

**MINUTES OF PUBLIC HEARING HELD ON NOVEMBER 6, 2006**

**LOCAL LAW NO. 3.....2006**

**A Local Law Amending Chapter 19  
Of the Code of the Village of Manchester  
So as to Provide for the  
Administration and Enforcement  
Of the New York State Uniform Fire  
Prevention and Building Code**

Present: Nancy W. Johnsen, Trustee  
Michael W. Murphy, Trustee

Absent: Bruce E. Miles, Mayor

Others: Steve DeHond, Jeff Liberati, Chief William Dean Chris Nill, Richard  
Cirulli, Laurel Wemett, Nancy Hathaway

Recording: Angela D'Arduini, Clerk/Treasurer

The Public Hearing was called to order by Trustee Johnsen at 7:00 PM. No one present spoke for or against Local Law No 3 – 2006.

The Public Hearing was adjourned at 7:05 PM.

**MINUTES OF PUBLIC HEARING HELD ON NOVEMBER 6, 2006**

**LOCAL LAW NO. 4.....2006**

**A Local Law to Amend the Code of the Village  
of Manchester by Adding Chapter 63 Entitled  
Outdoor Wood-Burning Furnaces**

Present: Nancy W. Johnsen, Trustee  
Michael W. Murphy, Trustee

Absent: Bruce E. Miles, Mayor

Others: Steve DeHond, Jeff Liberati, Chief William Dean Chris Nill, Richard  
Cirulli, Laurel Wemett, Nancy Hathaway

Recording: Angela D'Arduini, Clerk/Treasurer

The Public Hearing was called to order by Trustee Johnsen at 7:00 PM. No one present spoke for or against Local Law No 4 – 2006.

The Public Hearing was adjourned at 7:10 PM.

**MINUTES OF REGULAR BOARD MEETING HELD NOVEMBER 6, 2006**

Present: Nancy W. Johnsen, Trustee  
Michael W. Murphy, Trustee

Absent: Bruce E. Miles, Mayor

Others: Steve DeHond, Jeff Liberati, Chief William Dean Chris Nill, Richard  
Cirulli, Laurel Wemett, Nancy Hathaway

Recording: Angela D'Arduini, Clerk/Treasurer

The meeting was called to order by Trustee Johnsen at 7:10 PM. Minutes of the meeting held on October 2, 2006 were read and a motion was made by Trustee Johnsen, seconded by Trustee Murphy to approve the minutes as presented. Bills were authorized for payment on Abstracts of Audited Vouchers #16, General Fund totaling \$111,912.16; #17, Water Fund totaling \$2,468.78; and #18, Sewer Fund totaling \$48,340.03. A motion was made by Trustee

Murphy, seconded by Trustee Johnsen to accept the Treasurer's Report for the month of September, unanimously approved subject to audit.

### **LOCAL LAW NO. 3 – 2006**

A motion was made by Trustee Murphy, seconded by Trustee Johnsen and carried unanimously to enact Local Law No. 3 – 2006, A Local Law Amending Chapter 19 of the Code of the Village of Manchester so as to Provide for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code.

(see attached Local Law and Notice of Adoption)

### **LOCAL LAW NO. 4 - 2006**

A motion was made by Trustee Johnsen, seconded by Trustee Murphy and unanimously carried to enact Local Law No. 4-2006, a Local Law to Amend the Code of the Village of Manchester by adding Chapter 63 Entitled Outdoor Wood-Burning Furnaces.

(see attached Local Law and Notice of Adoption)

### **MORATORIUM – ROUTE 21**

The board discussed a moratorium on construction on Route 21 from Howard Street to Merrick Circle during the bridge removal project. The board will ask for a legal opinion from Attorney John Tyo.

### **ROCHESTER INSULATED GLASS**

The board is awaiting a legal opinion from Attorney Tyo regarding RIG's request for an indefinite extension of their Temporary Certificate of Occupancy that will expire on February 1, 2007.

### **FREDERICK'S PROPERTY**

Site remediation at the Frederick's property is complete. Trustee Murphy asked Public Works Supervisor Jeff Liberati to remove the cones and put up fencing for the winter. The village will roll the ground in the spring. A letter was received from Sniedze Associates recommending Payment No. 1 be released to Arrow Contracting in the amount of \$58,374.65. The retainage remaining is \$3,072.35. The board authorized payment.

### **TRANSPORTATION ENHANCEMENTS PROGRAM – TEP**

Mayor Miles received a letter from Kevin O'Buckley, Acting Regional Director of the State of New York Department of Transportation informing him that the TEP funding application submitted for the Manchester Gateway Pedestrian/Bicycle Pathway System project has been selected for funding in the amount of \$607,924. The next step before any work starts will be to develop a State/Local Agreement for the project. The village must contact Steve Beauvais, Regional TEP Coordinator to discuss the necessary steps to progress the project.

Chris Nill addressed the board. He gave the board members an updated summary of project funding requests and local match commitments and a TEP tentative draft programming of expenditures from Steve Beauvais, Regional TEP Coordinator. This is for federal commitment of funds. Chris said this is a significant undertaking for the village. There will be many challenges ahead. He offered the following tips and information:

1. Maintain a well-organized paper as well as electronic trail of emails, letters and related documents during the project development process.
2. Project development will not begin for the next couple of months.
3. A Project Agreement must be executed between the NYSDOT and the Village of Manchester. No village expenses incurred prior to the signing of this agreement are eligible for reimbursement.
4. Think about consulting firms to select from for design services. Steve Beauvais has a list of 15 pre-qualified consulting firms the village could select from.
5. Chris recommends hiring a separate firm for property acquisitions.
6. On behalf of RCAP Solutions, Inc., Chris is willing to serve as a contact person between NYSDOT and the village office to help facilitate the project development process.

## **PUBLIC WORKS DEPARTMENT**

1. Darling Tree Farm, Clifton Springs, NY will give us a good buy on Christmas trees for Main Street.
2. The drainage project on Pratt Road is complete. More topsoil will be needed in the spring.
3. Jeff will fix the broken banner between the Timber Creek and Eckhardt Liquor.

## **WATER SERVICE**

The village board received a letter from Barry Rude, 3957 Dewey Road applying for connection to our public water. He had his water tested and contaminate levels are very high. The board authorized the connection; however, water service connections are not done between November 1<sup>st</sup> and April 1<sup>st</sup>. Public Works Supervisor Jeff Liberati will call Mr. Rude and tell him the village will do it in the spring.

## **MANDATORY TRAINING LAW**

Effective January 1, 2007, municipal planning and zoning officials will be required to complete a minimum of four hours of training annually. A Local Law must be enacted prior to the new state statute. The clerk will ask General Code for sample legislation adopted by other towns and villages for the board to review.

## **N.I.M.S. IMPLEMENTATION**

The following resolution was offered by Trustee Murphy, seconded by Trustee Johnsen who moved its adoption:

**WHEREAS**, there always exists the need to prevent, prepare for, respond to, and recover from terrorist and domestic incidents, major disasters, and other emergencies; and

**WHEREAS**, President George W. Bush has signed Homeland Security Presidential Directive HSPD-5 to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive National Incident Management System (N.I.M.S.); and

**WHEREAS**, it is desirable for Ontario County and the Village of Manchester to integrate certain aspects of N.I.M.S. into existing and future comprehensive emergency management planning initiatives including emergency operational plans to be eligible to receive Federal preparedness assistance through grants, contract, and other activities; and

**WHEREAS**, consistent with N.I.M.S., Ontario County already uses the Unified Incident Command System to manage emergencies requiring multi-agency response as required by the Ontario County Comprehensive Emergency Management Plan; and

**WHEREAS**, the Public Safety Committee recommends the integration of the National Incident Management System into our local plans; now therefore be it

**RESOLVED**, that this Board authorizes and directs the integration of N.I.M.S. into future planning efforts; and be it further

**RESOLVED**, that a certified copy of this resolution be sent to Ontario County Emergency Management Office.

The resolution was put to roll call vote which resulted as follows:

Trustee Johnsen	Voting	“AYE”
Trustee Murphy	Voting	“AYE”

The resolution was duly adopted.

## **PUBLICATION OF LEGAL NOTICES**

Mayor Miles received a letter from Steve Harrison, President of the Genesee Valley Penny Saver. Current law restricts public notices to be published in paid dailies and weeklies.

Mr. Harrison would like the village to pass a resolution permitting local governments to place legal notices in free community papers and sending it to NYCOM for their consideration.

The following resolution was offered by Trustee Johnsen, seconded by Trustee Murphy who moved its adoption:

**WHEREAS**, current law restricts public notices to be published in paid dailies and weeklies; and

**WHEREAS**, it has become increasingly difficult to purchase adequate citizen coverage under current restrictions regarding what can be designated as an official newspaper; and

**WHEREAS**, the cost of publishing in an official newspaper could become costly; and

**WHEREAS**, studies show the decline in local daily and weekly newspaper readership is accelerating; and

**WHEREAS**, studies also show an increase in circulation from 30 million in 1968 to 88 million in 2000 of free community papers; and

**WHEREAS**, the intent of public notice requirements is to increase the likelihood that citizens are well informed regarding local government actions, finances and plans;

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Manchester urges the Governor and the Legislative to amend the General Construction Law to allow papers which do not charge for the paper, but with an established and large circulation to be considered newspapers in certain instances, to permit villages and other local governments to place the legal notices in local publications which may reach a larger audience and/or be less expensive to publish.

The resolution was put to roll call vote which resulted as follows:

Trustee Johnsen	Voting	“AYE”
Trustee Murphy	Voting	“AYE”

The resolution was duly adopted.

#### **ALLOWANCE FOR UNUSED SICK LEAVE**

Subdivision (j) of Section 41 and Subdivision (j) of Section 341 of the Retirement and Social Security Law allows a participating employer to elect to provide additional service credit toward retirement for its employees who are entitled to accumulate sick leave. This benefit applies to all tiers of membership in the New York State Employees’ Retirement System. The maximum additional service credit allowed under subdivision (j) is one hundred sixty-five days (165). The additional service is applied on a workday basis (260 days = one year).

The following resolution was offered by Trustee Murphy, seconded by Trustee Johnsen who moved its adoption:

**BE IT RESOLVED**: that the Village Board of the Village of Manchester does hereby elect to provide the additional pension benefits of Section 41(j) of the Retirement and Social Security Law, as presently or hereafter amended.

**BE IT FURTHER RESOLVED**: that the effective date of such shall be the first day of January, 2007.

The resolution was put to roll call vote which resulted as follows:

Trustee Johnsen	Voting	“AYE”
Trustee Murphy	Voting	“AYE”

The resolution was duly adopted.

#### **UNPAID VILLAGE TAXES**

The following resolution was offered by Trustee Johnsen, who moved its adoption, seconded by Trustee Murphy, to wit:

**RESOLVED**, that the Board of Trustees of the Village of Manchester hereby request that the County Treasurer of the County of Ontario collect the delinquent taxes of said Village as provided by Chapter 619 of the Law of 1977 adopted by the Board of Supervisors of Ontario County on November 23, 1977 and be it further:

**RESOLVED:** that the Village Treasurer is hereby directed to transmit to the Ontario County Treasurer a certified copy of this Resolution together with the account and certificate described in sub-division 3 of Section 1436 of the Real Property Tax Law to the Ontario County Treasurer:

The question of adoption of the foregoing Resolution was duly put to roll call which resulted as follows:

Trustee Johnsen	Voting	“Aye”
Trustee Murphy	Voting	“Aye”

The resolution was thereupon declared duly adopted.

(See attached list of unpaid taxes)

## **OVER 65**

The board set December 4, 2006 at 7:00 PM for the public hearing for Over 65 exemptions for the 2008-2009 tax year. The clerk will prepare the legal notice and have it published as soon as possible.

## **FUNDING FOR LIGHTING IMPROVEMENTS**

Mayor Miles received a letter from Christopher L. Jacobs, Secretary of State informing him that The State of New York has awarded the Village of Manchester \$5,000.00 for funding for lighting improvements in the Village. The money will be used toward the purchase of new street lights at the bridge project.

## **FAMILY PARK REHABILITATION GRANT**

Mayor Miles received a letter from the New York State Office of Parks, Recreation and Historic Preservation informing him that the Village application for the Family Park Rehabilitation project under the Environmental Protection Fund was not selected for funding for this year. Chris Nill has offered his services in preparing another grant for 2007.

Meeting adjourned on motion at 9:00 PM

Respectfully submitted,

Angela D'Arduini  
Clerk/Treasurer