

VILLAGE OF MANCHESTER
MINUTES OF THE PUBLIC HEARING AND REGULAR VILLAGE BOARD MEETING
HELD AT 8 CLIFTON STREET, MANCHESTER NY
On November 05, 2012

Present: Nancy W. Johnsen, Mayor
Lynda J. Butler, Trustee
William F. Henry, Deputy Mayor, Trustee
Debra Gulvin-Chase, Deputy Clerk/Treasurer
DPW Supervisor, Jeffrey P. Liberati

Absent: Richard Coffey, Police Chief, Harry Bowker, Fire Chief

Others: Kyle Christensen, Mike Buttaccio, Tim Munn

Recording: Rita J. Gurewitch, Clerk/Treasurer

The Clerk led the Pledge of Allegiance to the Flag.

PUBLIC HEARING

The Public Hearing was opened at 6:00 pm. The clerk read the legal notice for the public hearing that appeared in the Daily Messenger on November October 24, 2012 regarding the Local Law to Override the Tax Levy Limit established in General Municipal Law § 3-c the 2013-2014 tax year. Mayor Johnsen asked if anyone had any questions or comments.

Mayor Johnsen requested comments three times.

There were no comments for or against the proposed local law.

The Public Hearing was closed at 6:05 pm.

REGULAR MEETING

Present: Nancy W. Johnsen, Mayor
Lynda J. Butler, Trustee
William F. Henry, Deputy Mayor, Trustee
Debra Gulvin-Chase, Deputy Clerk/Treasurer
DPW Supervisor, Jeffrey P. Liberati

Absent: Richard Coffey, Police Chief, Harry Bowker, Fire Chief

Others: Kyle Christensen, Mike Buttaccio, Tim Munn

Recording: Rita J. Gurewitch, Clerk/Treasurer

The meeting was called to order at 6:00 pm by Mayor Johnsen.

The minutes of the regular meeting on October 01., 2012 were read and approved upon motions from Trustee Henry and Trustee Butler, motion carried. A motion was made by Trustee Henry to accept the September Treasurer's report, seconded by Trustee Butler, subject to audit, voted on and carried. Bills were authorized for payment on Abstract #6 of Audited Vouchers, General Fund totaling \$31,761.61; Water Fund totaling \$389.64; Sewer Fund totaling \$51,796.87; CDBG totaling \$52,260.00 and TEP totaling \$0.00.

TEP TRAIL

The NYSDEC permit requirements are now in compliance and SWPPP (Storm Water Pollution Prevention Plan) inspections are completed. Stabilization and re-vegetation are now over 75%. Paving has been completed where needed. Remaining items include: Fencing still needs to be put in at Eagley's and plantings at Woodworth's.

TRAIL COMMITTEE GROUP

The Autumn Adventures Along the Manchester Trail event was held on October 27th. There was a very good turn out and went off well. The Committee is considering having this be an annual event and possible planning an Easter Egg hunt in the spring. Trustee Butler asked DPW Supervisor Liberati if members could go along the trail to dispose of any tree limb damage. He said they could throw any branches back into the woods. Keep clear of at least 6 feet on either side of trail.

RAILROAD MEMORIAL PARK – CABOOSE/WORKCAR

Mr. Michael Buttaccio updated the Board on the restoration of the railroad car. The stencil lettering will go on the car weather permitting. The photos inside will be completed with the assistance of Todd Jennings of Country Studio. A motion was made by Mayor Johnsen, seconded by Trustee Henry who moved to spend up to \$1,222.00 for photographs installed inside the car. Voted on and unanimously carried. The village will contact RGE for a new light pole and then drop feed a conduit to car. The Trail Committee may set up a Day of Remembrance for the 1911 train wreck in correlation with a grand opening of the railroad car. Later things to discuss are signage and a state historical marker.

VILLAGE HALL AND FIRE HALL PROPOSED BUILDING IMPROVEMENTS

After review of answers to questions submitted to MRB about the heating and air conditioning upgrade, a motion was made by Mayor Johnsen, seconded by Trustee Butler to move forward with upgrading the village hall and fire station heating and air conditioning and to include alternates upgrading electric and bathrooms. The motion was voted on and unanimously carried. The clerk will contact MRB Group to proceed with project.

WATER/SEWER BILLING COMPLAINT

Mr. Kyle Christensen of State Street requested a review of his water and sewer bill stating that he just purchased the property and does not live there. He can't understand why it would be so high. Usage was 29,500 gallons from 7/01/12 to 9/30/12. DPW Supervisor explained that the water has gone through the meter and that he most likely has a leak somewhere. After discussing the possibilities, it was agreed that a new meter and new reader will be installed for Mr. Christensen and the billing will remain the same.

RESOLUTION NO. 10-2012 TO ENACT LOCAL LAW NO. 1-2012

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

WHEREAS, proposed Local Law No. 1-2012 was introduced at the meeting of the Board of Trustees;

WHEREAS, a public hearing has been held thereon the 5th day of November, 2012, at which time all interested persons were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED, that a Local Law no. 1 -2012 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 Johnsen	Voting	“Aye”
Trustee Butler	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.

LOCAL LAW NO. 1 – 2012 – 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, 2013 through May 31, 2014 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, 2013 through May 31, 2014, 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.

OVER 65 TAX EXEMPTIONS

The board set December 03, 2012 at 6:00 PM for the public hearing for Over 65 exemptions for the 2014-2015 tax year. The clerk will prepare the legal notice and have it published as soon as possible.

UNPAID VILLAGE TAXES – RESOLUTION No. 11-2012

The following resolution was offered by Trustee Henry, who moved its adoption, seconded by Trustee Butler, 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 subdivision 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 Butler	Voting	“Aye”
Trustee Henry	Voting	“Aye”

The resolution was thereupon declared duly adopted.

(see attached list of unpaid village taxes)

INTERMUNICIPAL AGREEMENT FOR BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER WITH THE TOWN OF MANCHESTER

The current contract with the Town of Manchester reads that the salary range for the Enforcement Officer is \$35,000 to \$48,069 per year. With the 2013 increase in salary, the Code Enforcement Officer (CEO) will be \$49,294. The Town of Manchester is proposing the salary range of the CEO be changed to \$45,000 to \$58,000 per year covering any future increases. A motion was made by Trustee Henry, seconded by Mayor Johnsen to approve the salary range for the CEO to \$45,000 to \$58,000 per year. Voted on and unanimously carried.

NEW SIDEWALK REQUEST SOUTH AVENUE

A request for the installation of a sidewalk on the west side of South Avenue has been received from the following property owners: Kevin & Terri Stell, Michael & Carrie Morris and Jackie Warner. There was an extensive discussion on where sidewalks are needed within the village. Currently needed locations are: North Main Street in front of the old school, Lehigh Avenue to the school, South Avenue, Newton Street, plus repairs at multiple locations. Due to the expense, all these locations cannot be completed in a single year and will be installed on a year by year basis according to the budget.

TROY & BANKS CONSULTANTS, LLC

Troy & Banks, a consulting firm that specializes in utility and telecommunication audits for municipalities, proposed an offer to examine village records to see if any overcharges are taking place. Basically, if any errors are found the company and the village would split the share 50-50. The Village has had this inspection completed in the past; both by the NYS Comptroller's Office and Troy & Banks, and no meaningful errors were found. At this time, the Board decided to table a utility audit.

CODE BOOK UPDATE

Over the last few years, the village has been trying to update the codebook to no avail. Mayor Johnsen made a motion to seek professional assistance in updating the Village of Manchester Code Book, seconded by Trustee Henry. Voted on and unanimously carried. Quotes will be sought.

DPW REPORT

- Paving has been completed for the year
- Sidewalks still on the schedule to be completed are on Main Street (Pickering's & Scarcelli's), State Street (Vienna's) and Pratt Road (Corni's).
- Christmas decorations will be put up similar to last year

POLICE REPORT:

- Monthly report for October 2012 on file in the clerk's office

FIRE DEPARTMENT:

- Discussion on new fire truck (pick-up)
- Discussion on land

The next regular Village Board meeting and Public Hearing will be on Monday, December 03, 2012 at 6:00 pm.

The meeting was adjourned upon motion at 8:15 PM.

Respectfully submitted,

Rita J. Gurewitch
Village Clerk/Treasurer