

REGULAR ARCADIA TOWN BOARD MEETING

August 11, 2026 – 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

Highway Supt. Kuhlman
CEO DeWolf
Attorney Hou
Deputy Clerk Vacchetto

ABSENT:

MINUTES: Motion made by Councilman Gerbig, seconded by Councilman Greco to approve the minutes of July 14, 2026 Regular Town Board Meeting. All voted Aye.

HIGHWAY REPORT: Highway Supt. Kuhlman read his report.
Report attached.

Superintendent Kuhlman did note they got the boom mower back that they were having issues with and got a 6 year extended warranty.

CODE ENFORCEMENT REPORT: CEO DeWolf read his July 2026 Report. Report Attached.

CEO DeWolf said things have been quiet lately. Councilman VanLaeken asked how the software was working out. CEO DeWolf said it works good. They had a little issue with inspections in the program but have that worked out now. This has less paperwork. Councilman Gerbig said he had gone by the Ramph property (NY Arcadia Solar) on Old Lyons Rd. and saw some work is happening. CEO DeWolf said yes they have some ground installation, driveway work and compact testing done. Councilman Gerbig also asked about the other Solar Projects. Norbut, Rt. 88 has the driveway in but not much more. Sleight Rd. Solar he has not heard anything from them. Charlie Hill, HQCA Energy Rt. has not heard anything from also. It was noted they are on limited time now and no more extensions for them.

COMMUNICATIONS: N/A

PUBLIC HEARING: N/A

NEW BUSINESS:

Resolution Sales Tax Collected by Wayne County: Supervisor Piscioti introduced Jamie Corteville, Acting Treasurer of Wayne County. Jamie gave an explanation as to why this resolution is needed. There are six towns in Wayne County that did not opt out in 2003. This would be applied by Wayne County to reduce county taxes and general town taxes levied upon real property in the Town of Arcadia and be paid directly to the town to be used for any town purpose authorized by 1262 Tax Law. Supervisor Piscioti said all the other towns are doing this. Jamie said step one is recouping funds, step two Board resolution, and step three is taking all of the town resolutions; 15 towns, to the County. The Town is not losing anything by doing this.

Resolution offered by Councilman VanLaeken, seconded by Councilman Greco to accept sales tax collected by Wayne County electing direct payment pursuant to tax law section 1262.

Roll Call:

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

Councilman VanLaeken inquired how this is distributed to the towns. Jamie explained it is based on population and then property value.

UNFINISHED BUSINESS:

West Shore Blvd. Property – Resolution Declaring Expiration of Permissive Referendum: Supervisor Piscioti explained the referendum has not expired yet, expires at end of day on August 13, 2026.

Motion made by Councilman VanLaeken, seconded by Councilman Greco to table Resolution Declaring Expiration of Permissive Referendum for West Shore Blvd. Properties until September 8, 2026 meeting.
All voted Aye.

Returned to NEW BUSINESS:

Schedule 2027 Budget Work Shops: Moved by Councilman Gerbig, seconded by Councilman Greco to schedule Budget Workshops for the 2027 Budget for September 15, 2026 at 10:00 AM and September 29, 2025 at 10:00 AM in the Supervisor's Office at the Town of Arcadia Town Hall Building located at 201 Frey St., Newark. All voted Aye.

Resolution Introducing Local Law to Rescind Local Law No. 1 of 1987 (Flood Damage Prevention) and Schedule Public Hearing: Resolution offered by Councilman Greco, seconded by Councilman VanLaeken introducing proposed local law for the year 2026 to rescind Local Law No. 1 of 1987; Flood Damage Prevention and schedule a public hearing for September 8, 2026 at 7:05 PM at the Arcadia Town Hall. Resolution attached.

Roll Call:

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

Resolution Introducing Local Law for Flood Damage Prevention and Schedule Public Hearing: Resolution offered by Councilman VanLaeken, seconded by Councilman Greco introducing Local Law for the year 2026 for Flood Damage Prevention and schedule a public hearing for September 8, 2026 at 7:10 PM at the Arcadia Town Hall. Resolution attached.

Roll Call:

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

Transfer of Funds – Highway Department: Motion made by Councilman Greco, seconded by Councilman Diamond to approve the transfer of funds from

reserve account for \$100,000.00 to pay for New Truck that was delivered end of July.

See attached sheet.

Roll Call:

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

Southwest Improvement Area Benefit Area No. 3 Payment Requisition

Application #2: Motion made by Councilman Diamond, seconded by Councilman VanLaeken to approve Southwest Improvement Area Benefit Area No. 3 payment requisition application #2 to Wayne County Water and Sewer Authority for the amount of \$642,797.55.

Roll Call:

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

Discussion and Potential Resolution Authorizing DEC Access to Town Property for Environmental Monitoring Near Coventry Commons:

Supervisor Piscioti said the DEC reached out to Highway Superintendent Kuhlman about environmental monitoring near Coventry Commons.

Superintendent thought this would be temporary but it sounds like it will be a longer time. Per David Hou, Attorney Coventry Commons is undergoing DEC mediation. They would like to install wells to monitor to determine if there has been any migration of in ground pollutants from the Coventry Commons site, as well as store barrels of water they have extracted and store some equipment at our property; the corner lot near the Highway Department. There is a question of what happens if they do detect contaminants. Because we are not the principal polluting party our exposure is little to none. There should be no reason to prevent DEC coming on our property. It would be a negative thing if we did not allow them; like we were interfering. They are doing other wells on other properties.

Councilman Greco asked if they said what kind of contaminates. David Hou, Attorney said he did ask; he knows it's not petroleum based but some sort of other

organics. Councilman Gerbig has concerns. He knows of a company who is being sued for cleanup on a property they bought even though they did not cause it. David Hou said it depends on the pollutants. The Town had a similar situation when they bought a piece of property and there was barrels buried on it. Councilman VanLaeken said he sees the DEC Consent Form says "Air Sampling Activities". David Hou will contact them to verify. David Hou did ask them to include the indemnity hold harmless clause.

Motion made by Councilman VanLaeken, seconded by Councilman Greco authorizing Supervisor Piscioti to execute consent forms to DEC, subject to Attorney Approval.
Consent Form Attached.

Roll Call:

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

Lease Agreement – Town Storage of Misc. Aggregates: Highway

Superintendent Kuhlman said they store items at an abandoned gravel pit and they had a handshake agreement for many years with the owner. He has passed and the property was sold to a farmer. They want a contract and some money to store items.

Motion made by Councilman VanLaeken, seconded by Councilman Greco to approve a yearly Lease Agreement for the amount of \$3,000.00 between Jason Gansz, Kristine Rogers-Gansz and Town of Arcadia for storage of aggregates on property located at Shuler Rd. East of Arcadia Zurich Norris Rd. Tax ID 69112-00-465285 and authorize Supervisor Piscioti to sign the agreement.
Agreement attached.

Roll Call:

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

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

SWIBA No. 3 Legal Services Amendment Resolution: Resolution offered by Councilman Gerbig, seconded by Councilman Diamond to accept and approve amendment no. 1 from Bond, Schoeneck & King in the amount “not to exceed” of \$25,000.00 from \$15,000.00 for Legal Services to the SWIBA No. 3 district.

Roll Call:

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

PUBLIC COMMENTS: Supervisor Piscioti asked if there were any public comments.

Casey Carpenter, Wayne Times gave some information on the DEC items from a story she had covered.

AUDIT/PAYMENT OF BILLS APPROVED BY THE TOWN BOARD:

General	#252-277	\$751,252.98
Highway	#153-176	\$709,581.19
Total:		<u>\$1,460,834.17</u>

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

Roll Call:

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

REPORTS OF TOWN OFFICIALS:

7:40 PM Moved by Councilman Greco, seconded by Councilman VanLaeken to adjourn the Town Board meeting.

All Voted Aye

Respectfully Submitted,

Terresa Vastbinder

Town Clerk

Meeting was recorded and posted to townofarcadiany.gov

AUGUST Town Board Meeting 8/11/ 2026

We finished up our last major paving job for the summer last week that was a 1mile and a ½ section of Lembke rd., besides some shoulder work on 3 other roads we did improvements on we are getting things wrapped up !

Both of our new trucks have arrived and have been put in service , the second truck we ordered early because of the changes MACK anticipated, the cost of cab & chassis would be much more turned out to be true. We paid \$173,682 for our last cab & chassis , the new cost if ordered today would be in \$ 220,000 range according to quote I got from MACK

OUR boom mower is back from warranty issue and is out mowing again, hopefully they have all issues taken care of but if not ? We did purchase extended warranty and it will be covered .

THANK YOU ;

Thomas Kuhlman / Highway Superintendent

Town of Arcadia Code Enforcement Monthly Report For: July 2026

Total Permits Issued for the Month	13
Total Cost of Permits	\$614.20
Inspections Done for the Month	41
Total C of C's Issued for the Month	1
Total C of O's Issued for the Month	0
Total Variances Processed for the Month	1
Total Complaints Received	2
Total 911 Calls Received	0
Total of Violation Letters Sent	4
Total of Violations Resolved	0
Total of Appearance Tickets Issued	0

MONTHLY REPORT OF SUPERVISOR

TO THE TOWN BOARD OF THE TOWN OF ARCADIA:

In pursuant to Section 125 of the Town Law, I hereby render the following detailed statement of all moneys received and disbursed by me during the month of July, 2026:

DATED: August 4, 2026


SUPERVISOR

	Balance 06/30/2026	Increases	Decreases	Balance 07/31/2026
A GENERAL FUND-TOWNWIDE				
CASH - CHECKING	1,153,443.26	222,603.05	50.00	1,375,996.31
MONEY MARKET	748,664.70	2,243.35	0.00	750,908.05
PETTY CASH	600.00	0.00	0.00	600.00
MONEY MARKET - SPECIAL RESERVE	151,058.32	452.64	0.00	151,510.96
TOTAL	2,053,766.28	225,299.04	50.00	2,279,015.32
B GENERAL FUND-OUTSIDE VILLAGE				
CASH - CHECKING	1,240,990.72	362.25	0.00	1,241,352.97
MONEY MARKET	636,817.14	1,908.21	0.00	638,725.35
TOTAL	1,877,807.86	2,270.46	0.00	1,880,078.32
DA HIGHWAY FUND-TOWNWIDE				
CASH - CHECKING	818,347.40	0.00	0.00	818,347.40
MONEY MARKET - HWY TOWNWIDE	460,318.96	1,379.33	0.00	461,698.29
MONEY MARKET - SPECIAL RES - E	503,510.80	1,508.76	0.00	505,019.56
TOTAL	1,782,177.16	2,888.09	0.00	1,785,065.25
DA1- HIGHWAY SAFETY ACCOUNT				
CASH - CHECKING	647.79	0.00	0.00	647.79
TOTAL	647.79	0.00	0.00	647.79
DB HIGHWAY FUND-OUTSIDE VILLAGE				
CASH - CHECKING	1,459,284.96	0.00	0.00	1,459,284.96
MONEY MARKET	974,839.87	2,921.08	0.00	977,760.95
TOTAL	2,434,124.83	2,921.08	0.00	2,437,045.91
HN WATER DISTRICT #13				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
HR SW QUAD BENIFT AREA 3				
CASH - CHECKING	864.67	691,000.00	221,965.29	469,899.38
TOTAL	864.67	691,000.00	221,965.29	469,899.38
HS WATER DISTRICT #18				
	0.00	0.00	0.00	0.00

*moved to General to pay
NEGOT. 4/2026*

MONTHLY REPORT OF SUPERVISOR

	Balance 06/30/2026	Increases	Decreases	Balance 07/31/2026
TOTAL	0.00	0.00	0.00	0.00
HWT HWT				
	0.00	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00	0.00
SF1- FIRE DISTRICT #1				
CASH - CHECKING	150.44	0.00	0.00	150.44
MONEY MARKET - FIRE DISTRICT #	2,893.35	8.67	0.00	2,902.02
TOTAL	3,043.79	8.67	0.00	3,052.46
SW1- WATER DISTRICT #1				
CASH - CHECKING	15,408.60	0.00	1,000.00	14,408.60
MONEY MARKET	150,419.72	13.24	146,000.00	4,432.96
TOTAL	165,828.32	13.24	147,000.00	18,841.56
SW10- WATER DISTRICT #10				
CASH - CHECKING	32,670.60	0.00	0.00	32,670.60
TOTAL	32,670.60	0.00	0.00	32,670.60
SW11- WATER DISTRICT #11				
CASH - CHECKING	61,970.62	0.00	0.00	61,970.62
MONEY MARKET	73,809.10	221.17	0.00	74,030.27
TOTAL	135,779.72	221.17	0.00	136,000.89
SW12- WATER DISTRICT #12				
CASH - CHECKING	29,739.15	0.00	0.00	29,739.15
MONEY MARKET	111,412.66	333.85	0.00	111,746.51
TOTAL	141,151.81	333.85	0.00	141,485.66
SW15- WATER DISTRICT 15				
CASH - CHECKING	26,540.83	0.00	0.00	26,540.83
TOTAL	26,540.83	0.00	0.00	26,540.83
SW16- WATER DISTRICT #16				
CASH - CHECKING	36,535.00	0.00	0.00	36,535.00
MONEY MARKET	13,113.71	39.29	0.00	13,153.00
TOTAL	49,648.71	39.29	0.00	49,688.00
SW17- WATER DISTRICT # 17				
CASH - CHECKING	15,490.95	0.00	0.00	15,490.95
MONEY MARKET	2,287.37	6.85	0.00	2,294.22
TOTAL	17,778.32	6.85	0.00	17,785.17
SW2- TELLIER RD WATER DISTRICT #2				

Moved to HR to open wing acct.

Moved to HR for S&IA B#3

MONTHLY REPORT OF SUPERVISOR

	Balance 06/30/2026	Increases	Decreases	Balance 07/31/2026
CASH - CHECKING	19.80	0.00	0.00	19.80
MONEY MARKET - TELLIER ROAD	11,319.40	33.92	0.00	11,353.32
TOTAL	11,339.20	33.92	0.00	11,373.12
SW4- FAIRVILLE WATER DISTRICT #4				
CASH - CHECKING	23,115.67	0.00	0.00	23,115.67
MONEY MARKET	37,930.75	113.66	0.00	38,044.41
TOTAL	61,046.42	113.66	0.00	61,160.08
SW5- FAIRVILLE EXT WATER DISTRICT #5				
CASH - CHECKING	28,279.49	0.00	0.00	28,279.49
MONEY MARKET	32,802.58	98.29	0.00	32,900.87
TOTAL	61,082.07	98.29	0.00	61,180.36
SW6- WATER DISTRICT #6				
CASH - CHECKING	12,350.97	0.00	0.00	12,350.97
MONEY MARKET	52,048.70	155.96	0.00	52,204.66
TOTAL	64,399.67	155.96	0.00	64,555.63
SW7- WATER DISTRICT #7				
CASH - CHECKING	49,247.70	0.00	0.00	49,247.70
MONEY MARKET	111,476.09	334.04	0.00	111,810.13
TOTAL	160,723.79	334.04	0.00	161,057.83
SW8- WATER DISTRICT #8				
CASH - CHECKING	19,962.58	0.00	0.00	19,962.58
MONEY MARKET	16,523.15	49.51	0.00	16,572.66
TOTAL	36,485.73	49.51	0.00	36,535.24
SW9- WATER DISTRICT #9				
CASH - CHECKING	16,337.67	0.00	0.00	16,337.67
MONEY MARKET	32,602.88	97.69	0.00	32,700.57
TOTAL	48,940.55	97.69	0.00	49,038.24
SWT SWT				
CASH - CHECKING	36,113.10	0.00	0.00	36,113.10
MONEY MARKET	31,320.37	93.85	0.00	31,414.22
TOTAL	67,433.47	93.85	0.00	67,527.32
TA TRUST & AGENCY				
CASH - CHECKING	16,520.19	50.00	0.00	16,570.19
TOTAL	16,520.19	50.00	0.00	16,570.19
TOTAL ALL FUNDS	9,249,801.78	926,028.66	369,015.29	9,806,815.15

TOWN CLERK'S MONTHLY REPORT

TOWN OF ARCADIA, NEW YORK

JULY, 2026

TO THE SUPERVISOR:

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Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

A1255

<u>6</u>	DECALS	<u>8.02</u>
<u>6</u>	MARRIAGE LICENSES NO. 26026 TO 26031	<u>105.00</u>
<u>2</u>	MARRIAGE TRANSCRIPT	<u>20.00</u>
TOTAL TOWN CLERK FEES		133.02

A1601

<u>168</u>	VITAL STATISTICS	<u>1,680.00</u>
TOTAL A1601		1,680.00

A2544

<u>67</u>	DOG LICENSES	<u>375.00</u>
TOTAL A2544		375.00

B2110

<u>2</u>	ZONING/PLANNING VARIANCE	<u>200.00</u>
TOTAL B2110		200.00

B2590

<u>2</u>	DECK PERMITS	<u>98.00</u>
<u>1</u>	NEW RESIDENTIAL HOMES	<u>205.00</u>
<u>1</u>	BARN/GARAGE/CARPORT/ADDT	<u>53.52</u>
<u>5</u>	ROOF ALTERATIONS/REROOF	<u>150.00</u>
<u>1</u>	GENERATOR PERMITS	<u>30.00</u>
TOTAL B2590		536.52

TOWN CLERK'S MONTHLY REPORT

JULY, 2026

F 2

DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	2,180.00
PAID TO SUPERVISOR FOR DECALS COMMISSION	8.02
PAID TO SUPERVISOR FOR PART TOWN FUND	736.52
PAID TO NYS DEC FOR DECALS	136.98
PAID TO NYS ANIMAL POPULATION CONTROL FUND	77.00
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	135.00
PAID TO SUPERVISOR FOR LOCAL ANIMAL SHELTER	46.00
TOTAL DISBURSEMENTS	3,319.52

JULY 31, 2026



DAWN PISCIOTTI, SUPERVISOR

STATE OF NEW YORK, COUNTY OF WAYNE, TOWN OF ARCADIA

Madison Vacchitto

Deputy Clerk

I, ~~TERRESA VASTBINDER~~, being duly sworn, says that I am the ~~Clerk~~ of the TOWN OF that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and sworn to before me this

Madison Vacchitto
Deputy Town Clerk

Aug day of *August* 20*26*


Notary Public



RESOLUTION SALES TAX COLLECTED BY WAYNE COUNTY
ELECTING DIRECT PAYMENT PURSUANT TO TAX - LAW SECTION 1262

WHEREAS, the County of Wayne imposes and collects sales tax pursuant to Article 29 of the Tax Law of the State of New York, and

WHEREAS, the amount of said sales tax collected and allotted to the Town of Arcadia is currently applied to reduce county taxes levied upon real property in the Town of Arcadia, and

WHEREAS, 1262 of the Tax law provides that any town, other than a town within a county having a population on one million or more and containing not more than three towns, or other than a town with the county having a population of not less than seven hundred thousand or more than eight thousand, by local law, ordinance or resolution, however may provide that all of the amounts which would be so applied to reduce the county taxes levied upon real property in such a town shall be paid directly to such a town to be used for any town purpose, and

WHEREAS, the Town of Arcadia is a qualified Town within the meaning of 1262 and elects that all of the amounts which would be so applied to reduce county taxes levied upon real property in such town shall be paid directly to such town to be used for any town purpose,

NOW, BE IT RESOLVED THAT all the amounts which would be so applied by the County of Wayne to reduce county taxes and general town taxes levied upon real property in the Town of Arcadia, be and the same shall be paid directly to such town to be used for any town purpose authorized by 1262 of the Tax Law of the State of New York, and

BE IT FURTHER RESOLVED THAT, pursuant to 1262 of the Tax Law, this resolution shall be effective for all calendar year or years subsequent to its enactment, and

BE IT FURTHER RESOLVED, the Town Clerk is authorized and directed to mail a certified copy of this resolution, by registered or certified mail, to the chief fiscal officer of the County of Wayne before the 18th day of August, 2026

Motion **Councilman VanLaeken**

Second **Councilman Greco**

Vote: Supervisor Dawn Piscioti	Aye
Councilman Michael Diamond	Aye
Councilman David Greco	Aye
Councilman Joseph Gerbig	Aye
Councilman Richard VanLaeken	Aye

**RESOLUTION INTRODUCING A PROPOSED LOCAL LAW
FOR THE YEAR 2026 AND PROVIDING FOR
PUBLIC NOTICE AND PUBLIC HEARING**

The following Resolution was offered by Councilperson Greco, who moved its adoption, seconded by Councilperson VanLaeken, to wit:

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

That a proposed Local Law for the year 2026, entitled “A Local Law for Flood Damage Prevention as Authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36”, is hereby introduced before the Town Board of the Town of Arcadia, which local law, if adopted will establish new regulations for flood damage prevention in the Town.

That copies of the proposed Local Law be laid upon the desk of each member of said Town Board.

That the Town Board hold a Public Hearing concerning the adoption of the proposed Local Law at the Town Hall at No. 201 Frey Street in the Village of Newark, New York on September 8, 2026 at 7:05 p.m.

That the Town Clerk publish or cause to be published a Public Notice of said Public Hearing in the official newspaper of said Town at least five (5) days prior thereto, and post such Public Notice as prescribed by law.

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	VOTING	<u>Aye</u>
Michael J. Diamond	VOTING	<u>Aye</u>
Joseph W. Gerbig	VOTING	<u>Aye</u>
David Greco	VOTING	<u>Aye</u>
Richard D. VanLaeken	VOTING	<u>Aye</u>

The Resolution was thereupon declared duly adopted on August 11, 2026.

DRAFT

TOWN OF ARCADIA
LOCAL LAW NO. __ OF THE YEAR 2026

A LOCAL LAW TO RESCIND LOCAL LAW NO. 1 OF 1987

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 rescind Local Law No. 1 of 1987 adopted on March 26, 1987, entitled, “A Local Law for Flood Damage Prevention as Authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36”. The rescission of this local law is done as part of the Town’s adoption of a new flood damage prevention local law, in order to continue its participation in the National Flood Insurance Program, as approved by the NYS Department of Environmental Conservation and FEMA.

Section 2. Authority. This Local Law is adopted pursuant to Municipal Home Rule Law 20.

Section 3. Rescission of Local Law No. 1 of 1987. Local Law No. 1 of 1987 is hereby rescinded in its entirety.

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.

**RESOLUTION INTRODUCING A PROPOSED LOCAL LAW
FOR THE YEAR 2026 AND PROVIDING FOR
PUBLIC NOTICE AND PUBLIC HEARING**

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

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Michael J. Diamond	VOTING	<u>Aye</u>
Joseph W. Gerbig	VOTING	<u>Aye</u>
David Greco	VOTING	<u>Aye</u>
Richard D. VanLaeken	VOTING	<u>Aye</u>

The Resolution was thereupon declared duly adopted on August 11, 2026.

DRAFT

TOWN OF ARCADIA

LOCAL LAW NO. __ OF THE YEAR 2026

**A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE
NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND
ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36**

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

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The Town of Arcadia finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Arcadia and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, tele-phone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

“Accessory Structure” is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

“Appeal” means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

“Area of shallow flooding” means a designated AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, AR, A99. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Basement” means that portion of a building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”

“Cellar” has the same meaning as “Basement”.

“Crawl Space” means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydro-static forces which would be experienced during periods of flooding.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

“Elevated building” means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building”, even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

“Federal Emergency Management Agency” means the Federal agency that administers the National Flood Insurance Program.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;

- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood” or “flooding” also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

“Flood Boundary and Floodway Map (FBFM)” means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

“Flood Elevation Study” means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood- related erosion hazards.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study” see “flood elevation study”.

“Floodplain” or “Flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

“Floodproofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” has the same meaning as “Regulatory Floodway”.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation pro-grams which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

“Local Administrator” is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

“Lowest floor” means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a “Recreational vehicle”.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of

1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

“Mobile home” has the same meaning as “Manufactured home”.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

“New York State Special Flood Hazard Area (NYS SFHA)” is the greater of the following two areas:

1. The area within a floodplain subject to a 0.2-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on a community’s flood hazard map, or otherwise legally designated.

Note: Locations defined as “AREA WITH REDUCED FLOOD RISK DUE OT LEVEE ZONE X” are excluded from the NYS SFHA.

“One hundred year flood” or “100-year flood” has the same meaning as “Base Flood”.

“Principally above ground” means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

“Recreational vehicle” means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

“Required Flood Elevation (RFE)” The elevation requirement for the lowest floor of all new or substantial improvements within flood hazard areas in New York State. At a minimum, the RFE shall be the higher of the following:

- (1) The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1-percent or greater chance of being equaled or exceeded in any given year
 - a. plus 2 feet of freeboard, and
 - b. plus a sea level rise of 18 inches in flood hazard areas adjacent to tidal areas.
- (2) The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community.

“Start of construction” means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not include:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions.

“Tidal Areas”: According to NYCRR Title 6 Part 490, New York State tidal areas are defined to include the marine coasts of Nassau, Suffolk, and Westchester counties and the five boroughs of New York City, and the main stem of the Hudson River, north from New York City to the federal dam at Troy.

“Variance” means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Arcadia.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Arcadia, Community Number 360972 are identified and defined on the following documents prepared by the Federal Emergency Management Agency.

(1) Flood Insurance Rate Map (FIRM) Panels:

36117C0245D, 36117C0265D, 36117C0270D, 36117C0382D, 36117C0384D,
36117C0392D, 36117C0395D, 36117C0402D, 36117C0403D, 36117C0404D,
36117C0406D, 36117C0408D, 36117C0415D, 36117C0420D

whose effective date is November 13, 2026, and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Wayne County, New York, All Jurisdictions" dated November 13, 2026.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: Town Hall, 201 Frey St. Newark, NY 14513.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Arcadia from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Town of Arcadia, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Town Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$ 500.00. In addition, the applicant shall be responsible for reimbursing the Town of Arcadia for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved residential structure to be located in the NYS SFHA. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved non-residential structure to be located in the NYS SFHA. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (5) A certificate from a licensed professional engineer or architect that any non-residential flood-proofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, subsection 5.1-1 SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ from the data in the documents enumerated in Section 3.2, the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) Within the NYS SFHA, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;

- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30, AE, and AH on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Arcadia agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the

Town of Arcadia for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Arcadia for all costs related to the final map revision.

- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the Town of Arcadia agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Arcadia for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Arcadia for all costs related to the final map revisions.

5.2 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

- (3) For enclosed areas below the lowest floor of a structure within the NYS SFHA new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade and;
- (iii) openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located above the Required Flood Elevation (RFE), or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate in-filtration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.2-4 STORAGE TANKS

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:
 - a. anchored to prevent flotation, collapse or lateral movement during conditions of the base flood, and;
 - b. installed at or above the Required Flood Elevation (RFE).

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Special Flood Hazard Areas, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the Required Flood Elevation (RFE).
- (2) Within Zone A, if the Base flood elevation is not specified, a base flood elevation shall be determined by either of the following:
 - a. Obtain and reasonably use data available from a federal, state or other source or;
 - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in

Section 3.2 plus one foot of freeboard, or not less than 3 feet if a depth number is not specified.

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within the NYS SFHA, new construction and substantial improvements of any non-residential structure shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above the required flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below the required flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the required flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus one foot (at least three feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the

provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, if the base flood elevation is not specified, a base flood elevation shall be determined by either of the following:
 - a. Obtain and reasonably use data available from a federal, state or other source or:
 - b. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices. Determinations shall be undertaken by a registered design professional who shall be documented that the technical methods used reflect currently accepted engineering practice. Studies, analyses, and computations shall be submitted in sufficient detail to allow thorough review and approval.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in the NYS SFHA shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above the

required flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (3) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 plus one foot (at least three feet if no depth number is specified).
- (4) The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with Section 5.2-1, ANCHORING.

5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the NYS SFHA.

- (1) The accessory structure must meet the definition of structure, for floodplain management purposes, provided in 44 CFR § 59.1, where walled and roofed shall be interpreted as having two outside rig-id walls and a fully secured roof.
- (2) The accessory structure should be small, as defined by the community and approved by FEMA, and represent a minimal investment. Accessory structures of any size may be considered for a variance; however, FEMA considers accessory structures that meet the following criteria to be small and therefore not necessarily in need of a variance, if the community chooses to allow it:
 - a. Located in an area of special flood hazard area and less than or equal to the size of a one-story, two-car garage.
- (3) Accessory structures must meet the standards of Section 5.2-1, ANCHORING,
- (4) The portions of the accessory structure located below RFE must be constructed with flood-resistant materials.
- (5) Mechanical and utility equipment for the accessory structure must be elevated or dry floodproofed to or above RFE.
- (6) Within Zone AO if no depth number is specified, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (7) The accessory structure must comply with the floodway encroachment provisions of the NFIP.

- (8) The accessory structure must be wet floodproofed to protect the structure from hydrostatic pressure. The design must meet the NFIP design and performance standards for openings per 44 CFR § 60.3(c)(5) and must allow for the automatic entry and exit of floodwaters without manual operation or the presence of a person (or persons).

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;

- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
- (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

SECTION 7.0**REPEAL, AMENDMENT AND SUPERSESSION OF OTHER LAWS**

All other ordinances or local laws of the Town which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent to give this local law force and effect.

SECTION 8.0**EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State.

Be it enacted this _____ day of _____, 2026 by the Town Board of the
Town of Arcadia, Wayne County, New York, to be effective _____.

SEAL

ATTEST: TERRESA VASTBINDER
TOWN CLERK



Town of Arcadia
Highway Department

Thomas Kuhlman, Superintendent
233 Blackmar Street, Newark, NY 14513
PH: 315-331-1108 - Fax: 315-331-1108
hwysuperintendent@townofarcadia.org

To the Town Board

Please note that I will need the following the amount of \$ 100,000.00, moved out of my reserved account to pay for the new truck that will be here by the end of July.

Thank you

Tom Kuhlman
Highway Superintendent

Bookkeeper posting steps

1 - Move money from MM to Highway account

2 - Do General Journal entry to

Debit - DA200

Credit - DA231

Debit – DA917

Credit – DA878

DA200 – Cash

DA231 – Money Market – Special Res – Equipment

DA917 – Unassigned Fund Balance

DA878 – Capital Reserve Balances



PAYMENT REQUISITION

APPLICATION #: Two (2)

DATE: August 4, 2026

TO: Town of Arcadia
201 Frey Street
Newark, NY 14513

FROM: MRB Group
145 Culver Rd
Suite 160
Rochester, NY 14620

PAY TO: Wayne County Water and Sewer Authority
3377 Daansen Road
Walworth, NY 14568

RE: Town of Arcadia- Southwest Water Improvement Area- Benefit Area No. 3

We have reviewed the attached application for payment and recommend approval and payment as submitted.

INVOICE AMOUNT:	\$676,629.00
LESS RETAINAGES OR DEDUCTIONS NOTED:	<u>\$33,831.45</u>
NET INVOICE:	\$642,797.55

Budget estimates and/or contractor's bid status are as follows:

	<u>Contractor's Bid</u>
TOTAL	\$1,487,917.50
CHANGE ORDERS TO DATE	+\$0.00
PAID TO DATE	- \$694,381.60
THIS PAYMENT	- <u>\$642,797.55</u>
BALANCE TO PAY	\$150,758.35

Respectfully submitted,

Robin B. Palmer

MRB GROUP REPRESENTATIVE

Contractor's Application for Payment

Owner:	<u>Town of Arcadia</u>	Owner's Project No.:	<u> </u>
Engineer:	<u>MRB Group</u>	Engineer's Project No.:	<u>0106.25002</u>
Contractor:	<u>Wayne County Water & Sewer Auth.</u>	Contractor's Project No.:	<u> </u>
Project:	<u>Town of Arcadia Southwest Water Improvement Area Benefit Area 3</u>		
Contract:	<u>General</u>		

Application No.:	<u>2</u>	Application Date:	<u>7/31/2026</u>
Application Period:	From <u>7/1/2026</u>	to <u>7/30/2026</u>	

1. Original Contract Price	\$ 1,487,917.50
2. Net change by Change Orders	\$ -
3. Current Contract Price (Line 1 + Line 2)	\$ 1,487,917.50
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 1,407,557.00
5. Retainage	
a. <u>5%</u> X \$ 1,407,557.00 Work Completed	\$ 70,377.85
b. <u> </u> X \$ - Stored Materials	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ 70,377.85
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 1,337,179.15
7. Less previous payments (Line 6 from prior application)	\$ 694,381.60
8. Amount due this application	\$ 642,797.55
9. Balance to finish, including retainage (Line 3 - Line 4)	\$ 80,360.50

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor:	<u>WAYNE COUNTY WATER & SEWER AUTHORITY</u>	
Signature:	<u><i>[Signature]</i></u>	Date: <u>8/3/2026</u>

Recommended by Engineer		Approved by Owner	
By:	<u>Shawn R. Bray, P.E.</u>	By:	<u><i>[Signature]</i></u>
Title:	<u>Senior Project Manager</u>	Title:	<u>Supervisor</u>
Date:	<u>08-04-2026</u>	Date:	<u>8/12/2026</u>
Approved by Funding Agency			
By:	<u> </u>	By:	<u> </u>
Title:	<u> </u>	Title:	<u> </u>
Date:	<u> </u>	Date:	<u> </u>

Progress Estimate - Unit Price Work

Owner:	Town of Arcadia	Contractor's Application for Payment
Engineer:	MRB Group	Owner's Project No.:
Contractor:	Wayne County Water & Sewer Auth.	Engineer's Project No.:
Project:	Town of Arcadia Southwest Water Improvement Area Benefit Area 3	Contractor's Project No.:
Contract:	General	

Application No.:		2	Application Period:		From	07/01/26	to	07/30/26	Application Date:		07/31/26
Bid Item No.	Description	Contract Information		Contract Information		Contract Information		Contract Information		Contract Information	
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)	Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (I / F) (%)	Balance to Finish (F - I) (\$)
021.03C	No.1 / No.2 Crushed Stone (Unstable Trench)	30 CY		\$ 50.00	\$ 1,500.00		\$ -		\$ -	0%	\$ 1,500.00
023.02C	Crusher Run (Road Backfill And Shoulders)	50 CY		\$ 40.00	\$ 2,000.00	445.00	\$ 17,800.00		\$ 17,800.00	890%	\$ (15,800.00)
100.08	8" PVC Pipe Watermain (DR-18)	18.650 LF		\$ 39.00	\$ 727,350.00	18,499.00	\$ 721,461.00		\$ 721,461.00	99%	\$ 5,889.00
111.08	8" Resilient Wedge Gate Valve And Box	21 EA		\$ 2,600.00	\$ 54,600.00	24.00	\$ 62,400.00		\$ 62,400.00	114%	\$ (7,800.00)
126	Hydrant Unit Assembly With 6" Guard Valve	34 EA		\$ 7,000.00	\$ 238,000.00	34.00	\$ 238,000.00		\$ 238,000.00	100%	\$ -
130	Hydrant Extension	5 LF		\$ 1,000.00	\$ 5,000.00		\$ -		\$ -	0%	\$ 5,000.00
131	Additional 6" Hydrant Anchor Pipe	10 LF		\$ 300.00	\$ 3,000.00		\$ -		\$ -	0%	\$ 3,000.00
134	1" Sampling & Disinfection Tap	25 EA		\$ 600.00	\$ 15,000.00	27.00	\$ 16,200.00		\$ 16,200.00	108%	\$ (1,200.00)
156	Connect New Watermain To Existing	4 EA		\$ 1,500.00	\$ 6,000.00	4.00	\$ 6,000.00		\$ 6,000.00	100%	\$ -
160	Plug And Block New Watermain	3 EA		\$ 750.00	\$ 2,250.00	3.00	\$ 2,250.00		\$ 2,250.00	100%	\$ -
163	Connect PVC To Polyethylene	26 EA		\$ 700.00	\$ 18,200.00	26.00	\$ 18,200.00		\$ 18,200.00	100%	\$ -
187	PRV And Meter Vault	1 EA		\$ 50,000.00	\$ 50,000.00	0.85	\$ 42,500.00		\$ 42,500.00	85%	\$ 7,500.00
331	Erosion Control	1 LF		\$ 12,000.00	\$ 12,000.00	0.90	\$ 10,800.00		\$ 10,800.00	90%	\$ 1,200.00
332.12	12" SICPP N12 (10 LF) & End Sections (2 EA) at Hydrants	3 EA		\$ 700.00	\$ 2,100.00		\$ -		\$ -	0%	\$ 2,100.00
404	Temporary Asphalt Pavement	10 TON		\$ 220.00	\$ 2,200.00		\$ -		\$ -	0%	\$ 2,200.00
417.08	8" HDD (8" DR-11 HDPE Carrier Pipe) Earth	1,130 LF		\$ 150.00	\$ 169,500.00	1,094.00	\$ 164,100.00		\$ 164,100.00	97%	\$ 5,400.00
417.08R	8" HDD (8" DR-11 HDPE Carrier Pipe) Rock	190 LF		\$ 350.00	\$ 66,500.00	184.00	\$ 64,400.00		\$ 64,400.00	97%	\$ 2,100.00
429	Road Pavement Replacement	200 SF		\$ 6.50	\$ 1,300.00		\$ -		\$ -	0%	\$ 1,300.00
504	Driveway Pavement (Bituminous) Replacement	450 SF		\$ 6.50	\$ 2,925.00		\$ -		\$ -	0%	\$ 2,925.00
505	Driveway Pavement Replacement (Stone / Gravel)	1,340 SF		\$ 4.50	\$ 6,030.00	1,508.00	\$ 6,786.00		\$ 6,786.00	113%	\$ (756.00)
521	Turf Restoration	18,450 LF		\$ 3.25	\$ 59,962.50		\$ -		\$ -	0%	\$ 59,962.50
561	Rock Removal (Trench)	50 CY		\$ 130.00	\$ 6,500.00	32.00	\$ 4,160.00		\$ 4,160.00	64%	\$ 2,340.00
001	Mobilization (4% Sub. Max)	1 LS		\$ 20,000.00	\$ 20,000.00	0.90	\$ 18,000.00		\$ 18,000.00	90%	\$ 2,000.00
002	Maintenance & Protection Of Traffic	1 LS		\$ 15,000.00	\$ 15,000.00	0.90	\$ 13,500.00		\$ 13,500.00	90%	\$ 1,500.00
004	Project Survey And Stakeout	1 LS		\$ 1,000.00	\$ 1,000.00	1.00	\$ 1,000.00		\$ 1,000.00	100%	\$ -
				Original Contract Totals		\$ 1,487,937.50	\$ 1,407,557.00		\$ 1,407,557.00	95%	\$ 80,360.50

Contractor's Application for Payment

Owner:	Town of Arcadia	Owner's Project No.:	
Engineer:	MRB Group	Engineer's Project No.:	0106.25002
Contractor:	Wayne County Water & Sewer Auth.	Contractor's Project No.:	
Project:	Town of Arcadia Southwest Water Improvement Area Benefit Area 3		
Contract:	General		

[illegible]

U.S. Department of Labor
Wage and Hour Division

Davis-Bacon and Related Acts Weekly Certified Payroll Form



WAGE AND HOUR DIVISION
Rev. January 2025
OMB No.: 1235-0008
Expires: 01/31/2028

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Unless otherwise noted, the information requested is specific to the named project below.

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

☐ SUBMISSION OF FINAL DBRA CERTIFIED PAYROLL FORM

☒ PRIME CONTRACTOR

☐ SUBCONTRACTOR

PROJECT NAME Arcadia Southwest Water Improvement Area		PROJECT NO. or CONTRACT NO. 20260100		CERTIFIED PAYROLL NO. 3		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS NAME Bonsbak Inc																								
PROJECT LOCATION Wayne County, New York		WAGE DETERMINATION NO. 2026017296		WEEK ENDING DATE 07/05/2026		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS ADDRESS 3646 NY-13 PO Box 271 Truxton, NY 13158																								
WORKER ENTRY NO.	WORKER LAST NAME	WORKER FIRST NAME	WORKER MIDDLE INITIAL	WORKER IDENTIFYING NO.	(1A)	(1B)	(1C)	(1D)	(1E)	(2)	(3)	ST = STRAIGHT TIME OT = OVERTIME				HOURS WORKED EACH DAY				(5)	(6A)	(6B)	(6C)	(7A)	(7B)	DEDUCTIONS FOR ALL WORK				(9)
1	Ceballos	Jose De Jesus	S	3394	J																									
2	Edge III	Joseph	W	7355	J																									
3	Hewitt	Michael	T	4347	J																									
4	Maher Jr	Paul	J	9887	J																									
5	Martinez	Gerardo	M	3372	J																									
6	Crouth	Kyle	A	6865	J																									

While use of form WH-347 itself is optional, covered contractors and subcontractors performing work on Federal or federally assisted construction contracts are required by the DBRA regulations and the contract clauses to submit payroll information on a weekly basis. The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on federal or federally financed construction contracts to, on a weekly basis, "furnish a statement on the wages paid each employee during the prior week." (See 29 C.F.R. § 5.5(a)(3)(ii)(A) for precise language). Contractors subject to submission requirements must maintain certified payrolls for a period of not less than three years after completion of the contract. Regulations at 29 C.F.R. § 5.5(a)(3)(i) require prime contractors to maintain records which show that each laborer or mechanic has been paid not less than the required Davis-Bacon prevailing wage rate(s) (including any fringe benefits) for the work performed. DOL and contracting agencies receiving this information review this information to determine whether workers have received legally required wages and fringe benefits.

PROJECT NAME Arcadia Southwest Water Improvement Area						PROJECT NO. or CONTRACT NO. 20260100		ROLL NO. 3		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS NAME Bonsbak Inc	
PROJECT LOCATION Wayne County, New York						WEEK ENDING DATE 07/05/2026		CERTIFYING OFFICIAL'S NAME AND TITLE Kristen Maher , Office Administrator			
I paid or supervised the payment of the laborers or mechanics working on the above project during the stated time period. I certify the following:											
☒ The payroll information submitted with this statement is correct and complete for the above project during the above period, and the wage and fringe benefit rates paid to the workers, including credit taken for the reasonably anticipated costs of a bona fide fringe benefit plan, fund or program, are not less than the applicable wage and fringe benefits rates for the classification(s) of work actually performed, as specified in the wage determination(s) incorporated into the contract.											
☒ All regular payrolls and all other basic records that the contractor is required to maintain for this payroll period are complete and accurate and will be made available upon request from the agency or the Department of Labor.											
☒ The classifications reported for each laborer or mechanic are the classification(s) of work that each worker actually performed.											
☐ Any workers paid as apprentices during the above period are duly registered in a bona fide apprenticeship program registered with the Office of Apprenticeship, Employment and Training Administration, United States Department of Labor ("OA"), or a State Apprenticeship Agency ("SAA") recognized by Department of Labor. I have verified the registered apprenticeship program information provided below as accurate and applicable to any apprentices identified on page 1 of this form.											
☐ Fringe benefits have been paid in cash and/or to bona fide fringe benefit plans, funds, or programs. Where the contractor is claiming an hourly credit for their contributions to or reasonably anticipated costs of a bona fide fringe benefit plan, fund, or program, provide plan information and the hourly credit claimed for each worker listed on the previous page of this form.											
☒ All workers on the project have been paid the full weekly wages earned, and no rebates or deductions have been or will be made either directly or indirectly, other than permissible deductions as defined in 29 CFR part 3.											
ADDITIONAL REMARKS											
Jose De Jesus Ceballos: Other Deductions: NYS SDI, NYS PFL Joseph Edge III: Other Deductions: NYS SDI, NYS PFL Michael Hewitt: Other Deductions: NYS SDI, NYS PFL, NYS Child Support Paul Maher Jr: Other Deductions: NYS SDI, NYS PFL Gerardo Martinez: Other Deductions: NYS SDI, NYS PFL Kyle Crouch: Other Deductions: NYS SDI, NYS PFL											
SIGNATURE OF CERTIFYING OFFICIAL						DATE 07/29/2026		TELEPHONE NUMBER (607) 345-9234		EMAIL ADDRESS Kristenleach15@outlook.com	
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION (SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF TITLE 31 OF THE UNITED STATES CODE), AS WELL AS DEBARMENT FROM FUTURE FEDERAL AND FEDERALLY-ASSISTED CONTRACTS. INFORMATION REPORTED IN CERTIFIED PAYROLLS MAY BE SUBJECT TO DISCLOSURE IN RESPONSE TO A FREEDOM OF INFORMATION ACT REQUEST.											



WAGE AND HOUR DIVISION
Rev. January 2025
OMB No.: 1235-0008
Expires: 01/31/2028

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

Unless otherwise noted, the information requested is specific to the named project below.

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

☐ SUBMISSION OF FINAL DBRA CERTIFIED PAYROLL FORM☒ PRIME CONTRACTOR☐ SUBCONTRACTOR

PROJECT NAME		PROJECT NO. or CONTRACT NO.		CERTIFIED PAYROLL NO.		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS NAME																			
Arcadia Southwest Water Improvement Area		20260100		3		Bonsbak Inc																			
PROJECT LOCATION		WAGE DETERMINATION NO.		WEEK ENDING DATE		PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS ADDRESS																			
Wayne County, New York		2026017296		07/05/2026		3646 NY-13 PO Box 271 Truxton, NY 13158																			
(1A)	(1B)	(1C)	(1D)	(1E)	(2)	(3)	(4) HOURS WORKED EACH DAY				(5)	(6A)	(6B)	(6C)	(7A)	(7B)	(8) DEDUCTIONS FOR ALL WORK			(9)					
WORKER ENTRY NO.	WORKER LAST NAME	WORKER FIRST NAME	WORKER MIDDLE INITIAL	WORKER IDENTIFYING NO.	(J) JOURNEYWORKER (RA) REGISTERED APPRENTICE	LABOR CLASSIFICATION	ST = STRAIGHT TIME OT = OVERTIME	M	T	W	T	F	S	S	TOTAL HOURS WORKED FOR WEEK	HOURLY WAGE RATE PAID FOR ST AND OT	TOTAL FRINGE BENEFIT CREDIT	PAYMENT IN LIEU OF FRINGE BENEFITS	GROSS AMT EARNED	GROSS AMT EARNED FOR ALL WORK	TAX WITH-HOLDINGS	FICA	OTHER (SPECIFIED BELOW)	TOTAL DEDUCTIONS	NET PAY TO WORKER FOR ALL WORK
7	Manwarren	Derek	R	5970	J	Laborer - Heavy Highway	ST 6.75 OT								6.75	\$60.46 \$77.92	\$0.00	\$0.00	\$408.11	\$1025.13	\$145.45	\$78.42	\$5.03	\$228.90	\$796.23
						Operator - Heavy Highway	ST 1.25 3.00 2.50 OT								6.75	\$91.41 \$119.10	\$0.00	\$0.00	\$617.02						
							ST OT									\$ \$									
							ST OT									\$ \$									
							ST OT									\$ \$									
							ST OT									\$ \$									
							ST OT									\$ \$									
							ST OT									\$ \$									
							ST OT									\$ \$									

While use of form WH-347 itself is optional, covered contractors and subcontractors performing work on Federal or federally assisted construction contracts are required by the DBRA regulations and the contract clauses to submit payroll information on a weekly basis. The Copeland Act (40 U.S.C. § 3145) requires contractors and subcontractors performing work on federal or federally financed construction contracts to, on a weekly basis, "furnish a statement on the wages paid each employee during the prior week." (See 29 C.F.R. § 5.5(a)(3)(i)(A) for precise language). Contractors subject to submission requirements must maintain certified payrolls for a period of not less than three years after completion of the contract. Regulations at 29 C.F.R. § 5.5(a)(3)(v) require prime contractors to maintain records which show that each laborer or mechanic has been paid not less than the required Davis-Bacon prevailing wage rate(s) (including any fringe benefits) for the work performed. DOL and contracting agencies receiving this information review this information to determine whether workers have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor.

PROJECT NAME	PROJECT NO. or CONTRACT NO.	PAYROLL NO.	PRIME CONTRACTOR'S/SUBCONTRACTOR'S BUSINESS NAME
Arcadia Southwest Water Improvement Area	20260100	3	Bonsbak Inc
PROJECT LOCATION	WEEK ENDING DATE	CERTIFYING OFFICIAL'S NAME AND TITLE	
Wayne County, New York	07/05/2026	Kristen Maher , Office Administrator	

I paid or supervised the payment of the laborers or mechanics working on the above project during the stated time period. I certify the following:

- ☒ The payroll information submitted with this statement is correct and complete for the above project during the above period, and the wage and fringe benefit rates paid to the workers, including credit taken for the reasonably anticipated costs of a bona fide fringe benefit plan, fund or program, are not less than the applicable wage and fringe benefits rates for the classification(s) of work actually performed, as specified in the wage determination(s) incorporated into the contract.
- ☒ All regular payrolls and all other basic records that the contractor is required to maintain for this payroll period are complete and accurate and will be made available upon request from the agency or the Department of Labor.
- ☒ The classifications reported for each laborer or mechanic are the classification(s) of work that each worker actually performed.
- ☐ Any workers paid as apprentices during the above period are duly registered in a bona fide apprenticeship program registered with the Office of Apprenticeship, Employment and Training Administration, United States Department of Labor ("OA"), or a State Apprenticeship Agency ("SAA") recognized by Department of Labor. I have verified the registered apprenticeship program information provided below as accurate and applicable to any apprentices identified on page 1 of this form.
- ☐ Fringe benefits have been paid in cash and/or to bona fide fringe benefit plans, funds, or programs. Where the contractor is claiming an hourly credit for their contributions to or reasonably anticipated costs of a bona fide fringe benefit plan, fund, or program, provide plan information and the hourly credit claimed for each worker listed on the previous page of this form.
- ☒ All workers on the project have been paid the full weekly wages earned, and no rebates or deductions have been or will be made either directly or indirectly, other than permissible deductions as defined in 29 CFR part 3.

ADDITIONAL REMARKS

Derek Manwarren: Other Deductions: NYS SDI, NYS PFL

SIGNATURE OF CERTIFYING OFFICIAL	DATE	TELEPHONE NUMBER	EMAIL ADDRESS
	07/29/2026	(607) 345-9234	Kristenleach15@outlook.com

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION (SEE SECTION 1001 OF TITLE 18 AND SECTION 3729 OF TITLE 31 OF THE UNITED STATES CODE), AS WELL AS DEBARMENT FROM FUTURE FEDERAL AND FEDERALLY-ASSISTED CONTRACTS. INFORMATION REPORTED IN CERTIFIED PAYROLLS MAY BE SUBJECT TO DISCLOSURE IN RESPONSE TO A FREEDOM OF INFORMATION ACT REQUEST.

SITE ACCESS AND INDEMNIFICATION AGREEMENT

This Site Access and Indemnification Agreement ("Agreement") is dated August 11, 2026, between the **Town of Arcadia** and **New York State Department of Environmental Conservation ("DEC")**.

WHEREAS, DEC desires to access the property located at **233 Blackmar Street, Newark, New York, 14513**, which is owned by **Town of Arcadia**, to investigate and, if determined to be necessary by DEC, remediate the property, which is adjacent to Coventry Commons, Site No. 859036; and

WHEREAS, DEC has advised the **Town of Arcadia** that it will indemnify and hold the Town of Arcadia harmless from claims resulting from its investigation and, if determined to be necessary by DEC, remediation of the property as set forth below;

NOW, THEREFORE, in consideration of the **Town of Arcadia** allowing the DEC and/or its contractors to store equipment on, investigate, and if determined to be necessary by DEC, remediate **233 Blackmar Street, Newark, New York, 14513 ("Premises")**, which is adjacent to the Coventry Commons, Site No. 859036 (**"Purposes"**), DEC and the **Town of Arcadia**, intending to be legally bound agree as follows:

1. DEC shall make every effort to minimize any adverse impact of its entry on and occupancy of the Premises.
2. Subject to the availability of lawful appropriations, and as provided by New York State's Court Of Claims Act and Section 17 of the New York State Public Officers Law, DEC hereby agrees to indemnify and hold harmless the **Town of Arcadia** for any and all causes of action in law or equity, arising directly from the negligence of DEC or its employees, agents, consultants, contractors, and subcontractors to the extent attributable to said negligence, in the use and access of the **Premises**, for the **Purposes** as described above.

The duty to indemnify and hold harmless shall be conditioned upon delivery to the Attorney General by the **Town of Arcadia** of the original or a copy of any summons, complaint, process, notice, demand or pleading within five (5) days of receipt.

DEC, for and on behalf of its employees, agents, consultants, contractors, and subcontractors hereby releases the **Town of Arcadia** from any liability directly arising from the use and access of the **Premises** to the extent said liability is directly attributable to the negligence of DEC or its employees, agents, consultants, contractors, and subcontractors.

The **Town of Arcadia** hereby acknowledges that this indemnification, hold harmless, and release agreement is given in consideration of allowing DEC to use the **Premises** for the stated **Purposes**, and that the consideration is fair and adequate.

3. DEC is self-insured and shall provide a letter confirming its self-insurance upon request.

4. The terms of this Agreement constitute the entire agreement between the **Town of Arcadia** and **DEC**. No waiver or modification to these terms shall be binding unless agreed to in writing signed by the parties. The invalidity of any part hereof shall not affect the validity of the remainder. Except as provided herein, the failure of either party to assert any right at any time hereunder shall not prevent its subsequent assertion of the same or different rights.
5. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.
6. This Agreement represents a license that is limited in purpose and scope to the least amount of access and time reasonably required to undertake and complete the stated Purposes herein and does not represent a lease to or create in any interest in the **Premises** or any other property owned by the **Town of Arcadia** or create a partnership, joint venture or any association or relationship between the **Town of Arcadia** and **DEC**.

Dated: August 18, 2026



The Town of Arcadia

New York State
Department of Environmental Conservation

Lease Agreement

This lease agreement ("Agreement") is made as of August 15, 2026 (the "Effective Date") by and between Jason E. Gansz and Kristine Rogers-Gansz, ("Leasors"), having a mailing address of 1912 Shuler Road, Lyons, New York 14489 and the Town of Arcadia (the "Town" or "Lessee"), with offices located at 233 Blackmar Street, Newark, New York 14513.

WHEREAS, Lessor is the owner of an abandoned gravel pit on Shuler Road, east of Arcadia Zurich Norris Road Intersection (south side), being part of Tax ID 69112-00-465285 (the "Property"); and

WHEREAS, while the Property was under prior ownership, the Town was permitted to store miscellaneous road aggregates, including but not limited to sand, gravel, and various road stone (collectively as "Aggregates"); and

WHEREAS, the parties hereto desire to continue to use the Property for the Town's storage of Aggregates for the Town's convenience in accordance with the terms herein.

NOW, THEREFORE, in consideration for the mutual covenants and conditions set forth herein, the sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Permitted Uses:** The Town shall be permitted to use the Property for the storage of the Aggregates and activities related thereto, including but not limited to ingress and egress for the loading/unloading of vehicles. The Town shall store the Aggregates in the general locations on the Property as it has customarily used for the storage of Aggregates, as identified on the map attached hereto. The Town shall use existing interior roads to access within the Property. The Town shall use standard best management practices.
2. **Prohibited Uses:** The Town shall not, unless by mutual agreement to the contrary, store motor vehicles or related equipment nor erect any permanent or temporary structures on the Property.
3. The term of this lease shall be from August 15, 2026, to August 15, 2027, to be automatically renewed annually unless terminated in accordance with the provisions here.
4. The Town to pay to the Lessor as rent the amount of Three Thousand and 00/100 Dollars (\$3,000.00) per year, payable in one lump sum payment at the commencement of each term.
5. The Leasor shall be responsible for all taxes and assessments associated with the Property.

The Town shall to provide the Lessor with evidence of liability insurance coverage upon the signing of this Agreement naming Lessors as an additional insured. The Town shall further hold Lessors harmless from any liability caused by its use of the Property, except where such liability is caused by the negligence of Lessors.

6. Either party may terminate this lease at any time with six (6) months' notice to the other party. In the event of termination, The Town shall be entitled to a pro rata return and/or adjustment in rents paid, if any. The Town shall not assign or sublease its interest in the Property without the consent of Lessors.
7. The terms of this Agreement shall not be amended unless in writing by both parties.
8. Lessor retains its right to access the Property for the purposes of inspection without prior notification to the Lessee.

Notices: Any notices of modifications, changes or amendments to this Agreement shall be sent to:

Lessor:

Jason E. Gansz
Kristine Rogers-Gansz
1912 Shuler Road
Lyons, NY 14489

Lessee:

Town of Arcadia Highway Dept.
Attn: Thomas Kuhlman, Superintendent
223 Blackmar Street
Newark, NY 14513

Signed:

TOWN OF ARCADIA



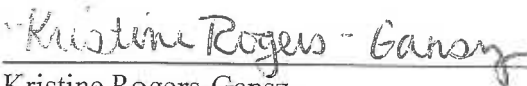
Date 8/12/2020

Dawn Pisciotti, Town Supervisor
Lessee



Date 8/21/2020

Jason E. Gansz,
Lessor



Date 8/21/20

Kristine Rogers-Gansz,
Lessor

STATE OF NEW YORK)
COUNTY OF WAYNE)

ss.:

On this 12th day of August, in the year 2026, before me, the undersigned, a notary public in and for said state, personally appeared Dawn Piscioti, personally known to me, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

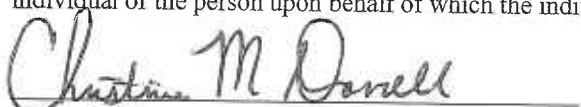

Notary Public

STATE OF NEW YORK)
COUNTY OF WAYNE)

ss.:



On this 21st day of August, in the year 2026, before me, the undersigned, a notary public in and for said state, personally appeared Jason E. Gansz and Kristine Rogers-Gansz, personally known to me, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

Christine M. Darrell
Notary Public - State of New York
No. 01-DA0041767
Qualified in Wayne County
My Commission Expires 09/18/2029

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/07/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Eastern Shore Insurance Agency ISU Steadfast Network Member 101 Cayuga Street Fulton NY 13069	CONTACT NAME: Amanda Briggs PHONE (A/C, No, Ext): (315) 598-6000 FAX (A/C, No): E-MAIL ADDRESS: abriggs@easternshoreia.com																					
INSURED Town of Arcadia 201 Frey Street Newark NY 14513	<table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>NYMIR</td><td>20690</td></tr><tr><td>INSURER B:</td><td></td><td></td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	NYMIR	20690	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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INSURER B:																						
INSURER C:																						
INSURER D:																						
INSURER E:																						
INSURER F:																						

COVERAGES

CERTIFICATE NUMBER: 2026-2027 Property

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. *LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. LIMITS SHOWN ARE INCLUSIVE OF AMOUNTS REQUESTED BY THE CERTIFICATE HOLDER AND MAY NOT REFLECT POLICY LIMIT AMOUNTS IN EXCESS OF THOSE REQUESTED. *Not Applicable in WY

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC OTHER: AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY	Y		MPKTARCA000000126	07/08/2026	07/08/2027	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$			MECTACAR000000126	07/08/2026	07/08/2027	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ PIP-Additional \$ 25,000 EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 4,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Property - Special Form Including theft			MPKTARCA000000126	07/08/2026	07/08/2027	Blanket Buildings and Contents \$4,764,843 Deductible \$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Regarding The Town using Gansz Property for the storage of their Aggregates and activities related thereto, including but not limited to ingress and egress for the loading/unloading of vehicles.

CERTIFICATE HOLDER

CANCELLATION

Jason E. Gansz & Kristine Rogers-Gansz

1912 Shuler Road

Lyons

NY 14489

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



ADDITIONAL REMARKS SCHEDULE

AGENCY Eastern Shore Insurance Agency		NAMED INSURED Town of Arcadia
POLICY NUMBER _____		
CARRIER _____	NAIC CODE _____	EFFECTIVE DATE: _____

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 **FORM TITLE:** Certificate of Liability Insurance: Notes

Per NYMIR:

"Coverage for the Additional Insured is limited to claims or lawsuits arising from the premises or activities which are the subject of an underlying agreement."

"Coverage for the Additional Insured is subject to the 'Other Insurance' clause of any other applicable policy, or, is concurrent with any other applicable self-insurance or retention program."



OFFICE OF THE SUPERVISOR TOWN OF ARCADIA

201 Frey Street
Newark, NY 14513
PH: 315-331-7369
dpisciotti@townofarcadiany.gov

August 10, 2026

Bond, Schoeneck & King PLLC
350 Linden Oaks
Third Floor
Rochester, NY 14625

RE: Amendment No. 1 for Legal Services
Town of Arcadia Southwest Quadrant Water Improvement Benefit Area

Dear Mr. Hou,

The Town of Arcadia previously authorized you to perform Legal Services for the Town of Arcadia Water District No. 1 project at an hourly rate of \$280.00 for legal services. The initial contract was for a total cost of \$15,000. The project has exceeded the projected schedule and additional hours have been required. Additional legal services have been performed on the project since the initial proposal. With this Amendment we are increasing the legal cost by \$10,000 to bring the total legal cost to \$25,000.00

If this amendment is acceptable to you, please sign where indicated below.

Sincerely,

Dawn Piscioti
Town Supervisor

Approved:


Dawn Piscioti, Supervisor

8/11/2026
Date


David Hou, Esq.

8/11/26
Date

**Town of Arcadia
Southwest Quadrant Water Improvement Benefit Area
Legal Services Amendment Authorization Resolution**

WHEREAS, the Town of Arcadia (hereinafter referred to as Town Board) is installing water main for the Southwest Quadrant Water Improvement Benefit Area; and

WHEREAS, the Town received funding from USDA in the form of grant and loan. USDA has issued a Letter of Conditions for the Town of Arcadia. Part of the Letter of Conditions is to retain service of an Attorney and enter into an Agreement. The Agreement is to provide a "not to exceed amount" to provide services related to the Water District; and

WHEREAS, the Attorney, Bond, Schoeneck, & King estimated an amount of \$15,000 for legal services, however the legal fees for the project have increased and are now \$25,000. The additional funds of \$10,000 will be taken from the Contingency line and will not increase the total project costs.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts and approves Amendment No. 1 from Bond, Schoeneck, & King in the amount "not to exceed" of \$25,000 for Legal Services to the district.

Motion made by Councilmember Gerbig: Seconded by Councilmember Diamond

Dated: August 11, 2026

The above Resolution was duly adopted by the Town of Arcadia Town Board with the following Vote:

	Aye	Nay
Supervisor Piscioti	<u> x </u>	<u> </u>
Councilperson Diamond	<u> x </u>	<u> </u>
Councilperson Greco	<u> x </u>	<u> </u>
Councilperson Gerbig	<u> x </u>	<u> </u>
Councilperson VanLaeken	<u> x </u>	<u> </u>



Teresa Vastbinder, Town Clerk
Town of Arcadia