

MANCHESTER TOWN BOARD - REGULAR MEETING December 8th, 2020 - 6 P.M.

The 2020 Town Board Meeting was held at the Manchester Town Hall on Tuesday, December 8th, 2020 at 6:00 P.M., with the following members present:

Jeffery Gallahan	Supervisor
David Phillips	Deputy Supervisor/Councilman
Kevin Blazey	Councilman
Isaac VanBortel	Councilman
Jaylene Folkins	Councilwoman

OTHERS PRESENT: Jill A Havens, Town Clerk; Steve DeHond, Code Enforcement Officer; Jason Lannon, Highway Superintendent; Jennifer Fagner, Assessor; William Murphy, Deputy Highway Superintendent/ Assistant Water Superintendent, Kevin Lyke, Assistant Water Superintendent and Janis Catalano, Bookkeeper **TOWN RESIDENTS:** Julie Metzger and Matt Schaertl

CALL TO ORDER: Supervisor Gallahan called the December 8th, 2020 Regular Board meeting to order at this time, 6:04 p.m.

➤ **RESOLUTION #100 - APPROVAL OF MINUTES, REGULAR MEETING, November 10th, 2020, 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, November 10th, 2020, as submitted.

➤ **RESOLUTION #101 - APPROVAL OF SUPERVISOR'S MONTHLY FINANCIAL STATEMENT**

On motion of Councilman Blazey, seconded by Councilman Phillips, 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 #102 - APPROVAL OF TOWN CLERK'S MONTHLY REPORT**

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

VOTE: AYES - 5 NAYS - 0

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

-- Dog Licenses (68 N & R; 0-PB; 0-Exempt; 0-Tag)	\$	1,069.00
-- State Surcharge Fees	\$	82.00
-- Late Fees (Dog Licenses)	\$	30.00
-- Transfer Station	\$	3,525.68
-- Zoning Fees	\$	1,734.00
-- DEC Licenses	\$	0.00
-- Certified Copy (6-M, 3-D)	\$	90.00
-- Bingo Fees	\$	0.00
-- Marriage License (1)	\$	40.00
-- Photocopies	\$	0.00
-- Bingo License (0)	\$	0.00
-- Game of Chance License (0)	\$	0.00
TOTAL COLLECTED	\$	6,570.68
PAID TO NYSDEC	\$	0.00
PAID TO STATE	\$	82.00
PAID TO SUPERVISOR (TOWN)	\$	6,466.18
PAID TO NYS DEPT. OF HEALTH	\$	22.50
PAID TO NYS RACING & WAGERING	\$	0.00
PAID TO NYS COMPTROLLER	\$	0.00

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At this time, Supervisor Gallahan invited Town Resident, Matt Schaertl to address the board regarding a Trout Pond on Water Street in Shortsville, NY.

Matt Schaertl, Town Resident: Last month, George Payne and I decided on a price per acre of the property and because we don't know the exact acreage because of the odd shape of it, we settled on a distance on Water Street of 144 feet and the idea is, we will excavate out the pond back to the original location and then we will have Mark's Engineering come in and do a finished survey, as built, so that the pond shows on the survey. Then whatever that mathematical equation is will be the actual size of the parcel for boundaries, etc. On the eastern portion, there is no dimensions there just appears to be the creek and the creek shoreline but its actually a ridge that is in there. Some of the pond is actually on the American Legion property and they have already given permission for us to do what we need to do on that area; however, they will maintain that portion of their lot. With all that being said, I have already contacted Curran Excavating to have them excavate the lot and am waiting for an estimate from them for that work. That cost, I will personally incur. I have already turned over the parcel to the Village in writing, but no other documents have been done up at this time other than the commitment to the Village that it is all theirs if they want it. Currently that parcel is zoned as a C-1 parcel and I am asking the Town of Manchester to grant the extension of the Village limits to incorporate this new parcel into the adjacent park, so that it can be made available for public recreational use. This will eliminate any zoning hurdles which will impede the enhancement of this property. I am also hoping that the Town of Manchester will uphold their commitment to help haul out the area that needs to be excavated with their 10 wheelers.

Supervisor Gallahan: Do you know when the deed transfer will take place?

Matt Schaertl: I have no idea. There are commitments in writing, but like the survey itself won't be completed until the work is finished. I would think a survey would be required for the parcel number and things like that.

Councilman Blazey: When you say donate it, does that mean you will still own the property but are allowing the Village to use it?

Matt Schaertl: No, I have already given it to the Village of Shortsville. I owned it for 4 days. It will belong to the Village of Shortsville.

Councilman Phillips: In order to annex that, it looks like we have to hold a public hearing, is that correct Steve?

Steve DeHond, Code Enforcement Officer: Yes, that is what the Town Attorney says we will have to do.

Matt Schaertl: Also, the Village Mayor, Fred Mink, said last summer, verbally that if we can annex this into the Village property that he will pick up the cost of putting in the sidewalk in that area and connecting up to the school.

Supervisor Gallahan: Legally, before anything can be done, we need to receive a petition from the Village of Shortsville stating that they wish to have this parcel annexed into the Village limits. Then we would have to have public hearing with the Village of Shortsville which we could do next month, in January at our regular board meeting on January 12th, 2021. After that, Jason and the Town Highway Crew can help you, weather permitting with hauling out the debris and sludge from that area as you have requested and we have priorly agreed to; however, these guys have to keep the roads clear, that is their priority this time of year.

Jason Lannon, Highway Superintendent: The fill that comes out of there, we will have to find a location, not on private property, to let this dry out, I am assuming its very wet. We won't want it near the Transfer Station until it is dry.

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

- a. 12/1, Town Clerk Monthly Report
- b. 12/1, Supervisor's Financial Report
- c. 11/30, Judge Denosky, audit letter
- d. 11/18, Kristin Williams, RG&E, Leonard's Streetlight
- e. 11/18, Windstream Enterprise, Cyber Security Breach
- f. 11/1, MFD, Monthly Report
- g. 11/7, Charter Communications, Lauren Kelly, channel lineup change
- h. 11/13, Charter Communications, Lauren Kelly, channel lineup
- i. 11/6, MRB Group, Lance Brabant, SEQUR State Street, Tamarack Farms
- j. 11/11, Mike Mantell, decommissioning plan update

➤ **RESOLUTION #103 – APPROVAL OF 2021 DOG CONTROL SERVICES CONTRACT BETWEEN THE COUNTY AND THE TOWN**

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

VOTE:

AYES-5

NAYS-0

WHEREAS the dog control services contract for the 2021 year has been submitted and reviewed, therefore, it is

RESOLVED, to approve the 2021 Dog Control Services Contract Agreement between the

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County and the Town of Manchester as submitted, at a cost of \$21,866.00: and be it **FURTHER RESOLVED**, to authorize Supervisor Gallahan to sign the said "Contract Agreement" on behalf of the Town of Manchester.

➤ **RESOLUTION #104 – APPROVAL TO REQUEST FINANCIAL RECORDS FOR THE 2020 YEAR BE AVAILABLE TO AUDIT FOR THE TOWN CLERK, TOWN JUSTICE AND CODE ENFORCEMENT OFFICES**

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

VOTE: AYES-5 NAYS-0

RESOLVED, to approve the request of availability of financial records for audit for the 2020 year at the January 12th, 2021 Town Board Meeting for the Town Clerk, Town Justice and Code Enforcement Offices.

Brief Discussion was held regarding the SunEast Manchester Solar, LLC Project at 3169 County Road 13 and the submitted Decommissioning Plan received from Mike Mantell with a bond amount of \$30,100 per Megawatt, for a total of \$602,000. At this time, the Manchester Town Board is not accepting this proposed Decommissioning Plan from SunEast and further negotiations will need to take place to come to an amicable agreement between the two parties.

➤ **RESOLUTION #104 – APPROVAL TO ACCEPT LETTER OF RESIGNATION, JEFFERY GALLAHAN, TOWN SUPERVISOR, WITH REGRET**

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

VOTE: AYES-5 NAYS-0

RESOLVED, to accept the letter of resignation, with regret, as submitted from Town Supervisor, Jeffery Gallahan to be effective as of the end of December 2020.

and be it

FURTHER RESOLVED, that Deputy Supervisor Phillips: thanked Jeff for the many years of service and dedication to the Residents of the Town of Manchester, and for his assistance and good work done over the years for himself and the Board. Thank you, and best of luck and well wishes for your future. Good Luck in Albany, Jeff! You will be missed.

Supervisor, Jeff Gallahan: Thank you, it has been an honor and a privilege to represent the people and residents of the Town of Manchester and all of Ontario County while being on the Board of Supervisors. I have learned a great deal in my 15 years on the Town Board, especially 11 of those years being Town Supervisor. I can't say enough for the employees here at the Town and what I have learned from each and every one of you here today, as well as previous employees, it has been invaluable for me. I look forward to going to Albany and representing all of Ontario County and Northern Seneca County and hopefully bringing some sanctity and sanity to Albany with all of the newly elected representatives. I just want to thank you all for everything you have done for me, Thank You.

➤ **RESOLUTION #105 - RESOLUTION OF APPRECIATION TO JEFFERY L. GALLAHAN FOR OUTSTANDING SERVICE AND DEDICATION TO THE TOWN OF MANCHESTER**

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

WHEREAS Jeffery L. Gallahan has served the Town of Manchester as Town Councilman for 4 years and Town Supervisor for 11 years; and

WHEREAS his resignation follows 15 years of faithful and dedicated service to the Town of Manchester and its citizens; and

WHEREAS Jeffery L. Gallahan has exemplified fiscal responsibility and professionalism that has endeared him to those who have had the privilege of working with him; be it

RESOLVED, that this Town Board, on behalf of its members both past and present, and the Town Employees recognize and appreciate the service and dedication of Jeffery L. Gallahan as Town Councilman and Town Supervisor

Jeffery L. Gallahan – Abstained
Councilman David Phillips
Councilwoman Jaylene Folkins
Councilman Isaac VanBortel
Councilman Kevin Blazey

THANK YOU & BEST OF LUCK IN ALBANY, JEFF!!!!!!

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➤ **RESOLUTION #106 – SETTING DATE AND TIME FOR 2021 ORGANIZATIONAL MEETING**

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

VOTE:

AYES-5

NAYS-0

RESOLVED, to approve of setting the following date and time for the 2021 Organizational Meeting: Monday, January 4th, 2021 at 4:30 p.m. at the Manchester Town Hall, 1272 Co. Rd. 7, Clifton Springs, N.Y.

Department Reports:

a. **HIGHWAY SUPERINTENDENT, Jason Lannon reported the following:**

- Parts room has been cleaned out to use as a 2nd breakroom in following with COVID guidelines.
- CHIPS payment expected on 12/21/2020.
- Kevin Lyke, Jr. from the Village of Clifton Springs has been hired, part-time, as needed to help plow snow in the event of a COVID outbreak.
- Would like to go into executive session to discuss employee matters.

b. **WATER SUPERINTENDENT, KEVIN LYKE reported:**

- Water Tap – Last tap completed for the year of Faas Road.
- Town of Manchester got the green light and will be proceeding with the new water meters
- Blackbrook Farms – got their well back
- Quarterly Water Readings – went well, equipment is working great

c. **CODE ENFORCEMENT OFFICER, Steve DeHond, reported the following:**

- Six (6) building permits in November.
- Collected \$220.00 in fees.
- Estimated Construction Costs \$47,794.00.
- Twenty (20) fire inspections were done last month, which with the exception of a few in the Village of Clifton Springs are now caught up.
- New Zoning Code Update – expecting the draft for review any time now.
- Zoning Board of Appeals Member, Leonard Bolton and Planning Board Member John Boeckmann are both up for reappointment and both have expressed their interest in staying on their respective boards.

d. **ASSESSOR, Jennifer Fagner, reported the following:**

- **We have sent out the renewals for Senior Partial Tax Exemption, Disability and Agriculture**
 - They have been slowly returning to the office
 - I am not requesting anyone to come to the office.
 - A letter was sent with the senior and Disability renewals making them aware of that and to call with any questions.
 - We will be more than happy to help them every step of the way.
- **I have been finishing up the REVAL**
 - The last was commercial properties, which I am almost half done with
 - All error reports have been run and cleaned up
 - The AV letters should be sent out sometime in January with informals to follow
- **Lon has been handling walk-ins, phone calls, transfers, and filing**
- **I wanted to add as on a personal note, thank you to Jeff Gallahan for your strong leadership and support.**
 - You will be greatly missed and Best of luck to you on your new path.

e. **TOWN CLERK, Jill Havens, reported the following:**

- **Tax Collection – will take place this year in the Court Room to allow for adequate social distancing**
 - Hopefully, most payments will occur though the USPS this year, but we have to be prepared if that is not the case.
 - **DECALS – Application has been resubmitted naming me as the Agent on Record, not the current Deputy Clerk**
- **NYS Thruway – Cashless Toll Booths**
 - Application has been submitted, waiting to hear back.

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➤ **RESOLUTION #107 – RE-APPOINTMENT OF LEONARD BOLTON TO THE ZONING BOARD OF APPEALS AND JOHN BOECKMANN TO THE PLANNING BOARD**

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

VOTE: AYES – 5 NAYS – 0

WHEREAS, the terms of Zoning Board of Appeals Member, Leonard Bolton and Planning Board Member, John Boeckmann will expire on 12/31/2020, and Mr. Bolton and Mr. Boeckmann have expressed their interest in being reappointed to serve as members of the Zoning Board and Planning Board for the Town of Manchester; therefore, it is

RESOLVED, to approve the reappointment of Leonard Bolton, 1762 County Road 19, Shortsville, NY 14548, to continue to serve on the Zoning Board of Appeals for another five (5) year term, to expire on 12/31/2026 and John Boeckmann, 4206 Shortsville Road, Shortsville, NY 14548 to continue serving on the Planning Board for another seven (7) year term, to expire on 12/31/2028.

➤ **RESOLUTION #108 – SETTING A PUBLIC HEARING WITH THE VILLAGE OF SHORTSVILLE FOR THE ANNEXATION OF PARCEL FROM THE TOWN OF MANCHESTER TO THE VILLAGE OF SHORTSVILLE FOR PROPOSED TROUT POND**

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

VOTE: AYES-5 NAYS-0

WHEREAS the Village of Shortsville needs to submit a petition of the territory to be annexed, notarized, and presented to the Manchester Town Board and a certified copy thereof is presented to the Shortsville Village Board before being presented to either board, upon receipt of said petition,

RESOLVED, to set the Joint Public Hearing for the annexation of parcel from the Town of Manchester to the Village of Shortsville for proposed Trout Pond use to be held Tuesday, January 12th, 2020 at 6:00 p.m. at the Manchester Town Hall, 1272 Co. Rd. 7, Clifton Springs, NY 14432.

➤ **RESOLUTION #109 – IN SUPPORT OF NYSAA PRESIDENT LLOYD TASCH, IAO TO SUSPEND THE REQUIREMENT FOR SENIORS AND THOSE WITH DISABILITIES TO APPLY FOR A TAX EXEMPTION RENEWAL FOR ONE YEAR**

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

VOTE: AYES – 5 NAYS – 0

WHEREAS NYSAA President Lloyd Tash, IAO has called on Gov. Andrew Cuomo, in the interest of public health, to issue an executive order to suspend the requirement for seniors and those with disabilities to apply for a tax exemption renewal for one year, **WHEREAS** the elderly who benefit most from these exemptions are now placed in a difficult position because of COVID-19. They are the most at-risk demographic because of their age and as a result, many have chosen to stay home and not venture out, regardless of the reason,

RESOLVED, the Town Board of the Town of Manchester supports the proposed Executive Order by NYSAA President Lloyd Tasch and be it

FURTHER RESOLVED, to forward said resolution in support to Senator Pam Helming, Assemblyman Brian Kolb and Governor Andrew Cuomo

➤ **RESOLUTION #110 - APPROVAL OF ONTARIO COUNTY SNOW AND ICE CONTRACT**
On motion of Councilwoman Folkins, seconded by Councilman VanBortel, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

WHEREAS the Agreement for the Snow and Ice Control services between the Town of Manchester and Ontario County was received, reviewed, and found to be acceptable and,

RESOLVED, to approve the "Snow & Ice Agreement" as submitted, which authorize Supervisor Gallahan to sign the said "Agreement" on behalf of the Town of Manchester.

Brief Discussion was held regarding the SEQR for the Village of Manchester – Green Renewables, Inc. – Tamarac Farms, LLC – 155 State Street Project.

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➤ **RESOLUTION #111 – APPROVAL OF TRANSFERS**

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

VOTE:	AYES – 5	NAYS – 0
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RESOLVED, to approve the following Transfers:

GENERAL FUND

From:	Amount:	To:
A1355.4	\$8,000.00	A1620.4
Reason: To cover cost of County Planning bills		
A9060.8	\$2,000.00	A5132.4
Reason: To cover cost of cleaning Town Barn drains		

REFUSE & GARBAGE FUND

From:	Amount:	To:
CR8160.2	\$500.00	CR8160.4
Reason: To cover current months bills		
CR8160.2	\$670.00	CR8160.1
Reason: To cover December 2020 Payrolls		
CR8160.2	\$30.00	CR9030.8
Reason: To cover December 2020 Social Security		

NO ADDENDUM ITEMS

BOARD MEMBER ITEMS:

- **Councilman Phillips:**

- **Councilman Blazey:**

- **Councilwoman Folkins:**
 - 1.) Attended Manchester Yard Meeting on November 19th, 2020. The reviewed the site for where the rail yard and the roundhouse.

- **Councilman VanBortel:**

- **Supervisor Gallahan:**
 - 1.) Thank you to all of you once again. This was a tough meeting for me.

➤ **RESOLUTION #112 - AUDIT OF CLAIMS APPROVAL**

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

VOTE:	AYES - 5	NAYS - 0
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RESOLVED, to approve to pay the 2020 bills as follows:

- **GENERAL FUND**, in the amount of \$25,564.51 as set forth on the Abstract #012 dated 12/8/2020;
- **ZONING FUND**, in the amount of \$6,545.14 as set forth on Abstract #012 dated 12/8/2020;
- **REFUSE & GARBAGE FUND**, in the amount of \$1,341.12 as set forth on Abstract #012 dated 12/8/2020;
- **HIGHWAY FUND**, in the amount of \$27,943.31 as set forth on the Abstract #012 dated 12/8/2020;
- **WATER FUND**, in the amount of \$13,787.67 as set forth on the Abstract #012 dated 12/8/2020;
- **TRUST & AGENCY FUND**, in the amount of \$9,820.74 as set forth on the Abstract #012 dated 12/8/2020.

JUSTICE REPORT: The monthly report from Justice Denosky for the month of November 2020, was submitted and reviewed by the Board at this time.

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- **RESOLUTION #113 - 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, 7:15p.m., in attendance were: Town Board Members, Highway Superintendent, Deputy Highway Superintendent and Town Clerk.

- **RESOLUTION #114 - APPROVAL TO GO OUT OF EXECUTIVE SESSION AND CONTINUE WITH THE REGULAR MEETING**
On motion of Councilman VanBortel, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to go out of executive session at this time, 7:52p.m. and resume the regular meeting.

- **RESOLUTION #115 - APPROVAL TO ALLOW HIGHWAY EMPLOYEES DUE TO THE COVID-19 PANDEMIC TO ROLL-OVER THEIR COMP TIME FOR THE YEAR 2020 UNLESS IT IS DETERMINED BY ONTARIO COUNTY TO BE USED AS SICK TIME**
On motion of Councilwoman Folkins, seconded by Councilman Blazey, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to allow highway employees additional time to use there earned 2020 comp time due to the COVID pandemic unless Ontario County determines that it must be used as sick time for any COVID positive employees.

ADJOURNMENT: There was no other business before the Board at this time. Supervisor Gallahan moved to adjourn the meeting, 7:55 p.m., seconded by Councilman Phillips, unanimously APPROVED.

Respectfully Submitted,

Jill A. Havens, Town Clerk

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

- **Organizational Meeting: January 4, 2021 – 4:30 P.M.**
- **Regular meeting: January 12, 2021 – 6:00 P.M.**
Includes: Public Hearings: Annexation of Town Parcel to Village of Shortsville
- **Regular meeting: February 9, 2021 - 6:00 P.M.**
Includes: Public Hearings: Tax Cap Override, 2021 Budget
- **Regular meeting: March 9, 2021 - 6:00 P.M.**
- **Regular meeting: April 6, 2021 - 6:00 P.M.**
- **Regular meeting: May 11, 2021 - 6:00 P.M.**
- **Regular meeting: June 8, 2021 - 6:00 P.M.**
- **Regular meeting: July 13, 2021 - 6:00 P.M.**
- **Regular meeting: August 10, 2021 - 6:00 P.M.**
- **Regular meeting: September 14, 2021 - 6:00 P.M.**
- **Regular meeting: October 12, 2021 - 6:00 P.M.**
- **Regular meeting: November 9, 2021 -6:00 P.M.**
- **Regular meeting: December 14, 2021 - 6:00 P.M.**