

**PUBLIC HEARING AND
REGULAR BOARD MEETING HELD NOVEMBER 02, 2009**

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

Absent: None

Others: Richard Cirulli, Brian Romeiser, Holger Stave, Martin McMillan, Dave Phillips, Boy Scout Troop No. 39: William Lawrence, Kodye Lawrence, Timothy Scherer, Colin Clark, Chayton James Baxter, John Wesche, Matthew Peek, Matthew Colatti, Ryan Tolpa.

Recording: Rita J. Gurewitch, Clerk/Treasurer

PUBLIC HEARING

The clerk read the legal notice for the public hearing that appeared in the Daily Messenger on October 17, 2009 regarding the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan. After the reading of the legal notice, Mayor Johnsen explained the Plan asked if anyone had any questions.

There were no comments for or against the Plan.

The Public Hearing was closed at 6:09 pm.

REGULAR MEETING

The meeting was called to order at 6:10 PM by Mayor Johnsen. The Clerk led the Pledge of Allegiance to the flag. Minutes of the meeting held on October 05, 2009 were read and approved by motion from Mayor Johnsen, seconded by Trustee Henry. A motion was made by Trustee Henry to approve the October Treasurer's Report, seconded by Trustee Bogner, carried and subject to audit. Bills were authorized for payment on Abstract #6 of Audited Vouchers, General Fund totaling \$18,264.95; Water Fund totaling \$2,086.72 ; Sewer Fund totaling \$48,865.92 ; CDBG totaling \$0.00 and TEP totaling \$8,190.00.

**VILLAGE OF MANCHESTER PROCLAMATION
– HONORING WILLIAM J. EDDINGER, JR. SERVICE TO THE TOWN OF MANCHESTER –
RESOLUTION NO. 7 - 2009**

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

Whereas: William J. Eddinger, Jr. was born on February 16, 1946; and

Whereas: William J. Eddinger, Jr. graduated from Red Jacket Central School in 1964 with the yearbook Senior quote being "With words we govern men"; and

Whereas: William J. Eddinger, Jr. served in the United States Army from 1966-1969, was active in the Vietnam War, is a Vietnam Veteran, was Honorably Discharged and is a member of the Turner-Schrader American Legion Post 34; and

Whereas: William J. Eddinger, Jr. graduated from St. John Fisher College and taught High School Social Studies at Sodus Central School for 30 years; and

Whereas: William J. Eddinger, Jr. has lived in the Village of Manchester and is a life long resident of the Town of Manchester; and

Whereas: William J. Eddinger, Jr. was elected and served as Town Councilman for the Town of Manchester from 1974-1981; and

Whereas: William J. Eddinger, Jr. has been on the Ontario County Board of Supervisors from 1982 to present, representing the Town of Manchester as our Supervisor for 27 years; and

Whereas: It is time to honor William J. Eddinger, Jr. for his dedication and service with absolute commitment to our communities, his tenacious perseverance in his fiscal conservatism, and his unending mirth and wit; now

Therefore; be it resolved:

I, Nancy W. Johnsen, Mayor of the Village of Manchester,

Do hereby Proclaim:

That the Village of Manchester, in recognizing a native son, William J. Eddinger, Jr., Honors his life long commitment to Public Service.

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

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

The resolution was thereupon declared duly adopted.

The Mayor directed the clerk place this resolution in The Merchandiser.

**ONTARIO COUNTY MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN
RESOLUTION NO. 8 - 2009**

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

Whereas: The Village of Manchester, in coordination with Ontario County municipalities, have gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

Whereas: the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan was developed to help communities:

- Protect life, safety and property by reducing the potential for future damages and economic losses resulting from natural hazards;
- Qualify for additional pre-disaster and post-disaster grant funding;
- Facilitate recovery and redevelopment following future disaster events;
- Demonstrate a commitment to hazard mitigation principles; and
- Comply with New York State and Federal legislative requirement, and

Whereas: the Ontario county Multi-Jurisdictional All Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

Whereas: the Plan was financed in part by a Pre-Disaster Mitigation Grant through the Federal Emergency Management Agency and the New York State Emergency Management Office. The Ontario County Planning Department and participating municipalities provided the required grant match through in-kind service; and

Whereas: in March 2009, the Federal Emergency Management Agency granted approval of the plan pending adoption by each of the participating municipalities; and

Whereas: the Village of Manchester is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

Whereas: the Village of Manchester has reviewed the Plan and commits to review and update the Plan as required; now

Therefore; be it resolved:

By the Village of Manchester Board of Trustees that the Village of Manchester adopts the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan as this jurisdiction’s Natural Hazard Mitigation Plan, and further resolves to execute the actions in the Plan.

I

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

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

The resolution was thereupon declared duly adopted.

UNPAID VILLAGE TAXES – RESOLUTION No. 9-2009

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

MARCH ELECTION 2010 OFFICE VACANCY - RESOLUTION NO.10-2009

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

WHEREAS, the next general village election for officers will be held on March 16, 2010; 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 16, 2010* for the following term:

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

Mayor Johnsen	Voting	“Aye”
Trustee Bogner	Voting	“Aye”
Trustee Henry	Voting	“Aye”

The resolution was thereupon declared duly adopted.

**TEP GRANT - PEDESTRIAN/PATHWAY SUPPLEMENTAL AGREEMENT No. 2
RESOLUTION NO. 11 - 2009**

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

WHEREAS:

- 1) the New York State Department of Transportation (hence known as Department) entered into an agreement on February 12, 2007 (Original Agreement) with the Village of Manchester (hence known as Municipality), in which said contract was duly assigned Project No. 4760(363) by the U.S. Department of Transportation Federal Highway Administration; and
- 2) Fisher Associates was hired to assist in facilitating said agreement; and
- 3) there are circumstances necessitating a modification of the Consultant Agreement for additional services associated with the Manchester Gateway Pedestrian/Bicycle Pathway System (PIN 4760.36.321) Agreement Contract with Fishers Associates, P.E., L. S., P.C., 135 Calkins Road, Rochester NY 14623 (hereinafter called CONSULTANT) and the Village of Manchester, (hereinafter called OWNER) desire to amend said Agreement.

NOW THEREFORE, BE IT RESOLVED, in consideration of the mutual covenants, promises, representations, and conditions made herein, the parties agree as follows:

- (1) The provisions of the CONSULTANT AGREEMENT are on file in the Village Clerk's office. The CONSULTANT shall comply with the requirements of said provisions incumbent upon the CONSULTANT to the extent of the services to be provided hereunder.
- (2) As full compensation for CONSULTANT'S work, for the full completion of the scope of services, the OWNER shall pay to the CONSULTANT a maximum amount of \$82,384 as defined in Attachment B – Staffing Rates, Hours, Reimbursables, and Fee.

BE IT FURTHER RESOLVED,

- (1) that the CONSULTANT and the OWNER will work together to prepare a "Finding of Public Interest" to ascertain if costs can be reduced, and if it is a benefit or in the best interest of the public.

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

Mayor Nancy Johnsen	Voting	"AYE"
Trustee William Henry	Voting	"AYE"
Trustee Gary Bogner	Voting	"AYE"

The resolution was duly adopted.

The expectation date to go to bid is March 2010.

HIGHWAY FACILITY EXPANSION

The expansion of the Highway Facility is still underway, but the Board is waiting to hear from Stu Brown Associates to get a sense of funding possibilities from USDA.

STATE STREET DRAINAGE PROJECT

A proposal for professional service was received from MRB Group for the State Street Drainage Project to do an additional NYS EFC report to submit with the Project Listing Form that was sent to the Environmental Facilities Corporation (EFC). The EFC submission by MRB would cost an estimated \$7,100. This proposal was tabled until further information was gathered.

This project is on hold until January or February of 2010 to see if our current listing number (33) changes on the List of Projects from the EFC.

49 NORTH MAIN STREET – MARTIN MCMILLAN

Holger Stave, representing Marty McMillan, property owner of 49 N Main St., addressed the Board stating that the NYS Department of Transportation denied and access to the property from NYS route 96. They are going to re-apply and state that the northern entrance is a separate entrance from that on NYS Route 21.

The reason Mr. Stave and Mr. McMillan are in attendance this evening is to ask if the Village of Manchester is willing to support, in writing to the DOT, an entrance off Route 96 to the property. Or, if there is anything the Village can do to facilitate getting the entry off Route 96.

There is a temporary entrance at the present time that was used by OTIS Pipeline (as a tenant to Martin McMillan) that was built to State specifications, but the DOT is requesting that entrance be removed now that OTIS is no longer there. Mr. McMillan would like to utilize that entrance as it would be cost effective to leave it there and would like to move along with his project.

Mayor Johnsen stated that it would be best if all the involved agencies worked in concert concerning the entrance to the property. She stated the Village will get together with Ontario County as they just recently finished the Route 96/318 Corridor Study and would need their input. Also, representation from the Town and Village Planning Board would be desired. After that meeting a decision will be made as to how to proceed.

Mr. McMillan also requested to test different lighting at the property to see which one would be best. He wanted to set various styles and types in the near future to see which ones would work out. Mayor Johnsen told Mr. McMillan that he was to check with Code Enforcement Officer, Steve DeHond before putting any temporary lighting at the location and that any final lighting must be decided through the Planning Board.

BOY SCOUTS OF AMERICA – TROOP NO. 39

Boy Scout Troop No. 39 representatives, William Lawrence, Leader; and Kodye Lawrence, Timothy Scherer, Colin Clark, Chayton James Baxter, John Wesche, Matthew Peek, Matthew Colatti, Ryan Tolpa attended this evenings Board meeting in their undertaking of obtaining their Citizenship in the Community Badge.

OVER 65 TAX EXEMPTION

The board set December 07, 2009 at 6:00 PM for the public hearing for Over 65 exemptions for the 2011-2012 tax year. The clerk will prepare the legal notice and have it published as soon as possible. Trustee Henry requested from the Clerk to gather the number of parcels that this would affect.

CONTINUING EDUCATION – PLANNING BOARD

The Genesee Finger Lakes Planning Commission is offering a day workshop in Batavia, NY, on November 20, 2009 for a \$40.00 registration fee. Planning Board Chairman, Michael Chase and Members Judy Robinson and John Schram requested to be able to attend this workshop. A motion was made by Trustee Bogner and seconded by Trustee Henry, to have the Village pay for the aforesaid people to attend this workshop and to reimburse mileage at .50/mile, voted on and unanimously carried.

DPW REPORT

- The Board approved the purchase of the Christmas trees from Darling's Tree Farm
- A new roof is needed for the Pump House on State Street. Quotes will be obtained for labor only. The Village will purchase the supplies.

POLICE REPORT

- The Monthly Police Report for October was distributed to Board and will be placed on file in the Clerk's office. Special details included a bonfire at RJ School, the Halloween Parade and a funeral detail.

FIRE DEPARTMENT

- No report at this time.

PUBLIC COMMENTS:

Town Councilman, Dave Phillips stated that there will be a residential computer and electronics Recycling Collection Event, Saturday, November 21st from 9:00 am to 2:00 pm at the Manchester Town Barns. Proceeds will benefit the YMCA and provide a way for residents to get rid of their electronic waste. He also mentioned that there will be a Tree Lighting on Sunday, November 29th at 2:00 pm in front of Dollar General, Main Street, Manchester. Ornaments can be purchased and the proceeds are to benefit our local food cupboard.

EXECUTIVE SESSION

Mayor Johnsen declared the meeting to go to executive session to discuss personnel issues. Time to executive session 7:30 pm.

Mayor Johnsen declared the regular meeting back in session at 8:30 pm.

The Board will seek legal council. No further action at this time.

The next regular meeting of the Board of Trustees will be Monday, December 07, 2009 at 6:00 pm.

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

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer