

Minutes of the December 21, 2021 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 (27); Trustees: Robert Bendix (Excused), Stuart Blodgett (24), Chris Burgess (27), and Emily Howard (26).

Police Chief Mark Thoms, Superintendent of DPW Bob Hutteman, Village Clerk-Treasurer Valerie Quade, Code Enforcement Officer Michael Bouwens, Economic Developer Mark Peak, Fire Chief Chuck Witt and Attorney Art Williams.
General Public: 7

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

- Regular Board Meeting November 16, 2021.

CONSENT
AGENDA

Motion Trustee Burgess, seconded Trustee Howard and carried unanimously to approve the December vouchers and invoices Trustee Howard reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$1,356,948.76 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

MAYOR

Attorney Williams administered the Oath Of Office to Marsha Williams who was elected to Village Justice.

Motion Trustee Burgess, seconded Trustee Howard and carried unanimously to approve the Appointments List for 2022 along with the Village policies that is included at the end of these minutes.

CHIEF
CHUCK WITT

Chief Witt discussed the following:

- The fire department had 49 calls.
- Fire Department is submitting a FEMA Assistance to Firefighters Grant in order to purchase protective gear. Due to the increase number of members the Village of Newark Fire Department does not have enough gear to cover all of the volunteers.

CODE
ENFORCEMENT

Economic Developer Mark Peak gave the following update:

- Snow Sculpture contest has started and is running through February 2022.
- Since the DRI has been announced he has been getting calls from outside interest in the Village.
- Working on updating the Village website on properties that are available.

CODE
ENFORCEMENT

Code Enforcement Officer Michael Bouwens gave the following update:

- Working on end of the year inspections.
- Pierson house build is running behind schedule.
- Working with Terry DeVries on the New York Main Street Grant.
- Lining up 2022 safety training.
- Sals condemned after fire.

Mayor Jonathan Taylor discussed the Opt-out on marijuana. Attorney Art Williams went to his office to gather more information.

CLERK
TREASURER

Clerk Treasurer Valerie Quade had no updates.

MAYOR

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve the Fire Protection Contract with the Town of Arcadia for Fire Protection District # 1 for \$62,000.00 for calendar year 2022.

Motion Trustee Blodgett, seconded Trustee Howard and carried unanimously to authorize the Mayor to sign the lease agreement with the Newark Chamber of Commerce for their usage of the Village of Newark Interpretive Center located at 199 Van Buren St. for calendar year 2022.

Motion Trustee Burgess, seconded Trustee Howard and carried unanimously to authorize the Village to go out to bid for the chemicals used at the WTP and WWTP for Fiscal Year 2023.

Mayor Taylor congratulated Matthew Clingerman and Joseph O'Toole for their Historic Home Award from the Landmark Society of West New York.

Mayor Taylor discussed the DRI, Blue Cut Culvert, and West Maple Culvert Grants that were awarded. They all add up to over \$12 million. These grants will help the Village of Newark do some much needed work and bring in new business opportunities.

POLICE CHIEF
MARK THOMS

Chief of Police Mark Thoms requested executive session to discuss an employee of the Police Department. He also gave an update on the use of force used throughout 2021 with a total of 9 incidents.

Motion Trustee Blodgett, seconded Trustee Howard and carried unanimously to approve with regrets Chief Mark Thoms retirement. The Village Board thanked Chief Thoms for all his work over the last 37 years.

LEGAL

Attorney Williams had no updates.

SUPERINTEN-
DENT DPW BOB
HUTTEMAN

Motion Trustee Howard, seconded Trustee Burgess and carried unanimously to authorize CPL to provide engineering services for the Water Reservoir Replacement project for a lump sum of \$3,000.00.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to authorize the surplus of miscellaneous small items at the DPW.

Bob Hutteman discussed the following:

- TIP Applications for East Avenue are due in February 2022. Answers should be to the Village by October 2022.
- Library boiler parts are coming in and are being installed as they arrive. Work should be complete end of January to the beginning of February 2022.
- Is sending out a RFP for design consultants for West Miller Street Grant.
- DPW has been working at South bank for a possible water leak.
- Last leaf pickup was today, December 21st.
- Bob Ohmann has returned to owning the Pilots. He has been doing work at the ball field.
- 2 employees just returned from COVID leave.
- Foyer project to start the beginning of January and end mid-February.
- Reviewing the Village Dog Kennel cost versus utilizing the Wayne County Humane Society.

MAYOR

Discussion continued regarding the local law of opt-out option for marijuana. The Village Board decided that the Village of Newark would not opt-out.

TRUSTEES

Trustees has no update.

TIME FOR THE
PUBLIC

There was no public comments.

EXECUTIVE

Motion Trustee Blodgett, seconded Trustee Howard and carried unan-

SESSION imously to go into Executive Session at 6:58 P.M. to discuss contract negotiations, specific positions in the Police Department, Village Court, Water Treatment Plant and Office.

OPEN SESSION Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to go into Open Session at 8:46 P.M.

MAYOR Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to approve Alice Sharp as a permanent employee with the Police Department.

Motion Trustee Blodgett, seconded Trustee Burgess and carried unanimously to adjourn the meeting.

ADJOURNMENT The meeting adjourned at 8:47P.M.

Valerie Quade
Village Clerk-Treasurer

Village of Newark – 2022 Appointments List (all for 1 year unless noted)

Jonathan Taylor – Budget Officer
Budget Oversight Committee
Personnel Officer
DPW, Water and Waste-Water Operations
Information Technology Committee
Village Spokesperson
Audit Committee

Stuart Blodgett - Deputy Mayor
Police Commissioner
Personnel Officer
Information Technology Committee
Insurance Commissioner
Village Justice Liaison

Chris Burgess - Fire Commissioner
Planning and Zoning Board Liaison
Loan Review Committee
Records Management Committee
Cemetery Liaison
Audit Committee

Bob Bendix- Audit Committee
Personnel Officer
Wayne County Cable Commission
Economic Development Liaison
Library Liaison
Loan Review Committee

Emily Howard - Canal Port and Parks Liaison
Alex Eligh Community Center Liaison
Newark Housing Authority Liaison
Information Technology Committee
Ambulance Liaison

Valerie Quade - Budget Oversight Committee
Loan Review Committee
Revolving Loan Commissioner
Information Technology Committee
Tax Collector
Records Management Officer
Records Management Committee
Minority and Women’s Business Equal Employment Opportunity
Program officer

Michael Bouwens- Code Enforcement Officer

Mark Peake- Economic Development Facilitator
Loan Review Committee

Dennis Tellier - Veterans Affairs Commissioner

Arthur Williams - Village Attorney
Ethics Committee Chairperson
Fair Housing Officer
Loan Review Committee

Arthur Williams - Village Prosecutor

Marsha Williams- Village Justice

Keith Benjamin - Associate Village Justice January 1 - December 31, 2022

Lynette Morrison- Deputy Clerk-Treasurer

Robin Bremer- Deputy Clerk for Code Enforcement
Records Management Committee

Noreen Stafford - Deputy Clerk for Water and Sewer Operations

Christine Abrams - Deputy Clerk for Disbursements

Lyons National Bank- Deputy Tax Collector

Chris Davis - Historian

Pam Heald (Reliant FCU) – Loan Review Committee
Steven Hasseler (LNB-Newark) – Loan Review Committee

Zoning and Planning Boards

Jim McBride -Planning Board 12/04/2023
Joseph Nicosia, Jr -Planning Board 12/02/2024
Linda Stevenson -Planning Board 12/01/2025
Jean Bendix -Planning Board 12/07/2026
Allison Kirsch -Planning Board 12/05/2022
Dave Carr -Planning Board Alternate 12/05/2022
Marsha Williams -Zoning Board of Appeals 12/07/2026
Steve Hasseler -Zoning Board of Appeals 12/04/2023
Adam Stoneham -Zoning Board of Appeals 12/01/2025

Marc Kreuser	-Zoning Board of Appeals 12/02/2024
Open Position	-Zoning Board of Appeals
Open Position	-Zoning Board of Appeals Alternate

Official Banks:

Lyons National Bank
Community Bank

Surety Bonds:

Clerk, Tax Collector/Treasurer	\$500,000
Village Justice, Acting Justice & Court Clerk	\$12,000

Petty Cash Funds:

General Fund	\$300
Water Fund	\$250
Sewer Fund	\$100
DPW	\$75

Official Newspaper: Finger Lakes Times – daily

Mileage Current IRS allowance

Meeting time and dates 6:00 p.m. Regular Meeting:
Third Tuesday of each month.

Special Meetings:
Will be determined and scheduled by the Mayor and/or Board of Trustees Member.

Meeting and Training Seminars

The Mayor or Board of Trustees, Village Clerk, Village Treasurer and other members of Village Management are authorized to attend the various meetings and/or training sessions of any organization that would be beneficial to the effective and efficient operation of the Municipality at Village expense during **2022**.

CAPITAL ASSETS

The Village of Newark, in conformity with GAAP, had a capital asset policy in place. It is as follows: “Capital assets purchased or acquired with a useful life exceeding four years and exceeding \$5,000 are capitalized. Contributed fixed assets exceeding the dollar threshold are recorded at fair market value at the date received. Additions, improvements, and other capital outlays that significantly extend the useful life of an asset and exceed

the dollar threshold are capitalized. Other costs for repairs and maintenance are expensed as incurred.”

PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid and

WHEREAS, comments have been solicited from all officers in the Village of Newark involved in the procurement process, now, therefore, be it

RESOLVED, that the Village of Newark does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF NEWARK

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregated amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law; purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: Purchase of goods, supplies, or equipment and purchase of services, labor or construction contracts \$35,000: goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county

contracts pursuant to Section 103 (3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

<u>ESTIMATED AMOUNT OF PURCHASE CONTRACT</u>	<u>METHOD</u>
\$2,500 – \$4,999	2 Verbal Quotations
\$5,000 – \$19,999	3 Written/Fax quotations or written requests for proposals

<u>ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT</u>	<u>METHOD</u>
\$2,500 – \$4,999	2 Verbal Quotations
\$5,000 – \$6,999	2 Written/Fax quotations
\$7,000 – \$34,999	3 Written/Fax quotations or written requests for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and not be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b (2) (f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Newark to solicit quotations or document the basis for not accepting the lowest bid:

- a. Professional service or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity

and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Board of Trustees shall take into consideration the following guidelines:(a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipality owned property; and computer software or programming services for customized program, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103 (4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
 - c. Purchases of surplus and second-hand goods. If alternate proposals are required, the Village of Newark is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
 - d. Goods or services under \$2,500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such a de minimis contracts would be awarded based on favoritism.
7. For all items purchased exceeding \$100,000, if item is procured through competitive bidding, the Clerk/Treasurer and/or the Village Attorney shall review the specifications prior to advertising and soliciting bids. This shall be done to ensure that the specifications comply with the provisions of general municipal law and do not restrict competition. Advertisements for bids will not be published until this review is complete and specifications are deemed to be satisfactory.
8. Consideration in the solicitation of bids or quotes for services, supplies and contracts shall be given to small and/or locally owned businesses, with priority to businesses

owned by or which employ low or moderate income persons, as defined by HUD, and qualified Minority and Women-owned Business Enterprises (M/WBE) firms listed in the directory of certified minority and women-owned businesses maintained by the Empire State Development Corporation on its website at <http://205.232.252.35> or at www.empirestate.ny.us/Small_and_Growing_Businesses/mwbe.asp. These provision shall apply to the procurement of goods and services related to the implementation of the CDBG funded programs and activities as well as to the procurement of goods and services related to the general conduct of business by the Village of Newark. (Added February 2, 2010).

9. A. The Village of Newark authorizes the use of the best value standard as part of the Village of Newark's procurement policies.

B. "Best values" defined in New York State Finance Law § 163. When awarding contracts under the best value standard, the Village must consider the overall combination of quality, price, and other elements of the required commodity or service that in total are optimal relative to the needs of the Village. Use of the best value standard may identify as a quantitative factor whether offerers are small businesses or certified minority or women owned business enterprises as defined in New York Executive Law § 310. The best value standard may only be used for purchase contracts, which included contracts for service work, but excluded any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law.

ADVANCE APPROVAL OF CLAIMS

Pursuant to Village Law Section 5-524(6), the Board of Trustees authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. The board of trustees also authorizes payment in advance for medical and dental insurance benefit payments. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the board of trustees disallows. This resolution is effective immediately.

INVESTMENT POLICY

1. PURPOSE:

The Village Board of Trustees of the Village of Newark desires to provide the finest public services possible to the residents of the Village, combined with the lowest cost to its taxpayers. To achieve this goal all other sources of revenue must be enhanced. Interest earnings offer a large potential alternative source of revenue.

The Village Board desires that excess Village monies, not needed for immediate payment of bills, be invested to earn a safe return as provided for within the Village Law, General Municipal Law and Local Finance Law. The priorities for so investing Village monies shall be (in order of priority):

SAFETY – Funds must not be lost to Village of Newark.

LIQUIDITY—Appropriate amounts must be available for each payroll, debt service and abstract date.

YIELD—The highest market interest rate available (other conditions being equal) is to be solicited.

2. AUTHORIZED INVESTMENT INSTRUMENTS:

The Village Board authorizes the following types of investment instruments for investing Village of Newark monies:

Savings Accounts

Certificates of Deposit

Other investment instruments as may be approved by the Office of the State Comptroller from time to time.

3. DELEGATION OF AUTHORITY FOR INVESTING VILLAGE MONEY:

The Village Board hereby specifically delegates the authority to make any day-to-day investment decisions within the guidelines and limitations of this policy resolution to the : Village Treasurer, as Chief Fiscal Officer, and/or in his/her absence, the Village Clerk. The above officers are hereby authorized to utilize the advisory services of municipal consulting firms in planning the timing, amount, maturity, bidding, placement and reporting on any investments made hereunder.

4. F.D.I.C. INSURANCE AND COLLATERALIZATION:

The primary objective of this policy is to enhance the safety and availability of any Village monies invested. Safety is enhanced by the current F.D.I.C. Insurance amounts of total Village of Newark deposits with any one specific commercial bank or trust company. Any amounts exceeding the F.D.I.C. Insurance limit, as presently set or subsequently revised by the FDIC, are to be insured by a pledging of appropriate collateral by the institution winning the bid for the investment. Where appropriate, all investments must be bid specifying “with collateral”. The bank winning the bid is required to have the collateral pledged be held by a custodial bank in the name of Village of Newark.

5. TRANSFER FUNDS:

The Village Board specifically authorizes the designated officials the authority to use electronic transfer of funds, among the approved banking institutions, to assist in obtaining federal funds; enhanced interest rates. Each such transfer shall be specifically identified in the original journal entry as a “wire transfer” and subsequently supported by the bank confirmation notice to provide an audit trail.

6. SAFEKEEPING:

The Village Board specifically authorized the designated officials the authority to turn over the physical custody of Certificates of Deposit and other evidences of investments

for “safekeeping” possession to the winning bank, as provided in Section 11 (3) of the General Municipal Law, to facilitate access to funds at maturity and to eliminate having live certificates in the Village.

7. INVESTMENT LIMITS:

The Chief Fiscal Officer may invest any monies not required for immediate expenditure, except as outlined in General Municipal Law 11. The investments shall be payable within such time as the proceeds shall be needed to meet expenditures.

8. INVESTMENT RECORDS:

An investment register shall be maintained. Such record shall identify the investment and fund for which held, place where kept, date purchased and sold, and the interest rate and amount of interest earned.

9. WRITTEN REPORTS:

All investments shall be documented in written reports to the Village Board, outlining the details of the investment and the bids received thereon. When investments are placed, these reports should be presented no less than monthly.

“In addition to the present investment policy of investing excess funds in Certificates of Deposit with local banks that offer the highest rate of return, it is proposed that the Village of Newark use a new service provided by Lyons National Bank.

This service allows Lyons National Bank to act as intermediary with other banking institutions around the United States. Lyons National Bank will investigate all the different options available to determine where the best return on investment can be obtained on Certificates of Deposit. This would allow the village to continue its policy of investing through local banks, and also possibly increase the return on excess invested funds. These Certificates of Deposit from other banking institutions would still be FDIC insured options.”

Policies to be reaffirmed -

- Harassment/Discrimination Policy
- Americans with Disabilities Act (ADA)
- Information Technology Usage
- Workplace Violence Prevention
- Economic Development Loan
- Land for Jobs
- Encumbrance
- Code of Ethics
- Conflict of Interest
- Post Issuance Tax Compliance Procedures for Tax-Exempt Notes & Bonds or Other Tax-Advantaged Financing (Treasurer’s Responsibility).
- Records Retention Policy LGS-1 (NEW).

