MANCHESTER TOWN BOARD - REGULAR MEETING MARCH 8th, 2022 - 6 P.M. & PUBLIC HEARING RE: TAX CAP OVERRIDE, 2022 BUDGET - 6 P.M.

The 2022 Town Board Meeting was held at the Manchester Town Hall on Tuesday, March 8th, 2022, at 6:00 P.M., with the following members present:

David Phillips

Kevin Blazey

Councilman

Matthew Shannon

Councilman

Jaylene Folkins

Councilwoman

Scott DeCook

Councilman

OTHERS PRESENT: Jill A Havens, Town Clerk, Steve DeHond, Code Enforcement Officer; Jennifer Fagner, Assessor; Jason Lannon, Highway Superintendent; William Murphy, Deputy Highway Superintendent; Kevin Lyke, Water Superintendent; Town Residents: Elaine Liberio, Kirby Waite & Rob LaRose

PUBLIC HEARING OPENED: Supervisor Phillips opened the Public Hearing re: Tax Cap Override for the 2022 Budget at this time, 6:00 p.m. and read the legal notice which was posted at the Town Hall and published in the Daily Messenger as follows:

TOWN OF MANCHESTER --- NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Manchester on the 8th day of March, 2022, at 6:00 p.m., at the Manchester Town Hall, 1272 County Road 7, Town of Manchester, New York, regarding the adoption of a Local Law which would permit the Town Board to adopt a budget for the 2023 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Any resident of the Town of Manchester shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Manchester Town Hall, 1272 County Road 7, Town of Manchester, New York.

This by Resolution of the Town Board of the Town of Manchester. Jill A. Havens, Town Clerk

Supervisor Phillips asked if anyone wished to be heard re: Tax Cap Override, 2022 Budget.

Elaine Liberio, Town Resident: What is the purpose of the Tax Cap Override? **Supervisor Phillips:** This is more of a precaution, last year we were lower than the cap and we will continue to try and stay under the 2% tax cap. If we go over the cap and we don't have a resolution allowing the budget to be over that 2% we can be fined, and we won't know these numbers until budget time.

PUBLIC HEARING CLOSED / REGULAR MEETING RESUMED: Supervisor Phillips asked if anyone else wished to be heard re: Tax Cap Override, 2023 Budget. Repeated three (3) times, hearing none, Closed the Public Hearing and resumed the Regular Meeting at this time, 6:04 p.m.

CALL TO ORDER: Supervisor Phillips called the March 8th, 2022, Regular Board meeting to order at this time, 6:03 p.m.

➤ RESOLUTION #37 - APPROVAL OF MINUTES, REGULAR MEETING February 8th, 2022, AS SUBMITTED

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve the minutes from the Regular Meeting held on February 8th, 2022, as submitted.

RESOLUTION #38 - APPROVAL OF SUPERVISOR'S MONTHLY FINANCIAL STATEMENT

On motion of Councilwoman Folkins, seconded by Councilman Blazey, 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.

March 8, 2022

RESOLUTION #39 - 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 (80 N & R; 1 - PB; 0-Exempt; 0-Tag)	\$ 1,093.00
State Surcharge Fees	\$ 79.00
Late Fees (Dog Licenses)	\$ 100.00
Transfer Station	\$ 2,815.00
Zoning Fees	\$ 688.40
DEC Licenses	\$ 0.00
Certified Copy (3-M, 13-D)	\$ 130.00
Bingo Fees	\$ 18.57
Marriage License (3)	\$ 120.00
Bingo License (0)	\$ 0.00
Game of Chance License (0)	\$ 0.00
TOTAL COLLECTED	\$ 5,043.97
PAID TO NYSDEC	\$ 0.00
PAID TO STATE	\$ 79.00
PAID TO SUPERVISOR (TOWN)	\$ 4,897.47
PAID TO NYS DEPT. OF HEALTH	\$ 67.50
PAID TO NYS RACING & WAGERING	\$ 0.00

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

- a. Supervisors Monthly Report for February 2022
- b. Town Clerk Monthly Report for February 2022
- c. USDA European Cherry Fruit Fly survey and property access request
- d. Charter Communications, rate increases
- e. Charter Communications, Channel lineup changes
- f. Charter Communications, Franchise fee payment calculation
- g. Direct Energy Environmental Disclosure
- h. Cornell Cooperative Extension Invitation to Ag. Appreciation Banquet
- i. Mercy Flight, Thank You Letter
- j. City of Canandaigua final water rate for 2022
- k. BPS, quote for security analysis
- I. Interfund Transfer
- m. Charter Communications, removing channel
- n. Manchester Fire Department, January monthly report
- o. Credit Card Policy

➤ RESOLUTION #40 - RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF MANCHESTER OF LOCAL LAW NO. 1 OF 2022

On motion of Councilman Blazey, seconded by Councilwoman Folkins, 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 March 8th, 2022, 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 March 1st, 2022 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 March 8th, 2022, 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. _1_ of 2022, 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

March 8, 2022

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 Havens, Town Clerk of the Tow	n of Manches	ster, do hereby c	ertify that the
aforementioned resolution was adopted by	the Town Bo	ard of the Town	of Manchester on
March 8 th , 2022, by the following vote:			
	Δνα	Nav	

David Phillips

Kevin Blazey

Matthew Shannon

Jaylene Folkins

Scott DeCook

Dated: March 9, 2022

Jill Havens, Town Clerk

SEAL

RESOLUTION #40 – RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF MANCHESTER OF LOCAL LAW NO. 1 OF 2022 (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 2023 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 2023 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.

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 March 8^{th} , 2022, by the following vote:

		<u>Aye</u>	<u>Nay</u>	
Jaylen		X X X X X		
Dated: March 9, 2022				
		Jill Havens, Town Clerk		
SEAL				

March 8, 2022

> RESOLUTION #41 - APPROVAL OF WAIVING THE BOND REQUIREMENT IN THE APPLICATION FOR KIRBY'S KOMPOUND ALLOWING TO HOLD MUD RUNS IN 2022 On motion of Councilman Shannon, seconded by Councilman DeCook, the following resolution was unanimously ADOPTED:

VOTE: AYES - 5 NAYS - 0

WHEREAS, the application for Kirby's Kompound to hold three mud runs in 2022 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 Christopher 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 Kirby Waite (Kirby's Kompound) application to hold the three mud runs in 2022, (May 7th, June 11th, & August 27th) the events will run in compliance with all Covid-19 related Executive Orders, Legislation and Regulations in place at the time of each event.

RESOLUTION #42 – APPROVAL TO APPOINTMENT OF JEAN CORINO TO THE MANCHESTER-SHORTSVILLE SCHOOL DISTRICT CROSSING GUARD, PART-TIME On motion of Councilwoman Folkins, seconded by Councilman DeCook, the following resolution was unanimously ADOPTED:

VOTE: AYES – 5 NAYS – 0

RESOLVED, to approve the appointment of Jean Corino, 152 State Street, Manchester, NY 14504, to fill the vacancy as Manchester-Shortsville School District Crossing Guard at a rate of pay of \$15.00/hour effective 2/28/2022.

RESOLUTION #43 – APPROVAL ALLOW USDA PERMISSION TO TRAP FOR AN INVASICVE PEST, THE EUROPEAN CHERRY FRUIT FLY (ECFF) ON TOWN OF MANCHESTER PROPERTY

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

VOTE: AYES – 5 NAYS - 0

RESOLVED, to allow the Unites States Department of Agriculture to place ECFF trap(s) on Town of Manchester property, the traps will be serviced at least every two weeks and will be removed on or before September 30th, 2022.

- ~ **Brief Discussion** was held regarding the potential need for water rate increases due to the increase the Town of Manchester has received from the City of Canandaigua. Further discussion and action to be taken at the April 2022 meeting.
- ➤ RESOLUTION #43 APPROVAL TO ACCEPT THE QUOTE FROM BPS (BUSINESS PROTECTION SPECIALISTS) TO CONDUCT A SECURITY RISK ASSESSMENT FOR THE TOWN HALL

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

VOTE: AYES – 5 NAYS - 0

RESOLVED, approve the quote from BPS (Business Protection Specialists) in the amount of \$3,628.00 to conduct a security risk assessment for the Town Hall.

RESOLUTION #44 – APPROVAL OF THE TOWN OF MANCHESTER CREDIT CARD POLICY, AS SUBMITTED

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to accept the Town of Manchester Credit Card Policy as follows:

The Town Board of the Town of Manchester has established this Credit Card Policy permitting the use of a Town-issued credit card to the Town Clerk and the Bookkeeper to Supervisor. The Town Board of the Town of Manchester shall be responsible for overseeing the compliance with this policy.

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Credit Cardholder Responsibilities:

- a. A credit card may be used only for the purchase of goods or services for official business of the Town of Manchester.
- b. Credit card users may not use the credit cards for personal expenses no exceptions.
- c. The credit card must be kept in a secure and locked location when not being used by the authorized persons noted above.
- d. A log must be maintained that documents date of use, authorized person using the credit card, amount of purchase and reason for use.
- e. The credit card may <u>not</u> be used for cash advances.
- f. All purchases must be verified that they were received.
- g. Automatic payment deductions cannot be used to pay credit card bills.
- h. The authorized users noted above are responsible for the credit card and shall notify the Town immediately if the card is lost or stolen.
- i. Credit card statements shall be reconciled with receipts and invoices before being approved for payment by the Town Board.

ATTACHMENT A - TOWN OF MANCHESTER MUNICIPAL

CREDIT CARDHOLDER AGREEMENT

Agreement and requirements for use of a Municipal Credit Card:

- 1. I understand and agree to the Municipal Credit Card Policy and know that it is to be used only to make purchases of goods or services at the request of and for the legitimate business benefit of the Town of Manchester.
- 2. I understand and agree that the Municipal Credit Card must be used in accordance with the provisions of the Municipal Credit Card Policy established by the Town of Manchester, as attached hereto.
- 3. As a Municipal Credit Card Holder, I agree to adhere to all Credit Card requirements as so noted previously. Violations of these requirements may result in revocation of my Municipal Credit Card Use Privileges. If I am found to have inappropriately used the Municipal Credit Card, I will be required to reimburse the Town of Manchester for all costs associated with such improper use through direct payment or payroll deduction. Disciplinary action(s) may be taken per the Town's Personnel Policies.

Department Reports:

- a. HIGHWAY SUPERINTENDENT, Jason Lannon reported the following:
 - 200 ton away from the minimum order requirement with Rock Salt for salt order for next year.
 - New cost/rate comes out in September.
 - Equipment budget for new dump truck to be ordered now for delivery & payment in 2024.
 - Will be asking for permission to place the order this year with delivery not until 2024, everything is backordered currently.
 - Plow damage clean-up & repair to start as soon as snow is done for the year.
 - All highway employees are signed up for the 811 Dig Safe refresher course is completed.
 - New employees, Emma & Dana are not eligible for the refresher, they will have to take the initial 4-hour course online at a later date.

b. WATER SUPERINTENDENT, Kevin Lyke reported:

- Installing meters
- Hydrant broke on Turner Road
- Disinfection Products found in the water
 - o Farmington has started flushing hydrants for us
 - o Canandaigua going to install flushing sprayers.

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

- Six (6) building permits in February.
- Collected \$688.40 in fees.
- Estimated Construction Costs \$517,399.00.
- Nineteen (19) fire inspections were done last month.
- Leonard's Express Refrigerated Building construction is moving along.
 - Steve & Willie met at Leonard's to discuss clearing out trees & cleaning up the area.

d. ASSESSOR, Jennifer Fagner, reported the following:

- Seven (7) Transfers in February.
- We have been entering exemptions and updated the IVP State site.
- NYS is working on updating their EMS, making sure all addresses are accurate so there is a quicker response time from calls to 911. There is only 1, so far in the Town of Manchester that needs to be corrected.
 - o Ontario County will be sending the homeowner a letter making them aware of this.
 - o I will be updating my system with this change.
- My 1st class (out of 2) starts Monday. The 2nd class will start March 28th. They are both 4 weeks long.
- I will be closing my office down for 1-2 hours Thursday morning as I will be taking Lon with me to the Assessor's ASS. Meeting at the County Complex.
 - I feel that it is very informative and that he would benefit from the information that is discussed.

e. TOWN CLERK, Jill Havens reported the following

- Tax Collection finally caught up.
 - Only approximately 8-10 outstanding payments that were mailed with the wrong bills.
 - Tax Collection runs through March 31st, 2022.
 - Settlement with the County is scheduled for April 7th, 2022.

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

The finances of the Town continue to be stable and in good shape for the month of February.

- General Fund
 - Received final tax payment in February
 - Received the 1st franchise payment of 2022 in the amount of \$22,299.29

Zoning Fund

 Received routine revenues and expenditures in February and continues to do quite well.

Highway Fund

- Received its first county snow removal payment in the amount of \$46,429.00.
 - This helps with an expensive with payroll, monthly bills and a semiannual lease payment all paid this month.

• Refuse & Garbage Fund

- Ended January 2022 with a slight increase over the previous month
- The fund has not had any major expenses in recent months, and it is hoped this will continue as the year unfolds.

• Central Water District & County Road 13 Water District

- o Received the unpaid 2021 water amounts that went onto tax bills.
 - This was the first time since the pandemic that the Town was able to relevy unpaid water bills.
- The moratorium has now ended and both water funds were able to collect water penalties this month also.

RESOLUTION #45 – APPROVAL OF TRANSFERS

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve the following Transfers:

From: Amount: To: Reason:

INTERFUND TRANSFER

General Fund A \$1,093.26 Central Water (SW5) To cover the transfer of ARPA

To cover the transfer of ARPA Funds for the purchase of parts. (See Minute Attachment Book for Details)

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ADDENDUM ITEMS:

BOARD MEMBER ITEMS:

- Councilwoman Folkins:
 - 1.) Zoning Code Meeting happened within the last month with Ontario County and the B&L Consultants to get it moving along.
 - Town Clerk Books were review by Jaylene & Kevin, it was determined by all involved that a better system is needed to track the credit card account for incoming and outgoing payments.
 - a. More regular reviewing of the books through-out the year may help to alleviate any confusion and issues
- RESOLUTION #46 AUDIT OF TOWN CLERK FINANCIAL RECORDS FOR 2021 On motion of Councilwoman Folkins, seconded by Councilman Blazey, the following resolution was unanimously ADOPTED:

VOTE: AYES - 4 NAYS - 0

RESOLVED, to note that Town Clerk, Jill Havens has submitted her books and records to the established Town Board Audit Committee consisting of Board Members Kevin Blazey and Jaylene Folkins for their review & audit prior to the March 8th, 2022, Town Board Meeting.

- Councilman DeCook:
- Councilman Blazey:
- Councilman Shannon:
- Supervisor Phillips:
 - Another Zoning Code Meeting is scheduled Ontario County on Friday, March 11th, 2022, Supervisor Phillips plans to attend along with the B & L Consultants.
 - 2.) March 2022 Planning Board Meeting on Tuesday, March 15th, 2022, is just to discuss the Solar Code Update
 - 3.) Street lighting update to LED lights from a year ago has showed a definite savings.
 - 4.) DEC wants to monitor the old dump off of State Route 96 near Ashton Place
 - a. They will be putting in 3 wells to monitor for additional chemicals that are potentially leaking into the ground and ground water.
 - i. These chemicals have never been monitored for before in this location.

> RESOLUTION #47 - AUDIT OF CLAIMS APPROVAL

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

VOTE: AYES - 5 NAYS - 0

RESOLVED, to approve to pay the 2022 bills as follows:

- GENERAL FUND, in the amount of \$18,073.00 as set forth on the Abstract #003 dated 3/8/2022:
- **ZONING FUND**, in the amount of \$1,732.87 as set forth on the Abstract ##003 dated 3/8/2022.
- **REFUSE & GARBAGE FUND**, in the amount of \$535.68 as set forth on the Abstract #003 dated 3/8/2022;
- HIGHWAY FUND, in the amount of \$67,744.55 as set forth on the Abstract #003 dated 3/8/2022;
- WATER FUND, in the amount of \$11,838.21 as set forth on the Abstract #003 dated 3/8/2022;
- TRUST & AGENCY FUND, in the amount of \$16,330.68 as set forth on the Abstract #003 dated 3/8/2022;

ADJOURNMENT: There was no other business before the Board at this time, Councilman Blazey moved to adjourn the meeting, 7:11 p.m., seconded by Councilman Shannon, unanimously APPROVED.

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Respectfully Submitted,

Jill A. Havens, Town Clerk

**Next Meeting(s):

> Regular meeting: April 12, 2022 - 6:00 P.M.

> Regular meeting: May 10, 2022 - 6:00 P.M.

> Regular meeting: June 14, 2022 - 6:00 P.M.

> Regular meeting: July 12, 2022 - 6:00 P.M.

> Regular meeting: August 9, 2022 - 6:00 P.M.

> Regular meeting: September 13, 2022 - 6:00 P.M.

> Regular meeting: October 11, 2022 - 6:00 P.M.

> Regular meeting: November 8, 2022 -6:00 P.M.

> Regular meeting: December 13, 2022 - 6:00 P.M.