

Minutes of the March 17, 2015 meeting of the Board of Trustees of the Village of Newark held in the 2<sup>nd</sup> floor court room of the Municipal Building at 6:00 PM.

**PRESENT**

Mayor Jonathan Taylor (8); Trustees: Robert Bendix (8), Stuart Blodgett (8), Alan Schober (8), and Kurt Werts (7).

Police Chief David Christler, Deputy Village Clerk/Treasurer Ellie Palermo, Code Enforcement Officer Mark Peake, Fire Chief David Greco, AECC Executive Director Mike Muscolino, and Attorney Art Williams.

General Public: 8

**WELCOME BY  
MAYOR**

At 6:05 P.M., Mayor Taylor led the gathering in the Pledge of Allegiance to open the meeting.

**PUBLIC HEARING  
- 2012 CDBG**

Mayor Taylor opened the Public Hearing on the 2012 Community Development Block Grant funding at 6:05 P.M. The Mayor read the prepared statement - "Village of Newark – 2012 Community Development Block Grant Program Award – Economic Development Grant for IEC Electronics Corporation". After reading the statement, and hearing no comment from the public, the Mayor closed the public hearing at 6:11 P.M.

**CODE  
ENFORCEMENT /  
ECONOMIC  
DEVELOPMENT**

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to grant the final approval for the Waiver of Subdivision for Peirson Avenue – Tax Account #'s 68110-09-027656 and 67110-12-993643, subject to the applicant's filing of a current survey map by a licensed professional land surveyor with the appropriate Wayne County agency.

**APPROVAL OF  
MINUTES**

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the following minutes, amended to show the correct date of the previous January 2015 Board meeting:

- Regular Board Meeting February 17, 2015.

**CONSENT  
AGENDA**

Motion Mayor Taylor, seconded Trustee Schober and carried unanimously to approve the March vouchers and invoices which Mayor Taylor reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$766,032.70 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

TIME FOR THE  
PUBLIC -  
VETERANS  
COUNCIL

Motion Trustee Werts, seconded Trustee Bendix and carried unanimously to approve the funding request of \$1,500.00 for the Newark Veterans Council for FY 2016, and to approve the Veterans Council schedule of events for calendar year 2015.

FIRE CHIEF  
DAVID GRECO

Fire Chief Greco spoke on the following:

- Engine 15 is repaired. The lights worked very well at the accident on Vienna St. a few nights ago.
- Ice rescue training done March 15<sup>th</sup> on the Erie Canal.
- The heater for the Fire Department is being repaired, and it should be completed by Thursday.

AECC DIRECTOR  
MIKE  
MUSCOLINO

AECC Director Mike Muscolino spoke on the following:

- Provided new Board members background on the process of booking and utilizing Central Park and other Village parks.
- Parks are being booked for the summer already.

CODE  
ENFORCEMENT /  
ECONOMIC  
DEVELOPMENT

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to request a Planning Board recommendation on a request for Waiver of Subdivision for South Main Street – Tax Account # 68110-06-353922.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to approve the attendance of Mark Peake to the Erie Canalway Investment Forum on Thursday, June 4, 2015 in Ithaca, New York at a cost of \$25.00.

Mr. Peake spoke on the following:

- Reviewed the Annual Building Permit Summary report for 2014.
- McDonald's Restaurant demolition and renovation delayed until 2016 at the earliest.

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to have the Village participate in the General Garage Sale event August 1, 2015 that is being held in the Villages of Clyde and Lyons on the same day; participants will not be required to obtain the normal permit needed to hold a garage sale in the Village of Newark.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to authorize the Mayor to sign the letter of support for a proposed development of a Senior Housing Complex in Southwinds Landing in any legal manner available to the Village.

CLERK  
TREASURER

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to incorporate into the official minutes the following "Sum-2015 March 17 Minutes of Village Board Meeting

mary of Accomplishments for the 2012 CDBG for Economic Development”:

**Village of Newark – 2012 Community Development Block Grant  
Program Award  
Economic Development Grant for IEC Electronics Corp.  
Second Public Hearing**

**Summary of Accomplishments**

**Amount of Community Development Block Grant (CDBG) funds made available:** \$750,000

**Activities undertaken with CDBG funds:** Economic development assistance to IEC Electronics Corp. to enable the company to purchase equipment to expand its operations and create new jobs.

**Amount of CDBG funds made available for activities that benefit the Low and Moderate Income (LMI) National Objective:**  
\$698,428

**Displacement resulting from the implementation of this project:**  
None

**Progress towards the program goals and objectives as identified in the original application:** In 2012, the Village was awarded a \$750,000 CDBG in 2012 to assist IEC electronics with a \$2,134,216 construction project to expand their plant in the Village of Newark. Following approval of the CDBG grant award the company elected to complete the construction project without the use of CDBG funding. The actual cost of these improvements was \$2,060,000. As a result of the expansion of the plant facilities funded with company dollars, new jobs were created.

As part of the company expansion project, IEC identified additional equipment funding needs that would generate up to an additional 50 new jobs. Specifically, IEC proposed to purchase two pieces of high tech equipment for \$2,002,857 to satisfy current and future customer needs. One machine is an automatic pick and place machine and the other is an X-ray machine, both specialized pieces of equipment for the electronics industry.

The Village submitted modifications for the grant to the Office of Community Renewal in early November 2013 to utilize the CDBG funding for the purchase equipment rather than construction. The proposed modification would eliminate the use of \$750,000 CDBG funding for the construction project, including the associated soft costs, and reallocate the \$750,000 in CDBG funding to assist with the purchase of the \$2,002,857 in equipment.

The project modification was approved by NYS Office of Community Renewal (OCR) and established a goal to create 50 new jobs related to the new equipment. The Village completed the environmental review of the project and executed a grant agreement with IEC Electronics Corp. The company completed the purchase and installation of the

equipment at a cost of \$1,746,074. The company has received \$698,428 in CDBG funding for the equipment and has expended \$1,047,646 in corporate resources to complete the project.

Through December 2014, IEC has created 70 new jobs as a direct result of the expansion related to the equipment purchases. The close out report was submitted to the NYS Office of Community Renewal in January 2015. The balance of the CDBG funding available for the project (\$51,572) was recaptured by OCR for use on other projects.

The project met the LMI National Objective, based on job data provided by IEC Electronics, which determined that 54 of the 70 jobs created (77.1 percent) were filled by persons with low or moderate incomes.

**Project changes:** As discussed above, IEC Electronics originally requested \$750,000 in CDBG assistance to provide a portion of the funding for a \$2.1 Million construction project to expand the company's plant in Newark. Following approval of the CDBG grant award, the company elected to complete the construction project without the use of the CDBG funding. The actual cost for the construction of the improvements was \$2.06 Million. Originally, the company projected that the expansion would result in the creation of up to 90 new jobs.

As the CDBG funds were not needed for construction activities, the company modified its plans to allocate the CDBG funding for the purchase of equipment. The company has completed the purchase and installation of the equipment and received \$698,428 of the \$750,000 in available CDBG funding for the project. The company exceeded the revised job creation goal for the project, with the creation of 70 new jobs through December 2014.

Mr. Murawski spoke on the following:

- Mr. Murawski was excused from the meeting due to a scheduling conflict.

MAYOR

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to add the following STOP signs to the Village of Newark Code Book:

1. Egress from the Wegmans parking lot at its intersection with West Miller Street and Finch Street.
2. Egress from the Wegmans parking lot at its intersection with West Miller Street adjacent to Community Bank on the west side of the Community Bank property.
3. Egress from the Wegmans parking lot at its intersection with West Miller Street adjacent to Community Bank on the east side of the Community Bank property.
4. Egress from the Wendy's Restaurant parking lot at its intersection with West Union Street.
5. Egress from the Wegmans parking lot (referred to as West

Miller Street Extension) east bound at its intersection with West Miller Street and Finch Street.

Per Village Attorney Williams, the impetus to have this done was some issues that arose in the prosecution of a DWI case involving one of these locations. Per Mr. Williams, it is permissible to put STOP signs on private property into the municipality's code book.

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to declare surplus two small generators and a mud pump, and to authorize Jeff DeCann to dispose of them at Fair Market Value.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to renew the bid for the mowing of the Village Cemeteries for the period of April 1, 2015 to March 31, 2016 to Mason's Landscaping Contractors, Inc. for \$38,000.00, and the bid for the mowing of Village Parks for the period of April 1, 2015 to March 31, 2016 to Q's Lawn and Landscaping for \$21,480.00. Both contracts are renewable for one more year by approval from both parties.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to authorize WWTP Chief Operator John Reynolds to take the "Pretreatment Facility Inspection" course online at a cost of \$99.00 through California State University – Sacramento. Mr. Reynolds states that this course will provide more than enough credit hours for him to renew his license for the next five years.

Motion Trustee Werts, seconded Trustee Blodgett and carried unanimously to authorize Jeff DeCann, Brad Develder, Jeff DeCook and Brandon Coons to attend the Municipal Training School hosted by Vel-lano Brothers on March 25, 2015 at the American Legion Post in Scottsville, New York at no cost to Village, and lunch is included. They will earn six CEU's for their attendance.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to approve the following chemical bids for the WTP and the WWTP for fiscal year 2016:

- Hydrofluosilicic Acid – Thatcher Chemical - \$0.351 per pound.
- Diatomaceous Earth – Aftex Co. - \$681.50 per ton.
- Chlorine, ton containers – Jones Chemical - \$750.00 per ton.
- Chlorine, 150 lb. cylinder – Jones Chemical - \$75.00 per cylinder.
- Muriatic Acid – Chemical Distributors - \$1.02 per gallon.
- Ferrous Chloride – Slack Chemicals - \$0.719 per gallon.
- Ferric Chloride – Chemical Distributors – \$1.09 per gallon.
- Hydrated Lime – Chemical Distributors - \$289.00 per ton.
- Blended Orthophosphate – Aqua Smart, Inc. - \$10.73 per gallon.

Motion Trustee Schober, seconded Trustee Werts and carried unanimously to confirm that the Redemption Fee noted in Village Code Section 52.21 F. is \$45.00 per day for each day the dog is impounded.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to authorize the use of Perkins Park on June 6, 2015 for a Color Run to help fund Newark High School's Operation Graduation. They will be targeting grades K-8, and they will be using colored corn starch to spray on the runners at different stations of the race; they will also be selling baked goods from the concession stand/pavilion.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to approve the use of Perkins Park on May 2, 2015 from 9:00 A.M. to 2:00 P.M. by the Newark Public Library, in cooperation with Catholic Charities, to host a Day of Play.

Motion Trustee Werts, seconded Trustee Bendix and carried unanimously to grant the Sewer Relief request from account holder 10326.2 for relief from the sewer fee for a water leak of 37,000 gallons (\$351.50) that did not enter the Village of Newark sanitary sewer system.

Motion Trustee Werts, seconded Trustee Blodgett and carried unanimously to authorize the Blue Star Riders of New York Chapter 1 - American Legion Newark to hold a boot drive on July 11, 2015 from 10:00 A.M. – 3:00 P.M. at the intersection of Route 88 and Harrison Street only. They will be required to provide proof of insurance and will need to obtain the necessary safety vests.

Motion Trustee Werts, seconded Trustee Bendix and carried unanimously to authorize the Mayor to sign the contract with NYSEG to authorize them to replace the natural gas main line of approximately 2200 feet along E. Pearl St. and N. Main St., and 710 feet along North Main St. from North Avenue to Landon Avenue at no cost to the Village.

Mayor Taylor started the discussion on whether the Village should continue to look into participating in the proposed solar farm with the Town of Arcadia and the Newark Central School District, or vote to withdraw and not participate in the project. There was much discussion on the matter. Village Attorney Williams pointed out that the contract had the option of the annual increase for electricity cost "of up to 3.00%". He stated that the investors in the project expect a 3.00% return, and that is what the cost increase will be every year for the length of the contract. The Board consensus was to wait and obtain further

information before making a decision.

LEGAL

Attorney Art Williams had nothing for open session.

POLICE CHIEF  
DAVID  
CHRISTLER

Chief Christler brought up the matter of the proposed “General Order 101, Department Rules of Conduct” introduced and provided to the board in January 2015. There was discussion on the modification of Section VIII – Paragraph T. The change was to completely eliminate point three (3).

Motion Trustee Blodgett, seconded Trustee Werts and carried unanimously to adopt the revised General Order 101, Department Rules of Conduct.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize Inv. Gary VerStraete to attend the no cost “Crimes Against Children” training seminar at the NYSP training academy in Albany, New York from May 18-22, 2015 at a cost of \$725.00, which covers the cost of lodging and food.

Motion Trustee Blodgett, seconded Trustee Werts and carried unanimously to authorize Officer Nick Dapolito to attend the Field Training Officer School from March 30-April 3, 2015 at the Monroe Co. Training Center at a cost of \$352.00. Transportation provided by the Village with no lodging required. Currently only Officer Kuhn is qualified as a Field Training Officer (FTO).

Chief Christler had no updates or comments.

TRUSTEES

Trustee Werts suggested that the Village pass a moratorium to prevent the changing of single family homes into multi-family homes. Attorney Williams noted that the time period for a moratorium is not indefinite, but only reasonably long enough to investigate the matter. Once the time period is up, which would probably be around six months, the Village could pass a local law which could possibly limit, but not prevent, the conversion of single family homes into multi-family units. He noted that laws are already in the Code that determine whether the conversion can be legally allowed or prevented by the Village. Trustee Werts stated that the Village could look into creating Historic Preservation districts. Attorney Williams noted that Historic Preservation is a voluntary choice, and the homeowner cannot be compelled to seek the designation. Code Enforcement Officer Mark Peake noted that the perception is that there are numerous houses in the Village of Newark that have been converted from Single Family into Multi-Family units, but the reality is that very few conversions have occurred over the last decade or so. He noted that one request just came before the Zoning Board

of Appeals on Grant Street, and that variance to change the property from Single Family to a Two Family unit was denied. Mayor Taylor noted that from 1998 until now, only eight units have been converted from Single Family into Two Family units; he also noted that no conversion have occurred for the last several years. No action was taken.

The Board also discussed two proposals from firms to market the Village of Newark. Numerous ideas and comments were shared. Mr. Peake stated that he would hopefully have more detailed information from the two firms that have submitted marketing proposals to the Village already by the next meeting.

**TIME FOR THE PUBLIC**

No one else from the public had any comment.

**EXECUTIVE SESSION**

Motion Trustee Blodgett, seconded Trustee Werts and carried unanimously to go into Executive Session at 7:39 P.M to discuss pending litigation.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously to come back into open session at 7:42 P.M.

**PUBLIC HEARING**

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to set the public hearing for the Proposed Fiscal Year 2016 Budget for April 7, 2015 at 6:00 P.M.

Motion Trustee Schober, seconded Trustee Werts and carried unanimously to go into Executive Session at 7:45 P.M to discuss pending litigation.

**ADJOURNEMENT**

The meeting was adjourned at 8:05 P.M.

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Stephen Murawski,  
Village Clerk-Treasurer