

MINUTES OF PUBLIC HEARING FOR OVER 65 HELD DECEMBER 10, 2007

Present: Nancy W. Johnsen, Mayor
Angela M. D'Arduini, Trustee
William F. Henry, Trustee

Absent: None

Recording: Rita J. Gurewitch, Clerk/Treasurer

The public hearing was called to order by the Mayor Johnsen at 6:00 PM. No one came to speak for or against the Real Property Tax Exemptions for persons over sixty-five years of age. The public hearing was adjourned at 6:10 PM

MINUTES OF REGULAR BOARD MEETING HELD DECEMBER 10, 2007

Present: Nancy W. Johnsen, Mayor
Angela M. D'Arduini, Trustee
William F. Henry, Trustee

Others: Richard Coffey, Jeff Liberati, Debra Chase, Pauline Sowa, Richard Cirulli, John Tyo, Matt Schaertl, Josh Allen, John Barry, William Westermann

Recording: Rita J. Gurewitch, Clerk/Treasurer

The meeting was called to order at 6:10 PM by Mayor Johnsen. The Pledge of Allegiance was led by the clerk. Minutes of the meeting held November 5, 2007 were read and a motion was made by Trustee D'Arduini, seconded by Trustee Henry to approve the minutes as presented. Bills were authorized for payment on Abstracts of Audited Vouchers #25, General Fund totaling \$15,510.46; #26, Water Fund totaling \$2536.45; #27 Sewer Fund totaling \$2577.52; and #28 CDBG Fund totaling \$2,000. No treasurer's report was given at this time.

RESOLUTION No. 14-2007 - REAL PROPERTY TAX EXEMPTION FOR PERSON OVER 65 FOR THE VILLAGE OF MANCHESTER, NEW YORK FOR THE 2009-2010 TAX YEAR

The following resolution for the 2009-2010 tax roll was offered by Trustee D'Arduini, seconded by Trustee Henry who moved its adoption.

RESOLVED, AND BE IT ORDAINED, by the Board of Trustees of the Village of Manchester as follows:

Section 1. Real Property owned by one or more persons one of whom is sixty-five years of age, or real property owned by husband and wife, one of whom is sixty-five years of age or over shall be exempt from taxation to the extent of fifty per centum of the assessed valuation thereof:

Section 2. No exemption shall be granted:

- a) if the income of the owner or the combined income of the owners of the property exceeds the sum of Twenty-Four Thousand Two Hundred Ninety-Nine and 99/100 Dollars (\$24,299.99) for the twelve consecutive months immediately preceding the date of making application for exemption. Where title is vested in either the husband or the wife, the combined income may not exceed such sum. Such income shall include Social Security and retirement benefits, interest, dividends, rental income, salary or earnings, and income from self-employment, but shall not include gifts or inheritance; and
- b) unless the title of the property shall have been vested in twenty-four months prior to the date of making application for exemption; and
- c) unless the property is used exclusively for residential purposes; and
- d) unless the real property is the legal residence of, and is occupied in whole or in part by the owner or by all of the owners of the property.

Section 3. As allowed by Section 467D of the New York State Real Property Tax Law, a sliding scale income level will be allowed as follows:

If income is More Than / but this amount is Less Than / % of deduction allowed		
18,600.01	19,599.99	45%
19,600.00	20,599.99	40%
20,600.00	21,599.99	35%
21,600.00	22,499.99	30%
22,500.00	23,399.99	25%
23,400.00	24,299.99	20%

Section 4. Application for such exemption must be made by the owner, or all of the owners, of the property, on forms to be furnished by the Town of Manchester Assessor, and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed in the office of the Town of Manchester Assessor at least ninety days before the day of filing the final assessment roll.

Section 5. Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine of not more than One Hundred Dollars and shall disqualify the applicant from further exemption for a period of five years.

Section 6. This resolution will remain effective until it is amended by resolution of the Village Board of Manchester, NY from said date.

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

Mayor Johnsen	Voting	“AYE”
Trustee D’Arduini	Voting	“AYE”
Trustee Henry	Voting	“AYE”

The resolution was duly adopted.

MUNICIPAL DISPOSAL SERVICE

Ms. Pauline Sowa addressed the board to consider municipal garbage pick-up. She stated that the village currently has various refuse pick-ups with different days and wondered if the village would consider bidding out the service so that one hauler could provide service for the whole village. She feels that it would be cost effective and could be done on an annual basis and paid on the village tax bill. She would also like recycling on a weekly basis instead of bi-weekly.

The board stated they would look into this suggestion.

PADDOCK OF THE FINGER LAKES – PROPOSED APARTMENTS ON STATE STREET - PARK AGREEMENT & WATER EASEMENT

Mr. John Barry and Mr. Josh Allen addressed the board concerning the park agreement that is necessary for their project to continue due to a ZBA variance contingency. Village Special Council Atty Jeff Graff and Mr. Barry’s atty Derek Brocklebank are currently working on the official agreement. After a discussion, the consensus was that stamped architectural plans would be accepted and to follow ADA codes supervised by Code Enforcement Officer Steve DeHond. The board would like to see diagrams and material lists. The board just received the draft agreement and would like more time to review it. Mr. Barry doesn’t want the path easement going through the Fire Departments land to hold up the overall agreement.

Mr. Nicoletta in reviewing the water easement asked if the water easement was the whole water line because the map shown does not show it. Mr. Allen stated it is. A new map showing all of the property will need to be attached. The permanent water line easement is agreeable to Item 3 including (a) through (l).

Mr. Barry requests that when he has purchased the land, he would like to acquire and excavation permit. No building construction, just site grading. No dirt piles, just prep work, gravel work. He is to check with Steve.

Mr. Nicoletta stipulated that no construction can begin until an agreement is signed and Mr. Barry owns the property.

ROCHESTER GAS AND ELECTRIC CORP – SUBSTATION NO. 168

The Board decided that the village would not remove any berms and that the sale of the land will be “as is”. It is not cost effective to remove the berms ourselves or to require Old Castle to remove them which would be a lengthy process and probable litigation.

RGE had concerns if a variance or special use permit was needed. This will be discussed with the code enforcement officer again, though it has been determined by Mr. DeHond that no variance or special use permit is required.

A discussion followed on a drainage easement with RGE, National Grid and Farmington. Atty. Tyo will order an abstract on the property.

SHARED MUNICIPAL SERVICE INSENTIVE – SMSI GRANT RESOLUTION NO. 15-2007

Trustee D’Arduini offered the following resolution, seconded by Trustee Henry:

WHEREAS:

- 1) For the past twenty-five years this Village has cooperated with the neighboring Village of Shortsville in operating and maintaining a sewage collection and treatment system that serves both Villages, and has acted as a coequal partner with said Village in the administration of a Joint Sewer Commission;
- 2) The sewer system serving Manchester and Shortsville is currently experiencing significant infiltration and inflow problems which are seriously taxing the capacity as well as the efficiency of the wastewater treatment plant;

- 3) On another front, the Town of Manchester has approached the Joint Sewer Commission with a proposed plan to extend public sewerage to certain areas in said Town that have been identified in its master plan as suitable for commercial, industrial and residential development;
- 1) The aforementioned issues will necessitate a significant investment in preliminary engineering and related studies in order to produce a coherent, cost-effective plan to solve outstanding capacity issues while maximizing the opportunities for area-wide economic and infrastructure development in the three municipalities;
- 2) The Village of Manchester has a long history of cooperating and planning in a coordinated fashion with the Village of Shortsville and the Town of Manchester on a number of issues and projects, and by virtue of that history this Board recognizes the value of continuing and expanding said collaboration;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) This Board approves and endorses the filing of a joint application to the New York State Shared Municipal Services Incentives (SMSI) grant program in order to secure funding to help defray the cost of a project to be known as the "Intermunicipal Preliminary Studies and Monitoring for Joint Sewerage and Stormwater Management." In said project the Villages of Manchester and Shortsville and the Town of Manchester will undertake joint feasibility studies aimed at: a) rehabilitating and upgrading the sanitary sewerage system currently serving the Villages of Shortsville and Manchester, so as to reduce or eliminate the impact of prevailing infiltration and inflow problems; b) expanding said sewerage system in order to serve currently unsewered areas in the Town of Manchester; and c) planning for the rational management of stormwater runoffs which contribute to sanitary sewer inflow. This project will also install three flow meter stations in the existing sewerage system which are recommended under NYCRR Part 750 regulations in order to accurately monitor stormwater inflows and thereby control their impact on the joint sewer system.
- 2) The Village of Manchester shall be officially named as a Lead Applicant for the purposes of filing a SMSI grant application, and as such recognizes and accepts the responsibilities associated with Lead Applicant status;
- 3) This Board hereby designates Mayor Nancy W. Johnsen as the Lead Applicant Contact Person who is hereby authorized to submit an application to the Shared Municipal Services Incentive Grant Program for the 2007-2008 program year, and is furthermore authorized and empowered to execute all financial and administrative processes relating to the SMSI grant program, with the understanding that the aforementioned Contact Person may from time to time act through her designees, Rita J. Gurewitch, Clerk/Treasurer of the Village of Manchester, and Sandy Liberty, Deputy Clerk/Treasurer of the Village of Shortsville;
- 4) The amount of the total SMSI grant request shall not exceed one hundred five thousand and thirty dollars (\$105,030.00), and the Village of Manchester shall commit not less than three thousand nine hundred dollars (\$3,900.00), to be disbursed from the Village's Sewer Fund, which amount shall be construed as the Village's fair and equal portion of the required ten percent (10%) local match for SMSI funding.
- 5) This Board shall immediately begin to pursue such actions and negotiations as are necessary in order to draft, finalize and ratify an Intermunicipal Agreement between the Manchester-Shortsville Joint Sewer Commission and the Town of Manchester, in order to promote the coordinated development of studies leading to the rehabilitation/expansion of the joint sewer system; to extend public sanitary sewerage to certain areas of the Town of Manchester that have demonstrable need for such services, and to jointly administer, operate and maintain said system in perpetuity.

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

Mayor Johnsen	Voting	"AYE"
Trustee D'Arduini	Voting	"AYE"
Trustee Henry	Voting	"AYE"

The resolution was duly adopted.

Mayor Johnsen thanks Chris Nill for all the work that he does for the village with his grant writing skills.

POSSIBLE SOUTH AVENUE ANNEXATION

VILLAGE OF MANCHESTER

SOUTH AVENUE ANNEXATION – Resolution of Intent No. 16-2007

The following resolution was offered by Trustee D'Arduini, seconded by Mayor Johnsen who moved its adoption:

WHEREAS:

- 1) David Warner, of 5810 Goodale Road, Canandaigua NY, owns residential vacant land under parcel No. 32.18-1-19.120 in the Village of Manchester and connects to vacant land in the Town of Manchester under parcel No. 32.00-2-75.2 on South Avenue in the Village of Manchester;
- 2) David Warner is seeking development of lots on said parcels and seeks water and sewer services from the Village of Manchester;
- 3) David Warner is requesting annexation of the Town of Manchester land into the Village of Manchester;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) This Board hereby is desirous of the annexation of Town parcel 32.00-2-75.2 into the Village of Manchester.

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

Mayor Johnsen	Voting	“AYE
Trustee D’Arduini	Voting	“AYE”
Trustee Henry	Voting	“AYE”

The resolution was duly adopted.

Mayor Johnsen directed the clerk to contact Village Attorney John Tyo and Town Clerk JoAnn Henry to discuss details needed in regard to this annexation.

PLANNING BOARD APPOINTMENT

A vacancy occurred in the Planning Board due to Chairman Sean Schumacher moving to Arizona. A notice went into the newsletter that positions are needed to serve on the Planning Board and Zoning Board of Appeals and if interested to send a letter of interest by November 30, 2007. One letter was received from Laurent Gurewitch.

A motion was made by Trustee D’Arduini, seconded by Trustee Henry and unanimously carried to appoint Laurent Gurewitch as a Planning Board member to serve to 3/31/09.

ROCHESTER INSULATED GLASS – REQUEST EMPIRE ZONE

A letter was received from Camoin Associates stating that RIG is requesting the City of Geneva to designate them as part of the City of Geneva Empire Zone. This designation will give RIG access to tax benefits from the New York State Empire Zones program. Camoin Associates is requesting the village pass a resolution to support this designation.

The village attorney reviewed this proposal and deemed it acceptable.

**VILLAGE OF MANCHESTER – Resolution No. 17 - 2007
SUPPORT AND CONCURRENCE WITH THE CITY OF GENEVA EMPIRE ZONE
Re: Rochester Insulated Glass**

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

WHEREAS:

- 1) New York State has amended the Zones Program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects; and
- 2) The City of Geneva intends to amend the City of Geneva Empire Zone boundaries to encourage industrial and commercial development and to allow for the designation of lands in the Village of Manchester for a Regionally Significant Project; and
- 3) Rochester Insulated Glass, a corporation with offices and manufacturing located at 73 Merrick Circle in the Village of Manchester, Ontario County, New York meets the criteria of 957(d) of the General Municipal Law as a Regionally Significant Project by projecting creation of 65 new manufacturing jobs for inclusion with the City of Geneva Empire Zone in an area outside the distinct and separate contiguous areas; and
- 4) The Village of Manchester wishes to support and concur with the Empire Zone designation of tax parcel 32.17-2-48.000 as Regionally Significant Project on the behalf of Rochester Insulated Glass; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1) The Village of Manchester Village Board, also known as the Board of Trustees, in its capacity as governing body of the Village of Manchester, does hereby support and concur with the City of Geneva and the City of Geneva Empire Zone to include the property described as follows:

TAX PARCEL: 32.17-2-48.000

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

Mayor Nancy W. Johnsen	Voting	“AYE
Trustee William F. Henry	Voting	“AYE”
Trustee Angela M. D’Arduini	Voting	“AYE”

The resolution was duly adopted.

SUPPORTING THE TOWN OF FARMINGTON FOR AN ON-SITE DETOUR FOR BRIDGE REPLACEMENT – RESOLUTION NO. 18-2007

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

WHEREAS, the New York State Department of Transportation has notified the Village and Town of Victor and the Town of Farmington that it intends to replace the bridge on State Route 96 in the vicinity of Plastermill Road in Victor, New York; and

WHEREAS, the proposed detour during the closure of the portion of New York State Route 96, would route truck traffic from NYS Route 96 in the Village of Victor to Maple Avenue to County Road 41 to NYS Route 332 in the Town of Farmington and residential traffic from Route 96 to Plastermill Road and McMahan Road and back to Route 96; and

WHEREAS, the estimated closure of NYS Route 96 will be from March 2008 until September 2008, which would encompass the tourist season, and the proposed closing could have an undesirable affect on tourism within the Finger Lakes region; and

WHEREAS, the proposed detour will affect the businesses east and west of the NYS Route 96 bridge closure and will have a significant loss of sales and ultimately sales tax revenue that would adversely affect Ontario County and the cities, towns and villages within Ontario County; and

WHEREAS, the local businesses affected have voiced their strong opposition to the detour route because it will cause a significant negative economic impact.

NOW, THEREFORE BE IT RESOLVED that the Village of Manchester Village Board joins the Farmington and Victor Town Boards and hereby requests relief from this unacceptable detour route and requests that an on-site detour, or at grade detour, be provided that will remedy the concerns of the collective communities.

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

Mayor Nancy W. Johnsen	Voting	“AYE
Trustee William F. Henry	Voting	“AYE”
Trustee Angela M. D’Arduini	Voting	“AYE”

The resolution was duly adopted.

POLICE CAR

There was a discussion on what to do with the old police car. It is a 1997 Crown Victoria. Jeff Liberati is to get auction figures. It was suggested that if it doesn’t bring in any additional money, then the village is to keep it and use a village vehicle.

Richard Coffey stated that the radio that was in this car is now in the new village police car and a \$1,000 credit will be given toward the agreement with Shortsville.

PROPOSED FITNESS CENTER

A letter was received from Mr. Robert Leiby, Superintendent to the Manchester-Shortsville School District proposing a community fitness center. The mayor directed the clerk to invite Mr. Leiby to the next board meeting to expand on his letter.

The meeting was adjourned upon motion at 9:00 PM.

Respectfully submitted,

Rita J. Gurewitch
Clerk/Treasurer