

REGULAR ARCADIA TOWN BOARD MEETING
August 13, 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, VanLaeken
Highway Supt. Kuhlman
CEO DeWolf

ABSENT: Councilmember Diamond

MINUTES: Motion made by Councilman Greco seconded by Councilman Gerbig to approve the minutes of July 9, 2024 Regular Town Board meeting.
All voted Aye.

HIGHWAY REPORT: Highway Superintendent Kuhlman read his report.

Highway Superintendent Report
August 13, 2024 Town Board Meeting

The crew is still working on our 2 re-construction roads; DeCann & Ford Rds. We have edges shimmed up and going to leave them that way through winter and put a top on them next year with my CHIPS Program. Parker Rd. is all prepped and ready for the NOVA-CHIP crew from Midland Asphalt. They are supposed to be here next week. My micro-pave roads are ready to go also just waiting for Suit-Kote Asphalt to do that process; supposed to be here next week. Other than that just doing the usual maintenance work and mowing.

Thomas Kuhlman Highway Superintendent

CODE ENFORCEMENT: CEO DeWolf read his monthly report:

Town of Arcadia Code Enforcement Monthly Report For: **July**

Total Permits Issued for the Month	11
Total Cost of Permits	\$ 704.50
Inspections Done for the Month	25
Total C of C's Issued for the Month	7
Total C of O's Issued for the Month	1
Total Variances Processed for the Month	0
Total Complaints Received	0
Total of Violation Letters Sent	6
Total of Violations Resolved	0
Total of Appearance Tickets Issued	0

CEO DeWolf met with Scott Burm, Clark Rd. property. There is 3 unlicensed vehicles on the property but it still meets the requirements for his business. CEO DeWolf informed him the Town Board is happy with the progress and we will continue to monitor the property.

CEO DeWolf stated he doesn't think the application for the Botcher Rd. Tabernacle is going to go any further. He hasn't heard from the owner and nothing has been done with it.

COMMUNICATIONS: Supervisor Piscioti had no communications at this time.

Alicia Catalano and Mike Catalano from NAVA (Newark Arcadia Emergency Medical Services) spoke; on July 25, 2024 they had a surprise inspection visit from the Department of Health and they passed with flying colors. They have 5 new employees, 1 full time and 4 part times. They had

264 9-1-1 calls and were able to answer 82% of those calls. Supervisor Piscioti informed them she has received lots of good feedback about NAVA.

PUBLIC HEARING:

7:18 PM Proposed Special Use Permit for NY Arcadia I, LLc Solar Farm Project at 6985 Old Lyons Rd. Request

Moved by Councilman Greco, seconded by Councilman Gerbig to close the Regular Town Board Meeting and Open the Public Hearing for proposed Special Use Permit for NY Arcadia I, LLc Solar Farm Project at 6985 Old Lyons Rd.

All voted Aye.

Moved by Councilman VanLaeken, seconded by Councilman Gerbig to waive the reading of the Legal Notice.

All voted Aye.

Supervisor Piscioti asked if there were any comments from the Public.

Representatives for NY Arcadia I, LLc; Brian Dunleavey of Delaware Solar, Matthew Mihaly of Mongaup River Solar, and Don Lewis of Schultz Associates, gave an overview of the proposed project and why they are asking for the waiver. Initially there were two parcels that they thought could be combined to meet the minimum requirements of the Local Solar Law. One of the properties lies on a school district line which makes it impossible to combine the two properties. They are requesting the Town Board to waive the interior lot line setback, prime farmland/farmland of the statewide importance coverage ratio, and minimum lot acreage requirements. This project would not have battery storage. They feel some other benefits would be no impact to wetlands, solar farm fits the Town Law, they would have a PILOT Agreement or state adopted Tax Base Revenue, provide local grid with upgrades, over all minimal impact project to the community, 8' fence. John Ramph, property owner stated he had tried selling the property but couldn't get a favorable perc test for the property and felt this would be a good use of the land.

Concerns and questions from the public were:

Josh Briggs asked about the woods, how close to the road, and is there a deer fence.

Jeff VanKoevering stated he supports his neighbor but is concerned if taxes will be affected by this because he is not happy with his taxes now. Debbie Lockner questioned the waivers they are asking for and she voiced her concerns about how many solar farms are coming to the area taking farm land and to what point do we stop this.

Gina Donnelly spoke thanking the Town Board for the Local Solar Law and read quotes from Town's Comprehension Plan, State's Charter for Farm Land and how Wayne County supports Agriculture. She voiced her opinion regarding the solar projects and how they take away from farm land. Brian Dunleavey and Matthew Mihaly answered the questions relating to their project. Councilmembers also responded to concerns regarding how many solar farms there are and acreage they are taking. Supervisor Piscioti also spoke regarding the waivers and why they were being requested.

7:48 PM Moved by Councilman Greco, seconded by Councilman Gerbig to close the Public Hearing for proposed Special Use Permit for NY Arcadia I, LLc Solar Farm Project at 6985 Old Lyons Rd. and reopen the Regular Town Board meeting.

All voted Aye.

Moved by Councilman Greco, seconded by Councilman Gerbig to approve the waiver for interior lot line setback, prime farmland/farmland of statewide importance coverage ratio, and minimum lot acreage requirements for this project due to the fact that they are unable to combine the two lots due to the school district boundary and refer to the Arcadia Planning Board.

All voted Aye.

Moved by Councilman Gerbig, seconded by Councilman Greco a Resolution declaring Town of Arcadias intent to be designated as the lead agency for SEQR.

Roll Call:

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

UNFINISHED BUSINESS:

Arcadia Solar: Ram Shrivastava was to speak regarding Arcadia Solar and give an update. He was not available to speak.

NEW BUSINESS:

Arcadia Community Solar License and Hold Harmless Agreement:

David Hou, Town Attorney gave explanation regarding this agreement that overhead wires that must run across a section of the property and would not be a hindrance to the Town’s use of the property. The License Agreement was reviewed with the Town Supervisor and in order to accommodate certain deadlines of Community Solar the Attorney for the Town advised and recommended the Supervisor sign the License agreement in advance of the regular Town Board Meeting and have such action ratified by the Town board.

Moved by Councilman VanLaeken, seconded by Councilman Greco a resolution to approve and ratify a License and Hold Harmless Agreement for Arcadia Community Solar, LLc.

Roll Call:

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

Schedule Budget Workshops: Moved by Councilman Greco, seconded by Councilman Gerbig to schedule Budget Workshops for the 2025 Budget for August 27, 2024 at 4:00 PM and September 10, 2024 at 5:30 PM in the Town Supervisors office located at 201 Frey St., Newark.

All voted Aye.

Charter Communications Franchise Renewal: Moved by Councilman VanLaeken, seconded by Councilman Greco to schedule a Public Hearing on September 10, 2024 at 7:15 PM at the Arcadia Town Hall, 201 Frey St. regarding granting a cable television franchise agreement between Town of Arcadia and Spectrum Northeast, LLc (indirect subsidiary of Charter Communications). All voted Aye.

Out of District (Transmission Line) Water Letter: Moved by Councilman VanLaeken, seconded by Councilman Gerbig to send letters to residents who have an out of district contract explaining the Debt Service Fee that didn't get charged due to clerical oversight will be doubled on their 2025 January Tax Bill and will return to one annual charge for future years until the end of their agreement with the Town of Arcadia.

Roll Call:

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

Turner Rd. Water: Charles Witt of 533 Turner Rd., Town of Manchester, Ontario County requested permission to connect to the existing water supply System and to extend a water service to his house. This requires Water Memorandum and Out of district Benefit Area Water User Contract.

Moved by Councilman VanLaeken, seconded by Councilman Greco to approve Supervisor Piscioti to sign the Water Memorandum Agreement And Out-of-District/Benefit Area Water User contract for 533 Turner Rd., Newark, NY 14513.

Roll Call:

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

Active Solar – Waiver Petition: Active Solar Development, LLC has submitted a conceptual plan for a Teir 3 Solar Project for 5647 Stuart Ave. They are asking for a waiver of the requirement identified in the Solar Local Law 2 of 2024 identifying the maxim Prime Soil and or Soil of Statewide Importance that the solar project may occupy is 25% of the entire lot.

Motion made by Councilman VanLaeken, seconded by Councilman Greco to table this until next month so the Town Board can review this request in more detail.

All voted Aye.

NYS Assessor Association 2024 Fall Conference: Moved by Councilman Greco, seconded by Councilman VanLaeken to approve Paul Smith, Assessor to attend the NYS Assessors Association 2025 Fall conference in Fairport, NY from September 23-26, 2024. Conference \$200.00, Hotel \$477.00 (3 nights), plus food, and mileage.

Roll Call:

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

PUBLIC COMMMENTS: Elaine Spross of Snake Rd. asked for an update on water service for Snake Rd. Supervisor Piscioti responded that it is still in the works and she is hoping to have something by the next Town Board Meeting.

Debbie Lockner spoke regarding Proposition 1 that will be on the upcoming November Ballet. This would include 12 additional groups to be added to the protected classes. (ethnicity, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, reproductive healthcare and autonomy) An example would be age; that would include children under the age of 12 to make their own medical decisions. She asked to please be aware of what you are voting on.

REPORTS OF TOWN OFFICIALS:

All Town Reports

Moved by Councilperson Greco, seconded by Councilperson VanLaeken 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	Absent
Supervisor Piscioti	Aye

AUDIT/PAYMENT OF BILLS APPROVED BY THE TOWN BOARD:

General	#273-312	\$202,380.14
Highway	#144-180	\$109,558.20

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

Roll Call:

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

ADJOURNMENT:

8:04 PM Moved by Councilman Greco, seconded by Councilman Gerbig to adjourn the Town Board meeting.
All Voted Aye

Respectfully Submitted,
Terresa Vastbinder
Town Clerk