

**VILLAGE OF MANCHESTER**  
**MINUTES OF THE REGULAR VILLAGE BOARD MEETING**  
**HELD AT 8 CLIFTON STREET, MANCHESTER NY**  
**ON DECEMBER 06, 2021**

Present: Michael J. Buttaccio, Mayor  
William F. Henry, Trustee  
Charles E. Fine, Trustee  
Ed Ruthven, MFD  
George C. Hotchkiss, DPW Supervisor

Absent: Richard Coffey, Police Chief

Others: Lee Sanders, MFD; Angel, Lydzaida & Candice Montanez; David Leuke.

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

The Clerk led the Pledge of Allegiance to the flag.

**PUBLIC HEARINGS**

The first Public Hearing was opened by Mayor Buttaccio at 6:00 pm. The public hearing notice was posted in the Daily Messenger on November 12, 2021 and read by the clerk. Mayor Buttaccio asked if there were any questions or comments on the Real Property Tax Exemption for Persons Over 65. The clerk explained that this credit is based on a sliding scale income and those that qualify can get up to 50% off village taxes. Mayor Buttaccio asked again if there were any questions or comments and then a third time, any comments? No one spoke for or against this exemption. The Public Hearing for Over 65 Exemption was closed at 6:05 pm.

The second Public Hearing was opened at 6:06 pm. The public hearing notice was filed on November 12, 2021 in the Daily Messenger and a copy Local Law No. 2-2021 was available in the clerk's office for review prior to the hearing. Mayor Buttaccio asked if there were any questions or comments for a local law to override the tax levy limit established by General Municipal Law. He asked again two more times. No one spoke for or against the override. The Public Hearing to Override the Tax Cap was closed at 6:10 pm.

The third Public Hearing was opened at 6:11 pm. The public hearing notice was filed on November 18, 2021 in the Daily Messenger and a copy of Local Law No. 1-2021 was available in the clerk's office. A notice was also mailed to everyone within 500' of the property. Mayor Buttaccio asked if there were any questions or comments to Amend Chapter 100, entitled 'Zoning' and Sections 100-31 entitled 'Zoning Map' of the Village Code.

Mr. Angel Montanez stated he is requesting the zoning change to build a small ice cream/pizza shop on his property at the corner of Lehigh Avenue and South Main Street. It is currently zoned residential and it would need to be changed to commercial in order for him to continue. The clerk stated that an ice cream/pizza shop is a permitted use in a commercial district, not in residential. Mayor Buttaccio asked if there were any other comments.

Mr. Dave Leuke, of South Main Street, addressed the board. He said that many years ago, the mayor and real estate agent stated the land was too small to do anything on it and that the traffic will only get worse. He also said that a zoning board is to protect the people from bad zoning and Gilligan Drive is a driveway, not a street. It isn't even fire legal. A truck can't fit. Lastly, if intended to continue and put in the code, it is spot zoning. It makes no sense to him to approve this change. The corner is too small and traffic will only increase.

The clerk proceeded to read comments from the Ontario County Planning Board of their review, a letter from Code enforcement and a letter from the Village of Manchester Planning Board. All with recommendations to approve.

Mr. Montanez explained that it will be a little business. That it will open past the school traffic time in the morning. He also feels it will help the community grow and give jobs to high school children.

Mr. Leuke quoted state regulations on spot zoning and gave the board a copy.

Mayor Buttaccio asked again if there were any more questions or comments, and again, meeting the three time requirement seeing if there were any questions. The Public Hearing to adopt Local Law No. 1 to amend Chapter 100, Entitled "Zoning" and section 100-31 entitled, "Zoning Map" of the Village Code of the Village of Manchester was closed at 6:20 pm.

**REGULAR MEETING**

Mayor Buttaccio called the regular meeting to order at 6:21 pm.

The minutes of the Regular meeting held on November 01, 2021 were read. A motion was made by Trustee Henry, seconded by Trustee Fine, to approve the November minutes, unanimously carried.

The October and November Treasurer's reports were presented at this time. Trustee Henry motioned to transfer \$500. From A1010.04 to A1010.01 and \$3,000 From the Contingency Account A1990.04 to Celebrations Contractual A7550.04 to coverage expenses through 5/31/2022. Seconded by Trustee Fine and carried. A motion was made by Trustee Henry to accept the October and November treasurer's report, seconded by Trustee Fine, unanimously carried, subject to audit. Bills were authorized for payment on Abstract #7 of Audited Vouchers, General Fund totaling \$98285.62; Water Fund totaling \$1103.74 ; Sewer Fund totaling \$0.00; CDBG totaling \$0.00 and TEP totaling \$0.00; Trust & Agency Fund \$47,553.39.

Mayor Buttaccio asked the clerk to send a thank you card to Michael Schaertl for having his reindeer come to our event and for sponsoring the Reindeer Run.

**Approved - RESOLUTION No. 16 - 2021 - REAL PROPERTY TAX EXEMPTION FOR PERSON OVER 65 FOR THE VILLAGE OF MANCHESTER, NEW YORK FOR THE 2023-2024 TAX YEAR**

**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 Trustees of Manchester, NY from said date.

The above resolution was put to roll call vote which resulted in the following:

Mayor Buttaccio	Voting "AYE"
Trustee Fine	Voting "AYE"
Trustee Henry	Voting "AYE"

The resolution was thereupon declared duly adopted.

**Approved - RESOLUTION NO. 17-2021 TO ENACT LOCAL LAW NO. 2-2021**

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

**WHEREAS**, proposed Local Law No. 2-2021 was introduced at the meeting of the Board of Trustees;

**WHEREAS**, a public hearing has been held thereon the 6th day of December, 2021, at which time all interested persons were given an opportunity to be heard thereon.

**NOW, THEREFORE, BE IT RESOLVED**, that a Local Law No. 2 -2021 be enacted as follows:

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C**

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

Mayor Buttaccio	Voting	"AYE"
Trustee Fine	Voting	"AYE"
Trustee Henry	Voting	"AYE"

The resolution was thereupon declared duly adopted. A copy of said Local Law is appended and made a part hereof.

**Approved - LOCAL LAW NO. 2 – 2021 – A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-c**

Be it enacted by the Village Board of Trustees of the Village of Manchester.

**SECTION 1. Legislative Intent**

It is the intent of this local law to allow the Village of Manchester to adopt a budget for the fiscal year commencing June 1, 2022 through May 31, 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

**SECTION 2. Authority.**

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty (60%) of said governing body.

**SECTION 3. Tax Levy Limit Override**

The Board of Trustees of the Village of Manchester, County of Ontario, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2022 through May 31, 2023, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

**SECTION 4. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, fir or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5. Effective date. This local law shall take effect immediately upon its filing with the Secretary of the State of New York.

**Approved - RESOLUTION NO. 18-2021**

**FOR NOTICE OF PUBLIC HEARING  
TO AMEND CHAPTER 100, ENTITLED, "ZONING,"  
AND SECTIONS 100-31 ENTITLED, "ZONING MAP" OF THE  
VILLAGE CODE OF THE VILLAGE OF MANCHESTER**

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

Mayor Buttaccio	Voting	"AYE"
Trustee Fine	Voting	"AYE"
Trustee Henry	Voting	"AYE"

The resolution was thereupon declared duly adopted. A copy of said Local Law is appended and made a part hereof.

**WHEREAS**, on December 06, 2021, a zoning amendment request has been presented to the Village Board by Angel Montanez, to rezone approximately 0.242 acres of lands presently zoned R-1 to C-1 for a commercial use project; and

**WHEREAS**, the property located on New York State Route 21 and Lehigh Avenue in the Village of Manchester is currently zoned as R-1 would not allow the proposed use; and

**WHEREAS**, a request has been made to amend the current zoning map of the Village of Manchester to rezone this property to C-1; and

**WHEREAS**, the proposed commercial use project is consistent with the Village's Comprehensive Plan; and

**WHEREAS**, the Village Board of the Village of Manchester, pursuant to Village Code Section 100-7.C, requested and received comments from the Village Planning Board prior to scheduling a Public Hearing; and

**WHEREAS**, the Village Board has considered amending its Local Laws to rezone this property from R-1 to entirely C-1; and

**WHEREAS**, the Village Attorney for the Village of Manchester has submitted a draft amendment of said Local Law to the Village Board, and said draft Local Law amendment is on file with the Village Clerk;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Manchester deems that a Public Hearing shall be had on the 6<sup>th</sup> day of December 2021, at 6:00 p.m. for the purpose of adopting a Local Law to amend Chapter 100, of the Village Code entitled, "Zoning," and Sections 100-31 of the Village Code, entitled, "Zoning Map," and be it further

**RESOLVED**, that the Village Clerk advertise for said Public Hearing in a manner consistent with law; and be it further

**RESOLVED**, that copies of this Resolution be mailed to property owners within 500 feet of the proposed rezoning pursuant to Section 100-7.D.

**LOCAL LAW NO. 1- 2021**

**A LOCAL LAW TO AMEND CHAPTER 100  
OF THE VILLAGE CODE ENTITLED, "ZONING,"  
OF THE VILLAGE OF MANCHESTER, COUNTY  
OF ONTARIO, STATE OF NEW YORK**

**BE IT ENACTED**, by the Village Board of the Village of Manchester, Ontario County, State of New York, as follows:

**SECTION I. Purpose**

This Local Law shall be known as and may be cited as Local Law No. 1- 2021, of the Village of Manchester. The purpose of this Local Law is to amend Chapter 100 of the Village Code of the Village of Manchester entitled, "Zoning," and the map coinciding thereto, as it pertains to parcels of land owned by Angel Montanez and located on New York State Route 21 and Lehigh Avenue in the Village of Manchester, comprising approximately 0.242 acres of land to be rezoned from R-1 to entirely C-1. This parcel of land is further identified by Manchester tax map number 44.05-1-14.000.

**SECTION II. Legislative Finding**

The Village Board of the Village of Manchester finds and hereby determines that the proposed project to rezone approximately 0.242 acres of property owned by Angel Montanez is an unlisted Action under the New York State Environmental Quality Review Act (SEQR) and that the Village has complied with the requirements thereto. Rezoning has been recommended by the Planning Board and Code Enforcement in accordance with Section 100-7 of the Manchester Village Code.

**SECTION III. Amendment**

Chapter 100 of the Village Code of the Village of Manchester entitled, "Zoning," Section 100-31 entitled "Zoning Map" shall be amended as follows:

The Zoning Map of the Village of Manchester on file in the Office of the Village Clerk shall be amended as it pertains to parcels of land owned by Angel Montanez located on a corner lot on New York State Route 21 and Lehigh Avenue in the Village of Manchester, comprising approximately 0.242 acres of land to be rezoned from R-1 to entirely C-1. This parcel is further identified as tax map number 44.05-1-14.000; said parcel proposed for rezoning is also described by a metes and bounds description as follows: See Schedule A attached.

**SECTION IV. Validity and Severability**

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

**SECTION V. Repeal, Amendment, and Supersession of Other Laws**

This Local Law hereby repeals all other Ordinances or Local Laws of the Village of Manchester in conflict with the provisions of this Local Law and are hereby superseded or repealed to the extent necessary to give this Local Law force and effect during its effective period. Without limiting the foregoing, this Local Law amends Chapter 100 of the Village Code entitled, "Zoning."

**SECTION VI. Effective Date**

This Local Law, after its adoption by the Village Board of the Village of Manchester, shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

**Approved – RESOLUTION NO. 19 – REGISTRAR AND DEPUTY REGISTRAR OF VITAL STATICS**

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

**RESOLUTION AUTHORIZING APPOINTMENTS OF A REGISTRAR AND DEPUTY REGISTRAR OF VITAL STATISTICS**

**WHEREAS**, there exists a need for the appointment(s) of a Local Registrar and Deputy Registrar of Vital Statistics for the Village of Manchester,

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of Trustees that Rita J. Gurewitch be appointed Local Registrar of Vital Statistics and Debra A. Gulvin Chase be appointed Deputy Registrar of Vital Statistics for terms of 4 years until December 31, 2025 and the amount of compensation is determine by the New York State Department of Health (DOH).

The resolution was put to a roll call vote:

Mayor Buttaccio – AYE  
Trustee Henry – AYE  
Trustee Fine – AYE

The resolution was duly adopted.

All necessary paperwork will be sent to the NYS Department of Health and Ontario County Clerk.

**Approved – EMPLOYEE HANDBOOK UPDATE**

A motion was made by Trustee Fine to adopt the updated Employee Handbook effective today December, 6, 2021, seconded by Trustee Henry, voted on and unanimously carried.

**Approved - TOWN OF FARMINGTON – FIRE CONTRACT AGREEMENT**

The Town of Farmington included in the contract agreement the proposed sum of \$63,216.00 for the year 2022. This contract is good for one year.

A motion was made by Trustee Henry, seconded by Trustee Fine to accept the agreement by the Town of Farmington for the fire protection contract. Voted on and unanimously carried.

**Approved - TOWN OF MANCHESTER – FIRE CONTRACT AGREEMENT**

The Town of Manchester included in the contract agreement the proposed sums of \$56,968.00 for 2022, \$58,358.00 for 2023 and \$59,748.00 for 2024. This contract is over three years until December 31, 2024.

A motion was made by Trustee Henry, seconded by Trustee Fine to accept the agreement by the Town of Manchester for the fire protection contract. Voted on and unanimously carried.

**Letters/emails:**

None

**Public Comment:**

See Public Hearing.

**DPW REPORT**

- Continue to replace meters/readers
- Estimate received to pave the whole trail; \$85,000. Some discussion on just areas of the trail.
- Repairing areas of the trail that had flood damage.
- Started leaf vacuuming. Will continue until Nov. 19<sup>th</sup> depending on weather.
- Had a water break on North Avenue. Borrowed the Town of Manchester excavator to assist.
- Need to clear all easements to access water/sewer lines when they break. Maybe hire a contractor.
- Will begin to put railing/deck up for fire department back door.
- Scheduled powerwash for trail steps to parking lot for the spring

**POLICE REPORT**

- October Report on file

**FIRE DEPARTMENT REPORT**

- There were 31 calls in the month of November. 229 calls to date for 2021. The full report is on file in the clerk's office. Send copies of the report to the Town of Manchester and Town of Farmington.
- Reindeer Run was a great success.
- The community outreach program is going well and will continue.
- The written contracts to sign for agreements with Towns of Manchester/Farmington arrived.
- Fire Department Elections are this evening.

The meeting was adjourned upon motion at 7:20 pm. Next meeting and public hearing is December 06, 2021 at 6:00 pm.

Respectfully submitted,

Rita J. Gurewitch  
Village Clerk/Treasurer