

Minutes of the April 19, 2016 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 (10); Trustees: Robert Bendix (9), Stuart Blodgett (10), Alan Schober (10), and Kurt Werts (9).

Police Chief David Christler, Village Clerk/Treasurer Steve Murawski, Code Enforcement Officer Mark Peake, Fire Chief Gerry VanDeWalle, AECC Executive Director Mike Muscolino, and Attorney Art Williams.

General Public: 29

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

- Regular Board Meeting March 15, 2016.
- Special Board Meeting March 22, 2016.

CONSENT
AGENDA

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to approve the April vouchers and invoices which Trustee Schober reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$1,246,099.78 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

TIME FOR THE
PUBLIC

Mayor Taylor introduced Chris Corey, Director of Health, Physical Education and Athletics for the Newark Central School District. A.D. Corey noted that many of the NHS Boys Basketball team players were unavailable for the ceremony tonight due to commitments to other sports that are in season now. He did note that the three captains, Jose Santell, Brian Sharp, and Nick Synesael, were able to make the presentation honoring the Newark High School Boys Basketball program for winning both the NYS Section V B-1 championship and the Finger Lakes East title. Chris also noted that Captain Santell was named the Finger Lakes Times Boys Basketball Player of the Year, as well as being selected to the Fab Five in Boys Basketball by the same publication.

Mr. Corey read the following list of Coaches, Players, Managers, and
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Ball Boys, who were all presented with a plaque from the Village of Newark for their many achievements this season, including the Boys NYS Section V B-1 Championship:

Head Coach – Bob Havrilla
Asst. Coach – Henry Kuperus
Asst. Coach – Matt Groot

Players:
Terry Anglin
Nate Beard
Taylor Clements
Ben Cowles
Tavian Cunningham
Nick Fabino
Nick Greco
Logan Moynihan
Jayden Peters
Jose Santell
Brian Sharp
Nick Synesael

Managers:
Rick Sulkowski
Glenn Tyler

Ball Boys:
Brayden Steve
Preston Steve

Mayor Taylor opened the Public Hearing at 6:10 for the proposed change to Village Code Section 110-7. He had Village Attorney Williams read the proposed change. Hearing no comments from the public, the Mayor closed the Public Hearing at 6:11 P.M.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the following change to Village Code Section 110-7 B. – “If the Clerk finds the application to be satisfactory, the Clerk shall (“**within 48 hours of receipt of the application**” - Addition) approve the application and shall, upon payment of the nonrefundable prescribed fee, deliver the required permit to the applicant.”

FIRE CHIEF
GERRY
VANDEWALLE

Motion Trustee Schober, seconded Trustee Werts and carried unanimously to approve the membership of Ms. Karen Crowell of 428 W. Maple Ave., who has joined New York Central Hose Co. # 5. She has had her arson check done and was investigated by her company.

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously to accept the following Fire Chief's list for 2016-2017 presented by the four Village Volunteer Fire Companies:

- Chief – Gerry VanDeWalle
- 1st Assistant Chief – Rusty Havert
- 2nd Assistant Chief – Kevin Velte
- 3rd Assistant Chief – Chuck Witt

Fire Chief VanDeWalle spoke on the following:

- Gave update on Fire calls for the month and the year.

Chief VanDeWalle introduced 3rd Assistant Chief Chuck Witt, who addressed the Board concerning the potential purchase of a new Fire Chief's vehicle to replace the current one, a 2008 Dodge Durango, VIN 1D8HB38N18F135769. Chief Witt stated that the Department has received almost \$20,000.00 in grant funding during FY 2016 that helped purchase equipment that normally would be paid through the Fire Dept.'s budgeted expenditures. The Fire Dept. has obtained a trade-in estimate range of \$5,000-7,300 for the current vehicle. There were many questions from the Board, and much discussion related to the proposal.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously to authorize the Fire Department to purchase a new Chief's vehicle at a cost not to exceed \$40,000.00, with the proceeds from the sale of the current vehicle at FMV being used to fund the detailing of the new vehicle.

ALEX ELIGH
COMMUNITY
CENTER

Mr. Muscolino spoke on the following:

- Baseball practices have started on the Village fields. The first game is scheduled for May 1st, with Mayor Taylor throwing out the first pitch at one game, and Deputy Mayor Blodgett doing the same at the second field. There are approximately 260 players participating this season.
- Village water has been turned on at Perkins Park already since there are parties scheduled for the upcoming weekend.
- Swim classes for the past season were cancelled due to the breakdown of the heater for the pool.

TIME FOR THE
PUBLIC

Mayor Taylor opened the Public Hearing at 6:35 P.M. for the proposed change to Village Code Section 140-37. He had Village Attorney Art Williams read the proposed change. Hearing no comment from the public, the Mayor closed the hearing at 6:37 P.M.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to approve the following change to Village Code Section 140-37 – **“The fines for every person convicted of a traffic infraction for**

a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York, shall be established from time-to-time by resolution of the Village Board of the Village of Newark.”

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to schedule a Public Hearing for May 17, 2016 at 6:10 P.M. to discuss proposed changes to Village Code Section 140-6.

CODE
ENFORCMENT /
ECONOMIC
DEVELOPMENT

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to grant the final approval for the Waiver of Subdivision for the following properties:

319, 335, 345, 351 and vacant West Union Street properties - Tax Account Numbers 68111-17-180053, 68111-17-166044, 68111-17-175044, 68111-17-183046, 68111-17-194048, subject to the applicant's filing of a current survey map by a licensed professional land surveyor with the appropriate Wayne County agency. A copy of the filed map is to be provided to the Village of Newark Clerk and Town of Arcadia Assessor as a matter of record

Mr. Peake spoke on the following:

- About 50 properties were cited for Code Violations in a Spring Sweep of the Village last week. Those that weren't addressed by the property owner have been taken care of by the Village, with the properties incurring the appropriate Public Works charge that must be paid by the property owner or be relieved on their property tax bill.
- A small core group (4-5 individuals) from VONEDA will be attempting to meet with NYS Senator Nozzolio, NYS Assemblyman Oaks, and Pam Heald from the Finger Lakes Regional Economic Development Council. The goal is to determine if the Village can further sharpen its Economic Development focus, and see if there are any steps that Newark can take to make us more visible when decisions are being made on where businesses should locate in the Finger Lakes region of New York.
- Small businesses in the Village are looking for Economic Development assistance from Newark to help defray some of the cost of rehabilitating the exteriors of their property. Mr. Peake is looking for Board members who would be willing to be part of a team that could develop a program that could address this need. The Village does have funding available from HUD and CDBG projects that have been closed out, and have a balance available to be utilized for a program such as this. Mayor Taylor and Trustee Bendix stated that they would assist in this project.
- DPW Supervisor Doug Townsend is working to finish up the

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Bicycle Kiosk at T. Spencer Knight Park at the Port of Newark. This project is being funded by donations raised in memory of former DPW employee Raymond DePauw.

- Community Pride Day is scheduled for Saturday, May 21st.

CLERK/
TREASURER

Mr. Murawski introduced a proposal to consider changing the way the Village collateralizes its funds deposited with Lyons National Bank that are above the FDIC insured dollar amounts. After much discussion and some questions of concern, it was determined that the Clerk/Treasurer should set up a workshop with representatives from LNB so that the questions and concerns can be addressed before the Board makes any decision.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to authorize the Clerk/Treasurer to relevel the past due unpaid water/sewer bills and public works charges. The dollar amount for these categories will be provided for the Board for their approval at the May 2016 Board meeting.

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to authorize the Clerk/Treasurer to enact whatever budget transfers may be necessary for fiscal year 2016 to eliminate deficits in any line item to be in compliance with the NYS OSC requirements.

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously to authorize the Village to obtain a credit card in the name of the Mayor on the Village of Newark Master Card account with First Niagara Bank, with a credit limit of \$2,500.00

Motion Trustee Schober, seconded Trustee Werts and carried unanimously to accept the bid prices of \$54,000.00 for the sale of the 2015 Bobcat Long Arm Excavator and \$31,300.00 for the sale of the 2015 Bobcat Skid Steer Loader from D.J.M. Equipment, Inc. of Fairport, New York.

The Clerk/Treasurer updated the Board on NYS Fiscal Year 2016 budget that passed. The AIM funding for the Village for FY 2017 remains the same, and that was the amount of revenue budgeted by the Village. Newark will receive an additional \$53,924.88 in CHIPS funding for FY 2017 above what was budgeted for by the Village.

MAYOR

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the Fiscal Year 2017 Proposed budget, with a Tax Rate of \$13.455171, which was under the Village's tax cap limit for this year. Appropriations approved for the Funds are as follows: General - \$6,280,804; Water - \$1,664,996; Sewer - \$2,638,985.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the usage of Colburn Park by St. John Fisher and RIT for a baseball game; they will be charged a \$500.00 rental fee.

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to approve a donation of approximately 160 Village of Newark flash drives and back packs as a contribution to Operation Graduation 2016.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to allow John Reynolds to carry over an additional fifty six (56) hours of vacation above the 200 hour limit prescribed in the Non-Union employee handbook.

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to authorize the Annual Kiddie Day Parade on June 4, 2016 at 10:00 A.M.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to donate \$100.00 to the Annual Kiddie Day Parade.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the following increases to the FY 2017 budget:
F00.08330.4100 - Diatomaceous Earth - \$15,012.00
F00.08330.4120 - Chlorine - \$500.00
G00.08130.4900 - Lab Expenses - \$2,000.00.
All three line items will be funded by appropriating Unallocated Fund Balance from their respective funds.

Motion Trustee Blodgett, seconded Trustee Werts and carried unanimously to approve the 5K Race in the Village of Newark on June 11, 2016 at 9:00 A.M. to support the Laurel House Comfort Care Home in Newark.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to authorize the disposal of the following items and to dispose of them at FMV: 2006 CAM trailer, 18 empty plastic barrels from the WTP, and an old refrigerator from the DPW.

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to approve the following change to the Village Cemetery Rules and Regulations:

“The fee to be charged for a grave opening will be increased from \$425.00 to \$500.00 for each Full Burial and from \$125.00 to \$200.00 for each Cremation Burial.

There will be no additional overtime charge for burials except for the following: After 5:00 P.M. Monday through Saturday, all National Holidays, and Sunday Burials.”

The previously enacted change of March 20, 2016 to charge the additional overtime fee to burials after 1:00 P.M. Monday-Friday has also been rescinded.

Paul Murphy, a funeral director in Newark, praised the DPW for the cemetery work they perform; he also thanked Mayor Taylor for taking the time to meet with him and other funeral directors from Newark to discuss and address this matter. Finally, he thanked the Board for their willingness to come to this compromise that benefits the Village and the people who utilize our Village cemeteries.

The proposal to consider approving the expenditure of funds to provide a new water main to the Village Municipal Building from East Avenue has been put on hold. Newark may be able to obtain grant funding and/or low cost bond borrowing to finance the project.

Mayor Taylor noted the following:

- The Village will be honoring NYS Senator Michael Nozzolio and former Town of Arcadia Supervisor Joseph DiSanto at a special ceremony on June 2, 2016.
- He, along with Doug Townsend and Bob Hutteman from Lu Engineering, met with some members of St. Michaels Church to discuss the traffic light at the intersection of South Main Street and Franklin St. A crosswalk light may be installed at this location, and St. Michaels’ church and Newark Housing Authority may be able to assist with the purchasing of it.

LEGAL

Attorney Williams had nothing for open session.

POLICE CHIEF

The Chief noted that the house on 411 West Miller Street will not face charges under Village Code Section 103 – Nuisance Abatement because of the lack of points accumulated in the necessary time frame. CEO Peake is working with the property owner to address some of the issues at the location. Trustee Werts expressed frustration over the fact that no legal action can be taken at this time to address this problem property. Attorney Williams explained that the Code was written in the current fashion so that it would be legally enforceable when utilized.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize Officer Matt Colacino to attend the “Streets Survival Seminar” at Niagara University on May 17th-18th, 2016 at a cost

of \$333.00 for both tuition and one night's lodging. Officer Colacino waives all rights to overtime for travel time.

Chief Christler had nothing else for Open Session.

TRUSTEES None of the Trustees had anything for Open Session.

TIME FOR THE PUBLIC Greg Battle, representing the Wayne County Volunteer Firemen's Association, requested approval to hold a car show this summer at 1000 Technology Parkway. Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to approve the Car Show at 1000 Technology Parkway on July 9, 2016 (rain date July 10) from 8:00 A.M. to 4:00 P.M.

EXECUTIVE SESSION Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to go into Executive Session at 7:28 P.M. to discuss a specific position at the WWTP and a specific position within the DPW Union.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to come back into Open Session at 8:00 P.M.

ASSISTANT WWTP OPERATOR Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to appoint Dan Callahan "Assistant Plant Operator", which position he will fill when the Chief WWTP Operator is out for vacation, personal days, or illness for a full day or more. The rate of pay will be that of the Chief Operator when the Assistant Plant Operator is filling the position due to the absences noted above.

HEO OPERATOR - DPW Motion Trustee Werts, seconded Trustee Blodgett and carried unanimously to appoint Zachery Klaver to the position of HEO for the DPW on a probationary basis, the time period of that being prescribed by NYS Civil Service Law.

ADJOURNEMENT Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously to adjourn the meeting. The meeting was adjourned at 8:02 P.M.

Stephen Murawski,
Village Clerk-Treasurer