

MINUTES OF REGULAR BOARD MEETING HELD SEPTEMBER 8, 2003

Present: Philip J. D'Arduini, Mayor
Bruce E. Miles, Trustee
Norman E. Folts, Trustee

Others: Mike Dotterweich, Tania Celso

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

The meeting was called to order at 7:00 PM by Mayor D'Arduini. Bills were authorized for payment on Abstracts of Audited Vouchers #10, General Fund totaling \$16,345.93; #11, Water Fund totaling \$2,279.66; #12, and Sewer Fund totaling \$204.48.

OLD MANCHESTER HIGH SCHOOL – 49 SOUTH MAIN STREET

Mike Dotterweich addressed the board. He represents DOT Container Company, a privately owned company. It specializes in foam packaging, design and fabrication. They convert foam by cutting, sawing, die cutting and gluing. Most of the foam is sent directly to their customers. What scrap they have, they sell as dunnage to manufacturing facilities. DOT container waste materials are kept to a minimum. They do not produce foam; therefore he stated they do not emit any toxic fumes or chemicals into the environment. Mr. Dotterweich stated the volume of traffic would not be noticeable. He is currently working at a Curran Road location and needs more space. He has approached the owner, Geoff Hughes, with his interest at being a tenant. Mr. Dotterweich said that the realtor and the owner have expressed their agreement to him being a tenant. Mr. Dotterweich also stated that he has met with the Zoning Officer, Steve DeHond to determine the proper building codes. He is currently just interested in the newer section but will expand when necessary.

The mayor stated he received a telephone call three days ago concerning the property. A Rochester developer stated he was interested in the property as senior housing. The mayor told Mr. Dotterweich that there seems to be some confusion with the property and directed him to contact the realtor to see as to the current status. The board would welcome him and his business to the area. He would have to meet with the village Planning Board and need a notarized letter from the owner stating his approval also. If this space did not work out, maybe another location in village would be acceptable.

This inquiry has been put on hold until knowing the current status of the property and intentions of the owner.

AFLAC INSURANCE COMPANY

Tania Celso, an independent sales agent presenting AFLAC Insurance Company, addressed the board with a presentation concerning employee benefits. Some of the packages offered are Short-term disability, Dental Insurance, Personal Accident Expense Plan, Protector Cancer Plan and a Cafeteria Plan. The insurance is offered directly to the employee, owned by the employee (not the village). There is no cost to the village, the employees would pay direct.

The board listened to the presentation and will look into it further to see if there is any interest from the employees.

FREDERICKS BUILDING – Brownsfield

Richard Cirulli telephoned the clerks office and wanted a statement read to the board. Rita Gurewitch, Deputy Clerk, read as follows: "This project is no closer to completion now, than it was in February. I suggest the board to force an immediate response from Sneider Associates to get the final report to DEC, or to possibly consider replacing this consulting firm. Please be firm so that this can come to closure".

An e-mail was received 9/05/03 from Robert Raeman, Project Manager, showing a copy of a letter sent to Greg MacLean, DEC from Robert Raeman. It stated we have progressed as far as we can on the completion of the Site Investigation Report with out the rising head test analysis. We currently have no geologist for the testing. Mr. Raeman asked Mr. MacLean two questions in the e-mail. 1. Given the low ground water contaminant levels, can we possibly eliminate your requirement of these tests? 2. If the testing is required can you suggest anyone we may contract with to provide them so that we can complete and submit to you our report?

Trustee Miles stated that he spoke with Mr. Raeman recently and that Mr. Raeman and Mr. MacLean had a meeting and it was suggested by Mr. MacLean to send the report as is without the final testing and see what happens. Direction can be taken afterwards.

No action taken at this time.

VIOLATIONS – New York PESH (Public Employee Safety & Health Bureau)

As a result of a state inspection on July 24, 2003, the following additional violations need to be addressed:

Village Highway Dept. – Vanderwall Drive

Citation 1:

1. The employer did not evaluate the workplace to determine if any spaces were permit required confine spaces. Type of Violation – Serious. Violation must be abated by 01/05/04.
2. The employer did not inform exposed employees by posting danger signs of the existence and location of and the danger posed by the permit spaces. These spaces include sewer manholes throughout the village. Type of Violation – Serious. Violation must be abated by 01/05/04.
3. When the employer decided its employees would not enter permit spaces, the employer did not take effective measures to prevent its employees from entering the permit spaces. Type of Violation – Serious. Violation must be abated by 01/05/04.
4. Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries. Type of Violation – Serious. Violation must be abated by 10/06/03.
5. Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving. Type of Violation – Serious. Violation must be abated by 10/06/03.
6. When there was a defect or evidence of damage that could expose an employee to injury, the defective or damaged item was not removed from service until the repairs and tests necessary to render the electric equipment safe had been made. Type of Violation – Serious. Violation must be abated by 10/06/03.

Citation 2:

1. Place(s) of employment were not kept clean and orderly, or in a sanitary condition. Type of Violation – Nonserious. Violation must be abated by 11/19/03.
2. Employees who were trained in accordance with 29 CFR 1910.120(q)(6) did not receive annual refresher training of sufficient content and duration to maintain their competencies or did not demonstrate competency in those areas at least yearly. Type of Violation – Nonserious. Violation must be abated by 01/05/04.
3. The employer representative was unable to provide a certification of hazard assessment for any tasks performed by employees at the Manchester Village Highway Dept. Type of Violation – Nonserious. Violation must be abated by 01/05/04.
4. The employer did not establish a program consisting of an energy control procedure and employee training where the unexpected energizing could occur and cause injury. Type of Violation – Nonserious. Violation must be abated by 01/05/04.
5. The written hazard communication program did not include a list of the hazardous chemicals known to present using an identity that was referenced on the material safety data sheet. Type of Violation – Nonserious. Violation must be abated by 10/06/03.
6. The employer did not ensure that each container of hazardous chemical in the workplace was labeled, tagged or marked with the identity of the chemical therein. Type of Violation – Nonserious. Violation must be abated by 10/06/03.
7. The employer did not maintain copies of the required material safety data sheets for each hazardous chemical in the workplace. Type of Violation – Nonserious. Violation must be abated by 10/06/03.

Public Works Supervisor Jeff Liberati made an appointment with Thomas Whitt, a Safety and Health Inspector with NYS Department of Labor concerning the violations the village received last month. Mr. Liberati was unable to make the meeting and Public Works Maintenance Asst. George Hotchkiss met with Mr. Whitt on Tuesday, August 26, 2003. Mr. Whitt directed Mr. Hotchkiss on what needed to be addressed and completed to become compliant with the violations. Mr. Whitt gave a diskette and two packet assessments to aid us in our compliance. One is a sample of the Lock Out / Tag Out program and the other is a Personal Protective Equipment Assessment along with other aids and information.

The Department of Public Works is moving forward to correct the violations and will be in contact with Mr. Whitt.

NOTICE OF PETITION

The Village received a Notice of Petition from Oldcastle Precast, Inc. and Upstate Farm Cooperatives for a review of Real Property Tax Assessments for the year 2003. A letter was received from Shirley Bement, Assessor, in regard to obtain Expert Counsel, Mr. Edward Fox of Harris Beach, LLP Attorneys at Law for representation. Also received was a facsimile from Shirley Bement about the Legal Services Contract. The Town of Manchester Board would like to proceed and sign the agreement. It would be understood that the Town would pay the bills then divide the charges three ways and expect 1/3 payment from Village/School to the Town.

A motion was made by Trustee Miles, seconded by Trustee Folts, that the Village accept Mr. Edward Fox as counsel and pay 1/3 of the cost of charges for representation. Voted on and carried by unanimous decision.

(attachments)

NYS DEPT OF HEALTH – PUBLIC WATER SUPPLY

On September 2, 2003, Mr. Jeffrey Liberati, our water system operator (and Dept. of Public Works Supervisor) notified the Dept. of Health that only one of the two required monthly coliform monitoring samples was taken from our water system in August. Failure to perform the required minimum bacteriological monitoring is a violation of the State Sanitary Code.

As a result of this violation, the Village of Manchester is required to make a Tier 3 public notification. It was recommended by the Dept. of Health to distribute the notification in the mail with the water bills or include it in the Annual Water Quality Report.

Mr. Liberati stated that after talking with the Dept. of Health, the next Annual Water Report is not until next year and the notice should be sent with the water bills November 1, 2003. We have to send a copy of our notice, along with the date and proof of its distribution to the Dept. of Health. The violation will not be closed out of their records until such proof is received.

The notice will be distributed with the water bills on November 01, 2003.

ZONING BOARD OF APPEALS – REQUEST

The Zoning Board of Appeals would like to purchase digital photography supplies to allow ZBA member Anthony Muscolino to bring property photographs to aid them in their rulings at meetings. The supplies needed would be a black ink cartridge, a color cartridge, and a ream of photographic paper.

After a brief discussion, the board stated to have Mr. Muscolino present a quote for reimbursement for individual photographs. The Deputy Clerk will notify the ZBA.

TREES – COLDWATER POND NURSERY

Coldwater Pond Nursery offered a written presentation and quote on the installation of street trees for the village.

Following a discussion, it was decided to have Coldwater Pond Nursery contract our fall tree planting. Trustee Miles will oversee this project. He also requested that Coldwater Pond Nursery present another quote for our planting of flowers.

The board directed the Deputy Clerk to send a letter to James Rose Outdoor Services to have on record that the Blue Spruce and the arborvitae appear to have dead branches. These trees have a guarantee.

A motion was made and carried unanimously to transfer the following:

\$6,000.00	From A1990.4 To A3410.2
\$3,400.00	From A1990.4 To A8560.4

The meeting was adjourned on motion at 9:00 PM.

Respectfully submitted,

Rita J. Gurewitch
Deputy Clerk/Treasurer