

Minutes of the March 19, 2019 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 (8); Trustees: Stuart Blodgett (7), Alan Schober (7), and Rebecca Vermeulen (5). Absent: Robert Bendix (6)

Police Chief Mark Thoms, Village Clerk/Treasurer Steve Murawski, Code Enforcement Officer Mark Peake, Fire Chief Rusty Havert, AECC Executive Director Mike Muscolino (Excused), and Attorney Art Williams.  
General Public: 43

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 Vermeulen and carried unanimously 4-0 (Trustee Bendix Excused - TBE) to approve the following minutes:

- Regular Board Meeting February 19, 2019.
- Special Board Meeting February 26, 2019.
- Workshop/Special Board Meeting March 13, 2019.

CONSENT AGENDA Motion Trustee Schober, seconded Trustee Vermeulen and carried unanimously 4-0 (TBE) to approve the March vouchers and invoices Trustee Schober reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$558,312.70 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

MAYOR Mayor Taylor noted that the Village Board likes to honor Newark Scholars and Athletes for their accomplishments. He introduced Girls Track Coach Joe Kopnitsky, who made the award presentation to Trinity Wells. She was recognized for her achievement in Indoor Track & Field as the Section V Champion in both the 1,000 and 1,500 meter distances, as well as Wayne Finger Lakes League Champion in the 1,500 meters' distance.

The Mayor then invited the Girls Bowling Coach, Mark Rowe, up front to make the presentations to the members of the team. He awarded presentations to Emily Spry, Abbie Olmstead, Natalie Kent, Ashley Tack, Rebecca Spry, and Emily Lang for their success as Section V Class C Champions, Finger Lakes League Champions, and their

NYSPHSAA – Division 2 – 2<sup>nd</sup> Place finish. Their record in League competition was 46-4, and their overall record was 70-4.

FIRE CHIEF  
RUSTY HAVERT

Chief Havert noted the following:

- 119 calls for service YTD.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to approve the membership of Tanner Witt of 104 Van Dusen St., Newark, N.Y. to Deluge Hose Co. #1. He had his arson check done and was investigated by his company.

MAYOR

Mayor Taylor opened the public hearing on the request by AT&T Mobility, LLC, to obtain a Special Permit for the purpose of erecting a new wireless telecommunications facility at 200 East Miller St., Newark, New York at 6:10 P.M.

Hearing no request from anyone in attendance to speak, the Mayor asked for a motion to close the Public Hearing. Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to close the Hearing at 6:11 P.M.

AECC DIRECTOR  
MIKE  
MUSCOLINO

Mr. Muscolino was excused.

CODE  
ENFORCEMENT/  
ECONOMIC  
DEVELOPMENT

Mr. Peake noted that the Newark Village Planning Board has already recommended that the Village Board approve the request by AT&T Mobility, LLC for a special permit at the location noted.

Motion Trustee Schober, seconded Trustee Vermeulen and carried unanimously 4-0 (TBE) to designate the Newark Village Board as Lead Agency for purposes of the State Environmental Quality Review Act.

Trustee Schober read each of the questions on the EAF, Part 2, to see if any of the Board members felt that any of the items should be considered to have a “moderate to large” impact. Hearing that no board members felt that there would be any moderate to large impact relating to the EAF, Part 2, motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to declare that erecting the new wireless telecommunications facility on the property located at 200 E. Miller St. will not have a significant effect on the environment and should be considered and Unlisted Action, and therefore a Negative Declaration will be prepared and filed, as required by the SEQRA regulations.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to approve the request of AT&T Mobility, LLC and

grant them a Special Permit to erect a new wireless communications facility at the property located at 200 E. Miller St., Newark, N.Y.

Mr. Peake reviewed the 2018 Building Permit Summary Sheets report with the Board and noted the significant increase from 2017 in both the Residential and Commercial areas of development. He reviewed many of the positive economic developments that took place in 2018, and noted that the trend continues into 2019.

CLERK  
TREASURER

Motion Trustee Vermeulen, seconded Trustee Schober and carried unanimously 4-0 (TBE) to approve the attendance of Clerk/Treasurer Murawski at the Discrimination & Harassment Complaint/Investigation Process Train-the-Trainer Seminar to fulfill the Villages' Annual Training Requirement under the newly adopted Discrimination & Harassment Policy.

The Board tabled the request to consider increasing the fees for meter and transmitter replacement for Outside Village customers.

MAYOR

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously 4-0 (TBE) to allow the FLDDSO security to issue parking violation tickets in the Village of Newark on their private property. The fees that are paid will be collected by the Village Court and processed in according with New York State Vehicle and Traffic laws. The Village will receive a portion of the revenue collected based on the allocation determined by state statute.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously 4-0 (TBE) to schedule the Public Hearing on the PROPOSED FY 2020 Village Budget on April 2, 2019 at 6:00 P.M.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously 4-0 (TBE) to extend the appointment of Village Associate Justice Terry Rodman until December 31, 2019.

The Board tabled the motion to approve MRB Group completing part of the SPEDES WWTP permit until a proposal has been presented by them to the Board for consideration, including the amount of the proposal and the scope of the work.

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to approve the following resolution:

**WHEREAS**, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

**WHEREAS**, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Newark is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Village of Newark Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Newark; and

**WHEREAS**, the Village of Newark Board desires to establish procedure or guideline for Village of Newark staff to conduct such Building Energy Benchmarking; and

**NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED**, that the following specific policies and procedures are hereby adopted;

### **BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

#### **§1. DEFINITIONS**

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Village of Newark that is 1,000 square feet or larger in size.

(5) "Department" shall mean the [Department selected to enforce the Benchmarking Policy].

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled

water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

## **§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2019, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

#### **§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2019 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

#### **§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

#### **§6. ENFORCEMENT AND ADMINISTRATION**

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

#### **§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

#### **§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to approve the transfer of \$20,000.00 from account number A00.01990.4000, General Fund - Contingency, to A00.01620.4950 to fund roof repairs at the Newark Library building; \$3,000.00 from account number A00.01990.4000, General Fund - Contingency, to A00.01620.4950 to fund ADA compliant door replacement at the Newark Library building, with the Library matching the \$3,000.00 contribution by the Village; \$2,000.00 from account number A00.01990.4000, General Fund - Contingency, to A00.01620.495C to fund replacement of the two entrance doors to the Fire House.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously 4-0 (TBE) to approve the Spring brush pickup schedule, which will start on May 1<sup>st</sup> and end on May 31<sup>st</sup>.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously 4-0 (TBE) to authorize the use of Central Park on June 8, 2019 from 9:00 A.M. – 4:00 P.M. by Care Net of Wayne County for a community outreach event. The Board wants to make sure that Care Net director Deborah Stoep is aware of the impact the Route 88 construction project is going to have on the physical condition of part of the park, as well as negatively impacting available parking.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to accept the Dog Control Officer Inspection Report dated 02/20/2019 received from NYS AG & Markets.

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to accept the following low bid for chemical used for the Waste Water Treatments systems for FY 2020:

**Waste Water Treatment System –**

Aluminum Sulphate – \$0.704 per gallon, a 12.0% increase from FY 2019.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to accept the bid from ARC Wayne to clean the Interpretive Center for the months of May-September 2019. The cost will be \$36.48 per day in May and September, and \$1,106.56 for the months of June through August.

The Board tabled the motion to consider adopting the NYS Unified Solar Permit as part of the Village of Newark Code.

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to approve the attendance of DPW Supervisor Doug Townsend at the 2019 Highway School at Cornell University June 3<sup>rd</sup>-5<sup>th</sup> at a cost of \$110.00 plus meals; Mr. Townsend will commute daily to the training.

Motion Trustee Vermeulen, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to authorize purchasing 30 Pro-Series Hanging Baskets for the Route 88 project from Earth Planter at a cost of \$4,770.00 (\$159.00 each), plus \$189.00 for shipping.

The Board discussed modifying the Movies in the Park program for the upcoming Summer season. The consensus was to have the bi-weekly movies for the months of June-August only, provided that a new director can be found to replace Bethany Comella, who has moved outside the Village.

Mayor Taylor had nothing else for Open Session.

**LEGAL**

Attorney Art Williams had nothing for the Board tonight.

**POLICE CHIEF**

After much discussion and some questions, motion Trustee Blodgett, seconded Trustee Schober and carried 3-1 (TBE) to authorize Officer Dean to attend the Outlaw Motorcycle Gangs & The Drug Connection training in Niagara Falls, New York April 8<sup>th</sup>-11<sup>th</sup>. There is no cost for the training, but four nights of lodging is required at a cost between



\$73.00-\$109.00 per night before government discounts. Officer Dean will waive all overtime to attend the training, but Chief Thoms stated that his attendance will most likely create overtime in the department due to the shift that he works. That is the reason Trustee Vermeulen voted No to the request; she stated she needed to remain consistent since she voted NO to a training request last month for the same reason.

Motion Trustee Schober, seconded Trustee Blodgett and carried unanimously 4-0 (TBE) to authorize Officers Rice and Salerno to attend the two day AR 15 Armorer Certification course April 15<sup>th</sup>-16<sup>th</sup> in Marion, Massachusetts at a cost of \$450.00 per person, and lodging at \$139.00 per night, per officer, for two nights. The certification is good for five years, and is necessary so that the two officers can train the rest of the department in the use of the newly acquired rifles before they are deployed in the field.

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously 4-0 (TBE) to authorize the use of the Village Canal Trail on September 7, 2019 for the Disability Awareness 2 Mile Color Run/Walk/Roll event to benefit The ARC Wayne Foundation.

Chief Thoms spoke briefly on the February 2019 monthly reports that he had previously distributed to the Board. He also noted that a suspect in the recent stabbing in February has been arrested. The chief also stated that centralized booking will start for all of Wayne County effective April 1, 2019. All arraignments will take place twice daily with the County in Lyons.

#### TRUSTEES

None of the Trustees had anything for Open Session.

#### TIME FOR THE PUBLIC

Dawn Jendricks of 705 Church St. asked if anyone was paying for the Village water being taken from our fire hydrant as part of the old Roosevelt School demolition. Trustee Schober stated that he asked the same question, and DPW Supervisor Jeff DeCann informed him that a meter has been placed on the hydrant, and that a contractor related to the project will be billed for the water utilized.

She also noted Village Code that stated abandoned buildings must be maintained to a certain level, and that the old Medical Building at 201 Church St. has broken windows that aren't boarded up, as the Code requires. Mayor Taylor noted that the property is owned by two developers from outside the area, and that they are attempting to sell the property. The Village will address the outstanding issue with the windows.

Chris and Toni Avery of 116 Church St. expressed their dissatisfaction with the way the Board has handled the potential sale of the Municipal

Building.

EXECUTIVE  
SESSION

Motion Trustee Blodgett, seconded Trustee Vermeulen and carried unanimously 4-0 (TBE) to go into Executive Session at 7:20 P.M. to discuss Union contract negotiations and the potential purchase or sale of Real Estate.

ADJOURNMENT

The meeting was adjourned at 7:47 P.M.

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Stephen Murawski,  
Village Clerk-Treasurer