

**VILLAGE OF MANCHESTER
MINUTES OF THE PUBLIC HEARING (S) AND THE REGULAR VILLAGE BOARD MEETING
HELD AT 8 CLIFTON STREET, MANCHESTER NY
ON OCTOBER 03, 2022**

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

Absent: Lee Sanders, MFD

Others: Steve Huber; Patrick Nicoletta, MRB; Virginia Henry; William Henry; Bernadette Chrysler; Stephen Chrysler; Amanda MacNamara; Ryan MacNamara; Christine Coyne; Mary Maslyn; Allison Shannon; Patty Skolny; James Skolny; Matt Shannon; Nancy W. Johnsen; Jeff Graff, Atty; Tom Meilutis , Director of Transportation, RJC.

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

The Clerk led the Pledge of Allegiance to the flag.

**PUBLIC HEARING No. 1
PURSUANT TO EMINENT DOMAIN PROCEDURE LAW
CONCERNING 69 CLIFTON STREET, MANCHESTER, NEW YORK, ONTARIO COUNTY**

Mayor Buttaccio opened the Public Hearing at 6:00pm. Mayor Buttaccio prepared a statement prior to beginning the hearing:

Welcome everyone. The first item of business is "Notice of Public Hearing Pursuant to Eminent Domain Procedure Law" concerning 69 Clifton Street in the Village of Manchester. As I was preparing for tonight, a couple things came to mind. The Village is not stealing property. The property needed for Public Safety will be appraised and an offer will be made to the owners at a fair market value. A second thought was, why now? In July of 1967 a developer had engineering plans to continue Newton Street around and exiting on Clifton Street. I believe the developers were brothers, one had died and the project died also. The developer had a good rapport with the village and took no exceptions with the Village using and maintaining a turnaround at the end of Newton Street. Also, the village had hopes the project would continue in the future.

After years of the Village maintaining and using the end of Newton Street, dumping several truckloads of stone for a good base, and removing debris left by previous owners at 39 Newton Street, the new owners at 69 Clifton Street, bull dozed and added no trespassing signs without notice. No notice to the school bus garage that buses could not pick up children because of nowhere to turn around. Attempts were made to contact and resolve this issue with the owner, but it's still not clear of why the base was removed.

With the stone base removed and no other possible way to a cul-de-sac type turn around at the dead end of Newton Street, the Village Board decided "for public safety" to request only a minimum of land required for a turn around. This would allow for emergency vehicles, fire, police, ambulance, buses, garbage trucks and Department of Public Works equipment along with delivery vehicles, so as not to use private driveways that could cause damage. Let it be known that only one house has school age children at this time, but the future may be different with young children that one day may be getting on the bus at their houses and not walking on the roadway to a bus stop.

One more note: the Village has several other areas that have dead ends, not all have the same scenario, but work with cooperation from both parties. Thank you.

End of Mayor Buttaccio's statement.

The Clerk announced that the Legal Notice for this Public Hearing was posted on five (5) successive days in the official village newspaper, *The Daily Messenger*, on September 16, 18, 20, 21, 22, 2022. It was also mailed to everyone within 500' of the subject property and also the property owners, Sarah and Steven Huber. It could be found on the village website too.

The Clerk read the Legal Notice:

**VILLAGE OF MANCHESTER
NOTICE OF PUBLIC HEARING
PURSUANT TO EMINENT DOMAIN PROCEDURE LAW
CONCERNING
69 CLIFTON STREET IN THE VILLAGE OF MANCHESTER, ONTARIO COUNTY, NEW YORK**

Take Notice that pursuant to the authority granted to the Village Board by the New York State Eminent Domain Procedure Law (the "EDPL"), the Village of Manchester hereby gives notice of a public hearing pursuant to EDPL § 202 as follows:

A public hearing will be held in the Village Hall located at 8 Clifton Street, Manchester, NY by the Village Board of the Village of Manchester on October 03, 2022, at 6:00 p.m., or as soon thereafter as possible, to consider the proposed acquisition, by eminent domain, of approximately 0.48 acre (21,087 +/- sq. ft.) of the property located at 69 Clifton Street, Manchester, New York, also known as Tax Map No. 32.14-2-11.120 (the "Property"), such area to be located contiguous to and at the stub end of Newton Street.

The acquisition of this property by the Village of Manchester will be for a public purpose, such purpose being to construct a cul-de-sac turn-around at the end of Newton Street, a village road, and to open such cul-de-sac to the public as a continuation of Newton Street.

While the Village Board will consider the possibility of acquiring a larger area of the Property for this purpose, due to the fixed location of the stub end of Newton Street, there is no possibility of an alternate location to put such cul-de-sac turn-around other than at the stub end of Newton Street.

Persons may appear at the hearing in person or by agent and will be given the opportunity to present oral or written statement and to submit other documents or information concerning the proposed acquisition.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at this public hearing.

This by Resolution of the Village Board of the Village of Manchester on September 12, 2022.

Rita J. Gurewitch, Village Clerk/Treasurer
Village of Manchester

At this time the Mayor introduced the Village Engineer from MRB Group, Patrick Nicoletta.

It is proposed to put a 75' radius circle as in the description in the notice. "It was reduced from ¾ acre to ½ Acre. It would become a right-of-way for possible development beyond the end of Newton Street. The paved area would be 110' diameter. It would also correct 39 Newton Street that has private land as frontage to their property. This is the current concept.

Mayor Buttaccio introduced the Village Special Attorney, Jeff Graff.

This Public Hearing is the first step in the Eminent Domain process. After this hearing, the village has 90 days to make their determination, and then the area can be appraised to give a fair value. It can take up to 3 years to finalize. After the petition is completed a map is to be filed.

Mayor Buttaccio gave the floor to Mr. Huber:

I have 83 slides here. I'm sorry to my friends here to have to sit through this to see what has been going on over the last three months.

My wife and I and family, my two children, moved here to Manchester 15 years ago. It is heartbreaking and sad that heated discussions can lead to this. We are all at fault. I work in my garage at home and have a lot of time.

In the village's own Comprehensive Plan the purpose is, the key priority is to serve the concerns of local residents what is important to them, their quality of life. The 2017 Comprehensive Plan talks about respecting the environment, sharing the impact. Everybody has their own space. Do what you preach. Why? Why are you doing this? I noticed things going different after my approach. Mike calls me to tell me what is what. He said I was disrespectful and argumentative. I don't feel I didn't. Going over emails it got out of hand really fast. Mr. Huber began showing emails. All they do is laugh. Emails say sorry for the confusion...I STRESS CONFUSION. Mr. Huber shows map showing triangle. I did not see a map with the hearing notice. From the lawyer himself says a map was to be included. The emails keep saying confused.

I will show a timeline starting with July 11 minutes. This is a portion of DPW report: The Turn-a-bout at the end of Newton Street has been removed by the property owner adjacent to Newton Street. This has created an emergency situation as the buses, fire truck and snowplows cannot turn around. The Mayor contacted the property owner responsible and will now contact the lawyer. Previously Mike and I had a meeting and I laid it back to where it was. Apparently phones don't get used here.

August 9 from day one on Mike said "a gentlemen's agreement is not for me". Ok. Let's put signs up, Can you put signs up? He says "fine, I'll work with George", it goes back and forth. I took the berm down that day after Mike says fine.

I was here for the meeting last month. What about funding? They had to pay extra money for the big party. We had a big party for the trail. A year ago a street sign request came in earlier wanting a speed limit sign on Clifton Street. Nothing was done. They even offer to help pay for it.

Mr. Huber Continues: Yes, I would be willing to work with the village. Check Tyo's email, easement or license. What happened to that? After discussion with John (Tyo) then Jeff (Graff) speaks of Road dedication. Dedication didn't come out of my mouth or John's.

Then no one is responding to me. I cut trees down to block again. Just waiting for the street signs. George (Hotchkiss) is unaware that any of this is going on when this started in June. Rita (Gurewitch) thinks my mother-in-law is my wife. What is the skill set here? This is why I hate putting things in writing. They have secret meetings talking behind closed doors. People shouldn't have to come out and listen to me. Apparently one can't be sarcastic these days.

August 9 George puts up the signs up. I have no issue with George. I have no issue with the village. I was so fed up with this whole situation, leave me alone. The Village is still wanting to take my property. We're still talking about this. I'm for safety but when someone puts a thumb on me, I'm going to get angry.

At the September meeting I sat in this room. Not one word came out of my mouth. Who came up with 21,000 square feet? It was 12,000 square feet now its 21,000 square feet.

Jeff Graff responds: The original was an estimate, and then we received the actual size.

Mr. Huber showed a map of the end of Newton Street from 1967. 55 years we have no problem. It saddens me about this picture. Why is Newton Street being targeted? I question their narrative. What are they trying to do? This is a slippery slope. Where does eminent domain stop?! How many times are you going to do this?! Where is it going to bend?! When is the village going to be held accountable?! George, I'm sorry. Here is a picture from 2012. 2012. What did we do back then? 70x70 area was there. The turnaround was there. I don't understand. I lived on Newton Street. There are other locations in the village. Are there any plans for them to have turn arounds?

Jeff Graff: Tonight is only about Newton Street. Newton Street is what we are talking about tonight.

Mr. Huber showed other dead ends within the village. He wants to show others - Why are they targeting Newton Street. Why not Moses Road? Do eminent domain on those places. Why are we targeting Newton Street? What is this going to cost us? That piece of paper there (map) cost \$2,340. That's MRB's cost for that. And that doesn't include Jeff's (Graff) fees.

*Back to George (Hotchkiss) coming to ask me to go look at the maps. I had to look at them there and that they weren't for public use for Ch***t's sake. I could make that map for \$6.00. That's village expenses. Where is the money coming from? Where is the integrity of them all? The Comprehensive Plan of the village says they care. Don't you think this is wrong? Where does it end? The Comprehensive Plan talks about not doing what we are doing.*

Mr. Huber goes on concerned about the drainage that would result from putting in the turn-about. Do they need retention ponds?

Pat Nicoletta said that the area is less than 1 acre and would not need a SWPPP (Stormwater Pollution Prevention Plan).

*Mr. Huber: What is the village doing this for? Why are you attacking me and my family? I submitted some FOIL (Freedom of Information Law) requests. This is what I get. Paper. Maybe money should be spent on technology. It has to do with funds and the misuse of funds. D**n, It's crazy. I don't get it.*

In June of 2019 Mr. Henry (Newton Street) created a turnaround driveway on my land. We have an agreement. A gentleman's handshake agreement. I'm not saying anyone can't use it.

In 2016 the land was up for auction. No one purchased it. I saw a for sale sign. The village could have purchased it then. They could have developed it. Why now? Why are they doing it now? Because I said something you didn't like. It's not about the land. It's crazy. I purchased the land.

Mr. Huber spoke for one hour and one minute.

Mr. Skolny: What is your proposal?

Mr. Huber: I am willing for an agreement if you want a turn around.

Mr. Henry (Newton St): I live at the dead end. Everyone did k-turns. No cul-de-sac. Never done. My daughter couldn't catch the bus at our house. Nobody cared then. All because you got your feelings hurt.

Ms. A. Shannon: We have a gentlemen's agreement on a shared driveway with the Huber's. You have to be able to make agreements on your word. We didn't buy to develop. We don't want to see that. It's sad and frightening. We want to preserve it. Just because you can doesn't mean you should.

Mr. Chrysler: All our kids had to walk to Edgemere to get the bus. And what about the drainage? It's at my house.

Ms. MacNamara: What about the cost? What is this going to cost?

Jeff Graff: That happens after a decision is made whether to move ahead to the next step. The initial determination to go ahead can take up to 90 days.

Nancy Johnsen: I'm in some fashion in agreement for the eminent domain. It needs to be a permanent agreement for safety purposes. If you sell your property it could change and it would be right back to where it is. A gentlemen's handshake would not work. It needs to be permanent.

Matt Shannon: *At first it's 70x70' to turn around. Now you want full size busses, trucks etc. in a 110' diameter. You have to be willing to work with each other something that is reasonable. What changed?*

Mayor Buttaccio: *We have two different designs.*

George Hotchkiss: *I didn't ask for that (70x70).*

Mayor Buttaccio: *It can't be personally.*

George Hotchkiss: *The School asked if we could make it bigger in the case of K-turning. To get rid of the K-turn and have a turn around.*

Matt Shannon: *How do you do the others (dead ends)?*

George Hotchkiss: *We are allowed to turn around.*

Allison Shannon: *I hear you say development. It is not why we purchased the land. We don't want to see development back there.*

George Hotchkiss: *The thing is, it's not our turn around.*

Trustee Charles Fine: *It would be an improvement.*

Bernadette Chrysler: *I have lived here 21 years. I don't see a problem. It's fine there. All trucks get down there. It's sad to see this. It's very sad, sad, sad.*

George Hotchkiss: *We were never told we couldn't turn around. All the stone made the turn around, then it was taken out. If we make it again then what if 2 years from now it is take out again.*

Nancy Johnsen: *John Tyo's agreement without selling it would have to be for an extremely long time.*

Trustee William Henry: *We don't want your property. If you had come to us first before bulldozing it we wouldn't be here. If Step 1 didn't happen, we wouldn't be here. Why didn't you come to us first?*

Ginny Henry: *I'm concerned in the spring. If you walk Newton Street, there is damage to the road. The Road is not good.*

Amanda MacNamara: *We live on Clifton Street. Early last year I wrote to the Board about the speeding on Clifton Street and asked if they could improve the situation. I did not hear from anyone. Mr. Coffey did stop by.*

Mayor Buttaccio: *Are there any other questions or comments? I have to ask three times. Are there any comments....are there any comments? Public Hearing No. 1 is closed at 7:30 pm.*

PUBLIC HEARING NO. 2

A LOCAL LAW TO REPEALING CHAPTER 19 OF THE CODE OF THE VILLAGE OF MANCHESTER AND ADOPTING A NEW CHAPTER 19 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE

Mayor Buttaccio opened Public Hearing No. 2 at 7:31 pm.

The Clerk announced that the Legal Notice for this Public Hearing was posted one time in the official village newspaper, *The Daily Messenger*, on September 27, 2022. It was also posted on the website and Village Hall board.

The Clerk read the notice.

RESOLUTION OF PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1-2022

At a regular meeting of the Board of Trustees of the Village of Manchester, held at the Village Hall, 8 Clifton Street, Manchester, New York, on the 12th day of September 2022.

PRESENT: Michael J. Buttaccio, Mayor - ABSENT
William F. Henry, Trustee
Charles E. Fine, Trustee

WHEREAS, a Local Law, being proposed as Local Law No. 1 for the Village of Manchester, 2022 was introduced at this meeting by a member of the Board of Trustees:

A LOCAL LAW TO REPEALING CHAPTER 19 OF THE CODE OF THE VILLAGE OF MANCHESTER AND ADOPTING A NEW CHAPTER 19 PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION BUILDING CODE AND THE STATE ENERGY CONSERVATION CONSTRUCTION CODE

AND WHEREAS, this Board desires to hold a public hearing with respect to the adoption of said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by this Board with respect to the adoption of the aforesaid Local Law at the Village Hall, 8 Clifton Street, Manchester, New York, on the 3rd day of October, 2022 at 6:30 pm., and it is further

RESOLVED that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

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

This resolution was duly adopted on September 12, 2022.

Mayor Buttaccio asked for any questions or comments from those in attendance. He asked two more times if there were any questions.

Mayor Buttaccio closed the second Public Hearing at 7:35 pm.
The Mayor called for a short break.

REGULAR MEETING

Mayor Buttaccio called the regular meeting to order at 7:55 pm.

There was a brief discussion with Patrick Nicoletta on the cost of continuing with the eminent domain on the Huber property. The Board would like him to put together estimated costs for completion to assist in their decision on whether to proceed.

The minutes of the Regular meeting held on September 12, 2022 were read. A motion was made by Trustee Fine, seconded by Trustee Henry, to approve the September minutes, unanimously carried.

The Clerk presented the September Treasurer's Report. A motion was made by Trustee Fine, seconded by Trustee Henry, to accept the Treasurer's report for September, voted on and unanimously carried subject to audit. Bills were authorized for payment on Abstract #4 of Audited Vouchers, General Fund totaling \$; Water Fund totaling \$; Sewer Fund totaling\$; ARPA totaling \$ and Trust & Agency Fund \$.

Approved – TOWN OF MANCHESTER WATER RATES

There still has not been a response to the letter sent from John Tyo to the Town of Manchester. The five properties on NYS Route 96, namely, Dunkin' Donuts, Malcho's Mart and Malcho's Car Wash, McDonald's and the Manchester Shortsville Joint Sewerage System are using the water in the Town of Manchester line. In the water agreement it states that the village will set the rate for payment to the town for their water. After discussing various details, Trustee Fine motioned to take the rate Farmington charges the town \$2.46/thousand and add \$.19 cents for water treatment for a total rate of \$2.65/thousand gallons, seconded by Trustee Henry, voted on and carried unanimously. All these businesses are located in the Village of Manchester. The Town is currently setting rates and billing the village for the water. Two agreements in place show that the Village should set the rates and operate, maintain and administer the Town's district that is in the village. The letter asked if the Town can produce written agreements that state otherwise, then the village will do the rates and supply to town.

Discussed – NEWTON STREET TURN-A-ABOUT

The Board has asked MRB Group to put together an estimate on the cost of the turn-a-bout. That information, along with what was gathered tonight, and letters received from the fire department and RJ Transportation, will assist in making their decision. This was tabled until next month.

Approved – MODEL RR CLUB – REQUEST TO USE PROPERTY AND DO CONSTRUCTION

A motion was made by Trustee Henry to allow the RR Club to utilize the RR Memorial Park and permission to start interior construction, seconded by Trustee Fine, voted on and carried.

Reported - HALLOWEEN DECLARATION AND PARADE

The Firemen's parade will be held on Monday, October 31st at 6:30 PM lining up on Howard Street and proceeding to the Manchester Fire Department for costume judging, prizes and treats. Escort will be

provided by the fire department. Refreshments and prizes will be provided by MFD. The Village of Manchester proclaims TRICK OR TREAT NIGHT Monday, October 31, 2022 from 6:00 to 8:00 PM.

Approved - PROPOSED LOCAL LAW NO. 1-2022 – RESOLUTION 15 - 2022

Local Law #1 of 2022

A Local Law Repealing Chapter 19 of the Code of the Village of Manchester and Adopting a New Chapter 19 Providing for the Administration and Enforcement of the New York State Uniform fire Prevention Building Code and the State Energy Conservation Construction Code
(On file in the Clerk's Office)

Approved – Governmental Accounting Class

The Board approved registering Nichole Ruggles in a three day online class Introduction to Governmental Accounting for \$85.00. The motion was made by Trustee Fine and seconded by Trustee Henry. Unanimously carried. It is designed to familiarize participants with the basic concepts of governmental accounting. The dates are October 25-27, 2022 and will be completed here at the Village Hall.

DPW REPORT

- A quote on a new Pole Barn came in at \$147, 300. George will get more information to go out to bid.
- Sidewalks on South Avenue will be done by Triple XXX Construction tomorrow.
- NYMIR (Insurance) recommendations: 1.) Old Highway Garage replacement 2.) Bennett Building Electrical Service 3.) Sign Inventory Log 4.) Park Bleachers. A written response will be completed.
- Still Replacing water meters.
- Bleachers for the ball field will be done this spring. Will rip out the old one at the end of season.
- Will order pumpkins for Cub Scouts
- Mark Poretta fixed the Bennett Avenue leak.

POLICE REPORT

- Nancy Johnsen spoke for the people of Friendly Village stating their concern that there is not a police presence to deter potential crime. They would feel safe if the village had a police department. The village is still determining if a police department is feasible. Tabled to next meeting.

FIRE DEPARTMENT REPORT

- No report

The meeting was adjourned upon motion at 9:30 pm. Next meeting is November 7, 2022 at 6:00 pm.

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer