can expand what we want or how it's regulated with a law. Councilman Gerbig inquired about state guidelines. Attorney Hou will get us a copy of guidelines to help start a discussion on what the Town wants.

**COMMUNICATIONS:** No communications at this time.

**UNFINISHED BUSINESS:**

**Town Clerk and Justices Annual Audit:** Councilman Gerbig is still reviewing the Audits. He has one more person he would like to speak with who reviews the books at the end of the month. He will have this completed soon and review with the Town Board at the February meeting.

**Newark-Arcadia Volunteer Ambulance Agreement:** Mike and Alicia Catalano from NAVA Reported that 2024 was a record year. They had 3,140 requests and were able to cover 86% of those calls. This included transports for the hospital. They downsized their fleet by getting rid of the 2016 fly car. They are looking to replace eventually. Councilman Gerbig inquired how they were doing financially. Mike Catalano said they are doing ok financially. Supervisor Piscioti stated they are doing a great job and appreciate all they are doing.

Motion made by Councilman Greco, seconded by Councilman Gerbig to authorize Supervisor Piscioti to sign the Agreement between the Town of Arcadia and the Newark-Arcadia Volunteer Ambulance, Inc. where the parties have agreed upon terms and provisions of the agreement whereby the Ambulance will render and furnish such general ambulance services to residents of the Town of Arcadia, including residents of the Village of Newark. (Agreement attached)

**Roll Call:**

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

**Reminder Arcadia PV Solar (3527 Rt. 88 N) Public Hearing:** Supervisor Piscioti gave reminder that the Arcadia PV Solar Public Hearing is scheduled for February 11, 2025 at 7:10 PM.

**Marbletown Volunteer Fire Department – New Members:** Moved by Councilman VanLaeken, seconded by Councilman Diamond to approve the following new members for the Marbletown Volunteer Fire Department: Nicole Grineell and Adrienne Cook.  
All voted Aye.

**PUBLIC HEARING:**

**7:15 PM Local Law No. 1 for 2025 Tax Levy Limit:** Moved by Councilman Gerbig, seconded by Councilman Greco to close the Regular Town Board meeting and open to a Public Hearing for Local Law No. 1 for 2025 -2% Tax Levy.  
All voted Aye.

Moved by Councilman Diamond, seconded by Councilman Gerbig to waive the reading of the legal notice as published.  
All voted Aye.

Supervisor Piscioti asked Town Attorney Hou to an explanation of the Local Law.

Supervisor Piscioti asked if there were any questions or comments.

**7:18 PM** Moved by Councilman Diamond, seconded by Councilman Greco to close the Public Hearing and reopen the regular scheduled Town Board Meeting.  
All voted Aye

**UNFINISHED BUSINESS CONTINUED:**

**NY Arcadia Solar I, LLC (6985 & 69111 Old Lyons Rd.) SUP Approval with Conditions:** Matt Mihaly from Delaware River solar requested that the Town Board accept the Special Use Permit Approval with Conditions. He has been in contact with MRB and there is a draft in place. Matt asked about #21, vegetation is to not exceed 18” and he requested 36”. MRB Engineer recommended 24”. Matt Mihaly said that would be fine. Matt Mihaly also inquired about item #13 with the wording of the 2.5% annual escalation, or any other anticipated increase in cost. They would like a more fixed rate. Councilman Greco stated they can’t control inflation. Supervisor Piscioti stated they don’t want tax payers taking on the responsibility of anything over 2.5%. Matt Mihaly of Delaware Solar said they would be ok with the wording as it. No other issues with the draft. Attorney Hou wanted to point out the applicant either enter into a PILOT Agreement with the Wayne Industrial Development or become a regular tax payer on the assessment

rolls of Wayne County and the appropriate taxing jurisdictions, road use agreement that is required, need to agree on decommissioning plan. Those don't have to be settled on tonight.

Moved by Councilman VanLaeken, seconded by Councilman Gerbig to approve the requested Special Use Permit with Conditions Resolution for NY Arcadia I, LLC Tier 3 Solar Project at 6985 and 69111 Old Lyons Rd. (Resolution attached)

Roll Call:

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

**NEW BUSINESS:**

**Local Law No. 1 for 2025 Tax Levy Limit Resolution:** Moved by Councilman Gerbig, seconded by Councilman VanLaeken to adopt the Local Law No. 1 for the year 2025 to allow the Town of Arcadia to adopt a budget for fiscal year 2026 that may result in a real property tax levy in excess of the "Tax Levy Limit" as defined by General Municipal Law s 3-C.

Roll Call:

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

**NYSBOC Educational Conference – Code Enforcement Officer:**

Moved by Councilman Greco, seconded by Councilman Diamond to approve CEO DeWolf to attend the NYSBOC Central Chapter Educational Conference from April 8-10, 2025 in Syracuse, NY at a cost of \$400.00 plus mileage, gas and tolls.

Roll Call:

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

## **PUBLIC COMMENTS:**

Debbie Lockner read a statement about the Title IX ruling. Statement attached  
The Board thanked her for keeping them updated on this.

Sue DeJohn asked for an update on Snake Rd. Water. Supervisor Piscioti said she has talked with our Engineer and they are starting the next step which is the SEQR and then they'd be in the position to apply for funding which should be April/May timeframe.

Casey Carpenter was curious as to what the Town spent their ARPA money on. Said Marion did a nice presentation as to where that money was spent. Councilman VanLaeken said that is reported every year.

## **REPORTS OF TOWN OFFICIALS:**

### **All Town Reports**

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

### **Roll Call:**

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

## **AUDIT/PAYMENT OF BILLS APPROVED BY THE TOWN BOARD:**

General	#1-26	\$102,363.22
Highway	#1-9	\$21,143.76

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

### **Roll Call:**

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

**ADJOURNMENT:**

7:40 PM      Moved by Councilman Diamond, seconded by Councilman  
Greco to adjourn the Town Board meeting.  
All Voted Aye

Respectfully Submitted,  
Terresa Vastbinder  
Town Clerk

## AGREEMENT

**THIS AGREEMENT**, effective as of January 1, 2025, by and between the **TOWN OF ARCADIA**, a municipal corporation situate in Wayne County, New York ("Arcadia"), and **NEWARK-ARCADIA VOLUNTEER AMBULANCE, INC.**, a New York Not-For-Profit corporation with its principal office situate in the Village of Newark, New York (the "Ambulance").

**WHEREAS**, Arcadia desires to afford residents of the Town access to a general ambulance service in order to provide reliable access to emergency treatment and emergency medical care, as well as transportation of sick or injured persons to or between hospitals, clinics or other similar health care facilities; and

**WHEREAS**, the Ambulance is a voluntary ambulance service as defined in Public Health Law Section 3001(3), and has both sufficiently trained and experienced personnel and fully equipped ambulances with which to render and furnish such general ambulance services; and

**WHEREAS**, the parties hereto, after due consideration, have agreed upon the terms and provisions of an agreement whereby the Ambulance will render and furnish such general ambulance services to residents of the Town of Arcadia, including residents of the Village of Newark.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, the parties hereto mutually agree as follows:

- (1) Arcadia agrees that the Ambulance shall be designated and treated in all respects as the preferred provider of general ambulance services for the geographic areas of the Town and Village that are currently being serviced by the Ambulance.
- (2) The Ambulance agrees to furnish fully equipped ambulances, together with all qualified personnel required for the day-to-day operation of a general ambulance service on a twenty-four (24) hour per day basis, and further agrees to render such general ambulance service to residents of the Town of Arcadia and Village of Newark.
- (3) The Ambulance agrees to keep its ambulances in proper condition and repair, and further agrees to maintain any and all equipment in good working condition, all at its sole cost and expense.
- (4) The Ambulance is an independent contractor and shall be permitted to collect and retain all fees, charges and other income earned in the normal course and operation of its general ambulance services.
- (5) The Ambulance further agrees that it shall in all respects be recognized and treated as an independent contractor and that Arcadia shall not be responsible in any manner to users of the ambulance services for the quality of services rendered by the Ambulance or its personnel, and Arcadia shall not, under any circumstances, be held liable for any damages of any kind or nature whatsoever arising out of the use of the Ambulance's equipment, vehicles or personnel, and the Ambulance and its successors and assigns covenant and agree to hold and save Arcadia and its successors and assigns harmless and indemnified from and against any and all damages, suits, claims and causes of action of every kind and



nature whatsoever arising out of the use and operation of the Ambulance's equipment, vehicles and personnel under this Agreement; and the Ambulance further covenants and agrees to defend Arcadia, its officers, employees and agents at the Ambulance's sole cost and expense in all suits, actions and proceedings arising out of this Agreement, whether for the general ambulance services provided hereunder or otherwise.

- (6) The Ambulance shall be required to furnish Certificate of Insurance coverage, in form and amount approved by Arcadia, and naming Arcadia as an Additional Insured thereon, which Certificate of Insurance shall be kept on file in the Town Clerk's Office.
- (7) In accordance with the provisions of Section 109 of the General Municipal Law of the State of New York, the Ambulance is hereby prohibited from assigning, transferring, conveying, or otherwise disposing of this Agreement, or its power to execute this Agreement, to any other person, entity or corporation without the express written consent of Arcadia. Any such assignment or disposition without such prior written consent shall be void and unenforceable.
- (8) If any provision of this Agreement is determined by a Court of competent jurisdiction to be legally invalid, inoperative, or unenforceable, only that particular provision shall be affected, and such determination shall have no effect whatsoever on any other provision of this Agreement, and all other provisions shall remain in full force and effect. Should any applicable statute be amended such that any provision of this Agreement shall be rendered null and void or unenforceable, or should any applicable statutory amendment require a provision in this Agreement that is not presently recited or included herein, then this Agreement shall be deemed so amended as of the effective date of such statutory amendment.
- (9) No delay or failure to exercise any remedy or right occurring upon any default under this Agreement shall be construed as a waiver of such remedy or right or acquiescence in such default, nor shall it affect any subsequent default of the same or a different nature. All rights and remedies herein conferred shall be in addition to and not exclusive of all other rights or remedies now or hereafter existing at law or in equity.
- (10) If the Ambulance's services continue to be provided at the request of Arcadia beyond the expiration of the term of this Agreement, the provisions of this Agreement shall continue on a year-to-year basis as set forth herein unless and until the parties hereto enter into a subsequent written Agreement.
- (11) This Agreement shall be governed by and construed in accordance with the laws of the State of New York, and the County of Wayne is hereby designated as the place of trial for any action or proceeding arising from or in any way connected with this Agreement. This Agreement is the entire Agreement between the parties and shall not be changed, except by a writing signed by the party to be charged, and this Agreement shall supersede all prior agreements between the parties and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.
- (12) This Agreement shall be effective as of January 1, 2025 and shall terminate in all respects on December 31, 2025.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement in duplicate as of the day and year first above written.

(SEAL)

TOWN OF ARCADIA

By: Sharon Pisciotti  
Its Supervisor

NEWARK-ARCADIA VOUNTEER  
AMBULANCE, INC.

By: Michael Catalano  
Its President

(SEAL)

STATE OF NEW YORK )  
COUNTY OF WAYNE )

On the 15<sup>th</sup> day of January 2025 before me, the subscriber, personally appeared **DAWN PISCIOTTI**, to me personally known, who, being by me duly sworn, did depose and say that she resides in the Town of Arcadia, Wayne County, New York; that she is the Supervisor of the Town of Arcadia, the municipal corporation described herein, and which executed the foregoing Agreement; that she knows the seal of said corporation; that the seal affixed to the said Agreement is such municipal seal; that it was so affixed by order of the Town Board of said municipal corporation; and that she signed her name thereto by like order.

SHARON A VERHEECKE  
Notary Public, State of New York  
Qualified in Wayne County  
No. 01VE6260638  
My Commission Expires 4-30-2028

Sharon A Verheেকে

STATE OF NEW YORK )  
COUNTY OF WAYNE )

On the 21<sup>st</sup> day of January 2025 before me, the subscriber, personally appeared **MICHAEL CATALANO**, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Arcadia, Wayne County, New York; that he is the President of Newark-Arcadia Volunteer Ambulance, Inc., the not-for-profit corporation described herein, and which executed the foregoing Agreement; that he knows the seal of said corporation; that the seal affixed to the said Agreement is such corporate seal; that it was so affixed by order of the Board of Directors of such corporation; and that he signed his name thereto by like order.

Sharon A Verheেকে

SHARON A VERHEECKE  
Notary Public, State of New York  
Qualified in Wayne County  
No. 01VE6260638  
My Commission Expires 4-30-2028

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 14<sup>th</sup> day of January 2025 at 7:00 P.M.,  
Prevailing Time.

**PRESENT:** Dawn L. Piscioti, Supervisor  
Michael J. Diamond, Councilman  
David Greco, Councilman  
Joseph W. Gerbig, Councilman  
Richard D. Vanlaeken, Councilman

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

**RESOLUTION DATED JANUARY 14, 2025**

**A RESOLUTION ADOPTING A PROPOSED LOCAL LAW OF THE YEAR 2025 TO ALLOW THE TOWN OF ARCADIA TO ADOPT A BUDGET FOR FISCAL YEAR 2026 THAT MAY RESULT IN A REAL PROPERTY TAX LEVY IN EXCESS OF THE "TAX LEVY LIMIT" AS DEFINED BY GENERAL MUNICIPAL LAW § 3-c.**

**WHEREAS,** a Resolution introducing a proposed Local Law for the year 2025 entitled "A Local Law to override the tax levy limit established in General Municipal Law § 3-c" was duly adopted by the Town Board of the Town of Arcadia on December 10, 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 January 14, 2025 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.** A proposed Local Law No. 1 of the year 2025 entitled "A Local Law to override the tax levy limit established in General Municipal Law § 3-c" is hereby adopted in the form heretofore introduced before said Town Board by Resolution dated December 10, 2024.

**Section 2.** 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. Piscioti	<b>VOTING</b>	<u>Aye</u>
David Greco	<b>VOTING</b>	<u>Aye</u>
Joseph W. Gerbig	<b>VOTING</b>	<u>Aye</u>
Richard D. Vanlaeken	<b>VOTING</b>	<u>Aye</u>
Michael J. Diamond	<b>VOTING</b>	<u>Aye</u>

The Resolution was thereupon declared duly adopted on January 14, 2024.

DRAFT

**Proposed Local Law  
To Override the Real Property Tax Levy Limit  
Established in General Municipal Law § 3-c**

TOWN OF ARCADIA  
LOCAL LAW NO. 1 OF THE YEAR 2025

A Local Law to override the tax levy limit established in General Municipal Law § 3-c.

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

**Section 1. Legislative Intent.** It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Arcadia pursuant to General Municipal Law § 3-c, and to allow the Town of Arcadia to adopt a budget for the fiscal year 2026 that results in a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

**Section 2. Authority.** This Local Law is adopted pursuant to Subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Town Board of the Town of Arcadia to override the tax levy limit for the next fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of the Town Board.

**Section 3. Tax Levy Limit Override.** The Town Board of the Town of Arcadia, Wayne County, New York is hereby authorized to adopt a budget for the fiscal year 2026 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law § 3-c.

**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 filing with the Secretary of State.

**TOWN OF ARCADIA TOWN BOARD RESOLUTION  
NY ARCADIA I, LLC TIER 3 SOLAR PROJECT  
6985 AND 69111 OLD LYONS ROAD  
SPECIAL USE PERMIT AND SITE PLAN APPLICATION**

**SPECIAL USE PERMIT APPROVAL RESOLUTION**

**WHEREAS**, the Town of Arcadia Town Board (hereinafter referred to as Arcadia Town Board), is considering Special Use Permit approval with Site Plan approval to be provided by the Town of Arcadia Planning Board for the construction of a 2.2 megawatt (MW) alternating current (AC) Tier 3 Solar Energy System ("Project") on approximately  $\pm 11.6$ -acres of a combined  $\pm 56.0$ -acre parcel, where NY Arcadia I, LLC (the "Applicant") seeks the Special Use Permit and Site Plan approval and is the lessee of a portion of land located at 6985 Old Lyons Road and 69111 Old Lyons Road (tax parcel ID: 69111-00-556809 and 69111-00-62786) in the Town of Arcadia, Wayne County, New York, and as described in the Site Plans dated June 24, 2024, last revised December 2, 2024, and all other relevant information submitted by the Applicant as of January 14, 2025 (the "Application"); and

**WHEREAS**, this Application was forwarded to Wayne County Planning Board for review and comments were received by the Town; and

**WHEREAS**, the Town Board has classified the above referenced Action to be a Type I Action under Section 617.5 (c) of the State Environmental Quality Review Act (SEQRA) Regulations; and

**WHEREAS**, on August 19, 2024 a notice of lead agency status was sent to all interested and involved agencies; and

**WHEREAS**, after the required 30 day period expired and no agency response had been received, the Town Board declared its status as lead agency for the purposes of SEQRA review; and

**WHEREAS**, the Town Board, in compliance with SEQRA, issued a determination of significance and a negative declaration was adopted by the Town Board on November 12, 2024; and

**WHEREAS**, the Applicant submitted requests for waiver of certain requirements pursuant to Section 9(o) of Local Law No. 2 of 2024 ("Solar Law"), specifically, provisions related interior lot setbacks, prime farmland coverage ratio, and minimum parcel acreage; and

**WHEREAS**, the Town Board held a duly noticed public hearing with respect to the waiver requests on August 15, 2024 during which members of the public were heard on such requests. The public hearing was closed on August 13, 2024; and

**WHEREAS**, the Town Board determined that these requirements could not have been achieved in any other reasonable manner and voted to approve the waiver requests; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby approves the requested Special Use Permit with the following conditions:

1. The Applicant shall obtain a Building Permit within twelve (12) months of obtaining all required approvals (Federal, State, Local, and Utility) or this approval shall automatically terminate and be deemed null and void. Additionally, the Applicant shall complete construction of an approved Solar Energy System within twenty-four (24) months of obtaining all required approvals or this approval shall automatically terminate and be deemed null and void and be of no force and effect. The Applicant may request extensions, in writing to the Town, if they are not able to meet the timelines outlined in this condition.
2. The Town Engineer review letter dated December 6, 2024 is to be addressed prior to the site plans being signed by the Planning Board Chair. The signed site plan is required prior to issuance of a building permit.

3. The Decommissioning Agreement, in a form and content acceptable to the Town Attorney and the Town Engineer is required to be signed by all appropriate parties and filed with the Town Clerk's Office prior to issuance of a building permit.
4. Prior to issuance of a building permit the Final Plat Map is to be filed with Wayne County and proof of the filing is to be submitted to the Town of Arcadia Town Clerk's office.
5. Prior to issuance of a building permit, the Applicant shall either enter into an agreement for payment in lieu of taxes (PILOT Agreement) with the Wayne County Industrial Development Agency (WCIDA), on behalf of the Town and the Newark Central School District pursuant to Real Property Tax Law §487 9.(a); or shall become a regular tax payer on the assessment rolls of Wayne County and the appropriate taxing jurisdictions
6. Prior to issuance of a building permit the Applicant is to enter into a road use agreement with the Town, in a form and content acceptable to the Town Attorney that includes terms of use of Town Roads, inspection of Town Roads before and after construction of the project, and establishes a bond value to be secured prior to the use of Town Roads during construction.
7. Prior to issuance of a building permit, all applicable easements will need to be submitted to the County Clerk's Office and proof of filing should be submitted to the Town Clerk.
8. No ground disturbance may begin until the NYSDEC Acknowledgement letter regarding the Notice of Intent has been received by the Town Code Enforcement Office and added to the Final SWPPP document.
9. Prior to obtaining a building permit, the finalization of the written Decommissioning Plan in an acceptable form and content per the Town Engineer and Town Attorney is required.
10. Prior to obtaining a building permit, the Applicant must provide an adequate surety in a form approved by the Town Attorney and the Town Engineer for the removal of the Solar Energy System, with Town of Arcadia as the designated assignee/beneficiary, in an amount to be approved by the Town Engineer based on their review of the Decommissioning Cost Estimate submitted by the Applicant.
11. The Special Use Permit will not be valid until the Town of Arcadia Town Board accepts the decommissioning estimate value and the surety agreement, under a separate resolution related to the security amount for decommissioning, that the Applicant will have to secure for the life of the project.
12. A separate approval by Resolution from the Arcadia Town Board related to the security amount for decommissioning shall be secured for the entire value of the at least 31.5- year Decommissioning Estimate. The decommissioning surety shall extend 18 months beyond the expected life of the project to ensure that the surety remains valid during the decommissioning process.
13. Every 5 years after the Applicant's project is approved (or if the surety is renewable less than every five years, then annually) no later than ten (10) days prior to the anniversary date of the issuance of the building permit for such system, the then owner/permit holder for the system shall provide the Town of Arcadia Code Enforcement Officer & Town Clerk with written confirmation that the required surety is still operable and valid to account for inflation at no less than 2.5% annual escalation, or any other anticipated increase in costs for removal as provided for above.
14. After completion of the project, the Applicant shall provide to the Town of Arcadia Code Enforcement Officer with a post-construction certificate from a Professional Engineer registered in New York State that the project complies with all applicable codes and

industry practices and has been constructed and is operating according to the design plans.

14. A Special Use Permit granted by the Town Board is required prior to signatures being affixed to the site plans.
15. All consultants' fees for review of the Application and any future agreements relating to the project (such as the Decommissioning Agreement, road use agreement, and renewals of surety documents, etc.), and including but not limited to the Town Engineer's and Town Attorney's fees, are to be reimbursed to the Town by the Applicant as a condition of the Special Use Permit. Prior to the issuance of a Building Permit, all such consultant fees are to be reimbursed to the date of the building permit submission.
16. The Applicant shall comply with the Final Stormwater Water Pollution and Prevention Plan. Any increase of stormwater drainage from the site to neighboring properties will trigger an automatic review of the project. If there is evidence that the project is increasing the runoff of stormwater onto neighboring properties that has caused damage or threatened neighboring property, then the applicant will have 180 days to provide mitigation solutions that will be reviewed by the Planning Board and the Town Engineer.
17. Landscaping and screening will be provided by the Applicant in the form of a fence and additional plantings to minimize impacts on visual aesthetics, as is depicted on the approved plans.
18. The owner/operator is responsible for maintaining and replacement of all trees and landscaping as depicted on the approved site plans for the life of the project. All identified trees and landscaping in need of replacement are to be replaced by the following growing season, from the date of notification by the Town and/or identified by the party responsible for vegetation maintenance.
19. As the Operation and Maintenance of the site is dependent on the final construction and layout of the project site and the equipment used, a final Operation and Maintenance Plan outlining all site-specific information, schematics and emergency procedures that stay up to date with the site operations and maintenance needs, as well as maintenance contractor information, Emergency Action Plan, Emergency Shutdown Plan, Fire Response Plan and Guidance, emergency contacts, snow clearing, and other relevant information of maintenance that will be contracted out must be provided. This will need to be approved by the Town as complete prior to the Code Enforcement Officer closing the building permit and providing a certification of completion.
20. Maintenance of ground cover vegetation will be maintained in accordance with the final approved Operation and Maintenance Plan, approved under a separate resolution.
21. Maintenance of ground cover vegetation is to not exceed 24 inches of height, or such a height required to establish a pollinator habitat. Whenever a violation of this condition of approval occurs, any person may initiate a complaint to the Town. The Code Enforcement Officer will accurately record the complaint, file it appropriately, and investigate it. If the complaint is found to be valid, the Code Enforcement Officer will inform the owner of the premises that there is a violation of the condition of approval. The owner will be notified

by email from a Town official and by certified mail and by any other means agreed upon by the Town and the person(s) of contact. The violation will have to be 30-days from the date of notice by email to correct the violation. Additional penalties may be assessed per violation. If the violation of this condition is not corrected with that 30-day window, this will be cause for revocation of the Special Use Permit after the applicant is notified in writing of the violations and the Town of Arcadia Town Board holds a hearing on same as provided for herein. This process is to be clearly identified, and a certification of understanding is to be signed by any potential owner of the NY Arcadia I, LLC project site as a condition of the Special Use Permit.

22. All trees and fencing are to be free from vines and other invasive vegetation. Whenever a violation of this condition of approval occurs, any person may initiate a complaint to the Town. The Code Enforcement Officer will accurately record the complaint, file it appropriately, and investigate it. If the complaint is found to be valid, the Code Enforcement Officer will inform the owner of the premises that there is a violation of the condition of approval. The owner will be notified by certified mail and by any other means agreed upon by the Town and the person(s) of contact. The violation will have to be 30days from the date of notice to correct the violation. Additional penalties may be assessed per violation. If the violation of this condition is not corrected with that 30-day window, this will be cause for revocation of the Special Use Permit after the applicant is notified in writing of the violations and the Town of Arcadia Town Board holds a hearing on same as provided for herein. All contact information for the applicants, developers, and landowners are to be provided to the Town of Arcadia Code Enforcement Officer prior to issuance of a Building Permit.
23. A preconstruction meeting with the Town of Arcadia, once all conditions of approval have been met, is required to be held prior to issuance of any permit.
24. No Battery Energy Storage Systems (BESSs) Units are not part of this application and thus not approved as part of this project.
25. At the Town's request, Applicant shall perform a noise study, measuring the noise level output at adjacent property lines to the solar array after energizing the solar array, and during a week of peak energy output during the first year of grid output, to confirm that the noise levels are within the estimated levels per the PWGC report dated September 10, 2024, submitted with this application. If the levels of noise output are greater than the estimated levels, per the PWGC report dated September 10, 2024, mitigation to lower or contain the noise output to the adjacent property lines will need to be proposed to the Town no later than 30-days after the report is generated, and implementation of the mitigation plan is to begin within 30-days of approval by the Town. If the mitigation is not begun within the first calendar year of the solar array being energized, this will be cause for revocation of the Special Use Permit after the applicant is notified in writing of the violations and the Town of Arcadia Town Board holds a hearing on same as provided for herein.
26. Prior to construction, before a Certificate of Compliance is issued by the Code Enforcement Officer, prior to decommissioning, and after decommissioning of the site, the Owner or System Operator of the solar array project shall engage an independent and competent entity to take soil samples consistent with Cornell University's soil testing guidelines for measuring contaminant levels in a particular area regarding collection, labeling and packaging of representative soils beneath and around solar panels and solar



system equipment according to soil sampling locations specified on a plan submitted to the Town for approval. Such soil sampling shall consist of three individual samples per acre of installed solar panel arrays of the same kind and model, to be taken from the ground at a 1-2" depth along the lower drip edge of representative solar arrays across the lot, with an additional three separate individual samples to be taken on the lot at a 1-2" ground depth along the main course of water flow leaving that lot. Such soil samples shall be collected, labeled, packaged and transferred with a chain of custody to an independent laboratory certified by the NY State Department of Health Environmental Laboratory Approval Program for soil analysis, which lab may or may not be the same entity collecting the soil samples.

The above Resolution was offered by Councilman VanLaeken and seconded Councilman Gerbig by at a regularly scheduled Arcadia Town Board meeting held on January 14, 2025. Following discussion, a voice vote was recorded:

Richard VanLaeken	<u>AYE</u>	NAY	ABSTAIN	ABSENT
David Greco	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Joseph Gerbig	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Michael Diamond	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Dawn Piscioti, Supervisor	<u>AYE</u>	NAY	ABSTAIN	ABSENT

I, Teresa Vastbinder, the Town Clerk, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Arcadia Town Board for the January 14, 2025, meeting.

Teresa Vastbinder

Teresa Vastbinder, Town Clerk

[EXTERNAL] Fwd: Title IX ruling

From : Moms for Liberty Wayne County NY <waynenymoms4liberty@gmail.com>  
Subject : [EXTERNAL] Fwd: Title IX ruling  
To : dpisciotti@townofarcadia.org, Teresa Vastbinder <clerk@townofarcadia.org>

Tue, Jan 14, 2025 10:25 PM

Dear Supervisor Piscioti and board members,

I want to be sure that you know that in a landmark ruling on 1/9/2025 a Kentucky federal court vacated the Biden Administration's Title IX re-write. The states of Kentucky, Ohio, Virginia, Indiana, Tennessee and West Virginia received a major win in their lawsuit against Biden's Secretary of Education. The Department of Education expanded the definition of "sex" under Title IX from male or female to include gender identity and sexual orientation. The original 1972 Title IX added protection based on "sex" to the Civil Rights Act, regarding education programs receiving federal funding. They can now be assured that Biden's April 2024 Title IX regulation cannot be enforced across the country and that no American citizen will be forced to ascribe to "gender ideology" or other forms of compelled speech in educational facilities. The federal judge struck down the attempt to change the meaning of sex to include "gender identity", and the nationwide ruling frees educators from having to violate their consciences or risk losing their jobs, effectively striking down the rule as unconstitutional. The federal court ruled that doing so *violated the First Amendment rights* of teachers and students by compelling them to use classmates' "preferred pronouns" and by deterring them from expressing views about basic biological differences between sexes.

The Biden updates were "**vacated**", basically meaning it is as if they never happened, and the original Title IX is back in full effect! Since there may be challenges to this decision, our Moms for Liberty and other lawsuits will continue to move forward. Honestly, I am unsure what this will mean to us in NY, since in 2024 Proposition 1 was passed as an amendment to NYS Constitution. I am hoping to get some clarification or guidance from those more knowledgeable than I am.

Thank you for your attention to this important issue.

Debbie Lochner, Chapter Chair  
Moms for Liberty, Wayne County  
Resident, Arcadia NY  
585-451-4112

**Highlights** from the US District Court Eastern District of Kentucky Northern Division:

- "The Court remains persuaded that the Final Rule offends the First Amendment for the reasons explained in its prior Memorandum Opinions and Orders."
- "...the Department fails to account for the glaring inconsistencies that the Final Rule creates within Title IX. It acknowledges that Congress has deemed sex separation (and thus, more than de minimis harm) permissible in various circumstances such as social fraternities and sororities and living facilities."
- "While the Department argues in favor of severance, the Court remains persuaded that the three challenged provisions fatally taint the entire rule. As the Court has explained, the definition of discrimination "on the basis of sex" lies at the heart of Title IX and permeates virtually every provision of the law."
- "Put simply, the First Amendment does not permit the government to chill speech or compel affirmation of a belief with which the speaker disagrees in this manner."
- "Conversely, the entire point of Title IX is to prevent discrimination based on sex—throwing gender identity into the mix eviscerates the statute and renders it largely meaningless."

Further, vacatur of the Final Rule would simply "cause a return to the status quo" that existed for more than 50 years prior to its effective date."

**RULING** [TN-v.-Cardona-Opinion.pdf](#)