

MINUTES OF PUBLIC HEARING HELD MARCH 06, 2006

Present: Bruce E. Miles, Mayor
Nancy W. Johnsen, Trustee
Norman E. Folts, Trustee

Others: William Dean, Jeffrey Liberati, Christian Nill, Chris Pieters, Bill Mallwitz, Martha Doody, Fred Mink, Matt Schaertl, Mike Murphy, Donna Williams, John and Alice Vanhanja, Rose Foster, Vincent DelGatto, Jr., Ernest and Emily Woodward, James Landon, Richard VanHorne, John Tyo

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

SMALL CITIES GRANT – COMMUNITY DEVELOPMENT BLOCK GRANT

The public hearing was called to order at 7:00 pm by Mayor Miles. Mayor Miles then called Chris Nill to the floor to lead the public hearing.

The Village is contemplating applying for a Governor's Office for Small Cities (GOSC) Grant. This is the first public hearing of two that will allow the opportunity for public input for the GOSC grant.

New York State will allocate funds to eligible applicants according to the following approximate allocations, annual round competition involving the funding categories of Housing, Public Facilities and MicroEnterprise and an open round Economic Development.

The New York State Community Development Block Grant (CDBG) Small Cities Program is a federally funded program to assist communities to implement a wide variety of community and economic development activities directed toward neighborhood revitalization, economic development and to improve community facilities and services.

Mr. Nill stated that 70% of funds requested must benefit low-and moderate- income persons. The recent income survey that was recently completed shows the village in this category. Also the village meets the population under 50,000 requirement.

Mr. Nill reiterated that this public hearing and the next one on March 30th is to get the public's input. He also stated that the use of the village's comprehensive plan and the strategic plan will help in developing the application. Mr. Nill then asked for comments.

Mr. John Vanhanja, Main Street resident, stated that the street lighting should be addressed. The position of the lights is too high, being blocked by trees and the intensity is not enough. He would like to see Streetscape improvements done along with side walk improvements.

Ms. Donna Williams, Main Street Business owner, would like to see façade improvements on all the buildings on Main Street giving them a unified look.

Other issues discussed included, code enforcement, revitalization, and the need for more crosswalks. Again the Comprehensive Plan and the Strategic Plan will be referred to.

Mr. Vincent DelGatto, Jr., Planning Board member, asked how the money could be used. Mr. Nill stated that it will be housing, public facilities, MicroEnterprises. Mr. DelGatto asked if the area requested can be spread further along Route 21 to encompass the businesses located at either end of the village. Mr. Nill stated that in principal it's possible, but practically it could hurt the chance of being selected for the grant.

Mr. James Landon, Pastor for United Methodist Church, stated that they have volunteers that would be ready and willing to help with any labor or needs that would promote community feelings. Mr. Nill thanked Pastor Landon stating that a self-help approach is very good and thanked everyone present for his or her input.

The deadline for the CDBG grant is April 03, 2006. At the time of the next Public Hearing on March 30, 2006, a draft application should be available.

The Public Hearing on the GOSC grant was closed at 7:25 PM.

MINUTES OF REGULAR BOARD MEETING HELD MARCH 6, 2006

Present: Bruce E. Miles, Mayor
Nancy W. Johnsen, Trustee
Norman E. Folts, Trustee

Others: William Dean, Jeffrey Liberati, Christian Nill, Chris Pieters, Bill Mallwitz, Martha Doody, Fred Mink, Matt Schaertl, Mike Murphy, Donna Williams, John and Alice Vanhanja, Rose Foster, Vincent DelGatto, Jr., Ernest and Emily Woodward, James Landon, Richard VanHorne, John Tyo

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

The meeting was called to order at 7:26 PM by Mayor Miles. The deputy clerk led the Pledge of Allegiance. Minutes of the meeting held on February 6, 2006 were read and approved as presented. Bills were authorized for payment on Abstracts of Audited Vouchers #28, General Fund totaling \$78,782.43; #29, Water Fund totaling \$582.10; and #30, Sewer Fund totaling \$521.56.

CDBG GRANT SERVICE

A legal was published in the Messenger-Post newspaper for a Request for Qualifications (RFQ) to secure professional services to assist the Village in developing a Small Cities CDBG grant application and to administer said grant if awarded. RFQ's were mailed to LaBerge Group, Stuart Brown Associates, Robert J. Miller & Associates, Inc., and Camoin Associates. The deadline for proposals was 4:00 PM, Friday, February 17, 2006. A motion was made by Trustee Nancy Johnsen, that the village hire Laberge Group for professional services to assist in developing the CDBG grant application and to administer said grant if awarded, seconded by Trustee Norman Folts, voted on and unanimously carried.

2006 SMALL CITIES CDBG GRANT APPLICATION – RESOLUTION NO. 3 FOR 2006

Mayor Miles offered the following resolution, seconded by Trustee Folts who moved its adoption:

A RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO ACCEPT AND RECEIVE A GRANT FOR COMMUNITY DEVELOPMENT PURPOSES.

WHEREAS, the U.S. Housing and Community Development Act of 1974(P.L. 93-383), as amended, provides for the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, said Act authorizes the Secretary of Housing and Urban Development (HUD), through the New York State Governor's Office for Small Cities to make grants to units of general local government to help finance Community Development Programs under Section 103 (a) (1) of Title I; and

WHEREAS, under said legislation, eligible applicants in the case of municipalities, are required to authorize an official representative to file the application and to provide the Secretary with certain assurance of compliance with applicable laws and regulations under Title I of said Acts;

NOW, THEREFORE, BE IT

RESOLVED, the Mayor be and hereby is authorized to execute a final application on behalf of the Village of Village of Manchester with the Governor's Office For Small Cities for a grant pursuant to Title I of the Housing and Community Development Act of 1974, as amended; and be it further

RESOLVED, the Mayor is hereby authorized and designated as the representative and to act as such in connection with the application and to provide additional information as may be required including all understandings and assurances contained in the application; and be it further

RESOLVED, the Mayor is hereby authorized and directed to execute any contract and/or agreement with the Governor's Office for Small Cities in connection with the Application and his/her designee is further authorized to request and expend funds from the U.S. Government pursuant to said contract and/or agreement; and be it further

RESOLVED, to the extent all or any actions herby authorized have been executed and/or performed by the Mayor all are hereby ratified and confirmed; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

Mayor Miles	Voting	“AYE”
Trustee Folts	Voting	“AYE”
Trustee Johnsen	Voting	“AYE”

The resolution was duly adopted.

STRATEGIC PLAN ADOPTION

The Final Draft of the Strategic Plan has been in the clerk’s office the past month for any one wishing to review the final draft.

A motion was made by Mayor Miles, seconded by Trustee Johnsen, that the Village of Manchester adopt the Strategic Plan as completed, and that it be reviewed again within a minimum of five years. Voted on and unanimously carried.

VILLAGE GENERAL ELECTION – RESOLUTION NO. 4 FOR 2006

The following resolution was offered by Mayor Miles, who moved its adoption, seconded by Trustee Folts, to wit:

RESOLUTION DATED MARCH 6, 2006

A RESOLUTION PROVIDING FOR THE HOLDING OF THE GENERAL ELECTION OF THE VILLAGE OF MANCHESTER, ONTARIO COUNTY, NEW YORK, TO FILL THE OFFICE OF TRUSTEE FOR A PERIOD OF FOUR (4) YEARS, EFFECTIVE APRIL 1, 2006 ON TUESDAY, MARCH 21, 2006 FROM NOON TO NINE O’CLOCK PM IN THE VILLAGE HALL BY VOTING MACHINE.

WHEREAS, the Village Law of the State of New York sets the Third Tuesday in March as the date for the general village election, and

WHEREAS, the office of TRUSTEE, for a period of four (4) years, will become vacant on April 1, 2006, and

WHEREAS, the following candidate has been nominated for this position,

TRUSTEE - Michael W. Murphy - Democratic Nominee
4 State Street
Manchester, NY 14504

Michael W. Murphy - Republican Nominee
4 State Street
Manchester, NY 14504

Michael W. Murphy - Independence Nominee
4 State Street
Manchester, NY 14504

NOW, THEREFORE, BE IT RESOLVED, that the general election of the Village of Manchester, to fill the office of **TRUSTEE** for a period of four (4) years, the term to begin April 1, 2006, be held on Tuesday, March 21, 2006, from Noon to 9:00 PM, in the Village Hall.

AND BE IT FURTHER RESOLVED, that this election be conducted by Voting Machine.

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

Mayor Miles	Voting	“AYE”
Trustee Folts	Voting	“AYE”
Trustee Johnsen	Voting	“AYE”

The resolution was thereupon declared duly adopted.

FREDERICK PROPERTY ENVIRONMENTAL RESTORATION PROJECT

In accordance to a letter received from SAW Environmental Services, Inc. to the village dated December 22, 2005, that stipulated "In the event that the NYSDEC and/or the project engineer required ASP Category B sampling protocols, the unit price for Item E will be adjusted to \$815.00 per sample", the village has been notified of CHANGE ORDER NO. 1, dated February 24, 2006, for contractor Soil Air Water (S.A.W.) Environmental Services, Inc., be hereby changed: The Unit Price for Item E-Soil Sampling and Testing shall be increased from \$590 each to \$815 each in accordance with the letter dated December 22, 2005 from SAW Environmental Services, Inc.

The original contract amount was \$49,950.00. The contract amount due to this Change Order will increase by \$5,625.00. The new Contract Amount will be \$55,575.00. The Contract Time shall remain unchanged. The date for substantial completion is April 28, 2006. The date for final completion is May 31, 2006.

Trustee Folts made a motion to accept and approve Bid Change Order No. 1 increasing Item E-Soil Sampling and Testing from \$590. to \$815 each, contingent upon signed agreements, seconded by Trustee Johnsen, voted on and unanimously carried.

FIRE DEPARTMENT

The board received a letter at the last board meeting from the fire department stating that a member of the department is interested in purchasing the 1946 International Fire Truck 1721 (it was inadvertently refer to as 1712 at the February meeting) and if the village would consider selling it. Jeff Liberati researched the truck value and stated that in mint condition it could bring approximately \$3,500.

After a brief discussion, it was agreed upon that the 1946 International Fire Truck 1721 would put placed out to public bid. The Deputy Clerk will advise the Fire Department as to the Boards decision.

WILD WATER DERBY

Matt Schaertl approached the Board concerning the Water Derby. Mr. Scheartl did not present the written response from the National Guard and Sheriff's Department indicating the number of public safety workers available for the day of the derby as requested at the March 6th meeting. He didn't know that request came from the Board.

Insurance agent Richard VanHorne discussed the insurance and liability aspects of the derby. Mr. VanHorne stated that the village should be cautious at least, as the American Canoe Association policy may not respond to certain claims. DPW Supervisor Jeff Liberati stated that he couldn't see that home made rafts are covered. Resident Chris Nill said that according to the ACA, crafts must be water worthy. Mr. VanHorne stated that the Village of Manchester should be listed as an additional insured on the given policy. So far no certificate of insurance has been presented to show that this is so. Mr. Schaertl stated the Chamber couldn't provide this certificate until the village approves the derby. Mr. VanHorne gave examples how the insurance that the village currently has in force would apply and if an occurrence is big enough that the Village of Manchester, the Town of Manchester, Town of Hopewell and the Village of Shortsville could all be listed in a suit against the derby. He said the village could only protect itself.

After what has been presented thus far, Trustee Norman Folts made a motion, that the village increase their umbrella liability insurance from \$1,000,000 to \$2,000,000, seconded by Trustee Nancy Johnsen, board voted and unanimously carried the motion.

Chief William Dean spoke with Sheriff Povero of the Ontario County Sheriff's Dept. and with Village of Shortsville police officer, Dick Coffey and stated that all the information is very confusing. None of the information is concrete.

Village Attorney, John Tyo, agreed that nothing is concrete. There has been no solid facts presented and can't rely on the American Canoe Association. Nothing has been put in writing with signatures and letterheads showing support. Resident Chris Nill stated that public safety issues need to be in writing. Chief Dean advised the Chamber to talk to Phil Povero directly.

Mr. Schaertl stated he didn't care which way the decision went and knows that the board serves it's constituents, but worried that almost every organization within the two villages is involved already.

Trustee Folts addressed those present and went around the room requesting the opinion of those in the boardroom concerning the derby.

Mr. Tyo counseled the board in stating that he feels the lack of cohesiveness is a problem and too much confusion is a concern.

After discussing the pros and cons of having the Wild Water Derby, a motion was made by Trustee Folts for conditional approval to allow the Chamber of Commerce to utilize property within the Village of Manchester contingent upon seeing in writing on proper letterhead, with signatures, (no e-mails) the following safety issues: 1) Jason Wagner, water rescue. 2.) The National Guard, crowd control 3.) Sheriff Phil Povero, traffic control. Also needed is a certificate of insurance showing the Village as an additional insured. This motion was seconded by Trustee Johnsen. This motion was put to a roll call vote, which resulted as follows:

Mayor Miles	Voting	"AYE"
Trustee Folts	Voting	"AYE"
Trustee Johnsen	Voting	"AYE"

Motion carried.

COMPLAINTS

John and Alice Vanhanja stated that the previous dog barking (October 2005) issue on South Main Street is still going on. This case went to town court and the owner was previously fined. Mr. Vanhanja has another list showing dates and times of the dog barking. Chief Dean stated that he will talk to the judge and will start action again.

PLANNING BOARD RECOMMENDATIONS

Ernest and Emily Woodward – 2 North Main Street

Per letter received from the Planning Board, it was recognized that their request for a business and apartments is a mixed use subject to Village Board approval.

It is the recommendation of the Planning Board that if stamped architectural drawings showing design, and proof showing two off street parking spaces for each apartment and a minimum one space off street for the business, and no apartment will face Main Street, and show a rendition of what the front will look like, and all designs are within village code and approved by the Zoning Officer, that the mixed use request be approved.

The Woodward's showed a photo rendition of the front of the building showing no apartment faces Main Street. The map presented showed that the parking spaces were not all owned by the Woodward's.

A motion was made by Trustee Johnsen that conditional approval be given contingent upon the stamped architectural drawings and legal documentation, including a deed and map showing the proper agreements between property owners for easements concerned with parking and ingress and egress. Also that the Code Enforcement officer review such documents. Motion was seconded by Trustee Folts. Voted on and unanimously carried.

Michael Murphy – 4 State Street

Per letter received from the Planning Board, it was recognized that Mr. Murphy's request for professional office space to be located on the first floor of his two family dwelling is considered a mixed use subject to Village Board approval. The property is located in a Commercial zone.

It is the recommendation of the Planning Board that proof must be provided showing two off street parking spaces for the apartment with minimum one space off street for the office, and all designs are within village code and approved by the Zoning Officer, that the mixed-use request be approved

A motion was made by Trustee Johnsen that conditional approval be given contingent upon legal documentation showing acceptable parking agreements between property owners. Also that the Code Enforcement officer review such documents. Motion was seconded by Trustee Folts. Voted on and unanimously carried.

Benjamin Hargarther, Tenant; Carl Duerr, Property Owner – 28 Center Street

Per letter received from the Planning Board, that many additional issues must be addressed.

Mr. Hargarther is a tenant of Mr. Duerr and is running "Ultimate Finishers" which meets the metal and plastic painting needs of many businesses. They clean metal and plastics then provide various coatings. They must register with the DEC, which is currently researching this business. They also need a Pre-Treatment Permit from the Sewage Treatment Plant. The Code Enforcement Officer and the Chief Operator of the Sewage Treatment Plant have visited the site and see no immediate hazard present.

Mr. Hargarther is in the process of getting the necessary permits and is need of a Temporary Use Permit to continue his business without interruption.

It is the recommendation of the Planning Board that the Village Board issue a Temporary Use Permit to Mr. Hargarther to allow time to obtain what is needed in order to run his business.

A motion was made by Trustee Folts, seconded by Trustee Johnsen, stating that since no immediate hazard is present, that a Temporary Use Permit be issued for sixty days so that in that time they will comply with the DEC and EPA regulations and receive their permit from the Joint Sewer Treatment Plant. To be reviewed again in 60 days. The motion so moved by unanimous vote.

EASTER EGG HUNT

A letter was received from Donna Capron, Group Leader for the area 4-H Animal Lovers Club, requesting the Village of Manchester to consider allowing this years 4H Community Youth Easter Egg Hunt, Children Helping Children, to again be held at the Manchester Family Park and Fireman's Field.

The event is to take place on Sunday, April 9, 2006 at 1:00 PM and proceeds are to go to *The Dream Factory*, a not-for-profit organization that fulfills the dreams of critically and chronically ill children ages 3-18. Last year \$500 was raised for Saint Jude's Children's Hospital.

They request possible assistance with traffic control with cones, barriers and police or fire department participation.

A motion was made by Trustee Folts, seconded by Trustee Johnsen that the group be allowed to use the Manchester Family Park on West Avenue for their event. Voted on and unanimously carried.

MAINSTREET BANNERS

Trustee Johnsen presented information on purchasing "American Flag" banners for Main Street in time for Memorial Day. Also Trustee Johnsen located 4 Christmas Sprays on sale for the parking lot streetlights at a cost of \$40.00 each.

Downtown Decorations, of Syracuse NY, gave figures for 1-24 banners @ \$73.00 per banner, shipping approx. \$75.00, equaling \$1,462.00. Another quote was for 25 or more banners, @\$65.00 per banner, shipping included, for a cost of approx. \$1,625.

A motion was made by Trustee Folts, seconded by Mayor Miles to purchase 25 banners and 4 Christmas sprays, voted on and unanimously carried.

The meeting was adjourned on motion at 9:45 PM.

Respectfully submitted,

Rita J. Gurewitch
Deputy Clerk/Treasurer