

Minutes of the December 17, 2019 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), Alan Schober (1), and Rebecca Vermeulen (1).

Police Chief Mark Thoms, Village Clerk/Treasurer Steve Murawski, Code Enforcement Officer Mark Peake, Fire Chief Kevin Velte, and Attorney Art Williams.
General Public: 17

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

- Regular Board Meeting November 19, 2019.

CONSENT
AGENDA

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously to approve the December vouchers and invoices Trustee Bendix reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$469,884.44 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

FIRE CHIEF
KEVIN VELTE

Chief Velte spoke on the following :

- 541 calls for service YTD.

CODE
ENFORCEMENT/
ECONOMIC
DEVELOPMENT

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to approve the request for three Code Enforcement employees to attend the mandatory annual training put on by the NYSBOC from April 7th-9th at a cost of \$360.00 per person.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to purchase the WAGsys Code Enforcement Software from Civic.gov at a cost of \$13,820, with an annual maintenance fee after that of \$2,950.00.

CLERK
TREASURER

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to accept the Review report of the Village Justice Court for the Fiscal Year ending May 31, 2019.

MAYOR

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to approve the proposed Eagle Scout project of Tucker Crawford involving the East Newark Cemetery. The board will have to grant approval for any work impacting the grounds, such as fencing and posts.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the Fire Protection Contract with the Town of Arcadia for Fire Protection District # 1 for \$60,000.00 for calendar year 2020, subject to final approval by the Town Board after their December 27th public hearing on the contract.

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously to approve the contract with Water Wise for the Water Treatment Service at the WWTP Digester and Control Buildings at a cost of \$1,402.17 for one year.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the contract with Water Wise for the Water Treatment Service of the Municipal Building boiler at a cost of \$1,727.21 for one year.

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to approve the Zero Dollar Change Order #2, Share 2 under BRIDGE NY, Route 31 Culvert replacement.

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously to approve the Zero Dollar Change Order #1, Share 3 with the NYS Canal Corp., Route 31 Culvert replacement.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize Newark Boy Scout Troop 122 to collect the live Christmas Trees disposed of in the Village at a cost of \$2.00 per tree.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously to accept the Municipal Dog Shelter Inspection report dated October 28, 2019.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize the Village to go out to bid for the chemicals used at the WTP and WWTP for Fiscal Year 2021.

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to accept the quote from Marlock Electric to perform the Street Light Service Installation at a price of \$5,543.00

Motion Trustee Blodgett, seconded Trustee Schober and carried unan-

imously to declare surplus four string trimmers and an old road saw, and to dispose of at Fair Market Value.

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to acknowledge the New Application Notice Form from LEOTOTS, LLC, dba Newark Pilots for a liquor license at Colburn Park.

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to approve the Otis Elevator five-year contract for maintenance of the Municipal Building elevator at a cost of \$550 per month, payable annually, based on Best Value.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to allow St. Michael's Church to purchase three Assist Railings to be installed on the new steps located in the Village Right of Way in front of the church. The Village will install them, and also have final approval over style and design.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the contract with MRB Group to develop an RFP for the replacement of the roof of the Newark Public Library building at a cost not to exceed \$15,000.00.

LEGAL

Village Attorney Art Williams had nothing for Open Session.

POLICE CHIEF

Chief Thoms requested an Executive Session to discuss a specific position within the Newark Police Department.

TRUSTEES

None of the Trustees had anything for Open Session.

TIME FOR THE PUBLIC

Patrick Russell, the new owner of the building at 213 South Main St., expressed his concern about the lack of parking in front of his building at various times. Mayor Taylor informed him that Mr. Peake has had some conversations with the owner of the adjacent building, and this owner will try to have his tenant's customers utilize the parking across the street next to Central Park, when they are at the tenant location for the whole day.

EXECUTIVE SESSION

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to go into Executive Session at 7:15 P.M. to discuss two potential Real Estate transactions, and specific positions within the Police Department and Village Office.

OPEN SESSION

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to come back into Open Session at 7:55 P.M.

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to approve the Appointments List for 2020 that is included at the end of these minutes.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve the hiring of Ethan Derr as a Newark Patrolman, with a start date as soon as possible.

ADJOURNMENT Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to adjourn the meeting.

The meeting adjourned at 7:56 P.M.

Stephen Murawski,
Village Clerk-Treasurer

FINAL Village of Newark – 2020 Appointments List (all for 1 year unless noted)

- Jonathan Taylor – Budget Officer
Budget Oversight Committee
Personnel Officer
DPW, Water and Wastewater Operations
Information Technology Committee
Village Spokesperson
Audit Committee
- Stuart Blodgett - Deputy Mayor
Police Commissioner
Personnel Officer
Information Technology Committee
Insurance Commissioner
Village Justice Liaison
- Alan Schober - Fire Commissioner
Planning and Zoning Board Liaison
Loan Review Committee
Records Management Committee
Cemetery Liaison
Audit Committee
- Bob Bendix- Ambulance Liaison
Personnel Officer
Information Technology Committee
Economic Development Liaison
Library Liaison
Loan Review Committee
- Rebecca Vermeulen - Canal Port and Parks Liaison
Alex Eligh Community Center Liaison
Newark Housing Authority Liaison
Audit Committee
Wayne County Cable Commission
- Steve Murawski - Clerk/Treasurer (This is a four-year appointment)
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

- Mark Peake - Code Enforcement Officer
Economic Development Facilitator
Loan Review Committee
- Dennis Tellier - Veterans Affairs Commissioner
- Arthur Williams - Village Attorney
Ethics Committee Chairperson
Fair Housing Officer
Loan Review Committee
- Tracey Fox - Village Prosecutor
- Keith Benjamin - Associate Village Justice effective April 1, 2019.
- Terry Rodman - Associate Village Justice 12/20/2018 to 03/31/2018
- Carolyn Pitti - Deputy Clerk-Treasurer
- Robin Bremer- Deputy Clerk for Code Enforcement
Records Management Committee
- Noreen Stafford - Deputy Clerk for Water and Sewer Operations
- Lynette Morrison - Deputy Clerk for Disbursements
- Sharon VerHeecke - Deputy Tax Collector
- Chris Davis - Historian

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

- Zoning and Planning Boards for 5 years
- Planning Board 5 years
 - Zoning Board 5 years
 - Planning Board Alternates - 1 Year
 - Zoning Board Alternates - 1 Year

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 Regular Meeting:
p.m. Third Tuesday of each month.

Special Meetings:
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 Man-
agement 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 **2019**.

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:

<u>ESTIMATED AMOUNT OF PURCHASE CONTRACT</u>	<u>METHOD</u>
\$2,500 – \$4,999	2 Verbal Quotations
\$5,000 – \$19,999	3 Written/Fax quotations or written requests for proposals

<u>ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT</u>	<u>METHOD</u>
\$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.empirestate.ny.us/Small and Growing Businesses/mwbe.asp](http://www.empirestate.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 -

- Sexual Harassment/Hostile Work Environment
- 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 Adopted April 4, 1989, Schedules MU-1 and MI-1.