

Minutes of the August 18, 2015 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 (16); Trustees: Robert Bendix (16), Stuart Blodgett (14), Alan Schober (16), and Trustee Kurt Werts (13).
- Police Chief David Christler, Village Clerk/Treasurer Steve Murawski, Code Enforcement Officer Mark Peake, Fire Chief Gerry VanDeWalle (Fire Call), AECC Executive Director Mike Muscolino, and Attorney Art Williams.  
General Public: 2
- WELCOME BY MAYOR** At 6:03 P.M., Mayor Taylor led the gathering in the Pledge of Allegiance to open the meeting.
- MOMENT OF SILENCE GERRY WAGE** Mayor Taylor asked for a moment of silence to recognize and honor Jerry Wage, recently deceased and former Volunteer Fireman, Planning Board and Zoning Board member, and Little League baseball coach.
- APPROVAL OF MINUTES** Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the following minutes:
- Regular Board Meeting July 21, 2015.
- CONSENT AGENDA** Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to approve the August vouchers and invoices which Mayor Taylor reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$693,890.44 were authorized for all funds.
- The Board thanked the department heads for their monthly reports.
- MAYOR - PILOT AGREEMENT** Mayor Taylor moved agenda item Approval of PILOT Agreement up on the agenda to allow for Bruce Levin to be available by phone in case any questions arose that he would need to answer. Marie Wasman, Executive Director for the Newark Housing Authority, was also in attendance. Trustee Werts asked for an overview of the agreement, which was then provided by Trustee Schober, who was actively involved in the process along with Mayor Taylor and CEO Mark Peake. Motion Trustee Schober, seconded Trustee Werts and carried unanimously to approve the PILOT agreement by and among the Village of Newark, Town of Arcadia, St. Michael's Housing Development Fund Company, Inc., and Newark Schoolhouse Limited Partnership.
- FIRE CHIEF GERRY VANDEWALLE** Fire Chief VanDeWalle was excused due to active fire call.
- Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the membership of Mr. Christopher Witt, 429 Grace Ave., who has joined Deluge Hose Co. # 1. He has had his arson check done and was investigated by his company.
- AECC DIRECTOR MIKE MUSCOLINO** Mr. Muscolino spoke on the following:
- The Summer Park season ended last Saturday, with almost 350 people in attendance at the annual year end celebration.
  - Annual summer maintenance has started at the AECC building.
  - Preparing for the Fall and Winter Season programs.
- CODE ENFORCMENT /** Mr. Peake spoke on the following:

ECONOMIC  
DEVELOPMENT

- Eight or nine new boats stopping at the Port of Newark on the Erie Canal each night in August. Most want a map of Newark to see where they can eat and shop.
- July was a busy month dealing with Code Enforcement issues, which cuts into the time and effort which could be spent on Economic Development efforts.
- Spoke with Rudy Neufeld about a possible project at Southwinds Landing that would provide right sized housing for senior citizens, which would enable them to continue to live in Newark instead of moving elsewhere to find this type of housing.
- No firm opening date yet for the Verizon Wireless store at Arcadia Shopping Center.
- The initial testing of the former Roosevelt School on E. Union St. came back with positive results showing no asbestos issues as of yet; this would greatly reduce the cost of demolition.
- Potential for Finger Lakes Community Health to expand already their newly leased location at the Cannery Row Mall.
- Newark Wayne Community Hospital will soon be going through the Planning Board for site plan review of the new entrance on the south side of the building. A new chapel is being considered at the hospital also.
- VONEDA meeting in August productive and positive, with the School, Town, Village, Hospital and Chamber of Commerce working together to help further revitalize our community.

Trustee Werts asked Mr. Peake if there could be a meeting set up with MRB Group at which the public would be provided an opportunity to speak on the ongoing Code Revision project which they are working on with the Village. He also asked Mr. Peake if there was any project in the works right now to produce a "Welcome Wagon" for new businesses coming into the Village. Mr. Peake stated that he spent almost two hours today meeting with the new owner of the hotel to inform them of the assistance that the Village and Chamber could offer them.

CLERK/  
TREASURER

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to authorize the Village of Newark to join "The Cooperative Purchasing Network" (TCPN), which allows the Village to participate in the cooperative to purchase goods and services at potentially reduced pricing.

Motion Trustee Werts, seconded Trustee Schober and carried unanimously to acknowledge the receipt of the "30 Day Advanced Notice for a Liquor License" renewal form from August Mauer Post 286, The American Legion, Inc.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to acknowledge the receipt of the "30 Day Advanced Notice for a Liquor License" renewal form from Pat and Bunny, Inc. - The Corner Restaurant.

Mr. Murawski also informed the Board of the ongoing FY 2015 audit being performed by The Bonadio Group and updated them on the status of implementing the Paymentus Third Party payment system for water/sewer bills.

MAYOR

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to authorize IMS, Inc. to process pick-up and delivery of Village mail to the USPS.

Motion Trustee Schober, seconded Trustee Werts and carried unani-

mously to authorize the WWTP to put out a bid for new chemicals Polymer and Alum to be used in their operation processes.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to declare surplus an old band saw and an old chop saw and to dispose of them at Fair Market Value.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the Certificate of Substantial Completion to Rand-sco Pipeline, Inc. for their work on the WWTP Outfall Pipe project.

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

**WHEREAS**, Newark Manor Properties, LLC has timely commenced a request for Judicial review under Article 7 of the Real Property Tax Law to challenge the assessment on real property commonly known and identified as Newark Manor Nursing Home and situate at No. 222 West Pearl Street, Newark, New York for the 2015-2016 Tax Year; and

**WHEREAS**, the Town of Arcadia, as the primary assessing unit, has engaged an Appraiser and Legal Counsel to respond to and defend said legal proceeding; and

**WHEREAS**, said challenged assessment, if successful, would adversely affect the amount of real estate taxes collectable by the Town of Arcadia, the Village of Newark, the Newark Central School District and the County of Wayne; and

**WHEREAS**, past practice in such instances has resulted in all affected parties agreeing to share equally in the cost and expenses incident to the defense of the pending Assessment Review Proceeding.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Newark, Wayne County, New York, as follows:

**Section 1.** The Village Board wishes to continue the cost-sharing dynamic previously established by the Town, the Village, the School District and the County as each specified entity will be directly impacted by the final resolution of the pending Assessment Review Proceeding.

**Section 2.** The Village Clerk is hereby directed to furnish a copy of this Resolution to the Town Assessor or other representative of the Town of Arcadia, the Newark Central School District, and the County of Wayne.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to approve the use of Central Park by Ms. Sheila Weigert for her wedding on August 15, 2015 from 3:00-4:00 P.M.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to declare Thursday, August 20, 2015 as Fred Pirelli Day in the Village of Newark in honor of his receiving the Paul Harris Fellow Award from the Newark Rotary.

Mayor Taylor noted that Pathstone will be holding a meeting in the Municipal Building courtroom Thursday, October 8, 2015 from 5:30-7:00 P.M. to provide information to community homeowners about the NYSERDA grant funding Pathstone recently received to help low to moderate income individuals receive free energy audits and assistance with weatherization of their homes.

The Mayor also noted requests from a resident on Pine Boulevard, who wanted the Village to place a "Dead End" sign on the street for traffic driving south at the intersection of Oak Drive, and from a resident on Jason Drive at the intersection with Nathaniel Way who also requested the same signage. Noting that DPW Supervisor Townsend noted many

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dead end streets in the Village are not posted with any signage, the Board tabled the request until further information is obtained.

#### LEGAL

Attorney Art Williams had nothing for open session.

#### POLICE CHIEF DAVID CHRISTLER

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to authorize the attendance of Chief Christler at the 2015 Finger Lakes Law Enforcement Executive Training Conference in Varysburg, New York from October 6<sup>th</sup>-8<sup>th</sup> a cost of \$300.00 for tuition, room, and meals.

Motion Trustee Werts, seconded Trustee Blodgett and carried unanimously to authorize the replacement of two AED's in the police department with the two new units costing \$1,550.00 each.

Chief Christler noted the following:

- Provided the Board with cost estimates for equipping the 2014 Ford Explorer Vehicle 210 with items that weren't already on the SUV when it was purchased from the Village of Lyons.
- Drug arrest of two people in the Village today through Wayne NET, with one of them being in possession of 45 packets of heroin and \$2,000.00 in cash.
- Further information obtained about the alleged abduction that occurred in early August 2015 seems to point to some type of internet dating situation that possibly turned into some type of scam. The Chief noted the voluntary assistance of off duty Village employee Jose Santell in the interview process because the usual interpreters the Village utilizes were unavailable. Upon his recommendation, Motion Trustee Blodgett, seconded Trustee Werts and carried unanimously to pay Jose Santell four hours pay for his assistance in the interview process.
- Mayor Taylor read the complete letter, provided by Chief Christler, from the Delaware Child Predator Task Force commending Village Police Officer Randy Rice for his assistance in the investigation and ultimate arrest of a suspect wanted for 24 felony counts in the state of Delaware.

#### TRUSTEES

Trustee Blodgett brought up the subject of locating Village owned outdoor basketball courts in the Village of Newark. Trustee Werts noted that in the past such facilities attracted individuals from outside the Village who ended up generating complaints for loud noise and disturbing the peace incidents. Trustee Schober stated that a potential new Community Center building would be able to provide this type of recreation to the community. There was significant discussion of the matter, and the consensus of the Board is that the Village should review further some possible locations for the outdoor courts.

Trustee Blodgett also provided the Board of an overview of the process he and the Clerk/Treasure had just completed in obtaining proposals for the Village's General and Liability Insurance which is up for renewal September 9, 2015. Only two firms provided quotes for the insurance; Trident Insurance through Ely & Leene/Mead-Malloy gave a quote of \$138,579.00, and NYMIR through The Sullivan Agency quoted \$177,565.00. He noted that the policy proposal through NYMIR, the current provider of liability insurance to the Village, included coverage that the Board deems necessary, while Trident did not offer the coverage or a quote for the coverage separate from their main proposal. Based upon that information, motion Trustee Werts, seconded Trustee Schober and carried 4-0, with Trustee Blodgett recusing himself as an employee of The Sullivan Agency, to accept the bid of NYMIR to pro-

vide the General and Liability Insurance for the Village of Newark at a cost of \$177,565.00, as quoted for coverage.

Motion Trustee Werts, seconded Trustee Blodgett and carried unanimously to authorize the Arcadia Historical Society to utilize the North Main St. cemetery chapel and mausoleum on October 16, 2015 for their annual Cemetery Walk.

The request from Bill Doeblor of Grace Avenue to move the Village's main Christmas light display from T. Spencer Knight Park to Central Park was discussed. Mayor Taylor noted that DPW Supervisor Townsend informed him that the current electrical service at Central Park is not sufficient to handle the light display, and that there also would not be enough room to place all the lighting display in Central Park. The Board's consensus is that they want to continue to promote the Port of Newark along the Erie Canal with the Christmas Light display, but that some additional lighting could be purchased to be utilized in Central Park without overloading the current service there.

TIME FOR THE PUBLIC

No one else from the public had any comment at this time.

EXECUTIVE SESSION

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to go into Executive Session at 8:05 P.M to discuss Pending Litigation and ongoing Union Negotiations.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to come back into open session at 8:25 P.M.

MAYOR - DPW CONTRACT

Motion Trustee Blodgett, seconded Trustee Werts and carried unanimously to approve the tentative contract with the Village of Newark DPW Union Local 721 and Council 66, AFSCME, AFL-CIO, for the period from June 1, 2015 through May 31, 2019, which is included at the end of these minutes.

ADJOURNEMENT

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously to adjourn the meeting. The meeting was adjourned at 8:32 P.M.

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Stephen Murawski,  
Village Clerk-Treasurer

**See tentative contract agreement starting on the next page (pages 8 through 12).**

**SUMMARY OF TENTATIVE AGREEMENT REACHED  
ON  
JULY 21, 2015 BETWEEN THE VILLAGE OF NEWARK,  
N.Y., AND AFSCME LOCAL 721, AFL-CIO**

**ARTICLE XII – WAGES AND CLASSIFICATION**

**SECTION 1 – WAGE SCHEDULE AND CLASSIFICATIONS:**

The Village of Newark and AFSCME Local 721 agree to:

- ✓ A Four (4) year contract, with retroactive pay entitlement effective June 1, 2015.

Year 1 (6/1/15-5/31/16) 3.00% wage increase  
Year 2 (6/1/16-5/31/17) 3.00% wage increase  
Year 3 (6/1/17-5/31/18) 2.00% wage increase  
Year 4 (6/1/18-5/31/19) 2.00% wage increase

**SECTION 1(A) – STEP INCREMENTS**

The Village of Newark and AFSCME Local 721 agree to:

- ✓ Change the current two (2) step process to achieve top pay to a three (3) step process whereby new employees will not achieve top pay until the 3<sup>rd</sup> year of their employment. This will apply to all individuals hired after June 1, 2015. The new step process would be as follows:

<u>Effective</u>	<u>Current</u>	<u>New</u>
Start Rate	\$17.98	\$17.98
Step I (1 Yr.)	20.35	19.71
Step II (2 Yrs.)	23.17	21.44
Step III (3 Yrs.)		23.17

**ARTICLE XIII – HOSPITALIZATION MEDICAL & DENTAL BENEFITS**

**SECTION 1**

The Village of Newark and AFSCME Local 721 agree to:

- ✓ Continue, at no cost to the current membership, existing Medical and Dental Benefits including the \$1,400 intended to cover health insurance co pays, etc., and an additional \$1,400 in an HRA account.

- ✓ Effective June 1, 2015, all persons hired after this date, will pay 15% of their Medical and Dental costs.
- ✓ The Village of Newark also agrees to maintain the following Benefits with the currently associated Co-Pays, and incorporate them into the contract:

- Inpatient Facility (Hospital Room)      \$200.00
- Outpatient Surgery                              \$100.00
- Emergency Department (ED)                \$ 75.00
- Ambulance    \$ 75.00

- ✓ The removal of the following contract language:

“The Employer will provide to all current employees at no cost, Preferred Care Tri-Vantage 250 – 2 with \$10.00/\$25.00/\$40.00, annual eyewear coverage with no cap on prescription effective August 1, 2003.”

The Village of Newark and AFSCME Local 721 agree that:

- ✓ Each bargaining unit member will receive *hepatitis B* **and** *hepatitis A* inoculations to be paid for by the Village.

**SECTION 12 – WORK SAFETY INCENTIVE**

The Village of Newark and AFSCME Local 721 agree to:

- ✓ The elimination of the monthly safety lunches with the Union willing to forgo any claim to the savings realized by their elimination. The quarterly lunches will remain.

✓

**SECTION 13 – VILLAGE INCENTIVE PROGRAM**

The Village of Newark and AFSCME Local 721 agree to:

- ✓ The elimination of the village incentive program with all language in reference to it being removed from the contract.

**SECTION 14 – SAFETY INCENTIVE**

The Village of Newark and AFSCME Local 721 agree to:

- ✓ The elimination of the village incentive program with all language in reference to it being removed from the contract.

## **ARTICLE V – VACATIONS**

### **SECTION 1 – CHOICE OF VACATION PERIOD**

The Village of Newark and AFSCME Local 721 agree to:

- A.** Contract language change which would read “The Month of February each year will be vacation selection pick month. Employees wishing to utilize their seniority and request **24** or more consecutive hours of vacation will submit their request for vacation time and dates the month of February to Management. **\*\* The remainder of this section to remain unchanged.**

### **SECTION 5 – VACATION SCHEDULE:**

The Village of Newark and AFSCME Local 721 agree to:

- ✓ The removal of all reference to the Forty (40) hours of Vacation ETO time provided for in previous contracts but eliminated in the last contract.

## **ARTICLE VII – PERSONAL LEAVE**

The Village of Newark and AFSCME Local 721 agree to:

- B.** Personal Leave time off must be used in **two (2)** hour increments.
- D. “NEW”** All remaining personal leave time balances as of May 31<sup>st</sup> of  
any given year shall be paid to that employee in the last pay period of  
May of that year.

## **ARTICLE II – UNION SECURITY**

### **Section 7 – “NEW” -- NEGOTIATING TEAM**

The Village of Newark and AFSCME Local 721 agree that:

The employer shall give time off with no loss of pay for all Union Officers, elected, or appointed by the sitting President of the Local, to



participate in contract negotiations, if such meetings are held during regular working hours.

The employer shall also give time off with no loss of pay for all Union Officers, elected, or appointed by the sitting President of the Local, to meet with, in some cases off site, with the AFSCME Council 66 Area Representative, with the understanding that the Village will be notified of the Representatives need to meet with those individuals in advance of the meeting.

Additionally, all meetings between the Union Officers, Negotiating Team and the AFSCME Council 66 Area Representative shall be held in the Village of Newark.

## **ARTICLE XVIII – GRIEVANCE COMMITTEE AND STEWARDS**

The Village of Newark and AFSCME Local 721 agree to:

- B. Grievance Committee Members may investigate and process grievances during working hours without loss of pay. **Remainder of paragraph removed.**

## **ARTICLE VI – SICK LEAVE SECTION 3(B)**

The Village of Newark and AFSCME Local 721 agree to:

- ✓ Include contract language that will state/declare and clarify that for the first fifteen days when an employee is paid 100% of their wages, that any reimbursement that the employee may receive for the first fifteen working days from the Worker's Compensation Board, that those funds be reimbursed to the Employer (Village of Newark).