

**VILLAGE OF MANCHESTER
MINUTES OF THE PUBLIC HEARING AND REGULAR BOARD MEETING
HELD AT 8 CLIFTON STREET, MANCHESTER NY
ON NOVEMBER 7, 2011**

Present: Nancy W. Johnsen, Mayor
William F. Henry, Trustee
Gary J. Bogner, Trustee
Debra Gulvin-Chase, Deputy Clerk/Treasurer
Jeffrey P. Liberati, DPW Supervisor
Richard Coffey, Police Chief

Absent: Chad Romeiser, Fire Chief

Others: Fire Dept: Ed Ruthven and Don Blaisdell

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

The clerk led in the pledge of alliance to the flag.

PUBLIC HEARING

The Public Hearing was opened at 6:00 pm. The clerk read the legal notice for the public hearing that appeared in the Daily Messenger on October 26, 2011 regarding the Local Law to Override the Tax Levy Limit established in General Municipal Law § 3-c the 2012-2013 tax year. Mayor Johnsen asked if anyone had any questions or comments.

Mayor Johnsen requested comments three times.

There were no comments for or against the proposed local law.

The Public Hearing was closed at 6:05 pm.

REGULAR MEETING

Present: Nancy W. Johnsen, Mayor
William F. Henry, Trustee
Gary J. Bogner, Trustee
Debra Gulvin-Chase, Deputy Clerk/Treasurer
Jeffrey P. Liberati, DPW Supervisor
Richard Coffey, Police Chief

Absent: Chad Romeiser, Fire Chief

Others: Fire Dept: Ed Ruthven and Don Blaisdell

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

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

The minutes of the regular meeting held on October 3, 2011 were read and approved upon motion from Trustee Bogner, seconded by Trustee Henry. The September Treasurer's report was reviewed and approved upon motion from Trustee Henry, seconded by Trustee Bogner, subject to audit, voted on and carried unanimously. Also approved upon same motion: Transfer \$19,000. from A.1990.4 Contingency to A.7110.1 Parks Personal Service to cover payroll to end of the fiscal year 5/31/12. Bills were authorized for payment on Abstract #06 of Audited Vouchers, General Fund totaling \$18,021.22; Water Fund totaling \$1,758.66; Sewer Fund totaling \$52,141.12; CDBG totaling \$0.00 and TEP totaling \$25,075.10.

TRAIL UPDATE

The next trail meeting will be November 30th at 1:00 pm in the boardroom. Remaining work to be completed by the contractor are signage, bollards, the railing at the tip out, the kiosk(s) and removal of the silt fencing. The Board would like a letter written to the contractor that the village will install the panel kiosk and remove the silt for a credit towards the contract cost. They would like the contractor work to be finished by November 30th. The Federal Highway Administration will be here to review the construction phase of the trail on November 9, 2011 at 1:00 pm.

HIGHWAY GARAGE UPDATE

The final payment was made to Nicoletta Construction as the contract has been satisfied. DPW Supervisor Liberati stated the village may need to purchase a generator to be able to open the electric garage doors. In the mean time, the doors can be lifted manually if there is a power outage emergency.

CABOOSE (WORK CAR) UPDATE

Mayor Johnsen met with the Caboose Committee. The work car can stay in it current location on site until it is determined where it will be permanently located. A discussion ensued as to if the car should be parallel or perpendicular to NYS Route 21. DPW Supervisor prefers perpendicular as then the caboose will then flow with the railroad tracks and leave open a path to the trail if we construct a spur. Trustee Bogner stated that he will discuss this plan with Mike Buttaccio and to reinforce that any plans or contacts must be made through the Village of Manchester.

LOCAL LAW NO. 1-2011 – RESOLUTION NO. 8-2011 TO ENACT LOCAL LAW NO. 1-2011

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

WHEREAS, proposed Local Law No. 1-2011 was introduced at the meeting of the Board of Trustees;

WHEREAS, a public hearing has been held thereon the 7th day of November, 2011, 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 -2011 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 Bogner	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 – 2011 – 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, 2012 through May 31, 2013 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, 2012 through May 31, 2013, 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 judgement 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.

OVER 65 TAX EXEMPTION

The board set December 05, 2011 at 6:00 PM for the public hearing for Over 65 exemptions for the 2013-2014 tax year. The clerk will prepare the legal notice and have it published as soon as possible.

UNPAID VILLAGE TAXES – RESOLUTION No. 9-2011

The following resolution was offered by Trustee Bogner, who moved its adoption, seconded by Trustee Henry, 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 Bogner	Voting	“Aye”
Trustee Henry	Voting	“Aye”

The resolution was thereupon declared duly adopted.

(see attached list of unpaid village taxes)

VILLAGE ELECTION OFFICE VACANCY – RESOLUTION No. 10-2011

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

WHEREAS, the next general Village election for officers will be held on March 20, 2012; 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 offices as vacant at the end of the current official year to be filled at the Village election to be held on *March 20, 2012* for the following term:

Mayor - four years

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 question of adoption of the foregoing resolution was duly put to a roll call vote which resulted as follows:

Mayor D’Arduini	Voting	“AYE”
Trustee Folts	Voting	“AYE”
Trustee Miles	Voting	“AYE”

The resolution was thereupon declared duly adopted

FIRE DEPARTMENT:

- October report was handed in and on file in the clerk’s office.
 - 16 calls were made in September
 - Annual maintenance on 1712 replaced windshield and seat belt. Truck should be back Wednesday.
 - 1731 will be going in for annual maintenance when 1712 returns.
 - Trustee Henry will notify the fire department when the confined space training takes place.
 - Looking into purchasing a gas detection meter for natural gas, carbon dioxide, and carbon monoxide.
- A number of calls to Clover Crossings saying they “smell gas”. Will check with Code Enforcement

concerning inspection. It is believed gas pilot lights are being used instead of electric. Also mentioned that the numbering system at Clover Crossings needs improvement. The buildings need to be numbered outside so time is not lost looking for the correct building.

- Still looking into specifications to get the air packs to bid
- 1721 (old fire truck) is off site and being worked on at no cost. This truck will be used in parades.
- Trustee Henry will attend the January Fire Department meeting
- Mayor Johnsen thanked the Fire Department for continuing to sponsor the Halloween parade and gathering at the Fire Hall for costume judging and refreshments.

DPW REPORT

- Equipment is being readied for the winter. (plows, sanders etc)
- Continuing to work on the trail while the weather is good
- Holiday decorations will be in place next week
- Per Ed Ruthven, light bulbs are needed at the Food Cupboard (Bennett Bldg). Also volunteers will be painting inside.
- Trustee Henry asked DPW to check into the drainage due to flooding at the dead end of Newton Street

POLICE REPORT:

- October 2011 Police report on file in the clerk's office. 77 calls.
- Special Details: Halloween Parade; Traffic Control for trail construction.
- Misc.: Trail complaints, including vehicles on the path.

The next regular Village Board meeting will be on Monday, December 05, 2011 at 6:00 pm.

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

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer