

Town of Arcadia

Supervisor
Dawn Piscioti

Office Building
201 Frey Street
Newark, NY 14513
315-331-1222

Councilpersons
Michael Diamond
David Greco
Joe Gerbig
Richard VanLaeken

Town Clerk
Terresa Vastbinder

TOWN BOARD MEETING AGENDA

Highway Supt.
Thomas Kuhlman

Town Attorney
David Hou

Code Enforcement Officer
Ed DeWolf, Jr.

**DATE: August 11, 2026
7:00 PM**

1. Call to Order
2. Pledge to flag
3. Roll Call
4. Approval of Minutes of Previous Meeting(s)
5. Reports of Town Officials
6. Communications:

7. Public Hearing:

8. Unfinished Business:

West Shore Blvd. Properties – Resolution Declaring Expiration of Permissive Referendum

9. New Business:

Schedule Budget Work Shops

Resolution Introducing Local Law to Rescind Local Law No. 1 of 1987 (Flood Damage Prevention) and Schedule Public Hearing

Resolution Introducing Local Law for Flood Damage Prevention and Schedule Public Hearing

Transfer of Funds – Highway Department

Resolution Sales Tax Collected by Wayne County

Southwest Improvement Area Benefit Area No. 3 Payment Requisition Application #2

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

Lease Agreement – Town Storage of Misc. Aggregates

10. Public Comments
11. Audit/Payment of Bills
12. Approval of Reports
13. Adjournment

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

DRAFT

The following Resolution was offered by Councilperson _____, who moved its adoption, seconded by Councilperson _____, 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 to Rescind Local Law No. 1 of 1987", is hereby introduced before the Town Board of the Town of Arcadia, which local law, if adopted will rescind Local Law No. 1 of 1987.

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 _____, 2026 at 7:15 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 _____, 2026.

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

DRAFT

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.

DRAFT

**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 _____, who moved its adoption, seconded by Councilperson _____, 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 _____, 2026 at 7:15 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 _____, 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 programs 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 floatation, 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

DRAFT

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 _____

Second _____

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



COPY

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:	\$33,831.45
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	- \$642,797.55

BALANCE TO PAY	\$150,758.35
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Respectfully submitted,

Robin B. Palmer

MRB GROUP REPRESENTATIVE

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		

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

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. 5% X \$ 1,407,557.00 Work Completed	\$	70,377.85
b. 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: WAYNE COUNTY WATER & SEWER AUTHORITY

Signature: [Signature]

Date: 8/3/2026

Recommended by Engineer

By: Shawn R. Brays P.E.
Title: Senior Project Manager
Date: 08-04-2026

Approved by Owner

By: _____
Title: _____
Date: _____

Approved by Funding Agency

By: _____
Title: _____
Date: _____

By: _____
Title: _____
Date: _____

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				Work Completed				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 - J) (\$)
		C	D	E	F	G	H						
								Item Quantity	Units				
Original Contract													
021 DEC	No. 1 / No.2 Crushed Stone (Unstable Trench)	30	CY	\$ 50.00	\$ 1,500.00		\$ -	\$ -		\$ -		0%	\$ 1,500.00
023 DEC	Crusher Run (Road Backfill And Shoulders)	50	CY	\$ 40.00	\$ 2,000.00	445.00	\$ 17,800.00	\$ 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		\$ 721,461.00		95%	\$ 5,889.00
111.08	18" Resilient Wafer Gate Valve And Box	21	EA	\$ 2,600.00	\$ 54,600.00	24.00	\$ 62,400.00	\$ 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		\$ 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		\$ 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		\$ 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		\$ 2,250.00		100%	\$ -
163	Connect PVC To Polyethylene	26	EA	\$ 700.00	\$ 18,200.00	26.00	\$ 18,200.00	\$ 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		\$ 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		\$ 10,800.00		90%	\$ 1,200.00
332.12	12" SICPP M12 (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" HD0 (8" DR-11 HDPE Carrier Pipe) Earth	1,130	LF	\$ 150.00	\$ 169,500.00	1,094.00	\$ 164,100.00	\$ 164,100.00		\$ 164,100.00		97%	\$ 5,400.00
429	Road Pavement Replacement	190	LF	\$ 350.00	\$ 66,500.00	184.00	\$ 64,400.00	\$ 64,400.00		\$ 64,400.00		97%	\$ 2,100.00
504	Driveway Pavement (Bituminous) Replacement	200	SF	\$ 6.50	\$ 1,300.00		\$ -	\$ -		\$ -		0%	\$ 1,300.00
505	Driveway Pavement Replacement (Stone / Gravel)	450	SF	\$ 6.50	\$ 2,925.00		\$ -	\$ -		\$ -		0%	\$ 2,925.00
521	Turf Restoration	1,340	SF	\$ 4.50	\$ 6,030.00	1,508.00	\$ 6,786.00	\$ 6,786.00		\$ 6,786.00		113%	\$ (756.00)
561	Rock Removal (Trench)	18,450	LF	\$ 3.25	\$ 59,962.50	32.00	\$ 4,160.00	\$ 4,160.00		\$ 4,160.00		64%	\$ 2,340.00
001	Mobilization (4M Sub. Max)	50	CY	\$ 130.00	\$ 6,500.00	0.90	\$ 18,000.00	\$ 18,000.00		\$ 18,000.00		90%	\$ 2,000.00
002	Maintenance & Protection Of Traffic	1	LS	\$ 20,000.00	\$ 20,000.00	0.90	\$ 13,500.00	\$ 13,500.00		\$ 13,500.00		90%	\$ 1,500.00
004	Project Survey And Stakeout	1	LS	\$ 15,000.00	\$ 15,000.00	1.00	\$ 1,000.00	\$ 1,000.00		\$ 1,000.00		100%	\$ -
Original Contract Totals										\$ 1,407,557.00		95%	\$ 80,360.50

Unit Price

Progress Estimate - Unit Price Work

Owner: Town of Arcadia		Contractor's Application for Payment	
Engineer: MRS Group		Owner's Project No.: 0106.25002	
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								
A	B	C	D	E	Contract Information			F	G	H	I	J	K	L
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Work Completed		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 / J) (%)	Balance to Finish (F - J) (\$)	

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)
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☐ 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																			
(1A)	(1B)	(1C)	(1D)	(1E)	(2)	(3)	(4)	(5)	(6A)	(6B)	(6C)	(7A)	(7B)	(8)			(9)								
WORKER ENTRY NO.	WORKER LAST NAME	WORKER FIRST NAME	WORKER MIDDLE INITIAL	WORKER IDENTIFYING NO.	(J) JOURNEYPERSON (RA) REGISTERED APPRENTICE	LABOR CLASSIFICATION	HOURS WORKED EACH DAY							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 DEDUCTIONS (SPECIFIED BELOW)	TOTAL DEDUCTIONS	NET PAY TO WORKER FOR ALL WORK	
							ST	OT	ST	OT	ST	OT	ST	OT	ST	OT	ST	OT	ST	OT	ST	OT	ST	OT	
1	Ceballos	Jose De Jesus	S	3364	J	Laborer - Heavy Highway	8.50		5.00																
2	Edge III	Joseph	W	7355	J	Laborer - Heavy Highway	8.00																		
3	Hewitt	Michael	T	4347	J	Operator - Heavy Highway	0.50	5.00	2.50																
4	Mahe Jr	Paul	J	9887	J	Operator - Heavy Highway	8.50		5.00																
5	Martinez	Gerardo	M	3372	J	Laborer - Heavy Highway	8.50	3.00	7.00																
6	Crouch	Kyle	A	6865	J	Laborer - Heavy Highway	9.00		5.00	2.50															

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)(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 LOCATION		WEEK ENDING DATE		Bonsbak Inc	
Wayne County, New York		07/05/2026		3	
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 benefit 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 ("OEA"), 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 in 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

José De Jesús 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 Garardo Martinez: Other Deductions: NYS SDI, NYS PFL Kyle Crouch: 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 372B 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.

(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.

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

☐ 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			

(1A)	(1B)	(1C)	(1D)	(1E)	(2)	(3)	(4)							(5)	(6A)	(6B)	(6C)	(7A)	(7B)	(8)				(9)
WORKER ENTRY NO.	WORKER LAST NAME	WORKER FIRST NAME	WORKER MIDDLE INITIAL	WORKER IDENTIFYING NO.	(J) JOURNEYWORKER (RA) REGISTERED APPRENTICE	LABOR CLASSIFICATION	HOURS WORKED EACH DAY							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	DEDUCTIONS FOR ALL WORK				NET PAY TO WORKER FOR ALL WORK
							M	T	W	T	F	S	S							TAX WITH- HOLDINGS	FICA	OTHER (SPECIFIED BELOW)	TOTAL DEDUCTIONS	
7	Manwarren	Derek	R	5970	J	Laborer - Heavy Highway	ST	6.75																
							OT																	
						Operator - Heavy Highway	ST	1.25	3.00	2.50														
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PROJECT NAME Arcadia Southwest Water Improvement Area		PROJECT NO. or CONTRACT NO. 20260100	PAYROLL 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 benefit rates for this 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 ("OEA"), or a State Apprenticeship Agency ("SAA") recognized by Department of Labor.

☐ 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 07/29/2026	TELEPHONE NUMBER (607) 345-9234	EMAIL ADDRESS Kristenleach15@outlook.com
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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.

**New York State Department Environmental Conservation
Acknowledgment/Consent Form**

DRAFT

I _____ hereby acknowledge and consent to the
Print Name
Department's right of entry for purposes of air sampling activities associated with the
Coventry Commons site, site no. 859036 onto the premises described below:

Tax Map ID # _____ - _____ - _____

Address: _____, Newark, NY, 14513

Signature _____

Date _____

Daytime Phone Number _____

Return this copy to DEC by physical or electronic mail.

New York State Department of Environmental Conservation
Attn: Joshua Klier
6274 East Avon-Lima Road
Avon, NY, 14414
Joshuah.Klier@dec.ny.gov

Use/Disclosure of Data: DEC may conduct sampling at or near the premises to inform its investigation/remediation of the site referenced herein. Sampling data obtained by the Department may be subject to disclosure under the New York State Freedom of Information Law (Article 6 of the Public Officers Law). Please note that any identifying information related to sampling from the premises, including names, addresses, and personal emails/phone numbers, will not be disclosed by DEC.

The Town shall to provide the Lessor with evidence of liability insurance coverage upon the signing of this Agreement naming Lessors as an additional loss payee. 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

Dawn Piscioti, Town Supervisor
Date _____
Leasee

Jason E. Gansz,
Date _____
Lessor

Kristine Rogers-Gansz,
Date _____
Lessor

The Town shall to provide the Lessor with evidence of liability insurance coverage upon the signing of this Agreement naming Lessors as an additional loss payee. 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.

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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 _____

Dawn Piscioti, Town Supervisor
Leasee

Date _____

Jason E. Gansz,
Lessor

Date _____

Kristine Rogers-Gansz,
Lessor