

**MINUTES OF REGULAR BOARD MEETING
HELD NOVEMBER 05, 2007**

Present: Nancy W. Johnsen, Mayor
William F. Henry, Trustee
Angela M. D'Arduini, Trustee

Absent: None

Others: Richard Cirulli, Carol Gorgonzola, Frank Gorgonzola, Deborah Frederick, Helen Frederick, Patrick Nicolleta, Debra Chase, Terry Lattimore, Vincent DelGatto, Jr., Ken Litfin, John Bitter, Chris Nill, Billie Owens.

Recording: Rita J. Gurewitch, Clerk/Treasurer

The meeting was called to order at 6:00 PM by Mayor Johnsen. The clerk led the Pledge of Allegiance to the flag.

Minutes of the meeting held October 01, 2007 were read and a motion was made by Trustee D'Arduini, seconded by Trustee Henry, to approve the minutes as presented. Minutes from the special meeting held on October 16, 2007 were read and a motion was made by Trustee D'Arduini, seconded by Trustee Henry, to approve the minutes as presented. Bills were authorized for payment on Abstracts of Audited Vouchers #21, General Fund totaling \$11,687.90; #22, Water Fund totaling \$733.86; #23, Sewer Fund totaling \$52,178.40; and #24, Capital Fund totaling \$0.00 (CDBG) and \$15,729.77 (TEP). Treasurer's report for September was presented to the board and deemed incomplete at this time. No motion taken.

RG&E SUBSTATION EXPANSION – STATE STREET

Rochester Gas & Electric Project Manager John Bitter discussed open items that will need to be addressed to move the project forward. No contact has been made with Old Castle East in regard to the berms on village property that is to be purchased by RGE. The berms need to be moved in order to facilitate the project. Village Engineer, Pat Nicoletta would like an easement over RGE & Niagara Mohawk land. A discussion followed that possibly a culvert pipe drainage provision solution to allow the village to connect and direct the water if needed. DPW Supervisor Jeff Liberati stated that the south side right of way is not very good, the north side of National Grid is to the village benefit, an easement with Niagara Mohawk would provide an option. A letter has been sent to them regarding this easement. The village does not want to land lock the eastern land area. Easements will give areas for drainage and access off Bennett Avenue. A map was presented and all parties reviewed the area. Mayor Johnsen reiterated the letter from RGE dated 9/19/07 offering to purchase all the land. Mr. Bitter stated RGE would prefer not to, but if it is a hardship, they are open to purchasing all the land. They are not really interested in all the property, but they are willing to pursue an offer. RGE is concerned with the liability that could be resumed due to the berm on the eastern portion of the land. Again, the option of Old Castle moving the berm and putting it on their own land. RGE is looking at berm in the project area; the question is what to do with the rest of the berm on village land. Mr. Lattimore of RGE feels that the village has the power to tell Old Castle to remove the berms. It appears that the sale of the land will be contingent on berm removal. The village prefers to sell entire parcels as part of the land transfer. The driveway easement for Old Castle will transfer with the property. RGE would like documents showing land, Pat N. to send it. John. B. re-capped stating that there are questions of the sale and drainage issues as they relate to the project. Final site plan will be held until the sale of property and waiting on easement from NIMO. RGE doesn't see any problem writing the RGE easement into the land sale agreement. Pat. N. stated that leaves that option open for the future, if needed.

John B. restated a parcel of Old Castle land to be transferred to the village is not desirable and not an option. Village Atty. John Tyo is to write a letter to Old Castle requesting the removal of the berm from the project area, find out what method is to be used for removal and by what date it is to be done. RGE prefers November 30, 2007. They would also like a copy of the driveway easement with Old Castle. The village previously gave RGE permission to start soil sampling. John B. told the board that they are gathering soil samples now to help design the foundation. They would like to remove some brush. Once a commitment is given to the project they would like to do minor grading and land removal. Pat N. stated preliminary site plan approval by the Planning Board may be offered at their next meeting. RGE Ken Litfin will be re-working the site plans and confer with Pat N., RGE needs the site work area to go below one acre. SEQR still needs to be reviewed with the Town of Farmington. Mr. Lattimore repeated that RGE is to give the village an easement instead of Old Castle, the grading plan will change, and a reduction of the site area is necessary to avoid an erosion detention pond. Preliminary approval is contingent on MRB sanctioning the drainage plan.

TREES – TRIM/REMOVAL

Jeff L. reported that some trees have been trimmed and/or removed. More are to be done. He will check into where to get new trees.

INTERMUNICIPAL AGREEMENT, POLICE SERVICES

A draft proposed Intermunicipal Agreement between the Village of Manchester and the Village of Shortsville was reviewed at a special joint meeting on October 16th. Editing to the agreement was done and is now waiting on monetary figures to be placed in the agreement. They are waiting on the new police car being delivered to determine those numbers.

OVER 65 EXEMPTIONS

The board discussed that there have been no changes in the income limits for the over 65 year's old exemptions done in the last few years. A motion was made by Trustee D'Arduini to increase the limit to \$24,300 and calculate accordingly, seconded by Trustee Henry, voted on and unanimously carried. The board set December 10, 2007 at 6:00 pm for the public hearing for Over 65 exemptions for the 2009-2010 tax year. The clerk will prepare the legal notice and have it published as soon as possible.

UNPAID VILLAGE TAXES – Resolution No. 11-2007

The following resolution was offered by Trustee D'Arduini, 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 D’Arduini	Voting	“Aye”
Trustee Henry	Voting	“Aye”

The resolution was thereupon declared duly adopted.

(See attached list of unpaid taxes)

PLANNING & ZONING BOARD OPENINGS

One letter of interest was received for a planning board position. Mayor Johnsen would like more time allotted to receive more letters. She directed the clerk to put a notice in the newsletter that the village is seeking members to the Planning Board and the Zoning Board of Appeals. Letters of Interest should be submitted before November 30, 2007 for review at the December Board meeting.

VILLAGE ELECTION – RESOLUTION NO. 12-2007

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

WHEREAS, the next general village election for officers will be held on March 18, 2008; 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 18, 2008* for the following term:

Trustee - four years

Mayor – four years

Section 2. That the Board of Trustees designates the office as an unexpired term of trustee at the end of term to March 31, 2010 to be filled at the village election to be held on March 18, 2008 for the following term:

Trustee – two 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 resolution was duly adopted.

2008 ARTS GRANT PROGRAM – SUMMER CONCERTS

The Arts grant funding provides financial and technical assistance for community based art activities. The Village Board considers summer concerts at the bandstand an arts activity. With the aid of the Red Jacket Community Library, the village will apply for this assistance to allow 5 concerts at the bandstand park.

ROCHESTER INSULATED GLASS – REQUEST EMPIRE ZONE

A letter was received from Camoin Associates stating that RIG is requesting the City of Geneva to designate them as part of the City of Geneva Empire Zone. This designation will give RIG access to tax benefits from the New York State Empire Zones program. Camoin Associates is requesting the village pass a resolution to support this designation.

The mayor directed the clerk to forward this letter to village council for review.

RICHARD CIRULLI – VILLAGE ISSUES

Mr. Richard Cirulli approached the board stating that the Village Board, the Planning Board and the Zoning Board of Appeals are not truthful and forthcoming of information. Major issues are not explained thoroughly, and when explained conflicting information is given. He feels that the village should drain the wetlands to the storm sewer. Mr. Cirulli went on to voice his opinion on the proper way to correct the drainage issue. He expressed his concerns that the Planning Board and Zoning Board should explain their position on the proposed apartment complex on State Street. Now, after attending this meeting he feels RGE will get water also. He wants the village board to attend Planning Board meetings to explain what is going on.

MOVED TO EXECUTIVE SESSION AT 7:25 PM.

RETURNED TO REGULAR BOARD MEETING AT 7:35 PM.

SPECIAL COUNCIL – RESOLUTION NO. 13-2007

The following resolution was offered by Trustee D’Arduini, seconded by Trustee Henry, who moved its adoption:

WHEREAS, our present village attorney has a conflict of interest concerning the area of land on the south side of State Street where the apartment complex is proposed; and

WHEREAS, a need may arise to have an attorney other than our village appointed attorney; and

WHEREAS, Attorney Jeffrey Graff will be appointed to act as special council on behalf of the village when village attorney John Tyo withdraws council or is not available;

BE IT RESOLVED, that this resolution will take effect immediately.

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

Mayor Johnsen	voting	“AYE”
Trustee D’Arduini	voting	“AYE”
Trustee Henry	voting	“AYE”

The resolution was duly adopted.

SHARED MUNICIPAL SERVICES INCENTIVE PROGRAM

Mr. Chris Nill addressed the board with his continued progress on the grant process to acquire funds to assist in defraying costs to study and monitor sewerage and stormwater management. A local match will be required. The Villages of

Manchester and Shortsville and the Town of Manchester are proposing to undertake a joint application to the NYS Department of State under the Shared Municipal Services Incentive Program. The deadline to apply is December 14, 2007. The feasibility studies aim at rehabilitating, upgrading, and expanding the current sewerage system and planning stormwater management. It will also install three flow meter devices to monitor inflow, finance engineering and provide a plan. Mr. Nill relayed a descriptive account of what was needed to apply. He was directed to continue to gather the necessary information. No action was taken at this time.

TEP GRANT

The board directed the clerk to immediately write a letter to the Chamber of Commerce concerning the proposal from Matt Schaertl for the Chamber to have a “steeplechase” (footrace) along the proposed pathway along the outlet for THE 2008 Water Derby. The TEP pathway has not been completed. It has been decided that at this time it would not be advisable to allow a foot race as there are many dangerous obstacles and difficulties and control of the property has not been obtained.

Mr. Nill gave a progress report concerning the grant. The land has been cleared up near the piping at the trestle. The gutter and sidewalk issues on Water Street need to be rectified. Need to know what we are asking for. Chris is to check with Fisher Associates.

PUBLIC COMMENTS

Ms. Deborah Frederick – She voiced her worry on public health concerning the infiltration and capacity issues at the sewer treatment plant. She feels that the zoning officer is not enforcing the village codes and that things are being missed. She would like to board to read the purpose of codes under the general provision section 100-2. She feels they are not being met.

Ms. Judy Robinson – She wondered if the snowmobile issue has been settled along the outlet trail. Snowmobiles are not permitted along the outlet trail.

Mr. Vincent DelGatto, Jr. – He would like a speed reduction on State Street for Halloween.

The meeting was adjourned on motion at 8:45 PM.

Respectfully submitted,

Rita J. Gurewitch
Clerk/Treasurer