

Minutes of the August 16, 2022 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 (19); Trustees: Robert Bendix (18), Stuart Blodgett (excused), Chris Burgess (18), and Emily Howard (16).

Officer In Charge James Thomson, Superintendent of DPW Bob Hutteman, Village Clerk-Treasurer Valerie Quade, Code Enforcement Officer Michael Bouwens, Economic Developer Mark Peake, Fire Chief Charles Witt and Attorney Art Williams.

General Public: 18

**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 Bendix, seconded Trustee Howard and carried unanimously to approve the following minutes:

- Regular Board Meeting July 18, 2022.

**CONSENT
AGENDA**

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve the August vouchers and invoices Trustee Blodgett reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$390,274.97 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

The Village Board recognized the Newark Girls Bowling teaming on their State Championship.

FIRE CHIEF

Chief Witt discussed the following:

- There were 44 calls in the month of July.
- The first week of October is fire prevention week.

**CODE
ENFORCEMENT**

Code Enforcement Officer Michael Bouwens gave the following update:

- Marshall's store is opening the Friday after Labor Day.
- 947 Pierson had its final inspections
- Two new homes going up on Peirson Ave have had their footers and foundation done.
- Mark Peake and Robbin Bremer have helping with the Zoning update.
- Dealing with landlord/tenant issues.
- A couple is looking into opening an arcade.
- An application is in for the Canal View mural.
- A lot of request for inspections.

ECONOMIC DEVELOPEMENT

Economic Developer Mark Peake gave the following update:

- DRI projects are looking at additional funding.
- The County has been helping with 3 applications funding.
- The Village website will have new items added soon.

CLERK
TREASURER

Clerk-Treasurer Valerie Quade had no update.

MAYOR

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve Newark Cross Country to hold a chicken barbeque on September 11, 2022 in the municipal parking lot, pending the correct insurance certificates are submitted.

Motion Trustee Howard, seconded Trustee Burgess and carried unanimously to approve updating the Employee Handbook with the new NYS Sexual Harassment policy requirement.

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to approve the Newark-Arcadia Historical Society to do a Cemetery walk in East Newark Cemetery on October 1, 2022 with a rain date of October 2nd.

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to approve the Newark Village Board, Bob Hutteman and Doug Townsend to attend the Public Officials Conference on September 27, 2022.

LEGAL

Attorney Williams had no update.

OFFICER IN
CHARGE JAMES
THOMSON

Officer in Charge James Thomson gave the following update:

- There were 709 calls for service in the month of July. Included in those were 34 traffic stops, 23 motor vehicle crash investigations and 20 arrests. There was 0 use of force that fits the Village repost but not the state, making the YTD total 5.
- There was 14 calls for the Animal Control Officer.

Motion Trustee Burgess, seconded Trustee Bendix and carried unanimously to approve Sergeant Rice's attendance to the Firearms Instructors training at Monroe County Public Safety on August 15-19th. Course is paid for by DCJS. The cost to the Village would be a Village vehicle and lunch.

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to approve Investigator Warren to attend the Digital Investigations Supervisors Court September 26-30 in Hoover, Alabama. The Secret Service covers the cost and there will be no cost to the Village.

Motion Trustee Bendix, seconded Trustee Howard and carried unanimously to approve Officer Derr to attend Basic Investigation Photography Course at Finger Lakes Law Enforcement Academy on Sept 26th-30th. The cost is \$150.00 plus a Village Vehicle and lunch.

Motion Trustee Burgess, seconded Trustee Bendix and carried unanimously to approve adoption of three policies to the police department. They are Media Protection Policy, User Account-Access Validation Policy, and Disposal of Media Policy and Procedures.

SUPERINTENDENT DPW BOB HUTTEMAN

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

BOND RESOLUTION DATED AUGUST 16, 2022 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE VILLAGE, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of water system capital improvements to include reservoir replacement authorized to be undertaken by the Village Board of Trustees pursuant to the Village Law;

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 July 18, 2022, has duly adopted a negative declaration with respect to the type I 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 VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF NEWARK, NEW YORK (hereinafter referred to as the "Village"), 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, to include, without limitation, the replacement of the Village of Newark's

existing 4.0 million gallon Alberton Hill Reservoir with a new approximately 4.0 million gallon above ground concrete water storage tank, 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 (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed \$5,985,000 and bond anticipation notes in anticipation thereof (and renewals thereof) of the Village are hereby authorized to be issued to finance said purpose, and said amount is hereby appropriated therefor.

Section 2. The estimated aggregate maximum cost of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$5,985,000. The plan for financing of said purpose is to provide all of such maximum cost by issuance of obligations as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

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 power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, whether to authorize the receipt of bids in an electronic format, 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. 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 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.

Superintendent Hutteman gave the following update:

- Murray Street work, wants to thank Zach, Eric, Bill, John, Matt and Villager Construction for their help.
- West Pearl Street had a man hole that needed relocating.
- Murray Street will be paved late September.
- Perkins Park stream was cleaned out.
- Road striping will be done before school starts.
- Water leak on East Union was fixed. Thank you to Wayne County Water and Town of Arcadia for their help.

TRUSTEES

Trustee Bendix had a community member request a little bridge be built over creek by Silverhill. It would be a great project for boy scouts.

TIME FOR THE PUBLIC

Christine Shove of Lyons would like to know how to go about having murals done in the Village. The Village Board suggested that before any project call Code Enforcement.

Paul Murphy of East Miller Street was following up with last month's concerns. He commented that the:

- Cemetery has been looking better.
- There are bushes on sale now that could be planted where the curb sticks out.
- The person watering the plants is doing a great job.

EXECUTIVE SESSION

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to go into executive session at 6:38 P.M. to discuss positions in the Police Department, DPW and Village Office.

OPEN SESSION

Motion Trustee Howard, seconded Trustee Bendix and carried unanimously to go into open session at 7:22 P.M.

Motion Trustee Howard, seconded Trustee Burgess and carried unanimously (Trustee Bendix abstained) to approve the hiring of Barbara Thieme as part time Account Clerk in the Village Office.

ADJOURNMENT

Motion Trustee Bendix, seconded Trustee Burgess and carried unanimously to adjourn the meeting at 7:23 P.M.

Valerie Quade
Village Clerk-Treasurer