

Minutes of the November 21, 2023 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	<p>Mayor Jonathan Taylor (36); Trustees: Robert Bendix (33), Stuart Blodgett (29), Chris Burgess (37), and Emily Howard (29).</p> <p>Police Chief Richard Martin, Code Enforcement Officer Mike Bouwens, Economic Development Mark Peake, Fire Chief Jeff Miller, Attorney Matthew St. Martin, WWTP Chief Operator John Reynolds and Clerk Treasurer Lynette Morrison.</p> <p>General Public: 4</p>
WELCOME BY MAYOR	<p>At 6:00 P.M., Mayor Taylor led the gathering in the Pledge of Allegiance to open the meeting.</p>
APPROVAL OF MINUTES	<p>Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the following minutes:</p> <ul style="list-style-type: none">• Regular Board Meeting October 17, 2023.• Special Board Meeting October 24, 2023.• Special Board Meeting October 27, 2023.• Special Board Meeting November 1, 2023
CONSENT AGENDA	<p>Motion Trustee Burgess, seconded Trustee Howard and carried unanimously to approve the November vouchers and invoices Trustee Blodgett reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$1042211.36 were authorized for all funds.</p> <p>The Board thanked the department heads for their monthly reports.</p>
FIRE CHIEF	<p>Chief Miller reported:</p> <ul style="list-style-type: none">• 525 calls to date• Inspection is Saturday, November 25, 2023 at 6:00PM• The New M-53 is expected to be delivered in mid-December, they made a couple changes.• The Chief thanked NPD. It was great teamwork and collaboration with the NPD on Halloween with the pedestrian struck call.• The Chief recommended that the 2024 homecoming parade route goes back to East Avenue and Maple Avenue. Too much congestion, hard for the Fire Police to block traffic to keep the parade flowing. At the time it was held is a busy time of the day especially on Friday.
CODE ENFORCEMENT	<p>Code Enforcement Officer, Michael Bouwens reported:</p> <ul style="list-style-type: none">• Mike and Roger are concentrating on closing building permits and conducting commercial fire safety inspections.• Working with Wayne County Social Services on a case.• Two items for Planning Board and Zoning Board of Appeals next Month.• Busy this past month with pre/sale inspections and sump pump inspections. <p>Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve the reappointment of Chairman, Jim McBride to the Planning Board for a five year term, effective December 5th.</p>

Motion Trustee Blodgett, seconded Trustee Howard and carried unanimously to approve the reappointment of Chairman, Steve Hasseler to the Zoning Board of Appeals for a five year term, effective December 5th.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve the reappointment of David Carr to the Planning Board as an alternate for a one year term, effective December 5th.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve Jim Hrabchak as a new Zoning Board member for a five year term, effective December 5th.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the CivicPlus Software Contract in the amount of \$4,998.00 for 1/2024-12/2024, \$16,479.98 for 1/2025-12/2025 then 3% yearly increase starting in 2026.

ECONOMIC DEVELOPMENT

Economic Development Facilitator, Mark Peake reported:

Country Luxe Co. will be the business profile on the Village website and Facebook page for December. They are the new candle making business. We are working with them to find them a storefront.

Working on finishing- up the Empire State Trail Town Action Agenda. We have been given the draft version of it for our review and we sent our comments back to them today.

We receive the property transfers each month and we see that the Wayne County Land Bank has officially taken ownership of 201 Church Street (the old medical building). They are now preparing demo specs.

Posters will be distributed around the Village for the Snow Sculpture Contest. The Contest will be from Dec. 1, 2023 to February 29, 2024.

The business winner for the pumpkin sculpture contest was The Terrace. The winning trophy was delivered today.

Two of the new businesses we have been working with are narrowing down their choices for locations. We are optimistic they will both be in Newark.

PUBLIC HEAR- INGS

Open Public Hearing to consider a Local Law to amend section §306-1 of the Newark Village Code, regarding requiring prior approval before conducting work in the Villages right-of-way and Local Law section §306-19 relating to penalties for offenses at 6:12PM.

No comments or concerns brought up.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to close the Public Hearing at 6:13PM.

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to adopt Local Law §306-1 of the Newark Village Code to require prior approval before conducting work in the Village's right-of-way and Local Law section §306-19 relating to the penalties for offenses.

Local Law No. 6 of 2023
Village of Newark, County of Wayne

LOCAL LAW NO. 6 OF 2023, LOCAL LAW IMPLEMENTING REQUIREMENTS FOR PRIOR APPROVAL FOR UTILITY OR CONSTRUCTION WORK IN PUBLIC RIGHT-OF-WAY

Be it enacted by the Village Board of Trustees of the Village of Newark as follows:

Section 1. Title

This Local Law shall be referred to as the "Local Law Implementing Requirements for Prior Approval for Utility or Construction Work in Public Right-of-Way."

Section 2. Purpose

The Village Board of Trustees of the Village of Newark, Wayne County, State of New York, is vested by the State of New York to regulate and control land use within the Village of Newark and to protect the health, safety and welfare of its residents. Consistent with that authority, the Board of Trustees has deemed it appropriate to require prior approval and establish guidelines, governing utility and construction work completed by public utilities and private companies or persons within the Village right-of-way.

Section 3. Requirements for Prior Approval for Utility or Construction Work in Public Right-of -Way or on Property owned by the Village of Newark

No public or private utility, company, or person shall injure any pavement, sidewalk, crosswalk or sewer, or dig any area, sewer or other excavation in any public street or right-of-way, nor remove any earth or stone therefrom within any public street or right-of-way within the Village, without prior written permission in writing from the Department of Public Works on a form to be prescribed by the Village, and under such conditions as said Department/Village may impose, and the Department of Public Works may order any sewer or excavation constructed contrary to the provisions of this section to be filled up or altered at the expense of the owner.

Section 4. Penalties for Noncompliance

The violation of any of the provisions of this article shall be punishable by a maximum fine of \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each day that a violation continues shall be considered a separate offense. In addition, thereto, violations of this local law shall be subject to being restrained by injunctive relief.

Any penalty herein shall be in addition to any costs necessary to require such violation to be filled up or altered at the expense of the owner.

Section 5. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Open Public Hearing to consider a Local Law to amend section §164-10 of the Newark Village Code, relating to the penalties for offenses for failing to pay water/sewer invoices at 6:20PM.

No comments or concerns brought up.

Motion Trustee Blodgett, seconded Trustee Howard and carried unanimously to close the Public Hearing at 6:21PM.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to adopt Local Law §164-10 of the Newark Village Code relating to the penalties for offenses for failing to pay water/sewer invoices.

Local Law No. 7 of 2023
Village of Newark, County of Wayne

LOCAL LAW NO. 7 OF 2023, LOCAL LAW AMENDING §164-10 OF THE NEWARK VILLAGE CODE, RELATING TO FEES FOR NONPAYMENT OF WATER AND/OR SEWER CHARGES

Be it enacted by the Village Board of Trustees of the Village of Newark as follows:

Section 1. Title

This Local Law shall be referred to as the "Local Law Amending §164-10 of the Newark Village Code, Relating to Fees for Nonpayment of Water and/or Sewer Charges."

Section 2. Purpose

The Board of Trustees of the Village of Newark has determined to amend §164-10 of the Newark Village Code, relating to past due water and/or sewer bill invoices in the Village of Newark.

Section 3. Amendment to §164-10 of the Newark Village Code

Section 164-10 of the Village Code is hereby amended such that that section now reads as follows, with such amendments highlighted below:

A. Any customer may order discontinuance of water service by notifying the Board. The owner of the property will be held responsible for any charges for water consumption up to the final meter reading as well as any charges for discontinuance of service if left unpaid by a customer. A customer may request reinstatement of a temporarily disconnected service upon payment of the appropriate service charge as determined by the Board.

B. Prior to discontinuance of water service for nonpayment of charges, the Village shall send a notice to the accountholder specifying that said discontinuance is scheduled to occur. Any account for which such notice is required shall be assessed a charge of \$50 at such time that said notice is sent, which must be paid in full, in addition to other charges due, prior to restoration of service.

Section 4. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

VILLAGE
CLERK/TREASURER

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to authorize Wayne County to Collect and Relevy the 2023 Newark Village Property Taxes and penalties in the amount of \$192,153.18.

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to accept the Clerk-Treasurers Review Report of the Village Justice Court for FY 2023.

MAYOR

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to accept the Proclamation for Eagle Scout Jacob Havert.

PROCLAMATION – VILLAGE OF NEWARK

JACOB HAVERT, EAGLE SCOUT

NOVEMBER 25, 2023

Whereas: Jacob saw an opportunity to significantly increase public safety in his community and;

Whereas: Jacob spent countless hours mapping all of the fire hydrants in the Village to increase the efficiency of the Newark Water Department and the Fire Department and;

Whereas: Having completed the requirements for, and having been examined by an Eagle Scout Review Board and;

Whereas: He has shown great diligence in achieving this status and;

Whereas: The Scouts, Leaders and Members of the Committee Boy Scout Troop 122 also endorse and take great pleasure in his accomplishment,

Therefore, I, Jonathan Taylor, as Mayor of the Village of Newark do hereby proudly endorse, support, recognize and congratulate, along with the Village Board of our citizens, Jacob Havert, in his achieving the rank of Eagle Scout.

**JONATHAN TAYLOR
MAYOR
VILLAGE OF NEWARK**

NOVEMBER 25, 2023

Discussion on the April 8, 2024 Eclipse. Talked about possible considering the Fire Department Field and School parking lots for extra parking that day. Wayne County Chief's Association are discussing the traffic and how to control it.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to table the Cornerstone Fellowship's request to have a music and activities celebration in Central Park on April 8, 2024 till the December 2023 meeting.

Discussion on the fact Raven's View Genetics would follow the same terms and conditions established by the Board. There will be no consumption on the premises. They need to show us the state approval prior to having it. Matthew St. Martin, Esq. will rewrite the letter for the approval.

Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve Raven's View Genetics to host a Cannabis Grower's Showcase Event from 11/6/23-12/31/23 from 10 am to 8 pm at 6750 Route 31 under the terms and conditions established by the Village Board.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve the Boy Scout Troop 122 to collect discarded real Christmas Trees at \$3.00 a tree.

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to approve the Resolution and adopt two projects, the Culvert on Peirson Avenue and the East Avenue Bridge upgrade, for the 2023 Bridge NY project in the amount of \$100,000.00.

Motion Trustee Burgess, seconded Trustee Bendix and carried unanimously to approve CUSI upgrade for our water/sewer software at the amount of \$27,272.00 up front, \$980.00 a month and an annual cost of \$6,132.00. This will include all upgrades during the next five years.

Motion Trustee Burgess, seconded Trustee Howard and carried unanimously to approve the Fire Protection Contract with the Town of Arcadia for 2024.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve the Laurel House 5K run on 6/8/2024. Registration

will be at 7:30am and the race will start at 9am. The Community Center will be open for the use of restrooms and they will have food and drink vendors at the event.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to request Planning Board recommendation for Subdivision Plat for the parcel located at 100 Mason Street.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the Wayne County Humane Society Agreement for Shelter Services for the period covering 1/1/2024-12/31/2025.

Motion Trustee Burgess, seconded Trustee Howard and carried unanimously to approve the Lease with the Newark Public Library for the period covering 12/1/2023-11/30/2025.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the Grievance Procedure under the Americans with Disabilities Act.

**GRIEVANCE PRO-
CEDURE UNDER
THE AMERICANS
WITH DISABILI-
TIES ACT**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Village of Newark. Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the Village of Newark.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Lynette Morrison, Village Clerk-Treasurer
100 East Miller Street
Newark, NY 14513

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Village of Newark and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the Village of Newark for at least three (3) years.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve the Turkey Day Race on 11/23/24. The race starts at 9am on Church Street, heads South on Main Street to Silver Hill Road to Vienna Street and back to Church Street to East Avenue to Williams Street to Main Street and finishes on Maple Court. The race is completed by 11am.

LEGAL

Nothing at this time

CHIEF OF
POLICE

Police Chief Richard Martin gave the following update on October 2023 statistics:

- 13 Property Damage MVA; 2 Personal Injury MVA; 3 Pedestrians struck
 - 73 Incident/Crime Reports taken
 - 14 calls for Juvenile Problems 3 Juvenile Referrals
 - 13 Traffic Stops: 4 Times Traffic Tickets issued & 17 Warnings issued
 - 1 Use of Force in Aug – Pepper Spray to stop a fight (13-YTD)
 - 12 ACO calls responded to
 - 25 Calls during time other agencies are covering
- Total Events: 532

Highest Call Types: 89 Assists 43 Disturbances

Police Chief thanked the Newark Volunteer Fire Department for the help with traffic as well as lighting the scene at the accident on Halloween.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve an additional \$878.52 to NYSPSEL to outfit the new patrol car. \$16K was previously approved and the total cost will be covered by a grant.

Chief Martin thanked Officer Jackson who presented at the Girl Scouts Annual Safety Day Event on October 29th. He also thanked Officers Bret Steve and Matt Colacino for participated in the Trunk-or-Treat event held in the Municipal Parking Lot on Halloween.

WWTP CHIEF
OPERATOR

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve Jason Eygnor to take the “Basic Laboratory Procedures” course on February 12, 2024 to February 16, 2024 at Suny Morrisville. The cost is \$575.00 plus hotel.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve Jason Eygnor to take the “Activated Sludge Process” course on July 29, 2024 to August 1, 2024 at Suny Morrisville. The cost is \$525.00 plus hotel.

TRUSTEES

Nothing at this time from the Trustees.

TIME FOR THE PUBLIC	Cristina Lauber from 725 South Main Street talked about the feral cat population in the community. She shared a proposal as a possible solution to the problem. The plan includes spay/neuter and adoptions of the cats. This proposal will be on the December 19, 2023 agenda.
EXECUTIVE SESSION	Motion Trustee Howard, seconded Trustee Bendix and carried unanimously to go into executive session at 7:20 P.M.to discuss positions in the DPW and Police Department and a potential contract for the WWTP.
OPEN SESSION	<p>Motion Trustee Howard, seconded Trustee Bendix and carried unanimously to go back into Open Session at 7:59pm.</p> <p>Motions Trustee Bendix, seconded Trustee Blodgett and carried unanimously to make the following budget transfers:</p> <p>\$3,000.00 from line item A00.05110.2000 to line item A00.05110.4000 to use for the rest of FY2024.</p> <p>\$3,000.00 from line item F00.08340.2000 to line item F00.08340.4030 to purchase supplies for the rest of FY2024.</p> <p>\$5,000.00 from line item G00.08130.4050 to line item G00.08130.1010 to use for the rest of FY2024.</p> <p>\$10,000.00 from line item F00.08330.4180 to line item F00.08340.2010 to upgrade water/sewer software.</p> <p>\$10,000.00 from line item F00.08340.4950 to line item F00.08340.2010 to upgrade water/sewer software.</p> <p>Motion Trustee Howard, seconded Trustee Burgess and carried unanimously to hire Eric Minisce as a Police Officer.</p> <p>Motion Trustee Howard, seconded Trustee Blodgett and carried unanimously to adjourn the meeting.</p>
ADJORNMENT	The meeting adjourned at 8:04 P.M.

Lynette Morrison

Village Clerk-Treasurer