

Minutes of the December 20, 2022 meeting of the Board of Trustees of the Village of Newark held in the 2nd floor courtroom of the Municipal Building at 6:00 PM.

PRESENT

Mayor Jonathan Taylor (1); Trustees: Robert Bendix (1), Stuart Blodgett (1), Chris Burgess (1), and Emily Howard (1).

Police Chief Richard Martin, Superintendent of DPW Bob Hutteman, Village Clerk-Treasurer Valerie Quade, Code Enforcement Officer Michael Bouwens, Economic Developer Mark Peake (excused), Fire Chief Charles Witt, Attorney Art Williams and incoming Attorney Matthew St. Martin.

General Public: 14

WELCOME BY
MAYOR

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

Attorney Williams administered the Oath Of Office to the following elected positions Mayor- Jonathan Taylor, Trustee- Stuart Blodgett, and Trustee- Robert Bendix

APPROVAL OF
MINUTES

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

- Regular Board Meeting November 15, 2022.
- Special Board meeting November 18, 2022.
- Special Board meeting November 30, 2022.

CONSENT
AGENDA

Motion Trustee Howard, seconded Trustee Blodgett and carried unanimously to approve the December vouchers and invoices Trustee Burgess reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$453,214.81 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the Appointments List for 2023 along with the Village policies that is included at the end of these minutes.

PUBLIC HEAR-
ING

At 6:05 P.M. the meeting went into a public hearing to discuss the proposed change in Village Code Chapter 132 Solar Energy Systems. There were no public comments and the public hearing was closed.

OPEN SESSION

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to come back into Open Session at 6:08 P.M.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve the change in Village Code Chapter 132 Solar Energy Systems.

FIRE CHIEF

Chief Witt discussed the following:

- There was 58 calls in November.
- There was no change to membership.

There was a discussion regarding the Fire Departments whistle.

PUBLIC HEARING

At 6:15 P.M. the meeting went into a public hearing to discuss the proposed Restore NY Grant. There were no public comments and the public hearing was closed.

OPEN SESSION

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to come back into Open Session at 6:16 P.M.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve the Short Environmental Assessment Part 1 Project Information.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve the Short Environmental Assessment Part 2 Impact Assessment.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve the Short Environmental Assessment Part 3 Determination of Significance.

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

WHEREAS, the Village of Newark Village Board of Trustees (hereinafter referred to as Village Board) has reviewed and completed the SEQR Short Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Village Engineer) on the above referenced Village of Newark Hospital Conversion Project (hereinafter referred to as Action); and

WHEREAS, the Village Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board has determined that the proposed action is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the Village Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Village Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short EAF Part 1; and

WHEREAS, the Village Board has completed Part 2 and Part 3 of the Short EAF; and

NOW, THEREFORE BE IT RESOLVED the Village Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;
- (iv) the overall density of the site is consistent with the Village's Comprehensive Plan land use recommendations;
- (v) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vi) there will not be any hazard created to human health;
- (vii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (viii) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;

- (ix) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (x) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xi) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action WILL NOT result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED that the Village of Newark Village Board of Trustees does hereby make a Determination of Non-Significance on the proposed development, and the Village Mayor is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Village Board's determination.

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

WHEREAS, the Village of Newark is eligible for grant funding under Round 7 of the Restore NY Communities Initiative Municipal Grant Program; and

WHEREAS, the Village of Newark has won the Downtown Revitalization Initiative (DRI) award and has selected one project to be included in an application that will be submitted to Empire State Development Corporation (ESDC); and

WHEREAS, the Village recognizes that the Newark Hospital is one of the priority projects that will contribute to the renewal of this downtown area that will strengthen the local economy and increase the quality of life for residents with this project that will transform the currently vacant former Newark hospital into a 9,000 sf mixed-use building containing commercial space and 8 apartment units; and

WHEREAS, the Village has worked with the property owner and developer to ensure that this project is aligned with local development plans and is within the DRI Strategic Investment Plan for the Village and is seeking ways to find funding avenues to complete this project with public and private funds; and

WHEREAS, the project is consistent with the Village's local plans, the proposed financing is appropriate for this project and the Village will

be under no financial burden beyond the application process, the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities in the Village of Newark.

NOW THEREFORE BE IT RESOLVED, that the Village of Newark supports this Restore NY application submission and the \$500 application fee that is required for the former Newark Hospital Conversion project; and

FURTHER RESOLVED, that the Village Board hereby supports and will sponsor an application for Restore NY funding for the former Newark Hospital located at 112 West Miller Street and will administer the grant in accordance with all applicable rules and regulations established by ESDC; and

FURTHER RESOLVED, the Village Mayor is authorized to sign the application and any agreements required by ESDC for grant funding that result from the application.

PUBLIC HEARING

At 6:18 P.M. the meeting went into a public hearing to discuss the proposed change in Village Code Chapter 133 Wind Energy Systems. There were no public comments and the public hearing was closed.

OPEN SESSION

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to come back into Open Session at 6:19 P.M.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the change in Village Code Chapter 133 Wind Energy Systems.

PUBLIC HEARING

At 6:20 P.M. the meeting went into a public hearing to discuss the proposed change in Village Code Chapter 134 Site Plan Review. There were no public comments and the public hearing was closed.

OPEN SESSION

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to come back into Open Session at 6:21 P.M.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the change in Village Code Chapter 134 Site Plan Review.

CODE ENFORCEMENT

Code Enforcement Officer Michael Bouwens gave the following update:

- Mavis Tire is still working on the engineering of the site. The water and sewer are ready.
- The two homes on Peirson are on track.
- There are no Planning and Zoning meetings in December or January.
- The Habitat for Humanity home on West Pearl is in the site development stage.

ECONOMIC DEVELOPEMENT

Economic Developer Mark Peake was excused. Mayor Taylor gave the following update:

- DRI announcement has been made. There is \$3,340,000 for the Newark Regional Health and Wellness Center, \$2,000,000 for repurposing Coventry Commons, \$1,985,000 for constructing Newark Canalside Hotel, \$1,580,000 for revitalizing the Canal Port, and \$795,000 for redeveloping the Historic Former Newark Hospital Building.
- Just announced is a \$2 million grant received from Restore NY.

PUBLIC HEARING

At 6:25 P.M. the meeting went into a public hearing to discuss the proposed change in Village Code 149 Subdivision of Land. There were no public comments and the public hearing was closed.

OPEN SESSION

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to come back into Open Session at 6:26 P.M.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the change in Village Code 149 Subdivision of Land.

**CLERK
TREASURER**

Clerk Treasurer Valerie Quade had no update.

MAYOR

Motion Trustee Burgess, seconded Trustee Howard and carried unanimously to approve the Fire Protection Contract with the Town of Arcadia for Fire Protection District # 1 for \$63,000.00 for calendar year 2023.

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to authorize the Mayor to sign the lease agreement with the Newark Chamber of Commerce for their usage of the Village of Newark Interpretive Center located at 199 Van Buren St. for calendar year 2023.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to authorize the Village to go out to bid for the chemicals used at the WTP and WWTP for Fiscal Year 2024.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve with regrets Art Williams' resignation due to retirement.

PUBLIC HEARING

At 6:30 P.M. the meeting went into a public hearing to discuss the proposed change in Village Code Fee Schedule. There were no public comments and the public hearing was closed.

OPEN SESSION

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to come back into Open Session at 6:31 P.M.

Motion Trustee Burgess, seconded Trustee Blodgett and carried unanimously to approve the change in Village Code Fee Schedule.

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to approve the surplus of the skate park at Alex Eligh Community Center due to safety concerns.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve the Water Wise contract for the maintenance of the WWTP steam boiler at a cost of \$1,850.19.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve Mayor Taylor to sign the Acknowledgement and Interest in BIL Funding letter for the Bipartisan Infrastructure Law for the Waste Water Disinfection Improvement project.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve Mayor Taylor to sign the Acknowledgement and Interest in BIL Funding letter for the Bipartisan Infrastructure Law for the Allerton Hill Storage Reservoir Replacement project.

There was discussion regarding a sewer relief at 147 Stuerwald Avenue where the hose was left on in July. Due to lack of proof and the late request the request was denied.

LEGAL

Attorney Williams had no update.

CHIEF OF POLICE

Chief Martin gave the following update:

- There were 561 calls for service in the month of November. Included in those were 28 motor vehicle accidents, 79 property checks, 25 traffic stops, 36 psychiatric problems, one use of force.
- There was 6 calls for the Animal Control Officer.
- Remind Village residents that Village Code 145-3 that the resident must clear off the snow and ice from their sidewalks.

- Newark PBA held its annual Shop-with-a-Cop Sunday December 18th. Donations were provided from the officers, citizens and businesses. They shopped with 27 children and gave away dinners.

Motion Trustee Burgess, seconded Trustee Blodgett and carried unanimously to approve Investigator Warren to attend Network Intrusion Response Program at the National Computer Forensics Institute Jan 1st-20th in Alabama. All expense is paid for by the Secret Service.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve Officer Derr to attend Property/Evidence Room Management Training held at the Monroe County Public Safety Training Facility February 22nd and 23rd. There is no cost for the training.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve Sergeant Dapolito to attend Background Investigations for Police Applicants being held in Cheektowaga January 12th & 13th. The cost is \$395 plus travel.

SUPERINTEN-
DENT DPW BOB
HUTTEMAN

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve CPL's proposal for Design & Engineering for Allerton Reservoir for a total of \$273,680.

Motion Trustee Burgess, seconded Trustee Blodgett and carried unanimously to approve the engineering agreement for the Water Treatment Plant evaluation with a cost not to exceed \$15,000.

There was a discussion regarding the purchase of a new sewer truck.

Superintendent Hutteman gave the following update:

- Have been working on the 1st floor of the municipal building.
- Have already done a dozen plow runs.
- Bridge NY Grants are due in January.
- There is a Grant that is due in February that could possibly be submitted for North Main Street.
- Blue Cut Culvert and West Miller Street Culvert to go out to bid in February. Construction this summer.
- DOH inspection December 21st.
- Staff has been working on their yearly training.
- Starting the lead and copper survey.
- Mowing Contract for Parks went out for RFP. Bids due January 31st.

TRUSTEES

Trustees had no update.

TIME FOR THE
PUBLIC

There was no public comment.

EXECUTIVE SES-
SION

Motion Trustee Bendix, seconded Trustee Howard and carried unani-
mously to go into executive session at 7:13 P.M. to discuss positions in
the Police Department, DPW, Office and Contract Negotiations.

OPEN SESSION

Motion Trustee Bendix, seconded Trustee Blodgett and carried unani-
mously to come back into Open Session at 8:02 P.M.

Motion Trustee Blodgett, seconded Trustee Howard and carried unani-
mously to appoint Mary Harley, Sandy Burley and Barbara Thieme as
perminate.

ADJOURNMENT

Motion Trustee Bendix, seconded Trustee Howard and carried unani-
mously to adjourn at 8:03 P.M.

Valerie Quade
Village Clerk-Treasurer

Village of Newark – 2023 Appointments List (all for 1 year unless noted)

Jonathan Taylor – Budget Officer
Budget Oversight Committee
Personnel Officer
DPW, Water and Waste-Water Operations
Information Technology Committee
Village Spokesperson
Audit Committee

Stuart Blodgett - Deputy Mayor
Police Commissioner
Personnel Officer
Information Technology Committee
Insurance Commissioner
Village Justice Liaison

Chris Burgess - Fire Commissioner

	Planning and Zoning Board Liaison Loan Review Committee Records Management Committee Cemetery Liaison Audit Committee
Bob Bendix-	Audit Committee Personnel Officer Wayne County Cable Commission Economic Development Liaison Library Liaison Loan Review Committee
Emily Howard -	Canal Port and Parks Liaison Alex Eligh Community Center Liaison Newark Housing Authority Liaison Information Technology Committee Ambulance Liaison
Valerie Quade -	Budget Oversight Committee Loan Review Committee Revolving Loan Commissioner Information Technology Committee Tax Collector Records Management Officer Records Management Committee Minority and Women’s Business Equal Employment Opportunity Program officer
Michael Bouwens-	Code Enforcement Officer
Mark Peake-	Economic Development Facilitator Loan Review Committee
Dennis Tellier -	Veterans Affairs Commissioner
Matthew St. Martin -	Village Attorney Ethics Committee Chairperson Fair Housing Officer Loan Review Committee
Matthew St. Martin -	Village Prosecutor
Marsha Williams-	Village Justice
Keith Benjamin -	Associate Village Justice January 1 - December 31, 2023

Lynette Morrison- Deputy Clerk-Treasurer

Robin Bremer- Deputy Clerk for Code Enforcement
Records Management Committee

Sandy Burley & - Deputy Clerk for Water and Sewer Operations
Barbara Thieme

Christine Abrams - Deputy Clerk for Disbursements

Lyons National Bank- Deputy Tax Collector

Chris Davis - Historian

Pam Heald (Reliant FCU) – Loan Review Committee
Steven Hasseler (LNB-Newark) – Loan Review Committee

Zoning and Planning Boards

Jim McBride	-Planning Board 12/04/2023
Joseph Nicosia, Jr	-Planning Board 12/02/2024
Linda Stevenson	-Planning Board 12/01/2025
Jean Bendix	-Planning Board 12/07/2026
Allison Kirsch	-Planning Board 12/06/2027
Dave Carr	-Planning Board Alternate 12/04/2023
Steve Hasseler	-Zoning Board of Appeals 12/04/2023
Adam Stoneham	-Zoning Board of Appeals 12/01/2025
Matthew Roelands	-Zoning Board of Appeals 12/07/2026
Joseph Ruffalo	-Zoning Board of Appeals 12/02/2024
Open Position	-Zoning Board of Appeals
Open Position	-Zoning Board of Appeals Alternate

Official Banks:

Lyons National Bank
Community Bank

Surety Bonds:

Clerk, Tax Collector/Treasurer	\$500,000
Village Justice, Acting Justice & Court Clerk	\$12,000

Petty Cash Funds:

General Fund	\$300
Water Fund	\$250

Sewer Fund		\$100
DPW		\$75
Official Newspaper:		Finger Lakes Times – daily
Mileage		Current IRS allowance
Meeting time and dates	6:00 p.m.	<u>Regular Meeting:</u> Third Tuesday of each month.
		<u>Special Meetings:</u> Will be determined and scheduled by the Mayor and/or Board of Trustees Member.

Meeting and Training Seminars

The Mayor or Board of Trustees, Village Clerk, Village Treasurer and other members of Village Management are authorized to attend the various meetings and/or training sessions of any organization that would be beneficial to the effective and efficient operation of the Municipality at Village expense during **2023**.

CAPITAL ASSETS

The Village of Newark, in conformity with GAAP, had a capital asset policy in place. It is as follows: “Capital assets purchased or acquired with a useful life exceeding four years and exceeding \$5,000 are capitalized. Contributed fixed assets exceeding the dollar threshold are recorded at fair market value at the date received. Additions, improvements, and other capital outlays that significantly extend the useful life of an asset and exceed the dollar threshold are capitalized. Other costs for repairs and maintenance are expensed as incurred.”

PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid and

WHEREAS, comments have been solicited from all officers in the Village of Newark involved in the procurement process, now, therefore, be it

RESOLVED, that the Village of Newark does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF NEWARK

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregated amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law; purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: Purchase of goods, supplies, or equipment and purchase of services, labor or construction contracts \$35,000: goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to Section 103 (3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

ESTIMATED AMOUNT

OF PURCHASE CONTRACT

METHOD

\$2,500 – \$4,999

2 Verbal Quotations

\$5,000 – \$19,999

3 Written/Fax quotations
or written requests for proposals

ESTIMATED AMOUNT

OF PUBLIC WORKS CONTRACT

METHOD

\$2,500 – \$4,999	2 Verbal Quotations
\$5,000 – \$6,999	2 Written/Fax quotations
\$7,000 – \$34,999	3 Written/Fax quotations or written requests for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b (2) (f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Newark to solicit quotations or document the basis for not accepting the lowest bid:

a. Professional service or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Board of Trustees shall take into consideration the following guidelines:(a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipality owned property; and computer software or programming services

for customized program, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods. If alternate proposals are required, the Village of Newark is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$2,500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such a de minimis contracts would be awarded based on favoritism.

7. For all items purchased exceeding \$100,000, if item is procured through competitive bidding, the Clerk/Treasurer and/or the Village Attorney shall review the specifications prior to advertising and soliciting bids. This shall be done to ensure that the specifications comply with the provisions of general municipal law and do not restrict competition. Advertisements for bids will not be published until this review is complete and specifications are deemed to be satisfactory.

8. Consideration in the solicitation of bids or quotes for services, supplies and contracts shall be given to small and/or locally owned businesses, with priority to businesses owned by or which employ low or moderate income persons, as defined by HUD, and qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned businesses maintained by the Empire State Development Corporation on its website at <http://205.232.252.35> or at www.empiresetate.ny.us/Small_and_Growing_Businesses/mwbe.asp. These provision shall apply to the procurement of goods and services related to the implementation of the CDBG funded programs and activities as well as to the procurement of goods and services related to the general conduct of business by the Village of Newark. (Added February 2, 2010).

9. A. The Village of Newark authorizes the use of the best value standard as part of the Village of Newark's procurement policies.

B. "Best values" defined in New York State Finance Law § 163. When awarding contracts under the best value standard, the Village must consider the overall combination of quality, price, and other elements of the required commodity or service that in total are optimal relative to the needs of the Village. Use of the best value standard may

identify as a quantitative factor whether offerers are small businesses or certified minority or women owned business enterprises as defined in New York Executive Law § 310. The best value standard may only be used for purchase contracts, which included contracts for service work, but excluded any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law.

ADVANCE APPROVAL OF CLAIMS

Pursuant to Village Law Section 5-524(6), the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. The board of trustees also authorizes payment in advance for medical and dental insurance benefit payments. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the board of trustees disallows. This resolution is effective immediately.

INVESTMENT POLICY

1. PURPOSE:

The Village Board of Trustees of the Village of Newark desires to provide the finest public services possible to the residents of the Village, combined with the lowest cost to its taxpayers. To achieve this goal all other sources of revenue must be enhanced. Interest earnings offer a large potential alternative source of revenue.

The Village Board desires that excess Village monies, not needed for immediate payment of bills, be invested to earn a safe return as provided for within the Village Law, General Municipal Law and Local Finance Law. The priorities for so investing Village monies shall be (in order of priority):

SAFETY – Funds must not be lost to Village of Newark.

LIQUIDITY—Appropriate amounts must be available for each payroll, debt service and abstract date.

YIELD—The highest market interest rate available (other conditions being equal) is to be solicited.

2. AUTHORIZED INVESTMENT INSTRUMENTS:

The Village Board authorizes the following types of investment instruments for investing Village of Newark monies:

Savings Accounts

Certificates of Deposit

Other investment instruments as may be approved by the Office of the State Comptroller from time to time.

3. DELEGATION OF AUTHORITY FOR INVESTING VILLAGE MONEY:

The Village Board hereby specifically delegates the authority to make any day-to-day investment decisions within the guidelines and limitations of this policy resolution to the : Village Treasurer, as Chief Fiscal Officer, and/or in his/her absence, the Village Clerk. The above officers are hereby authorized to utilize the advisory services of municipal consulting firms in planning the timing, amount, maturity, bidding, placement and reporting on any investments made hereunder.

4. F.D.I.C. INSURANCE AND COLLATERALIZATION:

The primary objective of this policy is to enhance the safety and availability of any Village monies invested. Safety is enhanced by the current F.D.I.C. Insurance amounts of total Village of Newark deposits with any one specific commercial bank or trust company. Any amounts exceeding the F.D.I.C. Insurance limit, as presently set or subsequently revised by the FDIC, are to be insured by a pledging of appropriate collateral by the institution winning the bid for the investment. Where appropriate, all investments must be bid specifying "with collateral". The bank winning the bid is required to have the collateral pledged be held by a custodial bank in the name of Village of Newark.

5. TRANSFER FUNDS:

The Village Board specifically authorizes the designated officials the authority to use electronic transfer of funds, among the approved banking institutions, to assist in obtaining federal funds; enhanced interest rates. Each such transfer shall be specifically identified in the original journal entry as a "wire transfer" and subsequently supported by the bank confirmation notice to provide an audit trail.

6. SAFEKEEPING:

The Village Board specifically authorized the designated officials the authority to turn over the physical custody of Certificates of Deposit and other evidences of investments for "safekeeping" possession to the winning bank, as provided in Section 11 (3) of the General Municipal Law, to facilitate access to funds at maturity and to eliminate having live certificates in the Village.

7. INVESTMENT LIMITS:

The Chief Fiscal Officer may invest any monies not required for immediate expenditure, except as outlined in General Municipal Law 11. The investments shall be payable within such time as the proceeds shall be needed to meet expenditures.

8. INVESTMENT RECORDS:

An investment register shall be maintained. Such record shall identify the investment and fund for which held, place where kept, date purchased and sold, and the interest rate and amount of interest earned.

9. WRITTEN REPORTS:

All investments shall be documented in written reports to the Village Board, outlining the details of the investment and the bids received thereon. When investments are placed, these reports should be presented no less than monthly.

“In addition to the present investment policy of investing excess funds in Certificates of Deposit with local banks that offer the highest rate of return, it is proposed that the Village of Newark use a new service provided by Lyons National Bank.

This service allows Lyons National Bank to act as intermediary with other banking institutions around the United States. Lyons National Bank will investigate all the different options available to determine where the best return on investment can be obtained on Certificates of Deposit. This would allow the village to continue its policy of investing through local banks, and also possibly increase the return on excess invested funds. These Certificates of Deposit from other banking institutions would still be FDIC insured options.”

Policies to be reaffirmed -

- Harassment/Discrimination Policy
- Americans with Disabilities Act (ADA)
- Information Technology Usage
- Workplace Violence Prevention
- Economic Development Loan
- Land for Jobs
- Encumbrance
- Code of Ethics
- Conflict of Interest
- Post Issuance Tax Compliance Procedures for Tax-Exempt Notes & Bonds or Other Tax-Advantaged Financing (Treasurer’s Responsibility).
- Records Retention Policy LGS-1 (NEW).

Incident Response