

**VILLAGE OF MANCHESTER  
MINUTES OF THE REGULAR VILLAGE BOARD MEETING  
HELD AT 8 CLIFTON STREET, MANCHESTER NY  
ON JULY 01, 2013**

Present: Nancy W. Johnsen, Mayor  
Lynda J. Butler, Trustee  
William F. Henry, Trustee  
Harry Bowker, Fire Chief

Absent: Jeffrey P. Liberati, DPW Supervisor  
Richard T. Coffey, Police Chief

Others: Stephanie Holtz, Assessor    START HERE

Recording: Debra Chase, Deputy 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 the regular meeting held on June 03, 2013 were read and approved upon motion from Trustee Henry and seconded by Trustee Butler. The minutes of the special meeting held on June 07, 2013 were read and approved upon motion from Trustee Butler and seconded by Trustee Henry. The May 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 #1 of Audited Vouchers, General Fund totaling \$ ; Water Fund totaling \$ ; Sewer Fund totaling \$ ; CDBG totaling \$0.00 and TEP totaling \$0.00.

**EXECUTIVE SESSION**

Assessor Stephanie Holtz informed the Board that she would like to discuss a lawsuit that currently involves a property within the Village of Manchester. Trustee Butler motioned to go into Executive Session to discuss ongoing litigation, seconded by Trustee Henry and unanimously carried. Mayor Johnsen directed the Clerk to remain. So moved to Executive Session at 6:22pm and motioned to close at 6:37 pm. Re-opened Regular meeting at 6:37 pm.

**TEP TRAIL**

The Trail Committee has ceased meetings until a future time. The Board approved the purchase of fall flowers in the amount of \$210.

**OLDCASTLE PRECAST INC v. TOWN OF MANCHESTER, ET.AL.,  
TAX CERTIORARI SETTLEMENT RESOLUTION NO. 12 – 2013**

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

WHEREAS, heretofore commenced proceedings against the Assessor and the Board of Assessment Review and other respondents for a review of the Assessment for the years 2011/20012 and 2012/2013; for the premises located at 155 State Street, Manchester NY (Tax map number: 32.17-2-43.100) located within the Town of Manchester, Ontario County; and

WHEREAS, after negotiations between the Attorney for the Town and the Attorneys for the Petitioner, a tentative agreement has been reached between parties on the terms of a proposed settlement subject to the approval of the Village of Manchester, Town of Manchester and Manchester-Shortsville School District Boards and to the approval of the Supreme Court of the State of New York, which terms of settlement are set forth in the Stipulation on file in the Office of the Town Assessor; and

WHEREAS, upon due consideration of all facts and circumstances, the Village of Manchester Board of Trustees finds that the proposed settlement is fair and reasonable and should be approved; so

THEREFORE, BE IT RESOLVED, that the proposed settlement for the Tax Certiorari proceedings brought by the Petitioner for the years 2011/2012 and 2012/2013; be and hereby is approved.

BE IT FURTHER RESOLVED, that the Attorney representing the Town of Manchester, be and hereby is directed to make application to the Supreme Court of the State of New York for approval of such settlement and that upon obtaining such approval, the Assessor of the Town of Manchester be and she hereby is directed to make the necessary adjustments in the Assessment Rolls for the Town of Manchester to reflect the terms of such settlement.

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

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

The resolution was thereupon declared duly adopted.

### **UNIFORM NOTICE OF CLAIM – GENERAL MUNICIPAL LAW CHANGE – RESOLUTION NO. 13-2013**

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

WHEREAS, on December 17, 2012, Governor Cuomo signed the Uniform Notice of Claim Act into law; and  
WHEREAS, the Act became effective on June 15, 2013, amended NY General Municipal Law to allow notices of claim against cities and villages to be served on the NY Secretary of State as agent for NY public corporations; and

WHEREAS, individuals who serve a notice of claim on the NY Secretary of State will be charged a filing service fee which half of fee will be retained by NYS and the other half to the public corporation (village); and

WHEREAS, pursuant to the Act, the NY Dept of State will forward any notice of claim served on it to the individual the city or village designates to receive the notices of claim; so

THEREFORE, BE IT RESOLVED, the Village of Manchester Board of Trustees designates and appoints the Village Clerk the individual to whom the Secretary of State must mail notices of claim; and

BE IT FURTHER RESOLVED, the Village Clerk will file the Certificate of Designation of Notice of Claim with the NYS Department of State and to insert the following specific statutory language “ninety (90) days after the claim arises; except that in wrongful death action, the nine (90) days shall run from the appointment of a representative of the decedent’s estate.”

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

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

The resolution was thereupon declared duly adopted.

### **INTERMUNICIPAL AGREEMENT/BUILDING INSPECTOR-CODE ENFORCEMENT OFFICER**

The Board reviewed the Intermunicipal Agreement for the Building Inspector-Code Enforcement Officer that includes the Villages of Clifton Springs, Shortsville, Manchester and the Town of Manchester. The expenses for which are split as follows: Town of Manchester 45%; Village of Clifton Springs 25%; Village of Shortsville 15%; Village of Manchester 15%. A motion was made by Trustee Butler to accept the agreement as written, seconded by Trustee Henry, voted on and unanimously carried. The agreement shall continue for a period of four (4) years until July 1, 2017.

### **DPW REPORT**

- Requests for Proposals have gone out for the Elevated Water Tank Repairs for the Lehigh Avenue Water Tower. They are due 7/10/13.
- Trustee Butler presented a list of fire hydrants in need of repair or replacement. They directed the DPW to prioritize hydrants at this time.

Mayor Johnsen would like sidewalks done-starting with Route 21 as we do not get chips money for Route 21. She would also like the bathrooms at the park done before summer.

**POLICE REPORT:**

- June Police report on file in clerk's office.

**FIRE DEPARTMENT:**

- The semi-annual (1/1/13 to 6/30/13) MFD call report was submitted to the Board. Total calls were 79.
- Concerts will have coverage
- The Board approved pursuing a regional grant for a Digital Display board. This is a Retention & Recruitment Grant with Port Gibson, Farmington, Honeoye and Manchester.
- Chief Bowker submitted financial figures to possibly lease a new fire truck. The purchase cost would be \$750,000. The Board and Treasurer will have to review village finances.

The next regular Village Board meeting will be on Monday, August 5, 2013 at 6:00 pm.

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

Respectfully submitted,

Rita J. Gurewitch  
Village Clerk/Treasurer