MANCHESTER TOWN BOARD - REGULAR MEETING - March 12, 2019 - 6 P.M. & PUBLIC HEARING RE: TAX CAPOVERRIDE, 2020 BUDGET - 6 P.M.

The Regular Monthly Meeting of the Manchester Town Board was held tonight, March 12, 2019, 6:00 p.m. at the Manchester Town Hall with the following members present:

Jeffery Gallahan	Supervisor
David Phillips	Councilman
Donald Miller, Jr.	Councilman
Kevin Blazey	Councilman
Jaylene Folkins	Councilwoman

OTHERS PRESENT: Jill Havens, Town Clerk; Steve DeHond, Code Enforcement Officer; Jason Lannon, Highway Superintendent; Willie Murphy, Deputy Highway Superintendent; Kirby Waite, Bob LaRose and Matt Schaertl, Town Residents; and Russ Kenyon, Attorney for Kirby's Kompound.

CALL TO ORDER: Supervisor Gallahan called the March 12, 2019 Regular Board meeting to order at this time, 6:00 p.m.

RESOLUTION #35 - APPROVAL OF MINUTES, REGULAR MEETING February 12th, 2019 AS SUBMITTED.

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

VOTE: AYES-5 NAYS-0

RESOLVED, to approve the minutes from the Regular Meeting held on February 12 2019, as submitted.

RESOLUTION #36 – APPROVAL OF SUPERVISOR'S MONTHLY FINANCIAL STATEMENT On motion of Councilman Miller, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:

VOTE: AYES-5 NAYS-0

RESOLVED, to approve the Supervisor's Monthly Report as submitted. See minute book attachment for report.

RESOLUTION #37–APPROVAL OF TOWN CLERK'S MONTHLY REPORT On motion of Councilwoman Folkins, seconded by Councilman Blazey, the following resolution was unanimously ADOPTED: VOTE: AYES-5 NAYS-0

RESOLVED, to accept the Town Clerk's report as follows:

 Dog Licenses (106 N & R; 1-PB; 1-Exempt; 1-Tag) State Surcharge Fees Late Fees (Dog Licenses Transfer Station Zoning Fees DEC Licenses Certified Copy (3-M) Bingo Fees Photocopies Fax Fees (1) 	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$	$\begin{array}{c} 1,808.00\\ 163.00\\ 310.00\\ 2214.04\\ 565.00\\ 30.00\\ 30.00\\ 3.75\\ .25\\ 1.00\\ \end{array}$
TOTAL COLLECTED PAID TO NYSDEC PAID TO STATE PAID TO SUPERVISOR (TOWN) PAID TO NYS COMPTROLLER PAID TO NYS RACING & WAGERING	\$ \$ \$ \$ \$ \$ \$ \$ \$	5,125.04 28.34 163.00 4,933.70 0.00 0.00

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

- a. 3/4 Town Clerk monthly report
- b. 3/5 Supervisors monthly report
- c. 2/28 Maria Rudzinski, OCPD, Grant info
- d. Bank Collateralization Report
- e. 2/15 NYMIR, Discrimination & Harassment training
- f. 2/15 Jeff Bartkowski, Mercy Flight Central, thank you letter
- g. 2/2019, Erie Canalway, annual report

h. 2/27 - Edward Kenyon, Kenyon & Kenyon, Kirby,s Kompound/Mud Runs application request

RESOLUTION #38 - APPROVAL OF WAIVING THE BOND REQUIREMENT IN THE APPLICATION FOR KIRBY'S KOMPOUND ALLOWING TO HOLD MUD RUNS IN 2019 On motion of Councilman Phillips, seconded by Councilwoman Blazey, the following resolution was unanimously ADOPTED:

VOTE: AYES-5 NAYS-0

WHEREAS, the application for Kirby's Kompound to hold three mud runs in 2019 has been submitted, reviewed and found to be acceptable with a few contingencies; therefore, be it

RESOLVED, to approve of waiving the bond requirement for Chris Waite (Kirby's Kompound), due to the expense of obtaining this; and due to the compliance Mr. Waite has demonstrated in the past and will commit to continuing with

FURTHER RESOLVED, to approve of Chris Waite (Kirby's Kompound) application to hold the three mud runs in 2019, (May 4th, June 22nd, & August 24th) and this approval is contingent upon Mr. Kenyon submitting the requested paperwork to Steve DeHond, CEO, prior to holding the runs.

RESOLUTION #39 – RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF MANCHESTER OF LOCAL LAW NO. 1 OF 2019

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

VOTE: AYES-5 NAYS-0

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Manchester for a public hearing to be held by said Town Board on February 12, 2019, at 6:00 p.m. at Manchester Town Hall, 1272 County Road 7, Town of Manchester, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Manchester, on February 5, 2019 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on February 12, 2018, at 6:00 p.m. at the Manchester Town Hall, 1272 County Road 7, Town of Manchester, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Manchester, after due deliberation, finds it in the best interest of the Town of Manchester to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Manchester hereby adopts said Local Law No. <u>1</u> of 2019, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Manchester, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Jill A. Havens, Town Clerk of the Town of Manchester do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Manchester on March 12, 2019 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Jeffery L. Gallahan, Supervisor David Phillips , Councilman Donald E. Miller, Jr., Councilman Kevin Blazey, Councilman Jaylene Folkins, Councilwoman	X X X X X	

Dated: March 12, 2019

SEAL

Jill A. Havens, Town Clerk

RESOLUTION #39 – RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF MANCHESTER OF LOCAL LAW NO. 1 OF 2019 (CONT.)

RESOLUTION - SPECIAL DISTRICTS

WHEREAS, the Town Board of the Town of Manchester is the governing body of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof; and

WHEREAS, it is the intent of this resolution to override the limit on the amount of real property taxes that may be levied by the Town of Manchester, on behalf of the aforesaid special districts and/or fire protection districts, pursuant to General Municipal Law §3-c, and to allow the Town of Manchester, on behalf of the aforesaid special districts and/or fire protection districts, to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c; and

WHEREAS, this resolution is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

NOW, **THEREFORE**, **BE IT RESOLVED**, that the Town Board of the Town of Manchester, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2020 on behalf of the special districts and/or fire protection districts set forth in the Schedule attached hereto and made a part hereof that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Special Districts:	FD361-Manchester-Clifton Fire Protection
	FD362-Manchester Fire Protection
	FD363-Manchester-Shortsville Fire Protection
	FD364-Manchester-Port Gibson Fire Protection
	FD365- Manchester-Palmyra Fire Protection
	WD369-Central Water Ext #3
	WT361-Central Water Ext #4
	WD363-Rt 96 Water District (Units)
	WD365-Central Manchester Water District (Units)
	WD367-Central Manchester Water District Ext #2 (Units)

I, Jill A. Havens, Town Clerk of the Town of Manchester do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Manchester on March 12, 2019, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Jeffery L. Gallahan, Supervisor David Phillips, Councilman Donald E. Miller, Jr., Councilman Kevin Blazey, Councilman Jaylene Folkins, Councilwoman	_X_ _X_ _X_ _X_ _X_	

RESOLUTION #39 – RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF MANCHESTER OF LOCAL LAW NO. 1 OF 2019 (CONT.)

Town of Manchester -- Local Law No. <u>1</u> of the year 2019

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board Town of Manchester as follows:

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Manchester, County of Ontario pursuant to General Municipal Law §3-c, and to allow the Town of Manchester to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2019 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 the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Manchester, County of Ontario, is hereby authorized to adopt a budget for the fiscal year 2020 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this

local law or in its application to the person, individual, firm 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 filing with the Secretary of State.

RESOLUTION #40 – REAPPOINTMENT OF ZONING BOARD OF APPEALS MEMBER, KENNETH BLAZEY

On motion of Councilman Phillips, seconded by Councilman Miller, the following resolution was unanimously ADOPTED:

VOTE: AYES-5 NAYS-0

WHEREAS, the term for Zoning Board of Appeals Member Kenneth Blazey has expressed his interest to continue serving on the Zoning Board of Appeals; therefore, it is

RESOLVED, to approve of the reappointment of Kenneth Blazey to the Zoning Board of Appeals for another 5 year term, to expire 12/31/2023

RESOLUTION #41 - APPROVAL TO ACCEPT THE RESIGNATION ZONING BOARD OF APPEALS MEMBER, THOMAS MORRISON

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

VOTE: AYES-5 NAYS-0

RESOLVED, to accept the resignation of Zoning Board Member, Thomas Morrison, as of 02/13/2019.

DISCUSSION: Regarding the tentative PUD for Leonard's Express Schedule/Timeline was held at this time. Councilwoman Folkins stressed the importance of taking everything into account and consideration for this extremely large project since this sets the Town up for the future of this development.

Department Reports:

a. HIGHWAY SUPERINTENDENT, Jason Lannon reported the following:

- Been a tough winter regarding salt, fuel and overtime. The equipment has done well; Have also had two (2) large water breaks this year.
- New utility truck is due in May or June; old truck #4 is at auction with a current bid of \$4700.00, auction ends March 20, 2019.
- Entire Highway Department is attending Certified Excavator Training all day in Victor on Wednesday, March 13, 2019.
- Mike Carter & Cameron Seymour both did confined space training at the County.
- Water service is being connected to the new house on Wilber Road
- Looking for a "road map" to advance the current MEO light highway employees to a full MEO (Motor Equipment Operator).
 - Supervisor Gallahan suggested that a sit down be done with Board Members, Human Resources/Janis, and Jason to put that all in writing and have it clearly stated for the future.
- NYMIR Training Is anything missing?
 - Supervisor Gallahan informed that Safety Officer Mike Carter is putting together a spreadsheet and working with NYMIR's Representative, Jackie Schaefer to get that information updated.
- Any Updates regarding the Water Street Bridge?
 - Supervisor Gallahan has not gotten any new information at this time but is continuing to submit information to Assemblyman Brian Kolb.

b. CODE ENFORCEMENT OFFICER, Steve DeHond, reported the following:

- There were five (5) building permits issued in the Town of Manchester in February.
- Fees Collected -- \$170.00.
- Estimated Construction costs -- \$17,100.00
- Steve and Marty performed 26 fire inspections in the Town and the 3 Villages in February.
- Steve and Marty are both away Monday-Wednesday this week for their annual training,
- will return to the office on Thursday.
- New Zoning truck will be here March 26, 2019.
- Have received more notices on large solar project (solar farm) plans for approximately 150 acres on County Road 13; No official application has been filed at this time.
- Next Tuesday, March 19, 2019 at 7pm is the Planning Board meeting which Leonard's Express will be coming to again to discuss their plans for the old sauerkraut factory. All Town Board Members are encouraged to attend.

OTHER ITEMS: The Town Board has a policy of allowing any resident to would like to address the board to submit their request in writing to the Town Clerk by end of the day on the Thursday <u>BEFORE</u> the scheduled Town Board Meeting, to allow for the request to be added to the Meeting Agenda.

- No Requests were received.
 - Town Resident, Matt Schaertl, was allowed special privilege to address the Town Board.
 - Wondering if the Chamber of Commerce would be granted ownership of the rail yard property for the purpose of applying for the Preserve NY Grant.
 - Has been a strong smell of Chlorine coming from the outlet on Water Street around 4:30pm everyday for the last week.
 - -- Water Superintendent, Willie Murphy, suggests that it may be coming from Newark water, they dump into the outlet when they have an excess.
 - Any regarding the sidewalks for Shortsville Road?
 - Supervisor Gallahan informs that they have gotten the three required quotes, waiting on a mailing list for several months from the Town Clerk's Office in order to send out notices to Shortsville Road residents regarding a potential sidewalk district.
 Town Clerk's Office will look for the questionnaires that were previously sent out to residents in the potential sidewalk district, if unable to find will construct a mailing list off of the Ontario County ONCOR website/maps and send a letter.

NO TRANSFERS

NO ADDENDUM ITEMS

BOARD MEMBER ITEMS:

- **Councilman Miller:** Informed the Town Board of his decision to <u>not</u> seek re-election this fall for the Councilman position on the Town Board.
- **Councilwoman Folkins:** Requesting to work with Steve DeHond to set up a meeting this month (March) with the Town of Manchester Planning and Zoning Board Members to work on the RFQ.
- **Councilman Phillips:** Judge Denosky's financial audit is going well, need to discuss a few things with Judge Denosky before signing off on the audit; should be able to be completed at the April 9, 2019 meeting.
- Supervisor Gallahan:
 - The Preserve NY Grant has been pulled from the Agenda due to our status as the temporary incidence of ownership through Ontario County at the rail yard and the Preservation League will not honor that as the owner of a property, therefore we are unable to apply for a grant because there is no official owner of the property.

RESOLUTION #42 - AUDIT OF CLAIMS APPROVAL

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

VOTE: AYES-5 NAYS-0

RESOLVED, to approve to pay the 2019 bills as follows:

- **GENERAL FUND**, in the amount of \$33,704.86 as set forth on the Abstract #003 dated 03/12/2019;
- **ZONING FUND**, in the amount of \$400.37 as set forth on the Abstract #003 dated 03/12/2019;
- **REFUSE & GARBAGE FUND,** in the amount of \$251.49 as set forth on the Abstract #003 dated 03/12/2019;
- **HIGHWAY FUND,** in the amount of \$141,215.83 as set forth on the Abstract #003 dated 03/12/2019;
- WATER FUND, in the amount of \$11,630.29 as set forth on the Abstract #003 dated 03/12/2019;
- **TRUST & AGENCY FUND**, in the amount of \$7,817.41 as set forth on the Abstract #003 dated 03/12/2019;

RESOLUTION #43 - APPROVAL ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING EMPLOYMENT ISSUES

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

VOTE: AYES-5 NAYS-0

RESOLVED, to enter into executive session for the purpose of discussing employment issues, 6:55 p.m., in attendance were: Town Board Members and Town Clerk.

RESOLUTION #44 - APPROVAL TO GO OUT OF EXECUTIVE SESSION AND CONTINUE WITH THE REGULAR MEETING

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

VOTE: AYES-5 NAYS-0

RESOLVED, to go out of executive session at this time, 7:30 p.m., and resume the regular meeting.

RESOLUTION #45-APPROVAL OF APPOINTING JENNIFER FAGNER TO THE POSITION OF TEMPORARY APPOINTED ASSESSOR, PART-TIME

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

VOTE: AYES-5 NAYS-0

WHEREAS, there is currently a vacancy for the position of Sole Assessor, and applications have been received, reviewed and the candidates are being scheduled for their interviews;

RESOLVED, to approve of appointing Jennifer Fagner, 893 County Road 7, Clifton Springs, NY to the part-time position of "Temporary Appointed Assessor" to begin as of 03/12/2019, effective until a permanent full-time Assessor is appointed by the Town Board.

BRIEF DISCUSSION:

- 1. RE: Implementation of a watering station for the community here at the Town Buildings to help off-set the need but wastefulness of flushing hydrants every couple weeks.
- 2. RE: Resident, Don Rodman of Lovers Lane and his water concerns with the Dolomite Mine. Supervisor Gallahan got him in contact with the DEC and water sampling/testing has preliminarily showed that his deteriorating water quality is not due to the mine across the street. DEC is still working with Mr. Rodman to get a final answer/report regarding his water issues.

--ADJOURNMENT: There was no other business before the Board at this time. Supervisor Gallahan moved to adjourn the meeting, 7:36 p.m., seconded by Councilman Blazey, unanimously APPROVED.

Respectfully Submitted,

Jill A. Havens, Town Clerk

**Next Meeting: Regular meeting: April 9, 2019 - 6:00 P.M.