

**VILLAGE OF MANCHESTER**  
**MINUTES OF THE REGULAR VILLAGE BOARD MEETING**  
**HELD AT 8 CLIFTON STREET, MANCHESTER NY**  
**On October 01, 2012**

Present: Nancy W. Johnsen, Mayor  
Lynda J. Butler, Trustee  
William F. Henry, Deputy Mayor, Trustee  
Debra Gulvin-Chase, Deputy Clerk/Treasurer  
Richard Coffey, Police Chief  
Harry Bowker, Fire Chief

Absent: DPW Supervisor, Jeffrey P. Liberati

Others: Margaret Vienna, Tim Munn, Stephanie Holtz, Assessor

Recording: Rita J. Gurewitch, Clerk/Treasurer

The Clerk led the Pledge of Allegiance to the Flag.

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

The minutes of the regular meeting on September 10, 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 July Treasurer's report, seconded by Mayor Johnsen, subject to audit, voted on and carried. Bills were authorized for payment on Abstract #5 of Audited Vouchers, General Fund totaling \$; Water Fund totaling \$; Sewer Fund totaling \$; CDBG totaling \$0.00 and TEP totaling \$0.00.

#### **TEP TRAIL**

The SWPPP (Storm Water Pollution Prevention Plan) report showed improvements regarding NYSDEC permit requirements. Soil stabilization and re-vegetation measures are on-going and at around 70%. Anticipation of stabilization project completion (75 % or more) is anticipated by October 4, 2012. Remaining items include: Asphalt near Bliss property, fencing still needs to be put and plantings at Woodworth's.

#### **TRAIL COMMITTEE GROUP**

The next meeting for the Trail Committee this Thursday, 10/11 at 6:30 pm. An event is being planned for Saturday, October 27, 2012. Free pumpkins will be distributed.

#### **RAILROAD MEMORIAL PARK – CABOOSE/WORKCAR**

Mr. Tim Munn reported that there are volunteers available to donate their time to painting the inside of the railroad car. He also reported that Mike Buttaccio and Richard Deys are getting ready to install the windows so that the painting can begin. There will be framed historical photos hung inside the car similar to how they are at The Depot Restaurant. See the September 2012 meeting minutes for more information.

#### **VILLAGE HALL AND FIRE HALL PROPOSED BUILDING IMPROVEMENTS**

A meeting was held to go over options received from MRB Group about the heating and air conditioning for the building upgrade. The questions brought up at that meeting were forwarded to MRB Group. No response was available by today's meeting date.

#### **PUBLIC COMMENT**

Margaret Vienna, resident of State Street, addressed the Board with a list of her concerns.

- 1) She would like the weeds growing on Main Street taken care of.
- 2) Also, the storm water drain on State Street – when plugged, clean it.
- 3) There is a sidewalk at 65 State that is in poor shape and needs to be replaced.
- 4) When is the dip on Merrick Avenue going to be paved?
- 5) Between 7:15 am and 8:00 am cars are speeding down State Street. Worse speeding is by a gray car. She gave Dick Coffey permission to park in her driveway to try and catch speeders.
- 6) She would like a culvert in front of her house to drain water away from her property and her neighbor's property when it rains. She mentioned there is an old drain in the vicinity that may actually work if someone would clean it out.
- 7) Mrs. Vienna would like to see the fire hydrants painted.
- 8) In this day of high gas prices, she feels the village should be conserving gasoline.

She added that she just like things to be neat. The Board will review her requests with the Department of Public Works.

## **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 Henry motion to go into Executive Session to discuss possible litigation, seconded by Trustee Butler and unanimously carried. Mayor Johnsen directed the Clerk and Deputy Clerk to remain. So moved to Executive Session at 6:35 pm and ended at 7:00 pm.

Re-opened Regular meeting at 7:01 pm.

## **RESOLUTION NO. 8-2012 - AGREEMENT FOR SHARED EXPENSES WITH THE TOWN OF MANCHESTER AND THE MANCHESTER-SHORTSVILLE SCHOOL DISTRICT**

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

WHEREAS, Old Castle Pre-cast East, property located at 155 State Street, has challenged their current property assessment; and

WHEREAS, the result of this challenge has resulted in expenses associated with said challenge; and

WHEREAS, the Town of Manchester has incurred all said costs to date; and

WHEREAS, the Manchester-Shortsville School District has agreed to share said expenses,

BE IT RESOLVED, that the Board directed the Assessor that no refunds be granted for prior year's tax payments.

BE IT FURTHER RESOLVED, the Village of Manchester has agreed, from this date forward, to share expenses equally with the Town of Manchester and the Manchester-Shortsville School District to dispute Old Castle Pre-Cast East's challenge of the assessment of their property at 155 State Street, and, that the Town of Manchester will produce a written agreement for all parties to sign.

This resolution will take effect immediately.

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

Mayor Johnsen	voting	"AYE"
Trustee Butler	voting	"AYE"
Trustee Henry	voting	"AYE"

The resolution was duly adopted.

## **REAL PROPERTY TAX LEVY LIMIT ("2% TAX CAP") LAW**

The Board discussed the Tax Cap Law. The law limits the total tax levy, not the assessed value or the tax rate. Local governments may not adopt a budget that requires a tax levy that exceeds the prior year's levy by more than 2%, unless the governing board first adopts a local law to override the tax levy limitation. The levy for the Village of Manchester this tax year was actually down .50%. There will be no Mandate relief available from New York State. After further discussion, and considering the least risk and most protection for the Village of Manchester at the local level, the following resolution was offered by Trustee Henry, seconded by Trustee Butler who moved its adoption:

## **RESOLUTION NO. 09-2012 – RESOLUTION OF PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1-2012**

At a regular meeting of the Board of Trustees of the Village of Manchester, held at the Village Hall, 8 Clifton Street, Manchester, New York, on the 1st day of October, 2012.

PRESENT: Nancy W. Johnsen, Mayor  
William F. Henry, Trustee  
Lynda J. Butler, Trustee

**WHEREAS**, a Local Law, being proposed as Local Law No. 1 for the Village of Manchester, 2012 was introduced at this meeting by a member of the Board of Trustees:

## **A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c**

**AND WHEREAS**, this Board desires to hold a public hearing with respect to the adoption of said Local Law,

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held by this Board with respect to the adoption of the aforesaid Local Law at the Village Hall, 8 Clifton Street, Manchester, New York, on the 5<sup>th</sup> day of November, 2012 at 6:00 pm., and it is further

**RESOLVED** that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

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

The resolution was duly adopted.

### **HALLOWEEN PARADE & TRICK OR TREAT NIGHT**

The Firemen’s parade will be held on Wednesday, October 31<sup>st</sup> at 6:30 PM lining up on Howard Street and proceeding to the Manchester Fire Department for costume judging, prizes and treats. Escort will be provided by village police and fire department. Refreshments and prizes will be provided by MFD. The Village of Manchester proclaims TRICK OR TREAT NIGHT Wednesday, October 31, 2012 from 6:00 to 8:00 PM. The Mayor directed the clerk to run the ad in the Merchandiser to run the week of October 22nd.

### **DPW REPORT**

- No report

### **POLICE REPORT:**

- Monthly report for August 2012 on file in the clerk’s office

### **FIRE DEPARTMENT:**

- Halloween Parade will be October 31<sup>st</sup>
- Discussion on new radio system
- Discussion on fire agreements
- Set up meeting with RJ Jr. Baseball to discuss concession stand building

The next regular Village Board meeting and Public Hearing will be on Monday, November 05, 2012 at 6:00 pm.

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

Respectfully submitted,

Rita J. Gurewitch  
Village Clerk/Treasurer