

Minutes of the August 15, 2017 meeting of the Board of Trustees of the Village of Newark held in the 2nd floor court room of the Municipal Building at 6:00 PM.

PRESENT

Mayor Jonathan Taylor (21); Trustees: Robert Bendix (16), Stuart Blodgett (15), Alan Schober (21), and Rebecca Vermeulen (17).

Police Chief David Christler, Village Clerk/Treasurer Steve Murawski, Code Enforcement Officer Mark Peake, Fire Chief Rusty Havert, AECC Executive Director Mike Muscolino (Excused), and Attorney Art Williams.

General Public: 7

WELCOME BY
MAYOR

At 6:00 P.M., Mayor Taylor led the gathering in the Pledge of Allegiance to open the meeting.

APPROVAL OF
MINUTES

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the following minutes:

- Regular Board Meeting July 17, 2017.
- Special Board Meeting August, 2017.

CONSENT
AGENDA

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to approve the August vouchers and invoices Trustee Blodgett reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$456,789.14 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

FIRE CHIEF

Chief Havert spoke on the following:

- 310 calls for service YTD.

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously to accept the resignations of William Crane and Denise Heise from NYC Hose Co. #5.

The subject of potentially purchasing a new fire truck was brought up. Trustee Schober, who has been actively involved in the process as Fire Department liaison, noted some important agreements reached on the subject of purchasing new vehicles moving forward. They are:

The department will replace a vehicle every thirty years, which means that new vehicle purchases will take place every six years, instead of the current every five years. The budgetary line item to purchase the

new vehicles will be increased from \$130,000.00 to \$140,000.00 per year, with the increased funding coming from the existing Fire Department budget. Other Fire Department budgetary line item(s) will need to be decreased by the \$10,000.00 amount. The next vehicle purchased will be a basic model, with no additional customization, which now normally occurs with the purchase of a new truck. After discussion and questions from other Board members, motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to purchase a new fire truck, the Pierce Model TD07 Pierce Enforcer, with the published options attached to the basic vehicle, for a price of \$695,127.00. This purchase is contingent upon the legal review by Village Attorney Williams.

AECC DIRECTOR
MIKE
MUSCOLINO

Mr. Muscolino was excused for the meeting.

CODE
ENFORCEMENT/
ECONOMIC
DEVELOPMENT

Mr. Peake spoke on the following:

- Two new houses in the Southwinds Landing development have been framed.
- Completion of the Newcut building in the Industrial Park is expected to occur in late September 2017.
- Deb's Crafts & Things project completed, and the new building at the current McDonalds location is expected to start next month.
- 176 properties listed on the July 2017 Violation report, which is the highest monthly total in his tenure.
- Plans for the Wayne ARC Street of Shops moving forward.

CLERK/
TREASURER

Motion Trustee Vermeulen, seconded Trustee and carried unanimously to approve the following resolution:

MAYOR

BOND RESOLUTION DATED AUGUST 15, 2017 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE ROAD IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of repaving of existing highways not involving the addition of new travel lanes authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village hereby determines and finds that the proposed action hereinafter described constitutes a “type II” action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“SEQRA”) which will not result in any significant adverse environmental impacts in that the purpose consists of repaving and replacement or reconstruction of a structure or facility, in kind, on the same site, and such purpose is not subject to any further environmental review under SEQRA; now therefore, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK (hereinafter referred to as the “Village”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Newark shall undertake the construction of street improvements, to include milling and paving, materials and incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$500,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$500,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 20 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is five (5) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of

the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Newark.

Section 7. The faith and credit of the Village of Newark, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution shall be published in full by the Village Clerk of the Village of Newark together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially com-

plied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously to approve the following resolution:

BOND RESOLUTION DATED AUGUST 15, 2017 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of the acquisition of equipment authorized to be undertaken by the authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village hereby determines and finds that the proposed action hereinafter described constitutes a “type II” action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder (“SEQRA”) which will not result in any significant adverse environmental impacts in that the purpose consists of the purchase of equipment, and such purpose is not subject to any further environmental review under SEQRA; now therefore, be it

RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK (hereinafter referred to as the “Village”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Village of Newark shall undertake the acquisition of equipment, including, without limitation, a Street Sweep, a 2017 Chevy 3500 truck with box and snowplow, a 2017 Chevy 2500 truck with snowplow, a John Deere 2025R Tractor, and three Henderson Snow Plow Blades (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$340,000 and bond anticipation notes in anticipation thereof (and

renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$340,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 28 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten (10) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Village and all the taxable real property in the Village is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to statutory limitations, if any.

Section 5. It is hereby determined and declared that the Village reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of

this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Newark.

Section 7. The faith and credit of the Village of Newark, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. After compliance with Section 9 hereof, this resolution shall be published in full by the Village Clerk of the Village of Newark together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Village, in the manner prescribed by law. The validity of said bonds and bond anticipation notes issued in anticipation of the sale of said serial bonds, may be contested only if such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution is subject to a permissive referendum of the qualified electors of the Village of Newark, pursuant to Section 36.00 of the Local Finance Law.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to acknowledge the receipt of the 30 Day Notice for the Liquor License renewal of Pat & Bunny, Inc., DBA The Corner Tavern.

Mr. Murawski noted the following:

- Fisher Associates has completed the inspection of the East Avenue Bridge and is putting together the recommendations for its rehabilitation.
- Bonadio & Co. started the FY 2017 External Audit yesterday.
- The Nixle notification system is up and running. There are 128 phone numbers that have signed up for the notifications, and the notification flyer on how to sign up is on the Village website, it

was placed in the Newark School mailing going out next week, and flyers are available for posting to help inform the public of the system.

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to approve the request to send Rob Hilfiker to the Activated Sludge Process Control class at SUNY-Morrisville from October 16th-19th at a cost of \$525.00, plus room and board.

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to accept the Natural Gas supply bid from National Fuel Resources, Inc. through the Wayne/FL BOCES Cooperative purchasing group.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the use of the Village's parking lot on E. Union St. by the Newark Varsity Cheerleaders for a Chicken BBQ fundraising event on September 23rd.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to approve the use of Central Park on September 11th for the community gathering "Time for Remembering" from 5:00-7:00 P.M.

Motion Trustee Vermeulen, seconded Trustee Schober and carried unanimously to approve the use of Village streets for the annual Five Mile Turkey Day Race on Thanksgiving, November 23rd.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to declare surplus two V Plows for clearing sidewalks and authorizing their disposition at Fair Market Value.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve Change Order HVAC-03 for \$6,756.74 related to the WWTP project, and authorizing the Mayor to sign the same.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize the Mayor to sign the contract with DASNY, Project ID # 7928, which will providing funding to upgrade Colburn Park. The grant award amount is \$50,000.00.

Mayor Taylor read the letter from Bob Franchi that the 2018 Season will be his last as the Director of the Newark Village Park Band.

Motion Trustee Schober, seconded Trustee Vermeulen and carried unanimously to approve the schedule for the POW/MIA Remembrance Ceremony in Central Park on September 15th, starting at 7:00 P.M.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize the Mayor to sign the “Letter of Congratulations” for Gracie Bennett, Grace McAdams, Sierra George, Mikalya Miller, Camryn Tolleson, Isabella Cary, Shyanne Pillozzi, Anna Lanse and Bailey Harris of Newark, New York Girl Scout Troop 40015 for their achievement of obtaining their Girl Scout Bronze Award, the highest honor a Girl Scout can attain.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to approve the following resolution:

WHEREAS, the Newark Village Board of Trustees is committed to providing the best quality of life possible for its residents; and

WHEREAS, the United States Conference of Mayors passed a proclamation making every third Thursday of September National "Blessings in a Backpack Day" and, in 2017, the fourth Thursday, as Rosh Hashanah falls during the third week; and

WHEREAS, mayors nationwide will join volunteers in an effort to combat hunger across the United States; be it hereby

RESOLVED, that the Newark Village Board of Trustees designates, September 28, 2017, as "Blessings in a Backpack Day" for the Village of Newark, joining Blessings in a Backpack — Newark, New York, the local volunteer group providing regular backpacks with food for distribution on weekends to those elementary school children challenged by a gap in needed nutrition.

LEGAL

Village Attorney Williams noted that he has completed and delivered to the Clerk/Treasurer the Legal letter required as part of the DASNY Grant acceptance package.

POLICE CHIEF

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to approve the training request of Officer Randy Rice to attend the “Reality Based” training school sponsored by Finger Lakes Law Enforcement Academy from October 9th-13th in Penn Yan, New York at a cost of \$50.00 for meals.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize the Mayor and the Police Chief to sign the Memorandum of Understanding between the U.S. Treasury Department and the Village of Newark, New York for overtime reimbursement to the Village of Newark for any overtime expenditures incurred by Investigator Warren for any local forensic analysis he performs in investigat-

ing Cybercriminal activity on behalf of the U.S. Secret Service.

The Chief noted the following:

- There were 18 students who completed a summer school program that allowed them to earn a certificate to receive a free bicycle, safety helmet, and bike lock.

TRUSTEES

Trustee Schober brought up the subject of potentially repealing the Village Overlay District from the Village Code. He believes that it is restricting commercial development in the area that it covers. The Board will discuss this subject when it meets next to review the ongoing Code Update Project.

TIME FOR THE PUBLIC

Brett Trickey of Summit Dr. asked the Board why contractors who perform landscaping and tree removal work for Village residents are no longer allowed to take the material to the Village Brush Pile located at 100 Wood Lane. Mayor Taylor informed him that the Board approved the change in the Village Code last year that eliminated that option, and put enforcement penalties in place. The Board reviewed the evidence and it was noted that material from residents outside the Village were being dumped at this site. He also noted that Village residents pay the contractor to have their yard waste removed, and then have to pay again through their Village property taxes to have the material taken away and ground up. Since the change has begun to be enforced this spring/summer, the amount of yard material being dumped at the location has decreased significantly. There has also been the elimination of improper materials being dumped here since enforcement has begun. The Mayor also noted that many surrounding communities don't have public dumping areas, so there must be options available to the contractors.

EXECUTIVE SESSION

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to go into Executive Session at 6:59 P.M. to discuss a specific employee at the WWTP.

ADJOURNMENT

The meeting was adjourned at 7:10 P.M.

Stephen Murawski,
Village Clerk-Treasurer