

Minutes of the January 17, 2017 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 (3); Trustees: Robert Bendix (3), Stuart Blodgett (3), Alan Schober (3), and Rebecca Vermeulen (3).

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: 37

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 Bendix, seconded Trustee Schober and carried unanimously 4-0 (Trustee Blodgett Late) to approve the following minutes:

- Regular Board Meeting December 20, 2016.
- Special Board Meeting January 3, 2017.

CONSENT  
AGENDA

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously 4-0 (Trustee Blodgett Late) to approve the January vouchers and invoices Trustee Vermeulen reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$307,056.40 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

FIRE CHIEF  
VANDEWALLE

Fire Chief VanDeWalle spoke on the following:

- Annual banquet changed to February 11<sup>th</sup> due to overbooking.
- 568 calls for service in 2016.
- Major house fire at 121-123 Willow Ave. House sustained significant damage.
- Replaced four failed batteries on E-15.

Trustee Blodgett arrived at 6:08 P.M.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to approve the membership of Mr. Morgan Mercer of 4769 Hogback Hill Rd., Palmyra, who has joined NYC Hose Co.5 #. He has had his arson check done and was investigated by his company.

2017 January 17 Minutes of Village Board Meeting (3)

Mayor Taylor asked the Chief if there were any new members to approve for the Ladies Auxiliary. He noted that it has been almost a year since the last approval. Chief VanDeWalle noted that the younger women are more interested in becoming firefighters, but that there might be one new member to approve in the near future.

AECC DIRECTOR  
MIKE  
MUSCOLINO

Mr. Muscolino spoke on the following:

- It is the height of the winter indoor season, with all facilities being fully utilized.
- Adult swim started January 9<sup>th</sup>.
- Co Ed volleyball starts January 23<sup>rd</sup>.
- Youth Swim starts January 28<sup>th</sup>, with 178 individuals signed up.

CODE  
ENFORCEMENT /  
ECONOMIC  
DEVELOPMENT

Mr. Peake spoke on the following:

- He complimented the hard work and effort of the firefighters at the Willow Avenue fire this morning, and that their effort saved further structural damage to the property and adjacent ones also.
- A major water leak was discovered at 113 Maple Court on January 16<sup>th</sup>, and that significant damage was noted to the foundation.
- He informed the Board that he has been asked to serve on the Board of the Wayne County Business Council. The meetings would be held once a month. He feels it would be very beneficial to Newark, but he wanted to obtain their approval beforehand, which the Village Board conferred.
- The large pile of debris that is on West Union St. has already been cited by the Code Enforcement Department, but the necessary time to authorize the Village to remove had not yet passed.

MAYOR

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the engineering agreement with Lu Engineers for the work related to the water main replacement project on Route 88 South from Rose Drive to Union St. at a cost not to exceed \$61,000.00; the water main replacement project will occur in conjunction with the road reconstruction project.

CLERK/  
TREASURER

Mr. Murawski spoke on the following:

- He had nothing for the Board in open session.

MAYOR

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to authorize the Village to go out to bid for the chemicals used at the WTP and the WWTP for Fiscal Year 2018.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to declare surplus the bench grinder from the DPW Operations

Center and to dispose of at Fair Market Value.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize the Village to purchase a new street sweeper and other equipment from Upstate Sweeper and Rental, Inc. at a cost not to exceed \$195,000.00. The Village stills needs to authorize the borrowing to purchase the new machine once the assembly is complete.

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to authorize the Clerk/Treasurer to enter into the agreement with Key Bank to utilize their Commercial Credit Card program to replace the current First Niagara Business Master Card account. Trustee Schober asked that the Village investigate whether they could obtain the same type of program from one of the four local banks.

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

WHEREAS, the purpose hereinafter described consists of capital improvements to the existing water system, authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

WHEREAS, the Village Board of Trustees, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on January 3, 2017, has duly adopted a negative declaration SEQRA resolution with respect to the “unlisted action” under SEQRA and has determined that the implementation of the action as proposed will not result in any significant adverse environmental impacts; now therefore, be it

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

Section 1. The Village of Newark shall undertake the construction of water system capital improvements, to include without limitation, improvements and upgrades to the existing water treatment plant, construction of new clearwells, chemical feed system improvements, improvements to the South Hill Water Storage Tank and to the Raw Water Pump Station, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and Village use (hereinafter referred to as “purpose”), and general obligation

serial bonds in an aggregate principal amount not to exceed \$6,600,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$6,600,000 and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

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

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

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues,

the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, is hereby delegated to the Village Treasurer, the Village's chief fiscal officer. The Village Treasurer and the Village Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Village of Newark.

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

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

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

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the annual maintenance contract for \$7,354.44 with Otis Elevator for the Municipal Building.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to purchase the new Ricoh MPC 2504 copier for the DPW at a cost of \$5,802.64 to replace the expiring lease with the current compa-

ny.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to authorize the Village to go out to bid for services to mow the Village Cemeteries and Parks for one year, with a two year renewal option included.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to authorize the Mayor to sign the easement with NYSEG for 401 W. Shore Blvd.

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

General Fund – Contingency	A.1990.4000	(\$4,250.00)
Snow Plow – Equipment	A.5142.2000	\$4,250.00
New Salter Snow Plow		
Water Fund - Contingency	F.1990.4000	(\$2,125.00)
Trans/Dist. New Equipment	F.8340.2000	\$2,125.00
New Salter Snow Plow		
Sewer Fund - Contingency	G.1990.4000	(\$2,125.00)
Sanitary Sewer - Equipment	G. 8120.2000	\$2,125.00
New Salter Snow Plow		
General Fund – Contingency	A.1990.4000	(\$4,956.60)
Fire Dept. – Conferences	A.3410.4800	\$4,956.60
Rewrite Company By-Laws		

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to authorize Mike Gonzalez and Mike Bouwens to attend the FLWWC Annual Business meeting at Club 86 in Geneva, New York on February 2, 2017 at a cost of \$24.00 each.

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to authorize two DPW employees to attend the Sports Turf Conference on February 7, 2017 at the Double Tree Hotel in Rochester, New York at a cost of \$75.00 each.

Mayor Taylor noted the following:

- The Village received notice from the NYS DOT that the applications Newark had submitted under the 2016 BRIDGE NY Program for the East Ave. Bridge rehabilitation and the Route 31 West Culver repair were both approved and funded for \$404,000.00 and \$550,000.00 respectively.

- He noted that no notice has been received as of yet for the application that was submitted for the Blue Cut Rd. culvert repair under the same program.

LEGAL

Attorney Williams had nothing for Open Session.

POLICE CHIEF

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to approve the training request for Sergeant Thomson to attend the Taser Recertification Training in Tonawanda, New York at a cost of \$225.00, with no meals or lodging. This is a required course every two years.

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to approve the training request for Officer Salerno to attend the seminar titled “Heroin: Investigation and Prevention” in Hamburg, New York at a cost of \$75.00, with no overnight lodging or meals required

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to approve the request for Internship for Stephen Decker, to being on or about January 25, 2017. The intern will remain in the position until he has completed approximately 130 hours of training in 4 to 8 hour increments.

The Chief noted the following:

- He marched in the annual Newark Martin Luther King, Jr. Day march along with Trustee Blodgett and a few police officers.

TRUSTEES

None of the Trustees had anything for Open Session.

TIME FOR THE PUBLIC

Shawn DeCook, as the owner of a business in Newark, expressed concern over the fact of what he feels is poor communication on the part of the Village of Newark Code Enforcement Department in their enforcement of the Village Code. He stated that his business was fined \$50.00 for violation of a code requirement that he claimed he wasn't even aware of. CEO Peake stated the Village had sent a letter out to all businesses in the Village about the new code requirements that came from New York state. Trustee Schober, along with Board, stated that the Village is constantly trying to find new ways to supplement its communication efforts to Village residents and businesses already occurring through public meetings, their Facebook page, and the Village website. He stated that the Village understands that not all interested parties may be informed in every case about matters that may be important to them. It was determined later that the supposed fine was actually the normal \$50.00 fee charged for his Triennial business inspection.

EXECUTIVE  
SESSION

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to go into Executive Session at 7:27 P.M. to discuss a specific individual within the DPW and the Police Collective Bargaining negotiations.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to come out of Executive Session at 8:47 P.M.

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to approve the June 1, 2016 – May 31, 2020 Police Union contract already agreed to by the union, subject to typographical errors being corrected.

ADJOURNMENT

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously to adjourn the meeting. The meeting was adjourned at 8:52 P.M.

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Stephen Murawski,  
Village Clerk-Treasurer