

MANCHESTER TOWN BOARD - REGULAR MEETING (CONT.)

March 12, 2024

PAID TO NYS AG & MARKETS	\$	81.00
PAID TO STATE COMPTROLLER	\$	0
PAID TO SUPERVISOR (TOWN)	\$	63,037.81

Supervisor Phillips received and reviewed the following correspondence with the Board at this time (See minute book attachment for all correspondence):

- a. Supervisor Monthly Report
- b. Town Clerk Monthly Report
- c. Manchester Fire Department, monthly report
- d. Charter Communications, Franchise payment
- e. Finger Lakes Power Systems, diminished photo-voltaic production
- f. Ag & Markets, municipal shelter report
- g. Allied CPA, Town Clerk and Tax Collector audit report
- h. Mercy Flight, thank you letter
- i. Charter Communications, change in channel lineup
- j. Charter Communications, change in channel lineup
- k. NYSEG, tree trimming notification
- l. Sample resolution for energy benchmarking
- m. Williamson Lawbook, quick pay software quote
- n. Highway Superintendent, equipment replacement plan
- o. Copy of Encroachment Agreement and additional maps
- p. Claudia Tenny, Community Funding Process FY2025
- q. Champion Asphalt/Suit Kote paving and striping for parking lot quote
- r. Manchester Fire Department monthly report
- s. Interfund transfer \$2,884.26 from A688 to SW5-8340.4

~ Valerie Clapp to address the board – This statement was transcribed from a recording of the Town Board meeting.

Thank you for your time, my name is Valerie Platt. I live on West Main Street, Shortsville Village for just about 12 years. Recently owned, operated, and closed the business (Molly Moochers) and address the board tonight as I've been made aware of some deficiencies in the space.

I lease a space on Main Street Shortsville. The leased space is or was for the purpose of operating a restaurant. The restaurant space has since closed its doors as required by the County Health Department due to frozen pipes and later deemed unfit for human occupancy by code enforcement due to inadequate inside temperatures. Code enforcement Officer Steve DeHond was contacted and discovered the standard. When we discovered the standards up in New York State, he came that day and while he was present, several other glaring items were highlighted with corresponding code numbers, and the letter was issued to the owners of the property later that week. The letter cites the following and I'll just read the bullet points from the letter that was issued to the Landlord.

West side exterior wall shows signs of deterioration at the roofline, repair as weather permits. Repairing broken windows to keep weather and birds out. Numerous bricks are loose on the entire building, repair when the weather permits. Basement door needs to be repaired and prevent water from entering the basement. Exterior wood surfaces shall be protected from the elements. Paint unprotected wood surfaces when the weather permits and there's an open electrical box in the ceiling in the basement that must have a cover installed.

At this point I'm calling out and questioning the town code enforcement responsibilities, lack of response and shortcomings. I previously attempted to ask several questions of the code enforcement staff with no answers or incomplete answers. After several attempts, I did schedule a meeting with town supervisor Dave Phillips to seek answers. Supervisor Phillips almost immediately made it clear the zoning questions were not his area of expertise and he was somewhat blindsided by these questions, and I resolved to e-mail directly to code enforcement to ask these questions again as to eliminate emotion and to eliminate any confusion.

After over a week I had no reply, follow up to Supervisor Phillips was made and I was later informed for the Village of Shortsville attorney had advised code enforcement to not answer any of my questions. A follow up was sent to the Shortsville mayor, Mr. Mink, who was to be meeting code enforcement that week to discuss these issues and my questions because his eventual reply was the same and with no explanation. And I'll just read 3 sample questions from a list of about 17 or 18 questions that I had said to Steve DeHond in that e-mail one being "What is the expected timeline by which Thunderbolt properties have to repair/remedy the deficiencies listed in the letter dated February 1st, 2024." Second question "Are areas of public safety to be required to be blocked off?" Question 3 "In regard to inspection dated 12/15/2023 was the property owner made aware of a CO hazard at the hot water tank. What timeline was established to Correct. And should tenants be notified." I'll state that I still don't think that has been remedied. In my opinion, it's clearly obvious that to avoid answering one or any of these

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information the Town of Manchester is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Manchester desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Manchester; and

WHEREAS, the Town of Manchester desires to establish procedure or guideline for Town of Manchester staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Manchester that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Town hall and Highway building.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the

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benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

March 12, 2024

I, Devon Hayes, Town Clerk of the Town of Manchester do hereby certify that the Town Board of the Town of Manchester adopted the aforementioned resolution on March 12, 2024, by the following vote:

David Phillips, Supervisor	__Aye__
Kevin Blazey, Board member	__Aye__
Scott DeCook, Board member	__Aye__
Jaylene Folkins, Board member	__Aye__
Matt Shannon, Board member	__Aye__

This resolution was adopted.

Dated: March 12, 2024

Devon Hayes, Town Clerk
Town of Manchester

- **RESOLUTION #45 TO APPROVE THE ORDER FOR REPLACEMENT TRUCK TO BE PURCHASED IN 2026 WITH COST NOT EXCEEDING \$320,000.00**
On motion of Councilman DeCook, seconded by Councilman Shannon, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve the order for replacement highway truck in the year 2026 not exceeding \$320,000.00

~ Brief Discussion – Purchasing Williamson lawbook software for credit card water payments. This program would have a credit card reader specifically for water payments by credit card and automatically update the water billing system with any payment information.

- **RESOLUTION #46 TO APPROVE USING WILLIAMSON LAW QUICK PAY FOR WATER BILLING**
On motion of Councilwoman Folkins, seconded by Councilman DeCook, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to purchase Quick Pay through Williamson Lawbook

- **RESOLUTION #47 TO APPROVE APRIL 9TH, 2024 AT 6:00 PM FOR A PUBLIC HEARING TO BE HELD TO UPDATE THE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH WILLO-CREST FARM**
On motion of Councilman Blazey, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to hold a public hearing on April 9th, 2024, at 6:00pm regarding an update to the right of way encroachment agreement.

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Resolution #48-2024

➤ RESOLUTION #48 ACCEPTING RECORDS AND DOCKETS AUDIT FOR THE TOWN JUSTICE OFFICE PERFORMED BY ALLIED FINANCIAL PARTNERS FOR THE FISCAL YEAR ENDING IN 2023

On motion of Councilman Blazey, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to accept the Town Justice office audit findings performed by Allied Financial Partners

I, Devon Hayes, Town Clerk of the Town of Manchester do hereby certify that the Town Board of the Town of Manchester adopted the aforementioned resolution on March 12, 2024, by the following vote:

	Aye	Nay
David Phillips	<u> X </u>	—
Kevin Blazey	<u> X </u>	—
Jaylene Folkins	<u> X </u>	—
Scott DeCook	<u> X </u>	—
Matt Shannon	<u> X </u>	—

Dated: March 18, 2024

Devon Hayes, Town Clerk
Town of Manchester

➤ RESOLUTION #49 TO APPROVE THE QUOTE FROM SUIT-KOTE (CAPE SEAL) FOR THE COST OF REPAVING THE TOWN PARKING LOT AND THE QUOTE FROM CHAMPION ASPHALT MAINTENANCE FOR PARKING LOT RESTRIPING

On motion of Councilman DeCook, seconded by Councilman Blazey, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, accept the bids to repave and stripe the Town parking lot

Department Reports:

- a. HIGHWAY SUPERINTENDENT, Jason Lannon reported the following:
 - Clean up from recent windstorms are being done
 - Researching the cost of a mini excavator to possibly have it added to the equipment replacement plan
 - New employee Scott O'Brien is doing well
 - The salt requirement has been met
 - Last year's CHIPS \$312,981.00 – anticipating that next year's budget will be 20% less

- b. CODE ENFORCEMENT OFFICER, Supervisor Phillips on behalf of Steve DeHond, reported the following:
 - 9 Permits – in the Town of Manchester
 - Collected \$55,724.60 in fees
 - Construction Costs are \$7,683,591.00
 - Completed 10 existing building and fire inspections between the three Villages and Town

- c. ASSESSOR, Jennifer Fagner, reported the following:
 - Continuing to work on the paperwork for the Reval. Will be sending out notices soon
 - The office is steady with walk-ins and phone calls

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BOARD MEMBER ITEMS:

- **Councilwoman Folkins**
 - 1.) **Question: Are there any projects in mind regarding the Claudia Tenny grant letter?**
Supervisor Phillips stated no
- **Councilman DeCook**
 - 1.) **Question: Should he reach out the Fire Departments to find out which hydrants should have a Quick Connect?**
Supervisor Phillips said yes. It would benefit all.
- **Councilman Shannon:**
 - 1.)
- **Councilman Blazey:**
 - 1.)
- **Supervisor Phillips:**
 - 1.) **The Town’s insurance is due to expire next week. The insurance is having trouble with their software, and they don’t have a new quote for us. Normally the cost would be up for adoption at tonight’s meeting. The quote will be actioned in next month’s meeting.**
 - 2.) **Port Gibson cemetery is currently looking for lawn service. The Town does budget money for the cemeteries. The budget will be checked to see how the Town is able to help.**
 - 3.) **The Town Court office currently has 12 hours of unused court clerk hours, and they would like 24 hours available for a part time position. Supervisor Phillips asked for a Town Board member to join him to analyzing case load. Jaylene Folkins volunteered to meet and review the request.**

➤ **RESOLUTION #51 – MOTION TO APPROVE VOUCHERS**

On motion of Councilwoman Folkins seconded by Councilman DeCook, the following resolution was unanimously **ADOPTED**:

VOTE:	AYES - 5	NAYS - 0
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RESOLVED, to approve February vouchers.

ADJOURNMENT: There was no other business before the Board at this time; Councilman Shannon moved to adjourn the meeting, 7:08 p.m., seconded by Councilman DeCook, unanimously approved.

Respectfully Submitted,

Devon R Hayes, Town Clerk

****Next Meeting(s):**

- *Regular meeting: April 9, 2024 -6:00 P.M.*
- *Regular meeting: May 14, 2024 - 6:00 P.M.*
- *Regular meeting: June 11, 2024 - 6:00 P.M.*
- *Regular meeting: July 9, 2024 - 6:00 P.M.*
- *Regular meeting: August 13, 2024 -6:00 P.M.*
- *Regular meeting: September 10, 2024 - 6:00 P.M.*
- *Regular meeting: October 8, 2024 - 6:00 P.M.*
- *Regular meeting: November 12, 2024 -6:00 P.M.*
- *Regular meeting: December 10, 2024 - 6:00 P.M.*