

REGULAR ARCADIA TOWN BOARD MEETING

August 9, 2022

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

PRESENT: Supervisor VanLaeken, Councilpersons: Diamond, Greco
Pisciotti, CEO DeWolf, Highway Supt Kuhlman and Atty Hou

ABSENT: Councilman Gerbig

MINUTES: Motion made by Councilman Greco, seconded by
Councilwoman Pisciotti to approve the minutes of July 12th.
All voted aye.

PUBLIC HEARING

7:15 printPM Local Law No. 3 for the Year 2022 – Defective/Hazardous Conditions

Moved by Councilman Diamond, seconded by Councilwoman Pisciotti to close the regular scheduled meeting and open the public hearing for Local Law No. 3 for the year 2022 – Defective/Hazardous Conditions. All voted aye

Moved by Councilman Diamond, seconded by Councilman Greco to waive the reading of the Legal Notice. All vote aye

Supervisor VanLaeken asked for public for comments on this new local law requiring written notice of defective and hazardous conditions existing on Town-owned or maintained properties. Hearing none, Supervisor VanLaeken asked to close the public hearing.

7: 16 PM Moved by Councilman Greco, seconded by Councilwoman Pisciotti to close The Public Hearing and reopen the regular schedule town board meeting. All voted Aye.

UNFINISHED BUSINESS:

Local Law No. 3 for the Year 2022 – Defective/Hazardous Conditions

Moved by Councilman Diamond, seconded by Councilman Greco to adopted the Local Law No. 3 for the Year 2022 – to allow the Town of Arcadia to require Written notice of Defective and Hazardous Conditions existing on Town –Owned or Maintained Properties

Roll Call:

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

NEW BUSINESS:

No New Business

REPORTS OF TOWN OFFICIALS:

All Town Reports

Moved by Councilwoman Piscioti, seconded by Councilman Greco to accept the following reports: Town Clerk, Code Officer, Supervisor and Highway.

Roll Call:

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

AUDIT/PAYMENT OF BILLS APPROVED BY THE TOWN BOARD:

General	#256-294	\$105,670.28
Highway	#132-152	\$163,462.53

Moved by Councilwoman Piscioti, seconded by Councilman Greco to authorize payment of the general and highway bills.

Roll Call:

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

ADJOURNMENT

7:20 PM Moved by Councilman Greco, seconded by Councilwoman Piscioti to adjourn the Town Board meeting. All Voted Aye

Respectfully Submitted,
Diane Allerton

At a Regular meeting of the Town Board of the Town of Arcadia, Wayne County, New York, held at the Town Hall at No. 201 Frey Street in the Village of Newark, Wayne County, New York, in said Town, on the 9th day of August, 2022 at 7:00 P.M., Prevailing Time.

PRESENT: Richard D. VanLaeken Supervisor
Michael J. Diamond, Councilman
David Greco, Councilman
Dawn L. Piscioti, Councilwoman

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

RESOLUTION DATED AUGUST 9, 2022

A RESOLUTION ADOPTING A PROPOSED LOCAL LAW NO. 3 OF THE YEAR 2022 TO ALLOW THE TOWN OF ARCADIA TO REQUIRE WRITTEN NOTICE OF DEFECTIVE AND HAZARDOUS CONDITIONS EXISTING ON TOWN-OWNED OR MAINTAINED PROPERTIES.

WHEREAS, a Resolution introducing a proposed Local Law for the year 2022 entitled "A Local Law To Require Written Notice of Defects" was duly adopted by the Town Board of the Town of Arcadia on July 12, 2022; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, said Town Board has duly held a public hearing on the proposed Local Law on August 9, 2022, at which all interested persons had an opportunity to be heard; and

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

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

Section 1. The Town Board, as the only involved agency and therefore the Lead Agency, hereby determines that the aforementioned Local Law constitutes an Unlisted action under the New York State Environmental Quality Review Act ("SEQRA"). The Town Board has completed and reviewed the SEQRA Short Environmental Assessment Form and hereby determines that the aforementioned Local Law will have no significant adverse environmental impacts.

Section 2. The aforementioned proposed Local Law is hereby adopted in the form heretofore introduced before said Town Board by Resolution dated August 9, 2022.

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

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

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

The Resolution was thereupon declared duly adopted on August 9, 2022.

**Proposed Local Law
To Require Written Notice of Defective and Hazardous Conditions**

TOWN OF ARCADIA

LOCAL LAW NO. 3 OF THE YEAR 2022

A Local Law to require prior written notice of defective and hazardous conditions existing on Town-owned or maintained properties.

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

Section 1. Legislative Intent: It is the intention of the Town Board to protect the health and safety of the community by requiring actual prior written notice of defective and hazardous conditions existing on Town-owned or maintained properties. The receipt of actual prior written notice will enhance the Town's ability to remedy dangerous or hazardous conditions on all properties under the management and care of Town personnel in an expeditious and safe manner.

Section 2. Prior Written Notice Required, Highways, Streets, Bridges, Culverts. No civil action shall be maintained against the Town or the Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, street, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, street, bridge or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, nor such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, street, bridge or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

For the purposes of this Section, prior written notice shall be satisfied only if: i) personally delivered; or ii) delivered by mail via registered or certified mail, to the Town Clerk or Town Superintendent.

Section 3. Prior Written Notice Required, Sidewalks. No civil action shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the Town or the Town Superintendent of Highways pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or to the Town Superintendent of Highways, and there was a failure or neglect to cause such defect to be remedied, such snow or ice

to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

For the purposes of this Section, prior written notice shall be satisfied only if: i) personally delivered; or ii) delivered by mail via registered or certified mail, to the Town Clerk or Town Superintendent.

Section 4. Transmission of Notices to Town Clerk. The Town Superintendent of Highways shall transmit in writing to the Town Clerk within ten (10) days after the receipt thereof all written notices received by him pursuant to this Section.

Section 5. Record of Written Notices. The Town Clerk shall keep an indexed record, in a separate book, of all written notices which the Town Clerk receives of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any Town highway, street, bridge, culvert or sidewalk, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five (5) years after the date it is received.

Section 6. Supersession and Authority. This Local Law is adopted pursuant to Municipal Home Rule Law §10. It is the intent of the Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede such portions of § 65-a of the Town Law of the State of New York. This Local law shall supersede in its application Town Law §65-a, sections 1 and 4.

Section 7. 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 8. Effective Date. This local law shall take effect immediately upon its filing in the office of the Secretary of State.