

**VILLAGE OF MANCHESTER**  
**MINUTES OF THE PUBLIC HEARINGS AND REGULAR VILLAGE BOARD MEETING**  
**HELD AT 8 CLIFTON STREET, MANCHESTER NY**  
**ON NOVEMBER 04, 2013**

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

Absent: Harry Bowker, Fire Chief

Others: Roger Lonneville, Clerk of the Works; Patrick Nicoletta, MRB Group; Anthony Cirulli; Colin Clark, BSA; William Lawrence; BSA; Douglas Parmele

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.

**Mayor Johnsen called the public hearing to order at 6:00 PM.** The clerk read the Notice of Public Hearing on proposed Local Law No. 1 – 2013 entitled “**LOCAL LAW TO AMEND THE ZONING CODE OF THE VILLAGE OF MANCHESTER CHAPTER 100 THERE OF ENTITLED ZONING AND SECTION 100-31 ENTITLED ZONING MAP**” which was listed in the Daily Messenger on October 23, 2013.

Patrick Nicoletta explained the proposed changes to the zoning map.

An e-mail was received from Richard Cirulli stating “Please change the Village property adjacent to mine (149 State Street) to residential along with mine”.

Anthony Cirulli reviewed the map. A discussion followed concerning the parcel next to Richard Cirulli’s. It is proposed to be Land Conservation-1.

Mayor Johnsen asked three times if anyone had any further questions or comments.

**The public hearing was closed at 6:13 PM.**

**Mayor Johnsen called the second public hearing to order at 6:14 PM.** The clerk read the Notice of Public Hearing on proposed Local Law No. 2 – 2013 entitled “**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C**” which was in the Daily Messenger on October 23, 2013.

Mayor Johnsen explained that the Village of Manchester’s levy has actually decreased each year since the option to override was in place. A discussion followed. Anthony Cirulli stated that he is against Local Law No. 2 – 2013 overriding the Tax Levy.

Mayor Johnsen asked three times if anyone had any further questions or comments.

**The public hearing was closed at 6:21 PM.**

**Mayor Johnsen called the regular meeting to order at 6:22pm.** The minutes of the regular meeting held on October 07, 2013 were read and approved upon motion from Trustee Henry and seconded by Trustee Butler and unanimously carried. The September Treasurer’s report was reviewed and approved upon motion from Trustee Henry, seconded by Trustee Butler, subject to audit, voted on and carried unanimously.

Bills were authorized for payment on Abstract #6 of Audited Vouchers, General Fund totaling \$17,920.14; Water Fund totaling \$1,132.59; Sewer Fund totaling \$49,338.26; Trust & Agency totaling \$13,736.07; CDBG totaling \$0.00 and TEP totaling \$0.00.

#### **VILLAGE HALL/FIRE STATION UPGRADE**

Roger Lonneville, Clerk of the Works, updated the Board on the progress of the project. The project is in the final stage. The next contractor’s meeting is November 20<sup>th</sup> at 9:30. A “walk through” will be done to determine the final punch list.

#### **LEHIGH AVENUE WATER TANK**

Patrick Nicoletta, from MRB Group, stated that repairs on the tank have been done, but not the painting. The NYS Dept. of Health (DOH) wants an alarm system on the tank which was not in the original quote. He will get a new quote to include the alarm system. The DOH also wants a report what has been completed so far. MRB will get that to them.

**EAGLE SCOUT PROJECT – COLIN CLARK**

Boy Scout Colin Clark asked to revise his previous Eagle Scout project that was to build a tower at the baseball field and to instead continue to make additions to the Railroad Memorial Park on Main Street. He would like to install a signal light and an old MANCHESTER sign that was use by the Lehigh Valley Railroad. These will be donated by Doug Parmele. They would also consider assisting in getting a NYS Historical marker for the location. Bill Lawrence, Boy Scout Leader for Troop #39, stated that the Boy Scouts would volunteer hours to assist in allowing for public tours.

**RESOLUTION NO. 16-2013 – TO ENACT LOCAL LAW NO. 1-2013**

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

**WHEREAS**, proposed Local Law No. 2-2013 was introduced at the meeting of the Board of Trustees;

**WHEREAS**, a public hearing has been held thereon the 4th day of November, 2013, 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 -2013 be enacted as follows:

**LOCAL LAW NO. 1- 2013**

**“LOCAL LAW TO AMEND THE ZONING CODE OF THE VILLAGE OF MANCHESTER CHAPTER 100 THEREOF ENTITLED ZONING AND SECTION 100-31 ENTITLED ZONING MAP”**

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

**SECTION I. Purpose/Amendment**

This Local Law shall be known as and may be cited as Local Law No. 1- 2013, 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 the Village of Manchester, et.al., (see attached list) and located within the Village of Manchester, New York State, comprising approximately 40.768 acres of land to be rezoned from R-1, C-1 and I-2 to R-1 and L-1. These parcels of land are further identified by Manchester tax map numbers (See Schedule A).

**SECTION II. Legislative Finding**

The Village Board of the Village of Manchester finds and hereby determines that the proposed project to rezone approximately 40.768 acres of property owned by the Village of Manchester et.al. 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 in accordance with Section 100-7 of the Manchester Village Code.

**SECTION III. 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 IV. 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 V. 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.

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

Mayor Johnsen

Voting

“AYE”

Trustee Butler	Voting	"AYE"
Trustee Henry	Voting	"AYE"

The resolution was duly adopted.

**RESOLUTION NO. 17-2013 TO ENACT LOCAL LAW NO. 2-2013**

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

**WHEREAS**, proposed Local Law No. 2-2013 was introduced at the meeting of the Board of Trustees;

**WHEREAS**, a public hearing has been held thereon the 4th day of November, 2013, 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 -2013 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 Butler	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. 2 – 2013 – 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, 2014 through May 31, 2015 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, 2014 through May 31, 2015, 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.

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

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

The resolution was duly adopted.

**OVER 65 TAX EXEMPTIONS**

The board set December 02, 2013 at 6:00 PM for the public hearing for Over 65 exemptions for the 2015-2016 tax year. The clerk will prepare the legal notice and have it published.

**UNPAID VILLAGE TAXES – RESOLUTION No. 18-2013**

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

**RESOLVED**, that the Board of Trustees of the Village of Manchester hereby request that the County Treasurer of the County of Ontario collect the delinquent taxes of said Village as provided by Chapter 619 of the Law of 1977 adopted by the Board of Supervisors of Ontario County on November 23, 1977 and be it further:

**RESOLVED:** that the Village Treasurer is hereby directed to transmit to the Ontario County Treasurer a certified copy of this Resolution together with the account and certificate described in sub-division 3 of Section 1436 of the Real Property Tax Law to the Ontario County Treasurer:

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

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

The resolution was thereupon declared duly adopted.

(see attached list of unpaid village taxes)

**ELECTION VACANCY - RESOLUTION NO.19-2013**

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

**WHEREAS**, the next general village election for officers will be held on March 18, 2014; and

**WHEREAS**, the Board of Trustees must designate by resolution and publish the offices which are to be filled in such election and the term thereof.

**NOW THEREFORE BE IT RESOLVED:**

Section 1. That the Board of Trustees designates the office as vacant at the end of the current official year to be filled at the village election to be held on *March 18, 2014* for the following term:

Trustee - four years

Section 2. The village clerk is hereby directed to publish this resolution in full in the Canandaigua Daily Messenger.

Section 3. This resolution shall take effect immediately.

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

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

The resolution was duly adopted.

**ONTARIO COUNTY RAILWAY CORRIDOR DEVELOPMENT PLAN**

Mayor Johnsen stated that Ontario County is looking for municipal participation in an upcoming Railway Corridor study and development plan to promote more business. The Village of Manchester will send a letter of support for a possible grant to assist in this project.

**TOWN OF MANCHESTER COMPREHENSIVE PLAN UPDATE – STEERING COMMITTEE**

Mayor Johnsen explained that the Town of Manchester is working on updating their comprehensive plan and would like a representative from each entity in the Township. Mayor Johnsen will be the Village of Manchester's representative on this Steering Committee. The information gathered will assist in updating the Village of Manchester's Comprehensive Plan.

**PUBLIC COMMENT:** None

**DPW REPORT**

- Trail entrance on Route 96 has been paved, along with patching at the park
- Leaf Vacuum ends on November 14th
- Sanders are ready for the winter

**POLICE REPORT:**

- October Police report on file in clerk's office.
- There is a re-call on the Ford steering

**FIRE DEPARTMENT:**

- No monthly report

The next regular Village Board meeting and Public Hearing will be on Monday, December 02, 2013 at 6:00 pm.

The meeting was adjourned upon motion at 7:25 PM.

Respectfully submitted,

Rita J. Gurewitch  
Village Clerk/Treasurer