

Minutes of the May 16, 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 (17); Trustees: Robert Bendix (16), Stuart Blodgett (16), Chris Burgess (18), and Emily Howard (12).</p> <p>Police Chief Richard Martin, Superintendent of DPW Bob Hutteman, Village Clerk-Treasurer Lynette Morrison, Economic Development Facilitator Mark Peake, Fire Chief Jeff Miller, Attorney Matthew St. Martin, WWTP Chief Operator John Reynolds, Investigator Nick Dapolito, Officer David Sweeney, Manny and Alice Crespo, representatives from Newark Emmanuel Church and Food Closet Program.</p> <p>General Public: 23</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 April 18, 2023.• Special Board Meeting April 25, 2023.• Special Board Meeting May 9, 2023.
CONSENT AGENDA	<p>Motion Trustee Howard, seconded Trustee Bendix and carried unanimously to approve the May vouchers and invoices Trustee Burgess reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$409,887.09 were authorized for all funds.</p> <p>The Board thanked the department heads for their monthly reports.</p> <p>Chief Martin along with Mayor Taylor presented the swearing in of Nick Dapolito as the Newark Police Investigator and the swearing in of Police Officer David Sweeney.</p> <p>Mayor Taylor and Chief Martin both expressed their gratitude and congratulations to Nick and David on their new positions.</p>
FIRE CHIEF	<p>Chief Miller stated they have had 217 calls year to date. 30 Volunteer Fire Department Members attended the workplace violence training. The DPW fixed the Fire Department’s flag pole and put mulch around. The Fire Department helped the DPW with mulch as well. From May 29th to June 3rd Firehouse Subs will be on East Avenue for the Fire Department fundraiser event. The Fire Department will be providing a Fire Truck for the Unity Festival on June 19th, the Laurel House Run and Touch-a -Truck on June 6th with a rain date of June 13th.</p> <p>Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the Newark Fire Department fund raiser of Firehouse Subs sales from May 29th to June 3rd on East Avenue.</p> <p>Motion Trustee Burgess, seconded Trustee Bendix and carried unanimously to approve the reimbursement of \$9,000.00 to the Newark Fire Department Association for purchasing boots to go along with the new gear that was paid for with a grant.</p>
CODE ENFORCEMENT	<p>Code Enforcement Officer Michael Bouwens was not in attendance for updates or comments.</p>

No Comments on the Moratorium.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to close the Public Hearing.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to adopt the Local Law imposing a temporary 12-month Moratorium for operating retail businesses involving the transfer, distribution, gifting or sale of cannabis within the Village of Newark.

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

LOCAL LAW NO. OF 2023, LOCAL LAW IMPOSING A TEMPORARY 12-MONTH MORATORIUM FOR OPERATING RETAIL BUSINESSES INVOLVING THE TRANSFER, DISTRIBUTION, GIFTING OR SALE OF CANNABIS WITHIN THE VILLAGE OF NEWARK.

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 Imposing a Temporary 12-Month Moratorium for Operating Unlicensed Retail Businesses Involving the Transfer, Distribution, Gifting or Sale of Cannabis within the Village of Newark."

Section 2. Purpose and Intent

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. New York State legalized adult- use cannabis, on March 31, 2021 by passing the Marijuana Regulation & Taxation Act (MRTA). The Act creates the Office of Cannabis Management (OCM) to issue licenses and develop regulations for recreational use of cannabis.

The New York State Office of the Cannabis Control Board has yet to establish regulations to allow for the issuance of licenses to business to allow for the legal sale of adult-use cannabis or cannabinoid hemp licenses. Therefore, to prevent unlicensed businesses in the Village from providing, distributing, gifting or transferring cannabis to customers, the Village wishes to enact a Village wide moratorium for the establishment of any unlicensed business that distributes, transfers, gifts or sells cannabis.

Based upon current information, the OCM is creating the rules and regulations to oversee the licensing, cultivation, production, distribution, sale, laboratory testing and use of cannabis. The rules and regulations require a process for creation and adoption, which as of this date has not been completed. Therefore, the Village Board, through this local law, declares a twelve (12) month moratorium on the sale, transfer, gifting or distribution, with or without compensation, of cannabis in any amount from a premises, unlicensed by the OCM, located in the Village of Newark by any person, (defined as an individual, firm, estate, partnership company, corporation, limited liability corporation, trustee, governmental subdivision or other public or private entity).

During this twelve (12) month moratorium, the Village of Newark will review and update its local code and regulations and monitor the adoption of the rules and regulations regarding licensure by the OCM. The Village Board has deemed this an appropriate amount of time to study whether additional local action is necessary; the extent of such action; if such local action is necessary; provide the Village Board with the time to adopt the appropriate local rules and regulations to ensure comprehensive uniformity, fairness, and consistency in such regulations governing the time, place, and manner of the operation of licensed adult use cannabis retail dispensaries and/or on-site consumption cannabis businesses.

Section 3. Definitions

For definitions, reference shall be made to the Marijuana Regulation & Taxation Act (MRTA).

Unlicensed business shall mean a business that has not been issued a license by the Office of Cannabis Management (OCM).

Person shall mean an individual, firm, estate, partnership company, corporation, limited liability corporation, trustee, governmental subdivision or other public or private entity.

Section 4. Moratorium and Prohibition

A. For the period of twelve (12) months following the effective date of this local law, no new nor current operating unlicensed retail businesses shall or allow any person to transfer, distribute, gift or sell cannabis within the Village of Newark, whether or not accompanied by any other purchase.

B. During the effective period of this Local Law:

1. The Village Planning Board shall not consider and/or approve any site plan, related to a proposed unlicensed business involving the transfer, distribution, gift or sale of cannabis.
2. The Village Zoning Board of Appeals shall not consider and/or grant any variance, or other permit related to a proposed unlicensed business involving cannabis.
3. The Code Enforcement Officer shall not consider and/or issue any land use permit or other permit related to a proposed unlicensed business involving the transfer, distribution, gift or sale of cannabis.
4. This moratorium and prohibition shall apply to all real property within the Village.
5. Under no circumstances shall the failure of the Village Board of the Village, the Zoning Board of Appeals of the Village, the Planning Board of the Village, or the Code Enforcement Officer for the Village to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village level approval, constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

Section 5. Exceptions

The lawful use of any premises on the effective date of this Local Law operated under a permit or license issued by the Village of Newark or other appropriate state or federal agency may be continued.

Section 6. Enforcement

This Local Law shall be enforced by the Code Enforcement Officer of the Village of Newark, Wayne County Sheriff, local law enforcement agencies or such other zoning enforcement individual(s) as designated by the Village Board. It shall be the duty of the enforcement individual(s) to advise the Village Board of all matters pertaining to the enforcement of this Local Law and to keep all records necessary and appropriate to the office and to file the same in the office of the Village Clerk.

Section 7. Penalties for Violations

In addition to the criminal penalties and other remedies set forth in Village Law section 268, any person violating any of the provisions of this Local Law shall be guilty of an offense and upon a conviction thereof, be given a civil penalty of no less than \$1,500.00 and no more than \$1,500.00 per day for the first violation; no less than \$7,500.00 and no more than \$7,500.00 per day for the second violation; and no less than \$15,000.00 and no more than \$15,000.00 per day for the third and all subsequent violations. Each day's violation shall constitute a separate and additional violation. An action may be commenced in a court of competent jurisdiction to recover such penalty. In addition, thereto, violations of this local law shall be subject to being restrained by injunctive relief

Section 8. SEQRA

The Village Board finds pursuant to 6 NYCRR 617.5(c) (30) that the adoption of a moratorium of land development or construction is a Type II action under the New York State Environmental Quality Review Act ("SEQR") which has been determined to not have a significant impact on the environment.

Section 9. Authority.

This moratorium is enacted by the Village Board pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rules Law § 10.

Section 10. Inconsistent Laws.

All laws inconsistent with any provision or provisions of this law are hereby repealed.

Section 11. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law, or the application thereof to any person, firm, or corporation or circumstance, is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law, or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 12. 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 and shall remain in effect for twelve (12) months from the date of such filing.

- ECONOMIC
DEVELOPEMENT
- Economic Development Mark Peake gave the following update:
- Community Pride is this Saturday, 5/20/23, at 10am. Still looking for volunteers.
 - NY Main Street projects moving along. Will be completed by the end of the year.
 - Started up the VONEDA (Village of Newark Economic Development Alliance) meetings. Trying to have one a month.
 - Wine and Artisans Festival is June 16 – looking for volunteers for this and the Taste of Wayne County on July 18th.
 - The committee for the Empire State Trail Town has completed the Self-Assessment. Met with the representatives from NYS Parks and Trails last week. They installed a counter along the canal path. We will be working with volunteers in the coming months to do manual counts. The Volunteers will need people to watch the Trail Count Volunteer Webinar on Tuesday May 23 at 12pm.
 - There will be a public workshop on June 6th during the evening. This will provide Newark residents and visitors with a chance to share their thoughts and ideas on what makes Newark a great destination for visiting cyclists along the Empire State Trail. They recommend round tables and chairs for this meeting; discussed doing this at BOCES. The bike around workshop will be on Wednesday, June 7th from 9:30-12:30 at 1pm; discussed a lunch location.

- CLERK
TREASURER
- Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to discontinue the use of Nixel 360.
- Manny and Alice Crespo along with a volunteer from the Newark Emmanuel Church gave a presentation. The Church sponsors two events for the community and are looking for volunteers. The Newark Emmanuel Free Lunch Program serves free lunches Tuesday through Friday. They could use volunteers to help unload trucks on Tuesday mornings from 9am-10am as well as volunteers to help with the lunches. The Newark Emmanuel Community Gardening Program encourages the residents in the Village of Newark to plant an extra vegetable or fruit in their gardens and donate the produce to the Newark Food Pantry.

- MAYOR
- Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve Trent Horton as Summer Help at the DPW.
- Motion Trustee Howard, seconded Trustee Burgess and carried unanimously to approve the use of Central Park for the VFW to have a Memorial Day Observance on May 28, 2023 at 1:30 PM, POW/MIA Recognition on September 22, 2023 at 7:00 PM and a Veterans Day Observance on November 11, 2023 with a parade at 10:40 AM.
- Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve Veterans Council’s request for a donation of \$500.00 for flowers, flags, wreath markers, other items to be used in Village Cemeteries and parades.
- Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to donate Village of Newark logo water bottles and Village of

	<p>Newark logo draw-string bags to the Class of 2023 Operation Graduation event.</p> <p>Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to accept the proposal from Allied CPAs, PC for Fiscal Year 2023 audit in the amount of \$14,250.00.</p>
LEGAL	Matthew St. Martin had no update
CHIEF OF POLICE	<p>Police Chief Richard Martin gave the following update on April 2023 statistics:</p> <ul style="list-style-type: none">• 21 Property Damage MVA; 2 Personal Injury MVA• 73 Incident/Crime Reports taken• 111 Property Checks• 54 Traffic Stops: 17 times Traffic Tickets issued & 30 Warnings issued• 4 Uses of Force (10-YTD) – (2) of which were just brandished and not actually force used.• 9 ACO calls responded to <p>Total Events: 719, down from 771 in March</p> <p>Highest Call Types: Assists=113 Disturbances=61</p> <p>Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve Officers Ethan Derr and Matt Colacino to attend Field Training Officer School June 19-23, 2023 at FLLEA. Cost for the course is \$150.00 each.</p> <p>Motion Trustee Blodgett, seconded Trustee Howard and carried unanimously to approve Officer Jacob Jackson to attend Street Gang Investigator training at Mohawk Valley Community College/Training academy June 26-28, 2023. The training is free.</p> <p>Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to approve Officer Matt Colacino to TASER Instructor Certification course in Albion, NY July 5, 2023. The cost for the course is \$495.00.</p>
DPW SUPERINTENDENT	<p>Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve the proposal from MRB Group for the WWTP Disinfection Improvements to provide Construction Administration in the amount of \$35,000.00 and Construction Observation in the amount of \$25,800.00.</p> <p>Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve amendment number 1 from C&S for the Blue Cut Road Culvert Project to increase a supplemental design fee by \$10,000.00 and to increase a supplemental construction inspection fee by \$91,400.00. This project will be complete before winter.</p> <p>Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve the bid for Blue Cut Road Culvert Replacement from Nardozzi in the amount of \$1,194,000.17.</p>
WWTP CHIEF OPERATOR	John discussed his experience from attending the “Wastewater Utility Needs Workshop” on May 16, 2023, at Syracuse University. He was one of ten operators out of EPA region 2 invited to attend.
TRUSTEES	Trustees had no updates
TIME FOR THE PUBLIC	No comments

EXECUTIVE SESSION	Motion Trustee Bendix, seconded Trustee Blodgett and carried unani- mously to go into Executive Session at 6:59 P.M. to discuss specific positions within the Village Staff.
	Motion Trustee Bendix, seconded Trustee Blodgett and carried unani- mously to come out of Executive Session at 7:32 P.M.
MAYOR	Motion Trustee Bendix, seconded Trustee Burgess and carried unani- mously to accept the resignation letter from Sandy Burley as P/T Ac- count Clerk on May 26, 2023.
	Motion Trustee Blodgett, seconded Trustee Howard and carried unani- mously to adjourn the meeting. The meeting adjourned at 7:34pm

Lynette Morrison
Village Clerk-Treasurer