

TOWN OF FLORIDA BOARD MEETING

August 15, 2022

7:00pm

The regular monthly meeting of the Town of Florida Town Board; was called to order at 7:00 pm by Supervisor Eric Mead.. Also present for the meeting were Councilman Harold Alikonis, Councilman Matthew Gogis, Councilman Mark Quiri and Councilman Steve Rackowski, Attorney Deb Slezak and Town Clerk Emily Staley.

Councilman Mark Quiri led the salute to the flag.

Motion by Councilman Harold Alikonis and seconded by Councilman Mark Quiri to accept the Agenda; all in favor and passed.

Motion by Councilman Mark Quiri and seconded by Councilman Steve Rackowski to approve and accept the minutes from the July 18, 2022 Board Meeting; all in favor and passed.

Committee Reports:

Communications & Announcements:

- Albert "Kim" Graff sent in his letter of resignation for his position on the Planning Board.

Assessor:

- Nothing at this time.

Engineering:

- Nothing at this time.

Attorney:

- Attorney Slezak and her office are looking into the Labate septic issue that has been ongoing. Ms. Labate's attorney spoke to Attorney Slezak's assistant and he will give an update within the week.
- The judge in the Schaufelburg matter issued an ACOD for the case. Mr. Schaufelburg needs to comply with zoning and have no issues for 6 months and the case will be dismissed. Having a hard time building a case due to the complaints being anonymous.

Planning and Zoning:

- Nothing at this time.

Building Maintenance:

- Nothing at this time.

Highway:

- Nothing at this time.

Water and Sewer:

- Nothing at this time.

Youth:

- Boston trip on July 27th to the Aquarium and then a free day.
- Had movie night at the "Old" Town Hall with about 10 families in attendance. Will do more in the future. Borrowed the projector and screen from the City of Amsterdam Recreation Department. Beginning Fall prep for Halloween and have been talking with the ADK Eagles baseball representatives to try and coordinate events.

Veterans:

- Nothing at this time.

Old Business:

- Nothing at this time.

New Business:

1. **RESOLUTION #70** sponsored by Councilman Steve Rackowski and seconded by Councilman Mark Quiri to find that the proposed action; passage of Local Law #3 of 2022; Town of Florida Road

Preservation Law, will not result in any significant adverse environmental impact; all in favor and passed. Supervisor Mead read the SEQRA forms.

2. **RESOLUTION #71** sponsored by Councilman Mark Quiri and seconded by Councilman Matthew Gogis, to approve the passage of Local Law #3 of 2022; Town of Florida Road Preservation Law; all in favor and passed.

Roll Call Vote:

Supervisor Eric Mead – Yes

Councilman Mark Quiri – Yes

Councilman Steve Rackowski – Yes

Councilman Harold Alikonis – Yes

Councilman Matthew Gogis – Yes

**LOCAL LAW NO. 3
TOWN OF FLORIDA, NEW YORK
A LOCAL LAW ENTITLED "TOWN OF FLORIDA ROAD PRESERVATION LAW"**

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

Section 1. Title

This local law may be cited as the "Town of Florida Road Preservation Law".

Section 2. Authority for this Local Law

The Town Board of the Town of Florida enacts this local law under the authority granted by Section 10 subsection l(ii)(a)(6) of the New York State Municipal Home Rule Law, New York State Constitution Article IX § 2(c) 6 and Town Law, which allow towns to adopt local laws regarding the acquisition, care, management and use of its highways, roads, streets, avenues and property.

This Local Law is enacted pursuant to the authority of Highway Law Section 140, wherein the Highway Superintendent must cause certain highways and bridges within the Town, to be kept in repair, to bring an action in the name of the town, against any person or corporation, to sustain the rights of the public, in and to any town highway in the town, and to enforce the performance of any duty enjoined upon any person or corporation in relation thereto, and to recover any damages sustained or suffered, or expenses incurred by such town, in consequence of any act or omission of any such person or corporation, in violation of any law or contract in relation to such highway and other powers thereunder.

Additionally, this Local Law is enacted pursuant to the authority of Highway law section 320, which requires that those that injure any highway or bridge maintained at the public expense, by drawing or propelling over the same a load of such weight as to injure or destroy the culverts or bridges along the same, or of such weight that will destroy, break or injure the surface of any improved town highway, or by any other act shall for every such offense forfeit treble damages.

Lastly, this Local Law is enacted pursuant to Vehicle and Traffic law section 1660, which allows towns to provide for the creation of truck routes, for the permanent and temporary exclusion of certain traffic and for the adoption of additional reasonable ordinances and local laws with respect to traffic as local conditions require.

Section 3. Purpose

The purpose of this Local Law is to maintain the safety and general welfare of Town residents by regulating high impact commercial activities that have the potential to adversely impact roads and property. Well-maintained roads are important to the economic well-being of the Town. Construction, maintenance, and operation of high impact commercial endeavors (e.g. distribution centers, commercial centers, timber harvesting, mining, natural gas drilling, wind energy facilities and telecommunication facilities) can be economically beneficial. This Law is not intended to regulate such endeavors, but the intent is to protect the Town roads and property from damage from such endeavors that typically require high frequency use of heavy equipment with heavy loads. It is the intent of this Law to ensure that the Town's roads are not damaged or harmed to the overall detriment of the Town by a few individual users who utilize the roads in a manner that causes extraordinary deterioration to the roads.

Heavier trucks deteriorate the pavement structure at an accelerated rate. A study at University of Texas found that one big rig pass causes the damage equivalent to 2,000 to 3,000 cars. That damage increases exponentially: a 95,000-pound truck does two to three times the damage of an 80,000-pound truck. One 80,000-pound truck can cause the same damage as 800 to 1,000 cars. Multiple passes exacerbate the damage caused. As such, it is the intent of this Law to protect town roads from the frequent passes of heavier trucks. In the U.S. Department of Transportation's 1998 Draft Comprehensive Truck Size and Weight Study, it was written that

"pavement deterioration increases with axle weight and with the number of axle loadings a pavement experiences."

Nothing contained in this Chapter shall be deemed to limit the right to farm as set forth in Article 25-AA of the New York State Agricultural and Markets Law and the Town of Florida Town Code.

Nothing contained in this Chapter shall be deemed to unlawfully interfere with Interstate Commerce.

Section 4. Definitions

The following terms shall have the following meaning in this Chapter.

Code Enforcement Officer: The building and code inspector of the Town, Town code enforcement officer, or such other Town official who exercises similar building, code and enforcement powers.

Highway Superintendent: The Highway Superintendent of the Town.

Local delivery: Delivery or pickup of merchandise or other property to residences or businesses located on the Town Road that the truck is traversing upon.

Other Town Property: Any real property (including any improvements therein, thereon or thereunder) or personal property owned by, or leased to, the Town.

Motor vehicles: Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (b) vehicles which run only upon rails or tracks, (c) snowmobiles, (d) all-terrain vehicles, (e) fire and police vehicles other than ambulances, (f) farm type tractors and all

-terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

Town: Town of Florida, a municipality located in the County of Montgomery, State of New York.

Town Board: The Town Board of the Town of Florida; which is comprised of the Council persons and Supervisor duly elected.

Town Clerk: The duly elected Town Clerk of the Town of Florida.

Town Road: Any Town highway, road, street, avenue, boulevard, parkway, shoulder guard rail, concourse, driveway, easement, right of way, bridge, culvert, sluice pipe, ditch, dock, tunnel, sidewalk, or any utilities or improvements therein, thereon or thereunder, outside of the Town of Florida.

Truck: Every motor vehicle designed, used, or maintained primarily for the transportation of property.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 5. Permanent Truck Restriction

- A. All trucks, tractors commercial vehicles, tractor-trailer combinations, tractor semitrailer combinations, tractor trailer-semitrailer combinations, shall be restricted from driving on Main Street, Fort Hunter, New York. More specifically:
 - a. All trucks, tractors commercial vehicles, tractor-trailer combinations, tractor semitrailer combinations, tractor trailer-semitrailer combinations, shall be prohibited from travelling on Main Street, Fort Hunter, New York;
 - b. Main Street, Fort Hunter, New York shall be limited to local deliveries only. Such local deliveries to be defined as mail or package deliveries to residences and businesses on the road.
- B. There shall be signs installed at all major highways entering Town, indicating that trucks are prohibited and that such roads are for local delivery only.

Section 6. Violation of Local Law; Penalties Therefore

- A. Every person convicted of a traffic infraction for a violation of any of the provisions of this chapter shall for a first conviction thereof be punished by a fine of not more than one hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than four hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

Section 7. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be

adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Florida hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 8. Repealer

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 9. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

3. **RESOLUTION #72** sponsored by Councilman Harold Alikonis and seconded by Supervisor Eric Mead, to approve the execution of the Decommissioning Agreement between the Town of Florida and High River Energy Center, LLC; all in favor and passed.
4. **RESOLUTION #73** sponsored by Councilman Matthew Gogis and seconded by Councilman Steve Rackowski to appoint Stephen Viele, 423 Langley Road, Amsterdam, NY as a member of the Planning Board, effective immediately, until December 31, 2024, to full-fill the unexpired term of Albert "Kim" Graff who resigned in July; all in favor and passed.
5. **RESOLUTION #74** sponsored by Councilman Steve Rackowski and seconded by Councilman Mark Quiri for the Town Board of the Town of Florida to authorize the Town of Florida Court to apply for a JCAP grant in the 2022-2023 grant cycle up to \$30,000; all in favor and passed.

Public Comment: Opened at 7:16pm

Betina Courtens, 127 Langley Road; has an issue with her neighbors and her small flock of chickens. Has escalated to screaming and threats of killing her birds. Is there a process to resolve this or a local regulation that protects people such as herself? She has installed fencing and tried to talk with her neighbors to no avail. Supervisor Mead will do some research and talk with the Attorney for the Town. Mediation may be needed or it may just be a civil matter that the Town cannot interfere with.

Ron Phillips, 795 Pattersonville Road, PUD that was passed by the Board for the Zoning Ordinance is a mistake and the Board should consider removing it to prevent future attempts to develop farmland. Had no idea that a PUD application would take so much land; thought it would only be used for small acreage.

Ed Schultz, 6070 State Highway 30, works for the City of Amsterdam and no engineer that he has talked to knows about this plan to connect more users to the existing water/sewer lines.

Elma Phillips, 795 Pattersonville Road, agrees with Ron. Please remove the PUD language from the Zoning Ordinance.

Kristeen Jaracz, 221 Fuller Road, agrees with Ron and Elma on removing the language. How can the residents of the Town force a vote of no? Can Belldons Road have a road preservation law?

Becky Moritz, 270 Belldons Road, serious concerns for the fire department and volunteers. City will not be first alarm response.

Mick Mullins, Mullin Realty, PUD was not restricted for acreage use. There were meetings with City engineers for water/sewer usage and the mayor as well. This is not spot zoning. The alternative is a solar farm which will take up all the land in the PUD zone plus two other farms. This will be done through the state 94c program.

Larry Francisco, 144 Thruview Drive, landowners have the right to offer their land for what they want. Planning Board stated at a meeting that landowners should be allowed to do what they want.

Public Comment: Closed at 7:30pm

MOTION by Councilman Harold Alikonis to audit and pay the monthly bills was seconded by Councilman Steve Rackowski; all in favor and passed.

MOTION by Councilman Steve Rackowski to accept the Supervisor's Report was seconded by Councilman Mark Quiri; all in favor and passed.

MOTION by Councilman Matthew Gogis to adjourn was seconded by Supervisor Eric Mead; all in favor and passed. The meeting was adjourned at 7:48pm.

Respectfully Submitted
Emily Staley - Town Clerk