

**VILLAGE OF MANCHESTER
REGULAR VILLAGE BOARD MEETING
HELD AT 8 CLIFTON STREET, MANCHESTER NY
ON DECEMBER 05, 2022**

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

Absent: None

Others: Lee Sanders, MFD; James Skolny; Diane & John Yacuzzo; Rod Geneccro; Gloria Spencer;
Connie Mussaw; Patrick Nicoletta, MRB.

Recording: Rita J. Gurewitch, Village Clerk/Treasurer

The Clerk led the Pledge of Allegiance to the flag.

**PUBLIC HEARING NO. 1
PROPOSED REAL PROPERTY TAX EXEMPTION FOR PERSONS OVER 65**

Mayor Buttaccio opened the Public Hearing. The Clerk read the notice that was published in the Daily Messenger.

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Board of Trustees of the Village of Manchester, New York, on Monday evening December 05, 2022 at 6:00 P.M. at the Village Hall, 8 Clifton Street, Manchester, NY in regard to the adoption of a proposed resolution to grant Real Property Tax Exemptions to persons over sixty-five years of age to the extent of fifty per centum of the assessed valuation thereof, in accordance with the provisions of Section 467 of the Real Property Tax Law.

A copy of the proposed resolution is available for inspection by contacting the Village Clerk at the office in the Village Hall weekdays between the hours of 9:00 A.M. and 5:00 P.M. until the date of the hearing on Monday, December 05, 2022.

Mayor Buttaccio asked if there were any comments. James Skolny wondered if it (the exemption) was income based. The Clerk responded yes. Any income between \$18,600.01 - \$24,299.99 on a sliding percentage scale. The Mayor asked again if there were any comments. Mayor Buttaccio asked two more times if there were any questions. Mayor Buttaccio closed Public Hearing No. 1.

**PUBLIC HEARING NO. 2
A LOCAL LAW TO OVERRIDE THE TAX
LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c**

Mayor Buttaccio opened the Public Hearing. The Clerk read the notice that was published in the Daily Messenger.

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Board of Trustees of the Village of Manchester with respect to the adoption of the aforesaid Local Law at the Village Hall, 8 Clifton Street, Manchester, New York, on the 5th day of December, 2022 at 6:10 pm., and it is further notice that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Mayor Buttaccio asked if there were any comments. James Skolny asked if this meant that taxes would be raised. The clerk responded no. The Mayor asked again if there were any comments. Mayor Buttaccio asked two more times if there were any questions. Mayor Buttaccio closed Public Hearing No. 2.

**PUBLIC HEARING NO. 3
SALE OF MUNICIPAL PROPERTY – VACANT LAND BEHIND 67 SOUTH MAIN STREET –
A PORTION OF PARCEL ID. NO. 32-18-1-2.100**

Mayor Buttaccio opened the Public Hearing. The Clerk read the notice that was published in the Daily Messenger.

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Board of Trustees of the Village of Manchester with respect to the adoption of the aforesaid Local Law at the Village Hall, 8 Clifton Street, Manchester, New York, on the 5th day of December, 2022 at 6:15 pm., and it is further notice that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Mayor Buttaccio asked if there were any comments. Gloria Spencer of 67 S Main Street stated she would like to purchase the land behind her home. She is asking for 50x43' of vacant land owned by the village. Mrs. Spencer does not want to go over the bank as there is so much garbage there. She alleges the previous owners were using that area for a dump so she has no use for it. She wants to put up a fence. The Mayor asked again if there were any comments. Connie Mussaw, a neighbor to Mrs. Spencer was in attendance to see what land was in question. She is ok with what was presented. Mayor Buttaccio asked for the third time if there were any questions. Mayor Buttaccio closed Public Hearing No. 3.

REGULAR MEETING

Mayor Buttaccio called the regular meeting to order at 6:20 pm.

The minutes of the Regular meeting on November 7, 2022 and the Special meeting on November 15, 2022 were read. A motion was made by Trustee Fine, seconded by Mayor Buttaccio, to approve the November Regular and Special meeting minutes, unanimously carried.

The Clerk presented the November Treasurer's Report. A motion was made by Trustee Henry to transfer \$5,000. From contingency A.1990.4 to Law Contractual A.1420.04; \$6,000. From Garage Personal Service A.5132.01 to Street Maintenance Personal Service A.5110.01; and \$1647.50 from Sidewalks Personal Service to Sidewalks Contractual, seconded by Trustee Fine, unanimously carried. A motion was made by Trustee Henry, seconded by Trustee Fine, to accept the Treasurer's report for November, voted on and unanimously carried subject to audit. Bills were authorized for payment on Abstract #7 of Audited Vouchers, General Fund totaling \$; Water Fund totaling \$; Sewer Fund totaling\$; ARPA totaling \$ and Trust & Agency Fund \$.

Approved – STATE ENVIRONMENTAL REVIEW FOR PROPOSED EMINENT DOMAIN

The following resolution was offered by Trustee Fine, seconded by Trustee Henry and carried to wit:

RESOLUTION No. 23-2022 OF THE VILLAGE BOARD OF THE VILLAGE OF MANCHESTER, DETERMINATION OF SIGNIFICANCE

WHEREAS, the Village of Manchester Village Board, hereinafter referred to as the "Village Board", has determined that the Village of Manchester's 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, such area to be located contiguous to and at the stub end of Newton Street (the "Newton Street Extension"), with the purpose of such acquisition being to allow the Village to construct a cul-de-sac turn-around at the stub end of Newton Street (the "Action"), to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Village Board has reviewed and accepted the Environmental Record prepared on this Action, and

WHEREAS, the Village Board has considered the potential impacts associated with this Action.

WHEREAS, the Village Board has reviewed Part 1 of the Environmental Assessment Form prepared for this Action and completed Part 2 of said Environmental Assessment Form and has found there will be no significant adverse environmental impacts associated with this Action.

NOW, THEREFORE, BE IT RESOLVED THAT the Village Board, in finding there will be no significant adverse environmental impacts associated with this Action, makes a negative declaration relative to this Action; and

BE IT FURTHER RESOLVED THAT this Determination of Non-Significance is based upon: the Short Environmental Assessment Form prepared for this Action, the Village Board Public Hearing Record on this Action; and, the Environmental Record prepared on this Action.

BE IT FURTHER RESOLVED THAT, the Village Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Village Board considered the Action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Village Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other

- supporting information to identify the relevant areas of environmental concern; and,
3. The Village Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the Action may have a significant adverse impact on the environment; and
 4. The Village Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

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

Mayor Michael Buttaccio	Voting	"AYE"
Trustee Charles Fine	Voting	"AYE"
Trustee William Henry	Voting	"AYE"

The resolution was thereupon declared duly adopted.

Approved – NEWTON STREET TURN-A-ABOUT

Mayor Buttaccio spoke to those present that this started back on June 7, 2022 when the bus garage called the mayor about not being able to turn around at the end of Newton Street. The Board sent a letter to Sarah & Steve Huber in August to ask if the Village could purchase the land for a turn-a-bout. There were various discussions on the topic. On November 15, 2022 we had a Special Meeting with Mr. Huber. Everyone felt good about the progress to go forward in purchasing the land.

Trustee Henry feels this should never have happened. We would have worked with them to reach an agreement. It has progressed to this point. The last meeting was hopeful, then he sent his last letter. Trustee Henry stated it felt like a list of demands he couldn't accept. He feels that the Village needs to do something for 39 Newton Street as the frontage belongs to Mr. Huber and should be Newton Street.

Trustee Fine said that 50 years ago a Certificate of Occupancy was given to 39 Newton Street when it shouldn't have. It has been sold two times since then. The blame is on everyone. Then the call the buses cannot turn around. After the meeting on the 15th "I left that meeting feeling great" then the agreement was destroyed with a new offer. Trustee Fine will not accept the counter offer of the Huber's.

**Approved - RESOLUTION No. 24-2022 ADOPTING FINDINGS AND DETERMINATIONS
PURSUANT TO SECTION 204 OF THE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION WITH
ACQUISITION OF PROPERTY TO CONSTRUCT A
CUL-DE-SAC TURN-AROUND AT THE STUB END OF NEWTON STREET**

The following resolution was offered by Trustee Fine, seconded by Trustee Henry and carried to wit:

WHEREAS, in accordance with Article 2 of the New York State Eminent Domain Procedure Law ("EDPL"), the Village Board held a public hearing on October 3, 2022 at 6:00 p.m. at the Manchester Village Hall, located at 8 Clifton Street, Manchester, New York, to inform the public of and review the public use to be served by the Village of Manchester's 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, such area to be located contiguous to and at the stub end of Newton Street (the "Newton Street Extension"), with the purpose of such acquisition being to allow the Village to construct a cul-de-sac turn-around at the stub end of Newton Street to provide a safer, reliable and more efficient way for motor vehicles, especially larger vehicles, such as fire trucks, school buses, Village snow plows, delivery trucks and the like, to turn around and exit Newton Street; and

WHEREAS, the Village Board received comments at the Public Hearing and closed the Public Hearing on October 3, 2022 at such point that the public had no further comments; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, it has been determined by the Village Board that the proposed acquisition of the Newton Street Extension by eminent domain would not have a significant effect upon the environment and can be processed without further regard to SEQRA; and

WHEREAS, the Eminent Domain Procedure Law (EDPL) requires that the Village Board, within ninety days after the conclusion of the Public Hearing, make determination and findings concerning the project.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Manchester hereby adopts the Determination and Findings set forth in the document, attached to this Resolution and made a part hereof, entitled: "DETERMINATION AND FINDINGS OF THE VILLAGE OF MANCHESTER VILLAGE BOARD FOLLOWING THE CONCLUSION OF THE PUBLIC HEARING CONCERNING THE PROPOSED TAKING BY EMINENT DOMAIN OF A PORTION OF 69 CLIFTON STREET, IN THE VILLAGE OF MANCHESTER, STATE OF NEW YORK"; and be it further

RESOLVED, that the Village Clerk is directed to publish a synopsis of the Determination and Findings in at least two successive issues of the official Village newspaper; and be it further

RESOLVED, that notice of the synopsis shall be served by personal service or certified mail upon each assessment record billing owner of 69 Clifton Street, Manchester, New York.

The Resolution was put to a roll call vote:

	<u>Aye</u>	<u>Nay</u>
Michael J. Buttaccio	X _____	_____
William F. Henry	X _____	_____
Charles E. Fine	X _____	_____

The resolution was duly adopted.

DETERMINATION AND FINDINGS OF THE VILLAGE OF MANCHESTER VILLAGE BOARD FOLLOWING THE CONCLUSION OF THE PUBLIC HEARING CONCERNING THE PROPOSED TAKING BY EMINENT DOMAIN OF A PORTION OF 69 CLIFTON STREET, IN THE VILLAGE OF MANCHESTER, STATE OF NEW YORK

Pursuant to Section 204 of the Eminent Domain Procedure Law, the Village of Manchester makes the following findings and determinations relative to the Village of Manchester's proposed acquisition, by eminent domain, of approximately 0.48 acre (21,087 +/- sq. ft.) of the property located at 69 Clifton Street, Village of 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 area to be acquired by eminent domain to be referred to herein as the "Newton Street Extension"):

1. That the Newton Street Extension would begin at the stub-end of Newton Street and extend southerly into the Property and include a roughly 75' diameter circle that would enclose a roughly 55' diameter cul-de-sac that would be surrounded by a roughly 5' wide shoulder and a roughly 10' wide area to allow for the placement of snow when the Village were to plow the cul-de-sac.
2. That there is no other possible location for a turn-around at the stub-end of Newton Street as Newton Street ends in a fixed location and the proposed design of the cul-de-sac in the Newton Street Extension area proposes the smallest area in which a cul-de-sac could be constructed that meets village road design and construction requirements and standards.
3. That the acquisition of the Newton Street Extension by the Village of Manchester will allow the following public uses and achieve the following public purposes and benefits:
 - A. It will permit the Village of Manchester to construct a cul-de-sac turn-around at the stub end of Newton Street, a village road, and to open such cul-de-sac to the public as a continuation of Newton Street, thereby providing to the public a safe, reliable and more efficient way for motor vehicles, especially larger vehicles, such as fire trucks, school buses, Village snow plows, delivery trucks and the like, to turn around and exit Newton Street.
 - B. Because the public traveling on Newton Street have in the past used and presently use some of the area of the Property proposed to be acquired for the Newton Street Extension for turn-around purposes, thereby exposing the owners of the Property to the risk of liability should there be an accident on the Property or should someone get injured or die on the Property while using such area for turn-around purposes, the acquisition of the Newton Street Extension by the Village of Manchester will remove such personal risk of liability from the owners of the Property and place such risk on the Village of Manchester, as it is for all Village roads.
 - C. Given that one of the owners of the Property, Steven P. Huber, recently barricaded the public from accessing the Property at the stub end of Newton Street so that the public

could not turn around on the Property, as it had done in the past, the acquisition of the Newton Street Extension by the Village of Manchester will ensure that the cul-de-sac to be constructed will remain open to the public and will eliminate the possibility that the area of the Property presently being used by the public for turn-around purposes off Newton Street, at the sole and voluntary discretion of the Property owners, will again be barricaded by the current or future owners of the Property.

- D. Given that, at the time he barricaded the Property from the public, Mr. Huber removed some or all of the base installed by the Village of Manchester underneath the area of the Property presently being used by the public for turn-around purposes off of the stub end of Newton Street and, thereby, destabilized such area and made such area less safe and less certain to sustain the weight of larger vehicles using such area for turn-around purposes, the acquisition of the Newton Street Extension by the Village of Manchester will ensure that the cul-de-sac to be constructed on the Newton Street Extension is constructed to Village highway specifications that will support the weight and use of such area by all motor vehicles, as all Village roads must be, especially larger vehicles, such as fire trucks, school buses, Village snow plows, delivery trucks and the like and that the public's use of the Property is not subject to its owners removing the underlying base of or otherwise altering the land that is presently being used at the stub end of Newton Street for turn-around purposes.

4. That the Property is 19.8487 acres and is occupied by a single-family house that has ingress and egress via a driveway connecting to Clifton Street.

5. That the 0.48-acre area of the Newton Street Extension of the Property is vacant and is separated from the house on the Property by a large, wooded area.

6. That there will be no significant adverse effect from the Village of Manchester acquiring the land for the Newton Street Extension and constructing the contemplated cul-de-sac, to the environment or upon the residents of the area and locality immediately adjacent and in close proximity to the Property, given that the area of the Newton Street Extension is already being and has long been used by the public, with the voluntary permission of the owners of the Property, as a turn-around area at the stub-end of Newton Street, and this acquisition and cul-de-sac construction will simply allow such turn-around to continue, but in the form of a Village highway as an extension to Newton Street, where the construction is up to Village road specifications and the cul-de-sac will never be at risk of being barricaded.

COPIES OF THE DETERMINATION AND FINDINGS OF THE VILLAGE OF MANCHESTER VILLAGE BOARD RELATIVE TO THE ABOVE REFERRED TO ACQUISITION AND CONDEMNATION WILL BE FORWARDED UPON WRITTEN REQUEST WITHOUT COST.

Mayor Buttaccio felt the village will save money if we do the cul de sac ourselves. Any enhancements to the turn-a-bout can be done at a later time. It will be made functional when allowed.

Supervisor Hotchkiss stated he felt the meeting with Mr. Huber went well also and also feels that either way, the process will take the same amount of time.

There was a discussion on snow removal plans for the end of Newton Street. Highway Law will be reviewed.

Approved - RESOLUTION No. 19 - 2022

REAL PROPERTY TAX EXEMPTION FOR PERSON OVER 65 FOR THE VILLAGE OF MANCHESTER, NEW YORK FOR THE 2024-2025 TAX YEAR

The following resolution was offered by Trustee Fine, seconded by Trustee Henry and carried to wit:

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 Buttaccio	Voting "AYE"
Trustee Fine	Voting "AYE"
Trustee Henry	Voting "AYE"

The resolution was thereupon declared duly adopted.

Approved - RESOLUTION NO. 20-2022 TO ENACT LOCAL LAW NO. 2-2022

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

WHEREAS, proposed Local Law No. 2-2022 was introduced at the meeting of the Board of Trustees;

WHEREAS, a public hearing has been held thereon the 5th day of December, 2022, 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 -2022 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 Buttaccio	Voting	"AYE"
-----------------	--------	-------

Trustee Fine	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.

Approved - LOCAL LAW NO. 2 – 2022 – 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, 2023 through May 31, 2024 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, 2023 through May 31, 2024, 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.

**Approved - RESOLUTION NO. 21-2022
SALE OF MUNICIPAL PROPERTY – VACANT LAND BEHIND 67 SOUTH MAIN STREET –
A PORTION OF PARCEL ID. NO. 32-18-1-2.100**

The following resolution was offered by Trustee Henry, seconded by Trustee Fine and carried to wit:

WHEREAS, the Village of Manchester, owns property behind 67 South Main Street under Tax Parcel ID No. 32.18-1-2.100 listed under rural vacant;

WHEREAS, the land is part of 22 acres along the Canandaigua Outlet and the resident is only requesting a small area 50’ wide and 43’ depth above the bank to even out back yard and will not affect the village trail, and

WHEREAS, the Village of Manchester Board of Trustees has determined that the land is not needed for municipal purposes; and

WHEREAS, the land will be sold for fair and adequate consideration; and

NOW, THEREFORE BE IT RESOLVED that the Village Board of Trustees of Manchester authorizes the Village Clerk/Treasurer to seek an assessment of the property and have the land surveyed, and

BE IT FURTHER RESOLVED that Village of Manchester Board of Trustees recognizes that the Public Hearing announcing the NOTICE OF SALE of real property was held on November 7, 2022.

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

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

The resolution was thereupon declared duly adopted

Reported – RESOLUTION NO. 22-2022

HONORING Debra Audrey Gulvin Chase’s SERVICE TO THE VILLAGE OF MANCHESTER

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

Whereas: Debra A. McCumber was born on Thursday July 5, 1956, her parents being Alan and Audrey McCumber; and

Whereas: Debra A. McCumber graduated from Red Jacket Central School in 1974; and

Whereas: Debra A. Gulvin-Chase started working for the Village of Manchester as the Deputy Village Clerk/Treasurer in August 2007 after transferring here from the Village of Shortsville; and

Whereas: Debra A. Gulvin-Chase has lived in the Village of Manchester for many years; and

Whereas: Debra A. Gulvin-Chase will always rally for the underdog; is truly loyal and honest; she always goes out of her way to assist others; and she hides her sensitivity well; and

Whereas: It is time to honor Debra Audrey Gulvin Chase for her dedication, service and absolute commitment to our community; her patience and understanding in finding solutions, and her unending verbal skills and wit; now

Therefore; be it resolved:

I, Michael J. Buttaccio, Mayor of the Village of Manchester,

Do hereby Proclaim:

That the Village of Manchester, in recognizing a native daughter, Debra A. Gulvin-Chase, honors her lifelong commitment to Public Service and congratulates her on her retirement on December 19, 2022.

The above resolution was put to roll call vote which resulted in the following:

Mayor Michael J. Buttaccio	Voting	“AYE”
Trustee William F. Henry	Voting	“AYE”
Trustee Charles E. Fine	Voting	“AYE”

The resolution was thereupon declared duly adopted.

Reported – RETIREMENT OF DEBRA A. GULVIN CHASE DECEMBER 16, 2022

Debra A. Gulvin Chase, current Deputy Clerk/Treasurer, submitted her retirement letter stating that Friday, December 16, 2022 will be her last day. Monday, December 19, 2022 will be her beginning of retirement. The Board reluctantly accepted her retirement. She will be missed.

Appointed – NEW DEPUTY CLERK/TREASURER AND CLERK PART-TIME

The Board hired Debra A. Gulvin-Chase as clerk part-time to come back to work to assist the new deputy clerk when needed. The rate of pay will be \$23.00/hour.

The Mayor then appointed Nichole M. Ruggles as new Deputy Clerk/Treasurer at the rate of \$20.00 per hour. Both are effective December 19, 2022.

Approved – RESOLUTION NO. 25 - MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY OF CANANDAIGUA ET.AL.

The Board received a request to extend the current water agreement that we purchase treated water from the City of Canandaigua that is ending on December 31, 2022. The parties would like to extend the agreement until December 31, 2023 in order to fully execute a new water sales agreement.

The following resolution was offered by Trustee Henry, seconded by Trustee Fine and carried to wit:

This Memorandum of Understanding (“MOU”) will be entered in December 2022, between the City of Canandaigua (hereinafter referred to as the “City”), and the Towns of Canandaigua, Farmington, Hopewell, and Manchester and the Village of Manchester (hereinafter referred to as the “Towns and the Village”), all of Ontario County, New York. The Towns and Village are acting on behalf of all water districts or improvement districts, existing or to be created, within their respective boundaries.

WITNESSETH

WHEREAS, the parties hereto entered into a Water Sales Agreement (the “Agreement”) dated December 15, 1997, pursuant to which the Towns and Village were to purchase treated water from the City for a term of twenty-five years, ending December 31, 2022, a copy of said Agreement is attached hereto and incorporated by reference herewith; and

WHEREAS, the Towns and Village desire to continue to purchase water from the City and the City desires to provide such water to the Towns and Village; and

WHEREAS, the parties hereto desire to negotiate in good faith a new long-term water sales agreement and during the pendency of such negotiations the parties desire to extend the terms of the Agreement for the period of one year, ending December 31, 2023, or until the date a new water sales agreement is fully executed by the parties hereto, whichever is earlier;

NOW THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants contained in this MOU, each party hereto agrees as follows:

- 1. Extension of Water Sales Agreement.** The Agreement and all rights and obligations thereunder shall be extended for a period of one year, ending December 31, 2023, or until the date a new water sales agreement is fully executed by the parties hereto, whichever is earlier. All obligations therein shall continue to be in full force and effect for the duration of this extension.
- 2. Good Faith Negotiations.** The parties agree that the purpose of this MOU is to allow the parties additional time to negotiate a new long-term water sales agreement. In furtherance thereof, the parties agree to use their best efforts to negotiate in good faith to arrive at a new water sales agreement at the earliest practicable time.
- 3. Binding Effect.** This MOU shall be binding upon the parties hereto.
- 4. Termination.** In the event any party determines that a new water sales agreement cannot be reached, such party may withdraw from this MOU and the Agreement upon thirty (30) days’ written notice to the other parties hereto.
- 5. Conflict.** In the event of any conflict between the terms of this MOU and the Agreement, the terms of this MOU shall apply.
- 6. Amendment:** This MOU may only be amended from time to time by written agreement of the parties.

In witness whereof, each of the parties has caused this instrument by its chief executive officer pursuant to a duly adopted resolution of its governing body, copies of which are annexed hereto.

City of Canandaigua
By: _____
John Goodwin, City Manager

Town of Canandaigua
By: _____
Doug Finch, Town Manager

Town of Farmington
By: _____
Peter Ingalsbe, Town Supervisor

Village of Manchester
By: _____
Michael J. Buttaccio, Mayor

Town of Hopewell
By: _____
Bill Namestnik, Town Supervisor

Town of Manchester
By: _____
David Phillips, Town Supervisor

It is Further resolved, Mayor Buttaccio will execute his signature above and return to John Goodwin, City Manager for the City of Canandaigua.

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

Mayor Michael J. Buttaccio	Voting	"AYE"
Trustee William F. Henry	Voting	"AYE"
Trustee Charles E. Fine	Voting	"AYE"

The resolution was thereupon declared duly adopted.

Letter/email read – TOWN OF MANCHESTER - VILLAGE WATER CUSTOMER ON ROUTE 96

An email was received from Town Supervisor Dave Phillips concerning the current water agreement. He would like to set up a meeting to discuss the situation and work on a new agreement. The Board has tabled this for now as they review the information.

Discussed – BOUND FOR THE HOUNDS EVENT

Mayor Buttaccio received information from Mr. Tim Wilbur stating he was in his car on Clifton Street and almost hit a pedestrian with his car. He was upset and stated that if an event is planned for running on the trail, sufficient safety precautions need to be made. The Board would like a letter written to Martha Doody incorporating this complaint and also to request permission and present to the Board if and when she will utilize the trail. There is a process to go through. It can be added to our event insurance if necessary.

Reported – MOLD REMEDIATION FOR THE BENNETT BUILDING

A few years back, the Scout Master, William Lawrence, started the mold remediation at the Bennett Building. He is completing the project and will be submitting receipts for review soon.

Reported – RR MEMORIAL PARK

Mayor Buttaccio reported that the RR committee that wants to remodel the box cars found that it will cost \$4,680 to insulate each car. A deck needs to be put on and doorways installed. All handicap accessible. The DASNY Grant has not come through to this date. LaBella Engineering has been hired for the Round House to calculate the cost of eliminating contaminates and refurbishing the property. The RR Committee will be using the Boardroom for their next meeting 12/20 at 6:30.

DPW REPORT

- Leaves are done
- All decorations for Christmas are up
- Truck still at John Koberg's Garage, hopefully it will be fixed soon.
- Need to put a water line for Rod Geneccro property on Pratt Road. Burrow Bros. to assist. Looking at January 6th – 10th weather permitting.
- Order 400 ton of salt
- Still getting estimates on barn
- Supervisor putting tow warnings on cars that are in the street 2:00 am to 6:00 am
- Looking to sell Police car in the Spring.

POLICE REPORT

- Manchester Police Department has been dissolved.

FIRE DEPARTMENT REPORT

- 23 calls for the month of November. Report on file in the Clerk's office.
- Floor drain in Truck Bay needs clearing.
- Flooring in east side of building needs waxing to prevent salt damage
- A new Foam /water enhancer is needed as the old foam has been determined to be cancerous. It is more expensive and needs to be purchased. Fines will be incurred if caught using the old foam.
- There will be a pancake breakfast on the 19th hear at the firehall.
- Holiday Fest went well
- Elections will be held tonight for Fire Department

The meeting was adjourned upon motion at 8:05 pm. Next meeting is January 9, 2023 at 6:00 pm. Respectfully submitted,

Rita J. Gurewitch, Village Clerk/Treasurer