MANCHESTER TOWN BOARD - REGULAR MEETING - 6 P.M. & **December 14, 2021**

The 2021 Town Board Meeting was held at the Manchester Town Hall on Tuesday, November 9th, 2021 at 6:00 P.M., with the following members present:

> **David Phillips Supervisor Kevin Blazey** Councilman **Jaylene Folkins** Councilwoman **Matthew Shannon** Councilman **Scott DeCook** Councilman

OTHERS PRESENT: Jill Havens, Town Clerk; Jason Lannon, Highway Superintendent; William Murphy, Deputy Highway Superintendent; Kevin Lyke, Water Superintendent; Steve DeHond, Code Enforcement Officer; Nichole Ruggles, Deputy Clerk & Jennifer Fagner, Assessor Town of Manchester Residents: Assemblyman Jeff Gallahan & Kathleen Vienna

CALL TO ORDER: Supervisor Phillips called the December 14th, 2021 Regular Board meeting to order at this time, 6:01 p.m.

RESOLUTION #143 - APPROVAL OF MINUTES, REGULAR MEETING NOVEMBER 9th,

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

AYES - 5 NAYS - 0

RESOLVED, to approve the minutes from the Regular Meeting held on November 9th, 2021, as submitted.

> RESOLUTION #144 - APPROVAL OF SUPERVISOR'S MONTHLY FINANCIAL STATEMENT On motion of Councilwoman Folkins, seconded by Councilman Shannon, 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 #145 - APPROVAL OF TOWN CLERK'S MONTHLY REPORT On motion of Councilman Shannon, 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 (87 N & R; 1-PB; 1-Exempt; 2-Tag)	\$ 1,270.00
State Surcharge Fees	\$ 112.00
Late Fees (Dog Licenses)	\$ 220.00
Transfer Station	\$ 4,912.04
Zoning Fees	\$ 2,515.00
Fax Fees/Photocopies	\$ 3.50
DEC Licenses	\$ 1 ,106.00
Certified Copy (4-M, 6-D)	\$ 100.00
Bingo Fees	\$ 68.59
Marriage License (0)	\$ 0.00
Bingo License (0)	\$ 0.00
Game of Chance License (0)	\$ 0.00
TOTAL COLLECTED	\$ 10,479.13
PAID TO NYSDEC	\$ 1,061.81
PAID TO STATE	\$ 112.00
PAID TO SUPERVISOR (TOWN)	\$ 9,305.32
PAID TO NYS DEPT. OF HEALTH	\$ 0.00

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

- Supervisor's Monthly Report a.
- b. **Town Clerk's Monthly Report**
- c. Request for records review, Justice Liberty
- d. Request for records review, Justice Schaertl
- Dog Control Services Agreement between TOM and Ontario County e.
- f. Troy and Banks, update on utility audit
- **Charter Communications, channel updates** g.
- Seneca Meadows, RE: price increase for commodities Seneca Meadows, RE: increase for tires h.
- i.
- NYSEG, News Release j.
- **Fire Protection Contract, Clifton Springs** k.
- **Town Historian Report** I.
- Amy Alexander, minutes from Shortsville/Manchester joint meeting (hand carry) m.
- **Manchester Fire Department, monthly report (hand carry)**

At this time, Supervisor Phillips invited Kathleen Vienna, Village of Manchester Resident, to address the board.

Kathleen had questions regarding the change of hours for the Town Clerk's Office, including who was authorized to make those changes and who the Town Clerk has to answer to. She feels it is not satisfying the needs of the public to have the Town Clerk's Office closed on Fridays. Town Clerk, Jill Havens brought to her attention that the Town Clerk is an elected official and was under the assumption, as told to her by the previous Town Clerk and current fellow Town Clerks of surrounding Ontario County Towns that the hours of the Town Clerk's Office were at the discretion of the Town Clerk. The Town Clerk does not answer to the Town Board or the Town Supervisor, as we are all elected officials and have the same person/people we answer to which is the Town of Manchester Residents. The Town Clerk and her deputy have only had 2-4 of complaints from residents regarding the office being closed on Fridays since the change in hours started in July 2021 and after explaining the ability to pay over the phone or to utilize the outside dropbox, those residents were satisfied with their ability to do business with our office's current hours. Town Clerk, Jill Havens also mentioned that at one point we were open 1 evening a week for a 6-month trial period as well and we did away with due to lack of utilization by the public. After talking with fellow Town Clerks and hearing they also had a lack of utilization of their Friday office hours, so they closed their offices on Fridays, I decided on to try in our office as well beginning July 1st, 2021. Ms. Vienna expressed her dissatisfaction with the answers provided by the Town Clerk and believes that even if they are just sitting there with nothing to do, the Town Clerk's Office should be open at least part of the day on Fridays.

At this time, Supervisor Phillips invited Assemblyman Jeff Gallahan, to address the board.

Assemblyman Gallahan thanked the Board for the opportunity to speak at the meeting. He is excited to get back to Albany, the next session starts January 5th, 2022 and he hopes that he gets the full experience of the State Assembly this year since the COVID pandemic changed the atmosphere in Albany last year. Asked if anyone had any questions. Assessor, Jennifer Fagner asked if anything was going to be done about the bail reform that isn't working. Assemblyman Gallahan says there will hopefully be some action to re-direct the current bail reform bill. Supervisor Phillips noted the success of the Blanket Drive that the Town Hall has been accepting for the Assemblyman the last few weeks. Assemblyman Gallahan thanked the Town Board for allowing the Town Hall to be a donation site.

RESOLUTION #146 - SETTING DATE AND TIME FOR 2022 ORGANIZATIONAL MEETING On motion of Councilman Blazey, seconded by Councilman Shannon, 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 3rd, 2022 at 4:30 p.m. at the Manchester Town Hall, 1272 Co. Rd. 7, Clifton Springs, N.Y.

RESOLUTION #147 - APPROVAL TO REQUEST FINANCIAL RECORDS FOR THE 2021 YEAR BE AVAILABLE TO AUDIT FOR THE TOWN CLERK & TOWN JUSTICES On motion of Councilwoman Folkins, 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 2021 year at the January 18th, 2022 Town Board Meeting for the Town Clerk & Town Justices.

MANCHESTER TOWN BOARD - REGULAR MEETING (CONT.)

December 14, 2021

➢ RESOLUTION #148 – APPROVAL OF 2022 DOG CONTROL SERVICES CONTRACT BETWEEN THE COUNTY AND THE TOWN

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

VOTE: AYES-5 NAYS-0

WHEREAS the dog control services contract for the 2022 year has been submitted and reviewed, therefore, it is

RESOLVED, to approve the 2022 Dog Control Services Contract Agreement between the County and the Town of Manchester as submitted, at a cost of \$23,608.00: and be it

FURTHER RESOLVED, to authorize Supervisor Phillips to sign the said "Contract Agreement" on behalf of the Town of Manchester.

RESOLUTION #149 – APPROVAL TO INCREASE COURT CLERK TABITHA TRUJILLO FROM PART-TIME TO FULL-TIME HOURS

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

VOTE: AYES - 5 NAYS - 0

WHERAS, Tabitha Trujillo has agreed to waive the health insurance benefit given to full-time employees

RESOLVED, to approve the increase of hours for current Court Clerk, Tabitha Trujillo from part-time to full-time hours not to exceed 40 hours a week and both court clerks combined are not to exceed the combined total of 52 hours per week.

RESOLUTION #150 – APPROVAL TO APPOINT DANA LYKE TO THE POSITION OF HIGHWAY/WATER LABORER, FULL-TIME

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve the appointment of Dana Lyke, 442 Curran Road, Shortsville, NY 14548 to the position of Highway/Water Laborer, full-time at a pay rate of \$15.00/hour.

RESOLUTION #151 – APPROVAL OF RESOLUTION AUTHORIZING THE ANNEXATION OF TERRITORY IN THE TOWN OF MANCHESTER, COUNTY OF ONTARIO AND STATE OF NEW YORK TO THE VILLAGE OF SHORTSVILLE, COUNTY OF ONTARIO AND STATE OF NEW YORK

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

VOTE: AYES – 5 NAYS – 0

WHEREAS, the Village of Shortsville and the Town of Manchester have received the petition of Matthew A. Schaertl dated August 3rd, 2021 for the annexation of certain lands as described therein (the "Petition"); and

WHEREAS, the Town Board held a joint public hearing on December 8th, 2021 with the Village of Shortsville in relation thereto and proper notice of said joint public hearing was published and posted according to law.

NOW, THEREFORE, BE IT RESOLVED, that, upon consideration of the Petition and upon consideration of the testimony, evidence and information received at the joint public hearing, the Petition complies with the provisions of Article 17 of the General Municipal Law in that it describes the territory proposed to be annexed, states the number of inhabitants thereof as zero (0), is signed by the owner of 100% of the assessed valuation of the territory proposed to be annexed, has a certificate attached to it from the Town of Manchester Assessor certifying that the Owner does own 100% of the territory proposed to be annexed, has the Owner's signature properly attested by a Notary Public and has been properly filed with the Town Clerk of the Town of Manchester, and, upon information and belief, with the Village Clerk of the Village of Shortsville; and be it further

RESOLVED, that after considering the effects of the requested annexation, the Town Board makes the following findings:

- 1. the proposed annexation will have no adverse effect upon the territory sought to be annexed.
- 2. The proposed annexation will have no adverse effect upon the local government, namely, the Village of Shortsville, to which the said lands are sought to be annexed.
- 3. The proposed annexation will have no adverse effect upon the remaining area of the Town of Manchester.

4. The proposed annexation will have no adverse effect upon any school district, public benefit corporation, fire protection district, fire district or other district corporation, fire alarm district or town or county improvement district, situated wholly or partly in such territory; and be it further

RESOLVED, that no separate agreement with the Village of Shortsville relating to the assumption of indebtedness and or liability, or apportionment of same, is necessary; and be it further

RESOLVED, that it is in the over-all public interest to approve such proposed annexation; and be it further

RESOLVED, that no persons reside in the area to be annexed and, therefore, no special election is needed for the approval of this annexation; and be it further

RESOLVED, that the Order, which the Town is required to adopt and file pursuant to General Municipal Law §711 2. b., is hereby approved and adopted and the Town Board members shall each sign the Order and the Town Clerk shall file such Order, with copies of the Petition, the notice of public hearing, any written objections to the Petition, and the minutes of the public hearing, in the offices of the Town Clerk of the Town of Manchester and shall send all such documents to be filed with the Village Clerk of the Village of Shortsville.

I, Jill 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 December 14th, 2021, 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>	
Matthew Shannon	<u>x</u>	
Dated: December 14 th , 2021		
	Jill Havens, Town Clerk	

SEAL

> RESOLUTION # 152 – APPROVAL TO INCREASE THE FEES FOR RECYCLING TIRES AT THE TRANSFER STATION

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve the increase of fees at the transfer station for recycling tires from \$4.00 per tire to \$5.00 per tire, effective 12/15/2021.

RESOLUTION # 153 – SETTING TOWN CLERK OFFICE HOURS On motion of Councilman Shannon, seconded by Councilman DeCook, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, requiring the Town Clerk's office is to be open Monday-Thursday 8:30am-4:30pm and Fridays from 8:30am-1pm and must also be open the lunch hour of 12pm-1pm.

- ~ Brief Discussion Historian Website Town Historian, Len Kataskas would like the information on the Town Website to be updated to include his name and contact information, as well as additional historic weblinks.
- ~ Brief Discussion COVID Policy Governor Hochul has imposed a new mask mandate Statewide, however, Ontario County will not be enforcing the mandate, therefore the Town Hall will have signs posted requiring masks but will not be enforcing they are worn either. Town employees should wear them when not seated at their desk.

Department Reports:

- a. HIGHWAY SUPERINTENDENT, Jason Lannon reported the following:
 - Wind Damage
 - Town of Manchester faired pretty well
 - Tree on Stafford Road and (2) trees on Turner Road
 - Air Compressor
 - Bought a refurbished unit from Granger for \$2000.00 to replace the 20-year-old one currently in need of repairs
 - Highway Employee, Joe VanOpdorp
 - o Starting January 25th will be out for medical reasons for 6 months
 - Would like to continue health insurance coverage with no change while out
 - Will pay out of pocket the amount he is required to pay monthly.
 - This is an accepted proposal by the Town Board.
- b. WATER SUPERINTENDENT, Kevin Lyke reported:
 - Water Leak was found and repaired in at Stafford & Hosey Road
 - New Water Meters installation going will
 - New hire, Dana Lyke is a big help
 - o Broken meters are also getting changed
- c. CODE ENFORCEMENT OFFICER, Steve DeHond, submitted report to Supervisor for September:
 - Fifteen (15) building permits in November.
 - Collected \$345.00 in fees.
 - Estimated Construction Costs \$103,174.00.
 - Twelve (12) fire inspections were done last month in the villages & the town.
 - Planning Board is making progress on the new Solar Code.
 - Board would like some guidance and direction from the Town Board regarding lot coverage
 - New KFC opening on 12/22/2021.
 - RESOLUTION # 154 REAPPOINTMENT OF JESSICA HEMENWAY TO THE ZONING BOARD OF APPEALS & STEVE BUERMAN TO THE TOWN OF MANCHESTER PLANNING BOARD

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, the reappointment of Jessica Hemenway, 2978 Wilber Road, Clifton Springs, NY 14432 to another 5-year term on the Zoning Board of Appeals to expire 12.31.2026 & Steve Buerman, 726 Curran Road, Shortsville, NY 14548 to another 7-year term on the Planning Board to expire 12.31.2028.

~ Brief Discussion – Zoning Board Vacancy – Due to the appointment of Scott DeCook on to the Manchester Town Board, there is a vacancy on the Zoning Board of Appeals, this vacancy needs to be advertised on the website, Facebook and Daily Messenger.

d. ASSESSOR, Jennifer Fagner, reported the following:

- We have sent out the renewals Senior Partial Tax Exemption, Disability and Agriculture. So, the office has been pretty consistent as they are now filtering back in.
- Since the November Board Meeting, we had 23 transfers from the County.
- I took the 2nd part of the class I had taken over the summer, application to the Three Approaches to Value. My final was last Wednesday and I passed the course. I am waiting for the certificate of completion. Once I receive it, I will give it to Janis to put in my file.
- Wishing everyone a Merry Christmas!

- e. TOWN CLERK, Jill Havens, reported the following:
 - Office of Cannabis Management (OCM).
 - Required a copy of the local law opting-out of hosting adult-use cannabis retail dispensaries and/or on-site consumption businesses.
 - Was submitted on Monday, November 22, 2021.
 - Town of Manchester Newsletter
 - o To be included with the Town & County Tax Bills
 - Obtained a quote for printing and folding with Moore Printing for \$697.00 for 3500 copies
 - Town Board opted to have the Town Clerk's Office do the printing and folding
 - Online Payments
 - Website has been set up to allow the Town of Manchester to collect payments for Transfer Station, Dog Licenses, Tax Payments and Water Bills online.
 - ➤ RESOLUTION # 155 APPROVAL TO ACCEPT ONLINE CREDIT CARD PAYMENTS FOR TRANSFER STATION, DOG LICENSES, TAX PAYMENTS AND WATER BILLS On motion of Councilman Shannon, seconded by Councilwoman Folkins, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

RESOLVED, to accept online credit card payments for Transfer Station balances, Dog Licenses, Tax Payments and Water Bills.

f. BUDGET, Supervisor Dave Phillips, reported the following:

Four of the Town's funds – General, Zoning, Refuse and Garbage & Highway – did not receive any revenues in November of note. They did however, pay NYS Retirement for 2021 in November instead of in January of 2022. This indicates that these funds are doing well financially as this is a very large annual payment. Also, other expenditures for these funds were not remarkable. These four funds ended the month stronger than in previous years.

General Fund

0

Zoning Fund & Highway Fund

0

Refuse & Garbage Fund

0

- Central Water District & County Road 13 Water District
 - The unpaid water for Central and County Road 13 Water District customers went to relevy for the first time since the pandemic.
 - This affected only 99 customers and notices were sent to them informing them of the pass to taxes for their unpaid water charges.
 - Both water funds are in good financial condition at the end of November.

BOARD MEMBER ITEMS:

- Councilwoman Folkins:
 - 1.) Zoning Code Update there is a discrepancy with the County.
 - a. Maria Rudzinski would like some direction
 - b. Working with the County and Barton & Loguidice to get the new code completed by the end of the 1st quarter 2022.
- Councilman DeCook:
- Councilman Blazey:
- Councilman Shannon:
 - 1.) Security we are looking to get a 3rd party opinion using the ARPA money.
- Supervisor Phillips:
 - 1.) Landfill Issues
 - a. Currently planned to close in 2028
 - b. County has a new program they plan to implement in 2022 for paint disposal.
 - 2.) Roundhouse
 - a. Phase 1 & 2 are in the closing phases
 - b. Ontario County Planning Department is involved

MANCHESTER TOWN BOARD - REGULAR MEETING (CONT.)

December 14, 2021

> RESOLUTION #156 - AUDIT OF CLAIMS APPROVAL

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve to pay the 2021 bills as follows:

- **GENERAL FUND,** in the amount of \$62,323.80 as set forth on the Abstract #012 dated 12/14/2021;
- **ZONING FUND**, in the amount of \$5,014.47 as set forth on the Abstract #012 dated 12/14/2021;
- **REFUSE & GARBAGE FUND,** in the amount of \$1,017.97 as set forth on the Abstract #012 dated 12/14/2021;
- **HIGHWAY FUND**, in the amount of \$42,827.78 as set forth on the Abstract #012 dated 12/14/2021;
- WATER FUND, in the amount of \$18,447.49 as set forth on the Abstract #012 dated 12/14/2021;
- TRUST & AGENCY FUND, in the amount of \$436.56 as set forth on the Abstract #012 dated 12/14/2021.
- > RESOLUTION #157 APPROVAL TO ENTER INTO EXECUTIVE SESSION PER SECTION NYS 105

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to enter into executive session per section NYS 105, 7:42p.m., in attendance were: Town Board Members & Kevin Lyke, Water Superintendent.

> RESOLUTION #158 - APPROVAL TO GO OUT OF EXECUTIVE SESSION AND CONTINUE WITH THE REGULAR MEETING

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to go out of executive session at this time, 8:11p.m. and resume the regular meeting.

ADJOURNMENT: There was no other business before the Board at this time; Councilman Blazey moved to adjourn the meeting, 8:11 p.m., seconded by Councilman Shannon, unanimously APPROVED.

Respectfully Submitted,

Jill A. Havens, Town Clerk

**Next Meeting(s):

> Organizational Meeting: January 3, 2022 – 4:30 P.M.