

Minutes of the April 17, 2018 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 (16); Trustees: Robert Bendix (14), Stuart Blodgett (16), Alan Schober (15), and Rebecca Vermeulen (12).

Police Chief David Christler, Village Clerk/Treasurer Steve Murawski, Code Enforcement Officer Mark Peake (Excused), Fire Chief Rusty Havert, AECC Executive Director Mike Muscolino (Excused), and Attorney Art Williams.

General Public: 20

WELCOME BY
MAYOR

At 6:01 P.M., Mayor Taylor led the gathering in the Pledge of Allegiance to open the meeting.

APPROVAL OF
MINUTES

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

- Regular Board Meeting March 20, 2018.
- Special Board Meeting March 26, 2018.
- Public Hearing –Fiscal Year 2019 Budget/Special Board Meeting April 3, 2018.
- Special Board Meeting April 5, 2018.

CONSENT
AGENDA

Motion Trustee Vermeulen, seconded Trustee Schober and carried unanimously to approve the April vouchers and invoices Trustee Bendix reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$1,012,804.77 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

MAYOR TAYLOR

Mayor Taylor recognized Newark CSD Student/Athlete Dillon VanDemortel for his winning the Section V - Class C Championship in the 3200 meter.

He also introduced Girls Bowling Coach Mark Rowe, who noted that the team went 40-0 in League competition, and 64-0 in Section V. Mr. Taylor congratulated the team, which won the Section V Championship in Class C, as well as being the Finger Lakes East Champion. Coach Rowe noted the following bowlers on the team, and their specific accomplishments:

Ashley Watrous - Bowler of the Year for the Rochester area, member of the All Greater Rochester team, and took 3rd place in the NYSPH competition this past season.

Sierra Powers – Senior Class member of the team.
Natalie Kent – 7th Grade team member, All Greater Rochester Area team member, and a 200 per game average for the year.
Aubrey Gibson – Valuable team member.
Team members not in attendance, but recognized – Emily Lang, Emily Spry, and Rebecca Spry.

FIRE CHIEF
RUSTY HAVERT

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to approve the following Chiefs list:

Chief – Rusty Havert
1st Assistant Chief – Kevin Velte
2nd Assistant Chief – Chuck Witt
3rd Assistant Chief – Jeff Miller

Chief Havert spoke on the following:

- 163 calls YTD.
- Participated in a three county drill with Ontario Co. in Port Gibson, involving the use of a Tanker Operation, which the Village usually does not utilize. The drill provided exposure to the fire-fighters for this type of operation.
- Newark will be hosting the Wayne Co. Fire Chiefs meeting on May 2nd at 6:00 P.M. The Chief asked that the Board RSVP on their intentions of attending the meeting.
- Delivery of the new truck from Pierce Mfg. is expected around the end of June 2018.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to approve the membership of Joshua Williams of 312 Church Street, Newark, to NYC Hose Co. #5. He has had his arson check done and was investigated by his company.

AECC DIRECTOR
MIKE
MUSCOLINO

Mr. Muscolino was excused. Mayor Taylor noted the he had nothing to report for the meeting.

CODE
ENFORCEMENT/
ECONOMIC
DEVELOPMENT

Mr. Peake was excused from the meeting also; he had nothing new to report also.

CLERK/
TREASURER

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously to authorize relevy of the past due unpaid water/sewer bills and unpaid public works charges on the June 2018 Village Real Estate Property Taxes. The Board will approve the dollar amounts for these relevies at the May 2018 Board meeting.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to authorize the Treasurer to enact whatever budget transfers may be necessary for Fiscal Year 2018 to eliminate deficits in any budgetary line item, subject to review by the Budget Oversight Committee.

Clerk/Treasurer Murawski noted the following:

- Interest rates on borrowed funds are expected to rise over the next two years, which could impact Village bond issuances.
- The Annual Wayne Co. Business Council Legislative Breakfast is May 11th. He requested that the Board RSVP for the event.

Mr. Murawski requested an Executive Session to discuss Pending Litigation.

MAYOR

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to approve the Fiscal Year 2019 Proposed budget, with a Tax Rate of \$13.430168, which is under the Village's tax cap limit for this year. The Tax Levy is \$4,215,744.00. Appropriations approved for the Funds are as follows:
General - \$6,338,509; Water - \$1,745,457; Sewer - \$2,641,864.

Mayor Taylor noted that the Budget included no tax rate increase; this was the third time in the last four years that the rate didn't increase. The one tax rate increase was under 2.50%. The water rent and sewer fee charge remained the same also.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to approve the request to send DPW employees Develder and Crawford to the Drive To Survive training sponsored by NYMIR on May 8th in Auburn at no cost to the Village.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the following resolution:

SUPPLEMENTAL BOND RESOLUTION DATED APRIL 17, 2018 OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER IMPROVEMENTS, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, EXPENDITURES FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to a bond resolution dated November 21, 2017 (the "Original Bond Resolution") the Board of Trustees of the Village of Newark, New York (hereinafter referred to as the "Village")

approved expenditures for, and the issuance and sale of, up to \$1,423,000 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the construction of water improvements;

WHEREAS, actual project costs have proved to be approximately \$377,000 higher than the maximum estimated project costs and the Village desires to provide for the financing thereof by supplementing the Original Bond Resolution by the adoption of this Supplemental Bond Resolution;

WHEREAS, the Village, 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 August 7, 2017, has duly adopted a negative declaration with respect to the unlisted action 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 BOARD OF TRUSTEE OF THE VILLAGE OF NEWARK, NEW YORK, 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 improvements, including, without limitation, replacing water mains along Main Street (NYS Rte. 88) extending from Rose Drive to Union Street and a pressure reducing vault, 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, as set forth in the Original Bond Resolution (hereinafter referred to as “purpose”), in an additional amount not to exceed \$377,000, and additional general obligation serial bonds in an aggregate principal amount not to exceed \$377,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are now hereby authorized to be issued to finance such additional costs of said purpose and said additional amount is hereby appropriated therefor.

Section 2. The aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is now estimated to be \$1,800,000. The plan for financing of said purpose is to provide up to \$1,423,000 of such maximum cost by the issuance of bonds or bond anticipation notes as authorized under the Original Bond Resolution and to provide up to \$377,000 of such maximum cost by the issuance of bonds or bond anticipation notes 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 consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, 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 prin-

principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor in the manner provided by law, but if not paid from such source, all the taxable real property within said Village shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds and notes. 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, or a summary hereof, 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 Vermeulen, seconded Trustee Blodgett and carried unanimously to approve the following resolution:

SUPPLEMENTAL BOND RESOLUTION DATED APRIL 17, 2018 OF THE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER IMPROVEMENTS, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, EXPENDITURES FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to a bond resolution dated November 21, 2017 (the "Original Bond Resolution") the Board of Trustees of the Village of Newark, New York (hereinafter referred to as the "Village") approved expenditures for, and the issuance and sale of, up to

\$1,586,000 aggregate principal amount of general obligation bonds and bond anticipation notes relative to the construction of sewer improvements;

WHEREAS, actual project costs have proved to be approximately \$114,000 higher than the maximum estimated project costs and the Village desires to provide for the financing thereof by supplementing the Original Bond Resolution by the adoption of this Supplemental Bond Resolution;

WHEREAS, the Village, 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 August 7, 2017, has duly adopted a negative declaration with respect to the unlisted action 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 BOARD OF TRUSTEE OF THE VILLAGE OF NEWARK, NEW YORK, 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 sewer system improvements, including, without limitation, replacing the existing sanitary sewers along Main Street (NYS Rte. 88) extending from Rose Drive to Union Street and replacing two sewer pump stations, 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, as set forth in the Original Bond Resolution (hereinafter referred to as “purpose”), in an additional amount not to exceed \$114,000 and additional general obligation serial bonds in an aggregate principal amount not to exceed \$114,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are now hereby authorized to be issued to finance such additional costs of said purpose and said additional amount is hereby appropriated therefor.

Section 2. The aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is now estimated to be \$1,700,000. The plan for financing of said purpose is to provide up to \$1,586,000 of such maximum cost by the issuance of bonds or bond anticipation notes as authorized under the Original Bond Resolution and to provide up to \$114,000 of such maximum cost by the issuance of bonds or bond anticipation notes 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 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) 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 consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, 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. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor in the manner provided by law, but if not paid from such source, all the taxable real property within said Village shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds and notes. 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, or a summary hereof, 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 Vermeulen, seconded Trustee Bendix and carried unanimously to approve the budgetary transfers necessary to fully fund the Route 88 South Water and Sanitary Sewer Main Replacement projects.

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

Water Fund – Contingency	F.1990.4000	(\$1,000.00)
Water Purification–New Equipment	F8330.460	\$1,000.00
State Required Additional Testing		
Water Fund – Contingency	F.1990.4000	(\$3,853.92)
Source of Supply –New Equipment	F.8320.2000	\$3,852.92
Cylinders Replaced		

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried

unanimously to approve the expenditure of up to \$8,000.00 to upgrade the Infrastructure-Virtual Server IT System, and up to \$13,000.00 to replace 13 outdated computers in the Police Dept., Village Office, and the WTP.

The Board chose to table the discussion and any action on the proposal from MRB Group to perform the analysis of the physical condition of the Municipal Building.

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to schedule the Public Hearing on the proposed Cable Franchise Agreement with Charter Communications on May 15, 2018 at 6:10 P.M.

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to approve participation in the Community Wide Garage Sale event on August 4, 2018, and to waive the need for an individual permit to participate in this event.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously to approve the schedule of events for FY 2019 presented by the Newark Veterans Council. Due to potential issues with construction on Route 88 South this year, the parade locations will be moved. Participants in the events will line up south of E. Maple Ave on East Avenue, and the parade will proceed north on East Ave. to Church St., and then west on Church St. to Central Park.

Mayor Taylor noted that the Preconstruction meeting for the Route 88 project was held this morning, and the main theme expressed was the importance of ongoing communication between all the involved parties. The expected start date of construction is April 30th, starting at W. Union St., and moving south.

The Mayor also announced that the Village has been awarded \$550,000.00 under the NYS DOH Round 4 Fluoride grant program. This will help reduce the amount the Village will have to borrow to complete the Water Treatment System upgrade project listed at \$6.6 M.

LEGAL

Attorney Williams had nothing for Open Session;

POLICE CHIEF

Motion Trustee Vermeulen, seconded Trustee Bendix and carried unanimously to approve the training request of Inv. VerStraete to attend the NYSP Crimes Against Children seminar from May 21st-25th at the NYSP Academy in Albany, New York at a cost of \$585.00 for lodging and meals for four nights.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unani-

mously to approve the training request of Officer Dapolito to attend the Commercial Vehicle Enforcement Awareness course from June 13th - 15th in Syracuse, New York at a cost of \$90.00 for meals only. A village vehicle will be used to commute daily.

The Chief informed the Board that a Town Watch – National Night Out event will be held on August 7th from 2:00-6:00 P.M. in the Wegmans parking lot south of Burger King. The event is held to raise awareness of community involvement in crime prevention.

Mayor Taylor asked the Chief if any more substitute School Crossing Guards had been hired. The Chief stated that an ad had been placed to try to locate additional candidates.

TRUSTEES

None of the Trustees had anything for Open Session.

TIME FOR THE PUBLIC

Shawn DeCook, Operations Manager for V Tech Industries on South Main St., asked about the Route 88 project and its impact on access to his business for deliveries and pick-ups. The Mayor stated that a Public Meeting is tentatively scheduled for May 1st in the Municipal Building courtroom at 7:00 P.M, so that the public can ask questions of the contractor, construction inspector, and the Village. Contact and other information will also be provided at this meeting.

EXECUTIVE SESSION

Motion Trustee Bendix, seconded Trustee Vermeulen and carried unanimously to go into Executive Session to discuss Pending Litigation at 6:48 P.M.

ADJOURNMENT

The meeting was adjourned at 6:59 P.M.

Stephen Murawski,
Village Clerk-Treasurer