

**VILLAGE OF MANCHESTER
MINUTES OF THE REGULAR VILLAGE BOARD MEETING
HELD AT 8 CLIFTON STREET, MANCHESTER NY
ON JANUARY 09, 2017**

Present: Nancy W. Johnsen, Mayor
Michael J. Buttaccio, Trustee
William F. Henry, Deputy Mayor, Trustee
Jeffrey P. Liberati, DPW Supervisor
Richard Coffey, Police Chief

Absent: Harry Bowker, MFD

Others: Ed Ruthven MFD; William Lawrence, James Yacona, BSA; Rick Wolk, RIG; Elijah Young, Sean Gallivan, Jack Melson, Green Renewable; Anthony Cirulli; Marty Burnett, Code Enforcement; Deb Misleany-Reed, Char Commisso.

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

The clerk led the Pledge of Allegiance to the flag.
Mayor Johnsen called the meeting to order at 6:00 pm.

The minutes of November 07, 2016, December 05, 2016, December 06, 2016 and December 16, 2016 meetings were read and individually approved upon motions from Trustee Buttaccio and seconded by Trustee Henry. The November and December Treasurer's reports were approved upon a motions from Trustee Henry, seconded by Trustee Buttaccio, voted on and unanimously carried, subject to audit. Bills were authorized for payment on Abstract #8 of Audited Vouchers, General Fund totaling \$17,414.62; Water Fund totaling \$30249.12; Sewer Fund totaling \$105.09; CDBG totaling \$0.00 and TEP totaling \$0.00; Trust & Agency Fund \$.

Trustee Henry made a motion to transfer \$1,950. from A1990.04 Contingency to A.1010.01 Trustees Personal (\$575.00), A.1210.01 Mayor Personal (\$375.00), A7550.05 Celebrations (\$1,000) to cover expenses to the end of the fiscal year 5/31/17, seconded by Trustee Buttaccio, voted on and unanimously carried.

Discussed – ROCHESTER INSULATED GLASS – RICHARD WOLK, PRESIDENT – ODOR COMPLAINT

Mr. Richard Wolk addressed the Board stating that tremendous odors are going into their building and on their property at 73 Merrick Circle. This odor is very disruptive to his business. It is not all days, but needs to stop. The Board referred to a letter Village Attorney, John Tyo, wrote to Mr. Wolk in July 2016 stating that mulch is exempt from Department of Environmental Conservation (DEC) regulations. Mr. Wolk would like a copy of a report from the DEC concerning the mulch factory. He would also like to see Planning Board site plans for this operation. The clerk gave Mr. Wolk a Freedom of Information Law (FOIL) form to complete for his request.

Mr. Wolk continued on to say that animal waste does not belong in the village and asked if there is a lot of respiratory illness in the village. The clerk said if there was an epidemic the village would be notified by the Ontario County Public Health Department and we have not been. Mr. Wolk would like the Health Officer to look into the air quality and if any sickness is involved. He wants the village to take care of this odor problem immediately.

At the time of any of Mr. Wolk's complaints someone has gone to inspect the area. Representatives from Code Enforcement, Department of Public Works, Board of Trustees and Planning have gone on site with results of various levels of smelling mulch. Mayor Johnsen stated that people can have a different tolerance to smells and she understands that.

Green Renewable representative attended the meeting. Mr. Wolk left the meeting. Mr. Sean Gallivan spoke of his mulch company that rents from Oldcastle Lawn & Garden at 155 State Street to those present. They do adhere to an odor plan that was submitted to the Planning Board. Mr. Gallivan spoke of a new venture that he is currently working with the county and village that would move some of his product further south. He also stated that any manure received is already "cured" prior to reaching them. The smell is mulch. Village resident Char Commisso did say that she can smell a bad odor sometimes too. Mr. Gallivan stated again their efforts are to move product south away from residential area. He said they are very approachable and welcome people to contact them with any questions or concerns to find solutions together.

Reported – MANCHESTER VILLAGE GARAGE SALES

Deborah Misleany-Reed and Charlene Commisso approached the Board with an idea they have to hold garage sales in the village on a certain date. If anyone wanted to participate they would contact the village or them with a street address. They would not take names. Then a map could be put together to hand out a various homes. Each individual seller will be responsible for their own goods. They ask only to advertise in the Village Newsletter and a few copies. The Board is supportive of their idea and the announcement will be in the Winter and Spring Newsletter.

Approved - BOYS SCOUTS OF AMERICA – EAGLE SCOUT PROJECT

James Yacona, Boy Scout from Troop 39, presented to the Board his idea for his Eagle Scout Project. There is an old building at the Mike Griffin Memorial Park that is in poor condition. James proposes to demolish this building and erect a new 12' x 16' wood storage building. He would like to put the new building near the batting cages for storage and in support of Red Jacket Junior Baseball. His estimated cost of the project is \$4,949.00. This includes demolition and removal of material, the replacement shed, ground prep and fill, and if allowed, electric to the building. Approval was given for this project. If needed, the village will provide some assistance in work force. The clerk is to write to an adjacent property owner to inform them of the demolition.

Approved - RESOLUTION No. 20-2016 - REAL PROPERTY TAX EXEMPTION FOR PERSON OVER 65 FOR THE VILLAGE OF MANCHESTER, NEW YORK FOR THE 2018-2019 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 Johnsen	Voting	"AYE"
Trustee Buttaccio	Voting	"AYE"
Trustee Henry	Voting	"AYE"

The resolution was thereupon declared duly adopted.

Approved - RESOLUTION NO. 21-2016 TO ENACT LOCAL LAW NO. 1-2016

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

WHEREAS, proposed Local Law No. 1-2016 was introduced at the meeting of the Board of Trustees;

WHEREAS, a public hearing has been held thereon the 5th day of December, 2016, at which time all interested persons were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED, that a Local Law No. 1 -2016 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 Johnsen	Voting	"AYE"
Trustee Buttaccio	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.

LOCAL LAW NO. 1 – 2016 – 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, 2017 through May 31, 2018 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, 2017 through May 31, 2018, 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, firm 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.

Reported – BROWNFIELD PROJECT – FREDERICK PROPERTY, STATE STREET

Mayor Johnsen met with the Department of Environmental Conservation (DEC) , along with Norm Gardner, with Clark Patterson Lee Engineers, to discuss the Final Engineering Report for the Frederick Property that was resubmitted recently and was to be completed in 2007. Some documentation is missing and parties are to come to an understanding, along with possible additional testing on the site. There will be some expense involved, but hopefully all should be completed by March 2017.

Reported – MERRICK AVENUE WATER TOWER – DEMOLITION BID UPDATE

A pre-construction meeting was held on December 20, 2016. At that time the contractor did not realize that the water had not been drained from the tower and there could be ice building up on the interior of the tank that would cause safety concerns. The January 16, 2017 start date has been postponed.

Approved - RESOLUTION No. 1- 2017 – CROSSING GUARD(S) INTERMUNICIPAL AGREEMENT

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

WHEREAS, an agreement is made between THE TOWN OF MANCHESTER, with offices located at 1272 County Road 7, Clifton Springs, New York; THE VILLAGE OF MANCHESTER, with offices located at 8 Clifton St., Manchester, New York; and THE VILLAGE OF SHORTSVILLE, with offices located at 6 East Main Street, Shortsville, New York; and

WHEREAS, the parties are desirous of entering into a cooperative agreement wherein they will jointly participate in hiring, employing, and sharing a crossing guard or guards; which crossing guard will provide for student safety on State Route 21 at or about the Red Jacket Central School District campus; and

WHEREAS, the parties are desirous of setting forth each of their obligations incident to the securing of said crossing guard(s); and

WHEREAS, this agreement is made pursuant to General Municipal Law, Article 5-G,

NOW, THEREFORE, in consideration of the following premises and covenants contained herein, the parties agree as follows:

1. The Town of Manchester will create a position of crossing guard and when possible have another classified position available to serve a backup.
2. The crossing guard will be deemed an employee of the Town of Manchester and will serve at the will of the Manchester Town Board.
3. Each municipality shall cooperate jointly with each other to determine and create a job description which shall provide for compensation in the approximate sum of \$11.85 per hour, definitive work hours to include, but not be limited to, 7:00 am to 8:00 am and 2:30 pm to 3:30 pm, an annual work schedule to be approximately 176 to 180 days per year and will define the geographic duties of the crossing guard to be stationed at crosswalks, including but not limited to, the Express Mart and Bliss property and the crosswalks at the school on Route 21 and Water Street. In addition, the job description shall provide for reporting obligations to the school district and performance under their direction and leadership.
4. Any and all costs incident to the employment of the crossing guard(s), including, but not limited to, wages, benefits, payroll expenses and taxes, unemployment insurance, workers compensation and disability insurance, liability insurance and claims against the Town based on such employment, equipment, equipment maintenance fees and clothing shall be shared equally on a one-third basis by and among the Town of Manchester, Village of Manchester and Village of Shortsville.
5. As employer, the Town of Manchester shall bill and invoice the other municipalities for reimbursement and contribution at intervals agreed upon between the municipalities.
6. This agreement shall be effective for a period of 5 years.

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

Mayor Johnsen	Voting	“AYE”
Trustee Buttaccio	Voting	“AYE”
Trustee Henry	Voting	“AYE”

The resolution was thereupon declared duly adopted.

NO PUBLIC COMMENT

DPW REPORT

- The Lehigh Avenue water tank is having numerous alarms throughout the day and night due to ice building up inside causing changes in pressure.
- Will drain the Merrick Avenue when weather permits

POLICE REPORT

- No written report at this time
- The old police car is being looked at before the lights are taken off by the Village of Newark and Village of Lyons for an emergency respond car. The Village of Manchester would receive half the revenue of selling the car after sharing with the Village of Shortsville.

FIRE DEPARTMENT REPORT

- Annual Report on file in the clerk’s office. Copy to Towns of Manchester and Farmington. Total year: 192 calls, Village of Manchester 48, Town of Manchester 71, Town of Farmington 35, NYS Thruway 26 and other towns/villages 12. Full report on file in clerk’s office.
- New Officers for 2017: Chief – Harry Bowker, 1st Asst. Chief – Ed Ruthven, 2nd Asst. Chief – Bryon Schrader, Captain – Lee Sanders, Lieutenant – Rich Yahn, Lieutenant – Alex Colburn, President – Jim Goodall, Vice President – Lee Sanders, Secretary – Cindy Goodall, Treasurer – Jason Whipple
- The final inspection was completed on the new Pierce fire truck in Wisconsin. Delivery should be within the week.
- Reported that siren on top of building is not turning

The next regular Village Board meeting will be on Monday, February 06, 2017 at 6:00 pm. There will be a budget meeting on January 27, 2017 at 9:00 am.

The meeting was adjourned upon motion at 7:30 pm.

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer