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**VILLAGE OF MINOA**  
**BOARD OF TRUSTEES**  
**April 2, 2012**

The regularly scheduled meeting of the Village Board of the Village of Minoa was held at the Municipal Building in the Village Board Room, 240 N. Main St, on April 2, 2012.

**PRESENT:** Mayor Richard Donovan  
Trustee Abbott  
Trustee Brazill  
Trustee Champagne  
Trustee Christensen  
Attorney Primo  
Clerk-Treasurer DeVona  
Attendant Michael Macko

**ALSO PRESENT:** Tom Petterelli, Jennifer Wing, John Sears, Scott Parish,  
Dennis Erard, John Jarmacz, Dan DeLucia, Jeremy Erard

Mayor Donovan opened the meeting at 7:00 p.m. with the Pledge of Allegiance led by Clerk-Treasurer DeVona.

**ELECTION RESULTS**

Clerk-Treasurer DeVona read the March 20, 2012 Election results as follows:

Total Voting by Machine - 410

Total Absentee Votes - 14

NAME	POSITION	TOTAL VOTES
Richard Donovan	Mayor – 4 Year	351 (won)
John M. Abbott	Trustee – 4 Year	277 (won)
Eric S. Christensen	Trustee – 4 Year	265 (won)
Scott P. Parish	Trustee – 4 Year	238 (lost)

**MEETING MINUTES – MARCH 5, 2012**

Tabled.

**MEETING MINUTES – MARCH 19, 2012**

Tabled.

**MEETING**

Trustee Christensen made a motion, seconded by Trustee Champagne that the Village

**SCHEDULE  
APRIL & MAY**

Board will meet on April 16, 2012, April 30, 2012, and May 14, 2012 beginning at 7:00pm; and on May 31, 2012 at noon for year-end business. All in favor. Motion carried.

Mayor Donovan stated the meeting schedule was changed due to the NYCOM Annual Meeting in early May.

**RESOLUTION –  
PARTIAL  
PAYMENTS OF  
VILLAGE  
PROPERTY TAX  
COLLECTION**

Attorney Primo read the following resolution:

WHEREAS, by Resolution No. 37 - 1995, the Onondaga County Legislature authorized village collection officers to accept partial payments of village real property taxes, special ad valorem levies, and special assessments; and

WHEREAS, in these difficult economic times, many residents of Onondaga County are finding it difficult to budget real property tax payments according to the existing schedules established in such resolutions; and

WHEREAS, when a resident is unable to make conforming payments, the municipality is negatively affected because it misses out on having cash in-hand and the resident is negatively affected because of the statutory interest and penalties accruing on the outstanding balance; and

WHEREAS, it is necessary to amend the prior resolutions so as to provide residents greater flexibility in making partial real property tax payments in amounts other than fifty percent of the total tax due for each of the three permissible installments; now, therefore be it

RESOLVED, that partial payments of village real property taxes, special ad valorem levies, and special assessments, shall be permitted as follows:

1. Village real property taxes, special ad valorem levies and special assessments may be paid in up to four (4) partial payments during village collection period of the then current tax year,

2. The initial partial payment shall *be* paid not later than the penalty-free period of the then current tax year. Interest and penalties shall be charged against the unpaid balance after such date.

3. No minimum amount is required for a partial payment, except that the final partial payment shall be in the amount of the remaining unpaid balance due and owing, including all penalties and interest.

4. Unless otherwise approved by resolution of the Village Board, on a case by case or collective basis, no partial payment shall be accepted from a property owner if there are delinquent real property taxes, special ad valorem levies, and special assessments owed on such property, unless the property owner is current on installment payments to the Village pursuant to County Local Law No. 7 - 1995 as may be mended from time to time;

Upon motion made by Trustee Champagne, and seconded by Trustee Christensen, the question of adoption of the foregoing Resolution was put to a roll call, which resulted as follows:

Richard Donovan, Mayor	Aye
William Brazill, Trustee	Aye
John Champagne, Trustee	Aye
Eric Christensen, Trustee	Aye
John Abbott, Trustee	Aye

Resolution was adopted.

**PUBLIC  
HEARING –  
LOCAL LAW #1  
FOR 2012**

Trustee Christensen made a motion, seconded by Trustee Brazill to waive the reading of the legal notice and open the public hearing for Local Law # 1 for 2012 regarding Property Tax Cap. All in favor. Motion carried.

Mayor Donovan opened the public hearing at 7:06pm.

Mayor Donovan stated that since the Governors enacted legislation that establishes a “property tax cap” on the amount that a local government or school district can increase each year he has attended many seminars, meetings and workshops regarding this issue. Under the legislation the property tax levy will be capped at 2% or rate of inflation whichever is less.

Mayor Donovan stated that after completing for annual forms and worksheet the village is under the tax cap but not by much and he would recommend the board consider waiving the 2% cap.

Mayor Donovan asked if there were any public comments.

John Sears, 103 S. Main Street asked who on the board attended those classes and workshops. Mayor Donovan replied Trustees Champagne and Brazill and Clerk-Treasurer DeVona.

No further comments from the public.

Trustee Christensen made a motion, seconded by Trustee Brazill to adopt Local Law # 1 for 2012 to override the tax levy limit established in General Municipal Law §3-c which expressly authorized a local government’s governing body to override the property tax cap for the coming fiscal year by adoption of local law approved by vote of sixty percent (60%) of said governing body and is authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.. All in favor. Motion carried.

Trustee Champagne made a motion, seconded by Trustee Christensen to close the public hearing. All in favor. Motion carried.

Mayor Donovan closed the public hearing for Local Law #1 for 2012 at 7:10pm.

**PUBLIC  
HEARING –  
TENTATIVE  
BUDGET(S) 2012-  
2013**

Trustee Christensen made a motion, seconded by Trustee Champagne to waive the reading of the legal notice and open the public hearing for the Tentative Budget(s) 2012-2013. All in favor. Motion carried.

Mayor Donovan opened the public hearing at 7:12pm and he explained that the purpose of the Public Hearing was to review and discuss the 2012-2013 Budgets. He said the proposed tax rate would not increase and remain at \$8.95 per thousand.

Mayor Donovan then presented the Third Model of the General Fund with Appropriations of \$3,116,092.36; Estimated Revenues of \$1,407,399.00; Amount to be Raised by Tax of \$1,300,868.81; and Unexpended Fund Balance of \$407,824.55.

Mayor Donovan then presented the First Model of the Water Fund with Appropriations of \$43,441.25. Estimated Revenues of \$43,441.25; and Unexpended Fund Balance of \$0.

Mayor Donovan presented the Second Model of the Sewer Fund with Appropriations of \$774,007.96; Estimated Revenues of \$531,955.00; and Unexpended Fund Balance of \$242,052.96.

Throughout the presentation Mayor Donovan gave the public an opportunity to ask questions and/or make comments after each fund was presented.

### **Public Comments**

#### **General Fund**

John Sears, 103 S. Main Street, Minoa, NY, had the following questions and/or statements:

- Mr. Sears asked why the Board decided to give a 2% increase when people who live on Social Security benefits saw a decrease, and people who are living on a fixed income are the hardest hit. Mayor Donovan said it was a Board decision based on the economy and fairness to the hardworking employees. Mr. Sears asked the board what percentage of increase was given to employees for 2011, 2010, 2009 and 2008.

Mayor Donovan stated that information was not available at the meeting but if Mr. Sears wanted to contact Clerk DeVona she could get that information for him.

#### **Water Fund**

No questions from the public.

#### **Sewer Fund**

John Sears, 103 S. Main Street, Minoa, NY, had the following questions and/or statements:

- Mr. Sears asked if the village planned to make money at the sewer plant. Mayor Donovan said yes, although slow going, through CERF testing and on-going projects such as the Oswego testing. The village has also been awarded a \$307,000 Grant through Green Innovated Grant Program.
- Mr. Sears asked if the village would consider CNG for the DPW garbage trucks. Mayor Donovan stated the village tried to accommodate a trash vehicle with CNG and the NYSERDA grant fell through however the funding for the CNG Fill Station will be through the remaining grant through NYSERDA.

Mayor Donovan thanked the Board and Department Heads for their hard work, saying that it was a difficult budget based and continues to feel the effects from the loss of the sales tax revenue.

With no further comments from the public, Trustee Champagne made a motion, seconded by Trustee Abbott to close the public hearing. All in favor. Motion carried.

Mayor Donovan closed the public hearing at 7:32pm.

**BUILDINGS &  
GROUNDS**

Trustee Christensen made a motion, seconded by Trustee Abbott to accept the quote from T.K. Ezzo & Sons, LLC in the amount of \$3,174.00 for flower maintenance services with no increase over last year's quote. All in favor. Motion carried.

**AMBULANCE**

No new business.

**FIRE  
DEPARTMENT**

No new business.

**CODE  
ENFORCEMENT**

***REVOCABLE LICENSE AGREEMENT – JAMES & VIRGINIA POWELL, 120  
BERESFORD LANE***

Attorney Primo stated the property owners of 120 Beresford Lane have proposed installation of a fence (per drawing submitted to the board for review) in a drainage easement in the rear of the property. Variances are being requested for the height of the fence in the front yard. The property in question has two front yards as it is situated on a corner lot. The revocable license agreement acknowledges that permission is subject to village request to move fencing in event of an emergency. Attorney Primo stated if the property owners are granted the variance the approval would be subject to revocable license agreement. Attorney Primo asked the board to consider this agreement as a matter of policy moving forward for any type of situation requiring this action.

Trustee Abbott made a motion, seconded by Trustee Brazill to enter into the Revocable License Agreement with James & Virginia Powell contingent upon Zoning Board of Appeals approval of the variances and that this procedure be considered as a matter of policy moving forward. All in favor. Motion carried.

**DPW**

No new business.

**CLERK'S OFFICE**

Trustee Brazill made a motion, seconded by Trustee Christensen to allow Mallory Petterelli, Senior ESM student to work in the Clerk's Office, April 9 – 13, 2012 for maximum 15 hours of volunteer credit to achieve graduation certification for National Honor Society. All in Favor. Motion carried.

**WWTP – CERF**

***NON-DISCLOSURE & CONFIDENTIALITY AGREEMENT***

Attorney Primo stated any visitor, student or group that tours the Wastewater Treatment Plant and Cleanwater Environmental Research Facility a Non-Disclosure & Confidentiality Agreement must sign before entering the facility. Village officials and employees will now sign a Village of Minoa-Employee Confidentiality Non-Disclosure Agreement which will be part of the employee handbook and any new employees will sign the agreement at the time of employment.

Trustee Christensen made a motion, seconded by Trustee Champagne to approve the

use of Village of Minoa – Employee Confidentiality Non-Disclosure Agreement and have the agreement inserted into the Village of Minoa Employee Handbook.

***SKD – MINOA AGREEMENT – PARTNERSHIP AGREEMENT OF CLEANWATER INNOVATION ASSOCIATES***

Attorney Primo stated this agreement is formed pursuant to provisions of Uniform Partnership Act of the State of New York and will be “Clean Water Innovation Associates” and purposes of the partnership are development, research, education, and processes related to and utilizing the Village of Minoa Wastewater Treatment Plant. The Village of Minoa will have a percentage interest of 40% of the partnership and SKD Environmental Systems, LLC will have 60%. This partnership allows the opportunity to do business such as the Oswego Phase Projects. Trustee Brazill asked if the equipment costs are split 60/40 also. Attorney Primo stated that anything built on-site is the property of the Village.

Trustee Champagne made a motion, seconded by Trustee Brazill to authorize the Mayor to execute the Partnership Agreement of Clean Water Innovation Associates and the filing of such agreement with the County Clerk’s Office. All in favor. Motion carried.

***INSURANCE REQUIREMENTS FOR PARTNERSHIP AGREEMENT OF CLEAN WATER INNOVATIONS ASSOCIATES OPERATIONS***

Attorney Primo stated he has been working with insurance agency John Crowley to establish insurance coverage for the operations under the agreement; \$2 million General Liability coverage, \$4 million aggregate with an annual premium of approximately \$4,252.00 with \$2,500 deductible.

Trustee Brazill made a motion, seconded by Trustee Champagne to approve the insurance policy for Partnership Agreement of Clean Water Innovations Associates Operations. All in favor. Motion carried.

***REQUEST PERMISSION TO SEND LETTER OF INTEREST FOR A GRANT OPPORTUNITY THROUGH EAP***

Trustee Champagne made a motion, seconded by Trustee Brazill to authorize the Mayor to sign a Letter of Interest on behalf of the village for a grant opportunity to fund a portable sewer treatment facility as prepared by SKD. All in favor. Motion carried.

***MEMORANDUM OF UNDERSTANDING – TRINITY***

Attorney Primo presented a draft Memorandum of Understanding between the Research Foundation for the State University of New York and SUNY College of Environmental Science and Forestry, Village of Minoa and SKD Environmental Systems LLC for research and educational opportunities for all parties for board consideration. The MOU represents partnerships between the municipal, non-profit, and academic institutes.

Trustee Brazill made a motion, seconded by Trustee Christensen authorizing the Mayor execute the Memorandum of Understanding between the Research Foundation for the State University of New York and SUNY College of Environmental Science and Forestry, Village of Minoa and SKD Environmental Systems LLC. All in favor. Motion carried.

***GIGP CONTRACT - GRANT AGREEMENT - MINOA - APPLICATION NO. 334,  
SRF PROJECT NO. 6304-03-00***

Trustee Christensen made a motion, seconded by Trustee Brazill authorizing the Mayor to execute the Green Innovation Grant Program Agreement with The New York State Environmental Facilities Corporation (EFC). All in favor. Motion carried.

**TRUSTEES'  
REPORT**

Trustee Champagne congratulated Trustee Abbott and welcomed him to the board.

Trustee Christensen stated the Historical Committee continues to meet on a regular basis and a new issue of the Minoa Chronicle will be out soon.

Trustee Abbott thanked Trustee Champagne and stated he is looking forward to working with the board.

Trustee Brazill also welcomed Trustee Abbott to the village board. Trustee Brazill presented a list of items that he would like to the board to declare as surplus equipment in the Fire Department so that they may be taken to County Auction as they are no longer needed.

Trustee Abbott made a motion, seconded by Trustee Champagne to declare the list of equipment dated January 17, 2012 as surplus equipment and authorize the Fire Department to take it to county auction. All in favor. Motion carried.

Trustee Brazill reminded everyone that residential brush burning continues to be prohibited statewide through May 15<sup>th</sup>.

**MAYOR'S REPORT**

**ATTORNEY'S  
REPORT**

A discussion took place regarding the Facilities Use Agreement form as presented by Attorney Primo at a previous meeting.

**AUDIT OF  
CLAIMS**

A motion was made by Trustee Champagne and seconded by Trustee Christensen that claims on Abstract #020 in the amounts of General Fund - \$54,902.44 (Vouchers 838 - 880) and Sewer Fund – \$14,865.76 (Vouchers 327 - 338) for a total of \$69,768.20 audited and paid. All in favor. Motion carried.

**PUBLIC  
COMMENTS**

Dan DeLucia, 103 Norbert Place asked if the revocable license agreement approved this evening would be applicable to any successors of the James and Virginia Powell. Attorney Primo said yes it would be.

John Sears, 103 S. Main Street asked who or what was SKD and if there is any private individual that can benefit, or leave with information or technology. Attorney Primo answered SKD Environmental Systems, LLC is Steve Giarrusso, Klaus Doelle and David Johnson and the purpose of Non-Disclosure and Confidentiality Agreements with village officials, employees and partners other organizations and agencies are protected.

**EXECUTIVE  
SESSION – IN**

Trustee Christensen made a motion, seconded by Trustee Brazill to enter into Executive Session for the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment,

promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation specifically Minoa Fire Department, pending criminal investigation and court matter. All in favor. Motion carried. The board entered into Executive Session at 8:36pm.

**EXECUTIVE  
SESSION - OUT**

Trustee Brazill made a motion, seconded by Trustee Christensen to come out of Executive Session. All in favor. Motion carried. The board entered into Regular Session at 9:07pm.

**LEGAL  
COUNSEL FOR  
PENDING  
COURT MATTER**

Trustee Brazill made a motion, seconded by Trustee Christensen to approve outside legal counsel to handle a code enforcement issue before the Village Court due to conflict of interest with the Village Attorney. All in favor. Motion carried.

**ADJOURNMENT**

A motion was made by Trustee Champagne and seconded by Trustee Christensen that the Village Board Meeting be adjourned at 9:08pm. All in favor. Motion carried.  
Respectfully submitted,

Lisa L. DeVona  
Clerk-Treasurer