

**VILLAGE OF MANCHESTER
MINUTES OF THE REGULAR VILLAGE BOARD MEETING
HELD AT 8 CLIFTON STREET, MANCHESTER NY
ON MARCH 04, 2013**

Present: William F. Henry, Deputy Mayor, Trustee
Lynda J. Butler, Trustee
Richard Coffey, Police Chief
Jeffrey P. Liberati, DPW Supervisor

Absent: Nancy W. Johnsen, Mayor; Harry Bowker, Fire Chief; Debra Gulvin-Chase, Deputy Clerk/Treasurer

Others: Josie Scherer, Tammy Harshfield, Heather Peak, Girls Scouts.

Recording: Rita J. Gurewitch, Clerk/Treasurer

REGULAR MEETING

The Clerk led the Pledge of Allegiance to the Flag.

The meeting was called to order at 6:00 pm by Deputy Mayor Henry.

The minutes of the regular meeting on February 04, 2013 were read and approved upon motions from Deputy Mayor Henry and Trustee Butler, motion carried. A motion was made by Deputy Mayor Henry to accept the January Treasurer's report, seconded by Trustee Butler, subject to audit, voted on and carried.

A motion was made by Deputy Mayor Henry, seconded by Trustee Butler to transfer the following:

\$6,000. from F1990.4 to F8310.4

The motion was carried.

Bills were authorized for payment on Abstract #10 of Audited Vouchers, General Fund totaling \$59,372.70; Water Fund totaling \$1,014.50; Sewer Fund totaling \$961.29; CDBG totaling \$0.00 and TEP totaling \$0.00.

TRAIL COMMITTEE GROUP

After a Trail Committee meeting is on February 21st, the following was reported by Trustee Butler: 7 people attend, trail information will be put on the website, Sonnenburg does not rent out their tram, will attend Mendon Ponds Expo day to promote trail, would like a log cabin port-a-potty on the trail, another picnic table, more flowers and remove dead wood. DPW Supervisor said that the village would be able to remove small brush, possibly hire out once a year for larger old tree removal. A discussion on when the Railroad Memorial Park spur would be completed, DPW Supervisor stated that it would be next year unless otherwise directed to do so. Will try to improve it slightly for now. Next committee meeting will be April 3rd at 6:30pm.

GIRL SCOUTS

Josie Scherer and Heather Peak are pursuing their Gold Award through the Girl Scouts. A discussion followed as to which projects would be available through the village. Most likely the chosen projects will be on the trail.

**UNDERTAKING – THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
RESOLUTION NO. 1 – 2013** In connection with work affecting state highways

The following resolution was offered by Deputy Mayor Henry, who moved its adoption, seconded by Trustee Butler, to wit:

WHEREAS, the Village of Manchester from time to time receives permits from the New York State Department of Transportation (NYSDOT) and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,
NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

- 1.) Permit Applications. Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.
- 2.) Applicable Rules, Regulations & Conditions. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
- 3.) Site Restoration. Permittee shall, at its own expense, promptly completed the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.
- 4.) Payment & Release of Liens. Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.
- 5.) Indemnity. In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property injuries, property damages, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of the Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

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

Mayor Johnsen		ABSENT
Trustee Deputy Mayor Henry	Voting	"AYE"
Trustee Butler	Voting	"AYE"

The resolution was thereupon declared duly adopted.

RESIGNATION OF PLANNING BOARD MEMBER – JOHN SCHRAM

The Board received a resignation letter from Mr. John Schram effective March 01, 2013 stating he will no longer be able to serve on the Planning Board. Due to his work schedule he will not be able to attend meetings or fulfill his obligations to the Planning Board.

The Board reluctantly accepted Mr. Schram's resignation and directed the clerk to write a letter thanking him for his service.

APPOINTMENT TO THE PLANNING BOARD

Deputy Mayor Henry appointed Sean Schumacher to the Planning Board to finish the term of John Schram until 3/31/15.

BUILDING DEPARTMENT REPORT – 2012

Code Enforcement Officer Steven DeHond submitted his 2012 Building Department Report for the Village of Manchester. He also submitted a breakdown of each permit issued and the number of fire inspections completed for the year. 65 permits issued with a construction cost total of \$678,665.00. Permit fees collected totaled \$2,667.55. The full report is on file in the clerk's office.

SPRING CLEAN UP

Spring Clean Up will be on May 13th and May 14th for 2013. Contractor will be K & D Disposal, Inc.

BUDGET HEARING NOTICE

The Village will hold a Budget Public Hearing on Monday, April 01, 2013 at 6:00 pm. The tentative budget will be accessible for inspection by the public at the Clerk's office on March 20th.

PERMISSIVE REFERENDUM NOTICE – RESERVE FUND

A Public Hearing will be held on Monday, April 01, 2013 at 6:15 pm to discuss the use of the moneys in the Buildings and Additions Reserve Fund to pay for a portion of the cost to upgrade the heating, air conditioning, electric and bathrooms at the Village Hall and Fire Department.

2013 SUMMER CONCERT SERIES

The Summer Concerts have been scheduled for July 10th, 17th, 24th and 31st from 7:00 pm to 8:30 pm.

MIKE GRIFFIN MEMORIAL PARK – RJ JR BASEBALL LEASE AGREEMENT

The Board reviewed the lease agreement drawn up by the Village Attorney to allow Red Jacket Junior Baseball, Inc. to let the premises known as Mike Griffin Memorial Park for 7 months during a calendar year from April to and including October. After reviewing the lease, the Board directed the clerk to notify the attorney to proceed with the lease.

DPW REPORT

- DPW Supervisor received three quotes on the replacement building at the Mike Griffin Memorial Park. Wood-Tex Products \$17,374.50; Alan's Factory Outlet Buildings \$34,233.00; and Sheds Unlimited, Inc. \$19,913.00. **Deputy Mayor Henry motioned to accept Wood-Tex Products proposal for the purchase of a new building at \$17,374.50, seconded by Trustee Butler. Motion carried.**
- Razing of the old concession stand building will commence soon.
- Will contact M. Fish to begin spring flowers and see to schedule.
- Applications are being submitted for summer help.

POLICE REPORT:

- Monthly report for February 2012 was discussed and is on file in the clerk's office.
- Patrol Car was serviced and NYS inspection completed.

FIRE DEPARTMENT

- Monthly report not submitted
- The FEMA Safety and Fire Protection Grant that was received is progressing. The clerk is assisting in its administration.
- The United Way eliminated the MFD as a designee for funding and donations. There was a misunderstanding that the proper paperwork was not submitted. The clerk informed United Way of Greater Rochester that the Manchester Volunteer Fire Department is part of the Village of Manchester municipality and therefore exempt from charity requirements. The Department is back on the list of designees.

The next regular Village Board meeting and Public Hearings will be on Monday, April 01, 2013 at 6:00 pm. The meeting was adjourned upon motion at 6:50 PM.

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer