

Minutes of the December 15, 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 (2); Trustees: Robert Bendix (2), Stuart Blodgett (2), Alan Schober (2), and Trustee Kurt Werts (2).

Police Chief David Christler, Village Clerk/Treasurer Steve Murawski, Code Enforcement Officer Mark Peake, Fire Chief Gerry VanDeWalle, AECC Executive Director Mike Muscolino, and Attorney Art Williams.

General Public: 10

WELCOME BY  
MAYOR

At 6:01 P.M., Mayor Taylor led the gathering in the Pledge of Allegiance to open the meeting.

APPROVAL OF  
MINUTES

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

- Regular Board Meeting November 17, 2015.

CONSENT  
AGENDA

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to approve the December vouchers and invoices which Trustee Blodgett reviewed for reasonableness and which were submitted for payment approval. Payments totaling \$841,727.18 were authorized for all funds.

The Board thanked the department heads for their monthly reports.

ANNUAL  
ORGANIZATION  
MEETING

Motion Trustee Werts, seconded Trustee Blodgett and carried unanimously to approve the 2016 Appointments list and the attached Village policies list. This list follows these minutes.

FIRE CHIEF  
GERRY  
VANDEWALLE

Fire Chief VanDeWalle spoke on the following:

- Provided update on fire at W. Miller St. /West Avenue. He credited the Police Department, DPW and Code Enforcement for their assistance in managing the incident.
- 515 calls this year, with 23 in December.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to approve the memberships list of the Fire Department Ladies Auxiliary, as presented to the Board.

Motion Trustee Schober, seconded Trustee Bendix and carried unani-

mously to approve the fundraising events for Deluge Hose Co. # 1 on February 2, 2016 to raffle a television, and the annual ham raffle on March 18, 2016 to be held at the Newark American Legion.

ALEX ELIGH  
COMMUNITY  
CENTER

Mr. Muscolino spoke on the following:

- The tree lighting in Central Park and the Christmas Party that followed at the AECC were well attended, with over 350 children visiting with Santa and over 490 in total attendance, which were probably all-time highs.
- The Community Center will be shut down during Christmas Week for the annual maintenance to be performed.

CODE  
ENFORCEMENT /  
ECONOMIC  
DEVELOPMENT

Mr. Peake spoke on the following:

- Local developer Chris Avery met with representatives from the Rochester Regional Health System, who may be leasing space from him at the 165 East Union Street Commercial Building.
- The new building being constructed for AT&T Wireless on West Union St. is moving forward again.
- Mr. Peake, Trustee Bendix and Robbin Bremer will be attending a presentation for a Senior Citizens housing complex concept plan for Southwinds Landing developer Rudy Neufeld at RIT on December 16<sup>th</sup>.
- The owner of the Mexican style restaurant on West Union St. will not be closing as previously reported, which is good news.
- Noted joint Board meeting workshop with the Town of Arcadia to discuss the potential of the Village taking over Code Enforcement responsibility for the Town.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to approve the attendance of Mark Peake, David Carr, and Roger VanDemortel at their annual required training. The cost will be \$390.00 per person, and it will be held March 29<sup>th</sup>-31<sup>st</sup> in Syracuse.

CLERK/  
TREASURER

Motion Trustee Werts, seconded Trustee Bendix and carried unanimously to approve the settlement agreement with Verizon New York to recover \$7,141.64 in unpaid Utility User's Tax (or Gross Receipts Tax) from Verizon, and authorized Mayor to sign the same.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to approve the following budgetary transfer:

Water Fund – Contingency F.1990.4000	(\$6,000.00)
Purification-New Equipment F.8330.2000	\$6,000.00
Unplanned upgrades and replacements.	

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to declare surplus the old bleachers from Colburn Park, and to authorize the Village to dispose of at Fair Market Value.

Mr. Murawski also spoke on the following:

- The Village received a communication from NYCOM today that informed us that the reap property tax cap for Fiscal Year 2017 is 0.12%, based on the past year's CPI.
- Presented a request that the Board begin to give consideration to raising the tax search fee that the Village charges from \$10.00 to \$25.00 per property. This fee has not been raised in over fifteen years.
- Asked and received permission from the Board to pursue inter-municipal agreements with the Towns of Phelps and Manchester that would allow unpaid Village of Newark water bills to be relieved on the respective Town taxes.

MAYOR

Motion Trustee Schober, seconded Trustee Werts and carried unanimously to approve the following change orders for the WWTP Capital Upgrade project:

- No cost change order GC-08 to extend Substantial Completion date to 04/01/2016, and Final Completion date to 07/01/2016.
- No cost change order EC-02 to extend Substantial Completion date to 04/01/2016, and Final Completion date to 07/01/2016.
- No cost change order HVAC-01 to extend Substantial Completion date to 04/01/2016, and Final Completion date to 07/01/2016.
- Change order PC-01 for \$11,400.00.
- No cost change order PC-02 to extend Substantial Completion date to 04/01/2016, and Final Completion date to 07/01/2016.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to approve the Certificate of Substantial Completion for the General Contractor for the WWTP project for the following work only, and to authorize the Mayor to sign the same:

- Blower Building and Blowers, excluding the Aeration Control Panel.
- AT-4, AT-5, and AT-6.
- UV Structure, including process equipment.
- Underground site piping that is operational as part of Phase 1 startup.
- Screw Lift Pump Station, with the exception of the chemical feed lines.

Motion Trustee Werts, seconded Trustee Bendix and carried unani-

mously to approve Matt Depauw to take the State Exam for his Class 3A WWTP Operator license in Greece, New York in January 2016 at a cost of \$260.00, with usage of a Village vehicle.

Motion Trustee Schober, seconded Trustee Bendix and carried unanimously to authorize the St. Michael the Archangel #897 Knights of Columbus group to place their Christmas Crèche in Central Park across from the U.S. Post Office building for the 2015 Christmas holiday season. The display must be removed by January 8, 2016, or else the Village will remove it and charge the KOC for the cost. The group is also to be informed, by letter, that their request for 2016, if any, must be received by the November 2016 Board meeting, or they will not be allowed to place the crèche for that year.

Motion Trustee Werts, seconded Trustee Bendix and carried unanimously to authorize the Mayor to sign the Intermunicipal agreement with the Town of Arcadia for their usage of the Village dog kennel for calendar year 2016.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to authorize the Mayor to sign the lease agreement with the Newark Chamber of Commerce for their use of the Village Interpretive Center for calendar year 2016.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to authorize Boy Scout Troop 122 of Newark to pick up discarded real Christmas trees on behalf of the Village at a price of \$2.00 each.

Motion Trustee Werts, seconded Trustee Bendix and carried unanimously to change the Rules and Regulations for the Newark Cemeteries. The following will be added to the signs at the cemeteries and all other forms of the rules and regulations, such as handouts and postings on the Village website: “NO new decorations of ANY type will be placed in the Newark Cemeteries from April 1<sup>st</sup>-15<sup>th</sup>. This will allow the Village to clean up the cemeteries for the spring season”.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to approve the request of Wayne Action for Racial Equality (WARE) to hold a march on Monday, January 18, 2016 in conjunction with the other events being held that day at Park Presbyterian Church as part of their annual celebration of Dr. Martin Luther King Day.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to amend the Non Union Employee handbook to include the following: “Effective June 1, 2015, all persons **permanently** hired af-

ter this date will pay 15% of the Medical and Dental premiums.”

Motion Trustee Blodgett, seconded Trustee Werts and carried unanimously to approve the installation of the Verizon Networkfleet GPS Safety tracking devices in the seven Village snow plowing vehicles, including DPW Supervisor Townsend’s pickup truck used for plowing.

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to approve the adoption of the proposed Village “Video Security Surveillance Policy – Video Security Surveillance” policy created December 2015.

Village IT Consultant Matt Ury explained the purpose and rationale of the proposed fixed security camera system upgrade, which will initially focus on monitoring the Police Department and the Village/Town Justice Court.

Motion Trustee Schober, seconded Trustee Werts and carried unanimously to approve the expenditure of not to exceed \$20,000.00 to pay for the equipment and installation needed for the fixed security camera system, with funding to come from the General Fund Contingency account.

Mayor Taylor noted the following:

- The award the Village received from the NYS Dept. of Health for our Fluoridation of the water we provide our customers and the proven dental health benefits it provides.
- A Thank You note from NCS D Interactive Club for allowing the Annual Pumpkin Walk in Perkins Park and the use of Village’s small electric vehicle to set up the pumpkins.

Motion Trustee Bendix, seconded Trustee Schober and carried unanimously to accept \$500.00 as payment in full from New City Funding Corporation for the impounded vehicle of Jesse L. Green, a 2003 Ford Explorer VIN 1FMZU73K63UC31088.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to authorize the Village Board to sign the following resolution and to send the same to Senator Nozzolio and Assemblyman Oaks:

**WHEREAS**, a reliable transportation infrastructure is vital for the safety of New York's travelling public and its economy;  
and

**WHEREAS**, 85 percent of New York's roads and bridges are maintained by local governments; and

**WHEREAS**, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

**WHEREAS**, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

**WHEREAS**, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

**WHEREAS**, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

**WHEREAS**, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

**WHEREAS**, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

**WHEREAS**, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and  
**WHEREAS**, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

**WHEREAS**, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

**WHEREAS**, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT;

**NOW THEREFORE BE IT RESOLVED**, that the Village of Newark, New York, calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and

**BE IT FURTHER RESOLVED**, that the Village of Newark, New York, calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and

**BE IT FURTHER RESOLVED**, that the Village of Newark, New York, NY calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to declare as surplus the twenty plus low band radio pagers from the Fire Department and to dispose of at Fair Market Value.

Jerome and Valerie Schmitz of 880 Route 88 South in Newark addressed the Board concerning a charge they received for the replacement of the radio transmitter for their meter which is located in a meter pit. They feel that they should not have to pay the charge since no one recently informed them that the maintenance of the meter pit and meter is the customer's responsibility. The Village informed them that the information is available online in the Village Code on our website, and that it might be too cost prohibitive to inform all of our customers when only a few of them have residential meter pits. The Board chose not to waive the charge, and the Schmitz's thanked the Board for their time and consideration of the matter.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to approve the following letter to be sent to water users outside the Village when they receive their contract renewal every three years, along with posting it on the Village website:

“December 15, 2015

To Our Outside Village Water Customers:

We are providing you this letter to assist you in maintaining your meter pit for your Village of Newark water service. If your meter is not in a pit, this may not concern you directly, but it is a reminder that Village of Newark water customers are responsible for maintaining their meter, in accordance with Village of Newark Code Section 164-4.B.

Here are some helpful tips to better maintain the integrity of your outdoor meter, the Radio Transmitting Unit, and pit.

Meter Pit Checklist:

- 1) Keep pit clear of weeds and brush.
- 2) Ensure pit is sealed to discourage animals, mice, rats etc. from chewing through the wiring.
- 3) Put plastic wire loom around the radio transmitting unit wire for further protection. This may be found at most auto parts and hardware stores.
- 4) Make sure meter is insulated in cold months to protect from freezing.
- 5) Do a periodic inspection of the meter and meter pit on a monthly or at least quarterly basis.
- 6) As a last resort, you may want to consider using a rodent poison or trap of some time, if you deem necessary. When using rodent poison always make sure the meter pit is secure to prevent pets from entry into the meter pit.

As always, feel free to contact us with any other questions or concerns about your Village water service. Our goal is to continually improve our service to all of our customers. You can reach Jeff DeCann, DPW Supervisor, at [jdecann@villageofnewark.com](mailto:jdecann@villageofnewark.com), or you can call our Village water department at (315) 331-4243, and we will do our best to meet your need.

Sincerely,

Jonathan Taylor  
Mayor”

End of letter.

Motion Trustee Bendix, seconded Trustee Werts and carried unanimously to send a letter to NYS Senator Nozzolio in support of the re-



quest from Bob Ohmann to receive funding for the list of items needed for safety and ADI compliance for both Colburn Park and Hallagan Field.

LEGAL

Attorney Williams had nothing for open session.

POLICE CHIEF

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to authorize Officer Colacino to attend the “Interview and Interrogation” training at the Monroe Co. Training Center from May 2<sup>nd</sup>-6<sup>th</sup>, 2016 at a cost of \$386.25.

Motion Trustee Bendix, seconded Trustee Blodgett and carried unanimously to authorize Officer Rice to attend the “Firearms Instructor” course at the Monroe Co. Training Center from May 23<sup>rd</sup>-June 3<sup>rd</sup>, 2016 at a cost of \$704.00.

The Chief also noted that there have been two pedestrians accidentally hit by vehicles recently within the Village. He pointed out that there are a significant number of street lights that are not functioning properly throughout the Village. The Mayor noted that DPW Supervisor Townsend has been communicating the outages to NYSEG, but if the response time doesn’t improve, he would strongly consider sending a letter to the NYS Public Utility Commission for their assistance in resolving the issue.

TRUSTEES

Nothing for open session from any of the Trustees.

TIME FOR THE PUBLIC

Nothing more from the public.

EXECUTIVE SESSION

Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to go into Executive Session at 7:40 P.M. to discuss pending litigation.

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to come back into open session at 7:56 P.M.

LEGAL

Motion Trustee Blodgett, seconded Trustee Bendix and carried unanimously to authorize the Mayor to sign the following settlement agreement with Ronald and Loir Yates of 141 West Pearl Street, Newark, New York 14513:

### **AGREEMENT**

This Agreement is made by, between, and among the following

undersigned parties: Ronald Yates and Lori Yates (together, referred to herein as “the Yates” or “Plaintiffs”), residing at 141 West Pearl Street, Newark, New York 14513, and the Village of Newark (together with the Yates, referred to herein as “the Parties”).

## **RECITALS**

WHEREAS, Ronald Yates and Lori Yates filed a Complaint against the Village of Newark in the Supreme Court of New York, Wayne County, Index Number 77207 (the “Complaint”); and

WHEREAS, the Village of Newark moved for summary judgment pursuant to CPLR § 3212 dismissing the Complaint in its entirety; and

WHEREAS, at a Special Term of the Wayne County Supreme Court in the Village of Lyons, New York, on November 17, 2015, the Honorable John B. Nesbitt signed an Order granting the Village of Newark’s motion for summary judgment and dismissing the Complaint (the “Order”); and

WHEREAS, the Order was filed with the Wayne County Clerk on November 17, 2015, and a notice of entry was mailed to the Yates’ counsel by letter dated November 17, 2015;

NOW, THEREFORE, in consideration of the promises and undertakings stated herein, the sufficiency of which consideration is hereby acknowledged, the undersigned Parties agree as follows:

1. Ronald Yates and/or Lori Yates will not appeal the Order dismissing their Complaint against the Village of Newark, or otherwise pursue their claims against the Village of Newark as described in the Complaint.
2. The Village of Newark will not pursue a bill of costs against the Yates on their successful motion for summary judgment, as provided in the CPLR.
3. The Parties acknowledge that they have not relied on any statements, representations, omissions, induce-

ments, or promises of any other party (or any other officer, agent, employee, representative, or attorney for any other party) in executing this Agreement.

4. This Agreement shall be interpreted in accord with the laws of the State of New York. The Parties acknowledge that this Agreement is the product of negotiations between counsel, and that if there is ever a dispute concerning the meaning of any of its terms, each party shall take the position that its own counsel prepared this Agreement such that ambiguities within its terms are not to be construed in favor of either party.
5. This Agreement integrates all understandings, promises and representations between the Parties. This Agreement may not be amended or modified without the prior express written consent of all the Parties.
6. This Agreement may be executed in counterparts by one or more of the Parties and all such counterparts when so executed shall together constitute the final Agreement, as if one document had been signed by both Parties; and each such counterpart, upon execution and delivery, shall be deemed a complete original, binding the Parties subscribed thereto upon the execution by all Parties to this Agreement.

ADJOURNEMENT     Motion Trustee Blodgett, seconded Trustee Schober and carried unanimously to adjourn the meeting. The meeting was adjourned at 7:57 P.M.

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Stephen Murawski,  
Village Clerk-Treasurer

**FINAL Village of Newark – 2016 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

Alan Schober - Fire Commissioner  
Planning and Zoning Board Liaison  
Loan Review Committee  
Records Management Committee  
Newark Housing Authority Liaison  
Audit Committee

Bob Bendix- Ambulance Liaison  
Personnel Officer  
Information Technology Committee  
Economic Development Liaison  
Library Liaison

Kurt Werts - Canal Port and Parks Liaison  
Alex Eligh Community Center Liaison  
Loan Review Committee  
Cemetery Liaison  
Audit Committee  
Wayne County Cable Commission

Steve Murawski - 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

2015 December 15 Minutes of Village Board Meeting - Organizational Meeting

Mark Peake - Code Enforcement Officer  
Economic Development Facilitator  
Loan Review Committee

Dennis Tellier - Veterans Affairs Commissioner

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

Michael Calarco - Village Prosecutor

William Schusler - Acting Justice

Ellie Palermo - Deputy Clerk-Treasurer

Robin Bremer- Deputy Clerk for Code Enforcement  
Records Management Committee

Noreen Stafford - Deputy Clerk for Water and Sewer Operations

Lynette Morrison - Deputy Clerk for Disbursements

Sharon VerHeecke - Deputy Tax Collector

Chris Davis - Historian

Steve Murawski - Clerk/Treasurer (Due December 2018)

Gary VerStraete - Newark Police Department Fire Investigator

Pam Heald (Reliant FCU) – Loan Review Committee

Jarrod Crawford (Marshall’s Exterior’s) – Loan Review Committee

Zoning and Planning Boards for 5 years

Tim Johnson - Planning Board 5 years (Per Mark Peake)

Paul Chetney - Zoning Board 5 years (Per Mark Peake)

Planning Board Alternates

Mark Pettit (Per Mark Peake)

Planning Board Alternates

Emily Howard (Per Mark Peake)

Zoning Board Alternate

Edward DeWolf, Jr. (Per Mark P)

Official Banks:

Lyons National Bank  
First Niagara  
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 Regular Meeting:  
p.m. 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 **2016**.

**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:

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

<b><u>ESTIMATED AMOUNT OF PUBLIC WORKS CONTRACT</u></b>	<b><u>METHOD</u></b>
\$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](http://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

2015 December 15 Minutes of Village Board Meeting - Organizational Meeting

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 -**

- Hostile Work Environment
- 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.