

**VILLAGE OF MINOA
BOARD OF TRUSTEES
January 21, 2013**

6:50 PM A motion was made by Trustee Christensen and seconded by Trustee Abbott to waive
PUBLIC HEARING – reading of the legal notice and open the public hearing. All in favor. Motion carried.
LOCAL LAW #2 Mayor Donovan opened the public hearing at 6:58pm.
AMEND CHAPTER Attorney Primo reviewed the draft local law as presented to the board in December.
160-8(B) ENTITLED Attorney Primo stated this amendment still needs to be forwarded to Onondaga County
SPECIAL PERMIT Planning for review; the next meeting is February 6, 2013 therefore he feels the board
USES should not take action on the local law until the February 20, 2013 meeting.
With no comments from the public, Trustee Christensen made a motion seconded by
Trustee Brazill to continue the public hearing on February 20, 2013 at 7:05pm. All in
favor. Motion carried at 7:11pm.

7:12PM **PRESENT:** Mayor Richard Donovan
Trustee Abbott
Trustee Brazill
Trustee Christensen
Attorney Primo
Clerk-Treasurer DeVona
ABSENT: Trustee Champagne
ALSO PRESENT: Mike Macko, Greg Walker, Matt McGarrity, John Sears

Mayor Richard Donovan opened the meeting at 7:12 p.m. with the Pledge of Allegiance led by Attorney Primo.

PROCLAMATION Mayor Donovan proclaimed Friday, January 25, 2013 the centennial milestone of the Village of Minoa. Trustee Abbott made motion, seconded by Trustee Christensen that Friday, January 25, 2013 be proclaimed as the centennial milestone of the village of Minoa. All in favor. Motion carried.

RESOLUTION – The following resolution was adopted by the board:
SUPPORTING *Resolved to support New York State regarding the proposed laws concerning contact*
FORECLOSURE *information for vacant structures.*
BILLS A.88 & A.824

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

WHEREAS, the Village of Minoa Board of Trustees supports the passage of said Bills.

NOW THEREFORE, BE IT RESOLVED that the Village of Minoa hereby supports the passage of said Bills and respectfully requests that the State Representatives who represents constituents of the Village of Minoa support the passage of said Bills.

Upon motion made by Trustee Brazill, and seconded by Trustee Abbott, 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 | Absent |
| Eric Christensen, Trustee | Aye |
| John Abbott, Trustee | Aye |

Resolution was adopted.

**MEETING
MINUTES -
DECEMBER 17, 2012**

Trustee Christensen made a motion, seconded by Trustee Abbott to approve the meeting minutes of December 17, 2012. All in favor. Motion carried.

**MEETING
MINUTES –
JANUARY 7, 2013**

Trustee Christensen made a motion, seconded by Trustee Abbott to approve the meeting minutes of January 7, 2013. All in favor. Motion carried.

DPW

No new business.

2013 COMMUNITY DEVELOPMENT GRANT

Mayor Donovan stated after surveying the sidewalk repairs and renovations with Superintendent Petterelli he recommends the village submit an application for 2013 Community Development funding for sidewalks. A motion was made by Trustee Brazill and seconded by Trustee Christensen to submit an application for 2013 Community Development funding for sidewalk repairs and renovations. All in favor. Motion carried.

A motion was made by Trustee Christensen and seconded by Trustee Abbott to hold a public hearing on March 4, 2013 at 7:05pm for the Community Development Grant application. All in favor. Motion carried.

RATIFY PRIOR APPROVAL FOR MAYOR TO ATTEND CENTERSTATE CEO LUNCHEON

A motion was made by Trustee Brazill and seconded by Trustee Abbott authorizing the Mayor to attend Centerstate CEO Government Relations Committee luncheon on January 18, 2013 at a cost of \$10.00. All in favor. Motion carried.

RATIFY PRIOR APPROVAL FOR MAYOR TO ATTEND GREATER MANLIUS CHAMBER OF COMMERCE DISTINGUISHED CITIZENS OF THE YEAR RECEPTION

A motion was made by Trustee Brazill and seconded by Trustee Abbott authorizing the Mayor to attend the Greater Manlius Chamber of Commerce Distinguished Citizens of the Year reception on January 18, 2013 at a cost of \$30.00. All in favor. Motion carried.

ANNUAL SUPPORT CONTRACTS WITH WILLIAMSON LAW BOOK COMPANY

A motion was made by Trustee Brazill and seconded by Trustee Abbott approving the 2013 Annual Support Contracts with Williamson Law Book Company for Fixed Assets, Accounting, Tax Collection and Payroll programs in the amount of \$1,512.50. All in favor. Motion carried.

**FIRE
DEPARTMENT**

RATIFY PRIOR APPROVAL FOR DAVID HESS TO USE FIRE STATION 2

A motion was made by Trustee Abbott, and seconded by Trustee Christensen to approve David Hess' request to use Fire Station 2 on January 19, 2013 for a birthday party. All in favor. Motion carried.

AMBULANCE

Nothing new to report.

**CODE
ENFORCEMENT**

RATIFY PRIOR APPROVAL TO RYAN HOMES TO BUILD NEW MODEL HOME

Trustee Christensen made a motion, seconded by Trustee Brazill to grant permission to Ryan Homes to build new model home in Minor Farms, Section 4B, Lot 87 that will not be occupied until the section is approved. All in favor. Motion carried.

***REQUEST PERMISSION TO REGISTER WITH SAFEGUARD PROPERTIES/
COMPLIANCE CONNECTIONS***

A motion was made by Trustee Abbott, and seconded by Trustee Brazill to approve registration with Safeguard Properties / Compliance Connections, a company to assist in offering information regarding properties under foreclosure, at no cost. All in favor. Motion carried.

**FOR
CONSIDERATION
LOCAL LAW #2
FOR 2013**

Public hearing continued until February 20, 2013.

**TRUSTEES'
REPORT**

Trustee Christensen – nothing new to report.

Trustee Abbott – reported the sign has been changed to announce the centennial celebration scheduled for Friday, January 25th.

Trustee Brazill - nothing new to report.

**MAYOR'S
REPORT**

Mayor Donovan stated Senator DeFrancisco invited village officials to his Syracuse office as an informal meeting to introduce himself as our senate representative.

Mayor Donovan congratulated Chief Paul Hildreth on the Citizen of the Year Award from the Greater Manlius Chamber of Commerce; well deserved recipient of the award.

Mayor Donovan announced this Friday is our Centennial Celebration Open

House and Ceremony beginning at 5:00pm and hopes everyone can attend.

**ATTORNEY
REPORT**

Attorney Primo presented the following Fact & Findings Resolution regarding
237 Elm Street:

WHEREAS, Richard J. Greene, Codes Enforcement Officer of the Village of Minoa, New York (“Code Enforcement Officer”), on or about March 24, 2011 and through to date, having observed and continued to observe the premises situate at 237 Elm Street, Minoa, New York (“Premises”) as being vacant and not in a clean, safe and sanitary condition, such as causing a blighting problem and adversely affecting the public health and safety of Village residents, all in violation of the Property Maintenance Code of New York State, Chapter 3, Section 301.3 and the Village of Minoa Code, Chapter 57, Sections 57-5(5), (8), (10) and (11); having placed a notice on the unsafe structure pursuant to §57-6(D) of the Village Code indicating that same had been found unsafe by the Codes Enforcement Officer, and having notified the property owner of record, as determined by Village of Minoa assessment records, Jerry and Beate Adams as well as Citi Mortgage (“Owners”) of same by Notice of Codes Enforcement Officer dated December 14, 2012 pursuant to §57-6(A) and ordering the Premises be placed in safe condition by repair or by demolition and removal or otherwise, such repair and/or demolition to be commenced within ten (10) days upon service of such notice and to be completed within ten (10) days thereafter; and

WHEREAS, the Code Enforcement Officer, having determined that the Owners failed to repair and/or demolition the Premises, provided the Village Board a written report pursuant to §57-6(B) of the Village of Minoa Code (“Report”) containing his findings and recommendations regarding the dwelling situate upon and the Premises and in which Report the Code Enforcement Officer stated his opinion that said dwelling was still unsafe and dangerous to the public and recommending its demolition, and stating that the owner had failed to address such unsafe condition as required in the Notice of Codes Enforcement Officer dated December 14, 2012; and,

WHEREAS, the Village Board, after reviewing the Report and duly deliberating upon the same, having determined to conduct a hearing pursuant to §57-7(B) of the Village Code on January 7, 2013; and,

WHEREAS, a Notice of Hearing having been duly posted by attaching a true copy at the Community Bulletin Board, in the Village municipal building, and the Owners having been duly notified by Notice Pursuant to Village of Minoa Code §57-7(A) dated December 27, 2012, a hearing was conducted on January 7, 2013 at 7:00 P.M.; and

WHEREAS, the Village attorney, Steven J. Primo, having acknowledged receipt and review of various documents relating to the proceedings in particular as to notices, service and publication of same, and that the proceedings have been regular in all respects(and with such documents, specifically: Exhibits 1 through 9, the above-referenced Notice of Codes Enforcement Officer dated December 14, 2012 (R. Greene), Affidavit of Service by Mail dated January 7, 2013 (R. Greene), Notice (Sign) of Unsafe Structure (R. Greene), Affidavit of Posting dated January 7, 2013 (R. Greene), Affidavit & Report of Codes Enforcement Officer dated December 26, 2012 (R. Greene), Notice Pursuant to Village of Minoa Code §57-7(A) dated December 27, 2012 (L. DeVona), Affidavit of Service by Mail dated January 7, 2013 (L. DeVona), Notice of Hearing dated December 27, 2012 (L. DeVona), and Affidavit of Posting dated January 7, 2013 (L. DeVona) all being attached hereto and made part of the record in this proceeding; and

WHEREAS, at such hearing, under oath duly administered by the Village Attorney, Village Codes Enforcement Officer Richard Greene having testified that on or about March 24, 2011 and through to date, he had observed and continues to observe the premises situate at 237 Elm Street, Minoa, New York (“Premises”) as being vacant and not in a clean, safe and sanitary condition, such as causing a blighting problem and adversely affecting the public health and safety of Village residents, all in violation of the Property Maintenance Code of New York State, Chapter 3, Section 301.3 and the Village of Minoa Code, Chapter 57, Sections 57-5(5), (8), (10) and (11), and that the Owners had failed repair and/or demolition of the Premises as required; and

WHEREAS, the Codes Enforcement Officer having further testified that, in his professional opinion and based on the Village Code’s definition of “unsafe building or structure,” he believed the structure, in its condition, was clearly unsafe and in need of being properly and

immediately addressed based upon his observation and under the conditions as set forth and described in his Report; and

WHEREAS, The Codes Enforcement Officer having, upon inquiry advised that although in bad condition, the structure and premises were not beyond rehabilitation however any such efforts must take place in the near future as the property was quickly degrading especially with severe winter conditions;

WHEREAS, there were no appearances or testimony offered by the property owner or any other persons having a legal or equitable interest in the premises or indicating specific concerns as a neighbor or otherwise (other public comment of a general nature, if any, being indicated in the Village Board minutes); and

WHEREAS, it was determined that notwithstanding this determination some effort might be made for the Village to act as an intermediary between the Owner (or mortgagee) and prospective buyers, and that, as such, any Village action might take into account that at present the structure may be capable of rehabilitation and of value;

NOW THEREFORE BE IT RESOLVED, that the foregoing offered testimony is adopted as the Findings of Fact of the Village Board in this proceeding, pursuant to §57-7 of the Village of Minoa, and that the Premises are clearly an “unsafe building” within the terms of §57-5 of the Village of Minoa Code, and should be addressed in the manner provided for in Chapter 57 by demolition of the dwelling on the Premises, and performance of such other work as will make the Premises no longer unsafe; and it is further

work must be completed on or before twenty-five (25) days from the date of such service.

- (c) In the event of the failure of any Owner to timely perform the work the Village is hereby authorized to seek three (3) proposals for such work as is authorized by the Village Codes Enforcement Officer work pursuant to the Village’s official procurement policies upon a request for proposal in form approved by the Village Attorney, same to be utilized in order for the Village to immediately act to complete work in the event the Owners fail to commence or complete such work within the time periods prescribed. In the event the Owners fail to timely commence or complete, or cause to be completed, the Work, within the prescribed time periods, the Village shall commence the same.
- (d) Pursuant to §§57-10 and 115-7 of the Village Code, the Village shall compile all costs and expenses of this proceeding, including as relates to any future action, and by notice to the Owner(s) invoice the Owner(s) for same, and upon resolution duly adopted by the Village Board, following such prior written notice of not less than thirty (30) days (addressed to the Owners and mortgagee) advising such persons or entities of amounts owed to the Village for all costs and expenses of this proceeding, including all demolition and related costs, expenses, and professional fees, and providing such person(s) an opportunity to be heard at the Village Board meeting whereat such resolution is adopted, the Village may consider and make the determination(s) required under §§ 57-10 and 115-5E hereof (if not previously made) and assess the property subject thereof with such costs in the same manner as with respect to property taxes, such that same may be collected and the lien of same enforced in the same manner as liens for such taxes and charge;; and it is further

RESOLVED, that the foregoing action(s) is/are Type II actions or otherwise exempt from the requirements of the State Environmental Quality Review Act, and that the short environmental assessment form prepared by the Village Attorney is hereby attached to this resolution and made a part of the record in these proceedings; and it is further

RESOLVED, that the Village Attorney and Village Clerk-Treasurer and such other

officers and employees of the Village as are authorized and as appropriate, are hereby authorized to perform any actions, and to execute and deliver any and all documents instruments and process as may be necessary to effect the foregoing resolutions;

Upon motion made by Trustee William Brazill, and seconded by Trustee Eric Christensen, the foregoing resolutions were put to a roll call, which resulted as follows:

| | |
|-------------------------------|--------|
| Richard Donovan, Mayor | Aye |
| William Brazill, Deputy Mayor | Aye |
| John Champagne, Trustee | Absent |
| Eric Christensen, Trustee | Aye |
| John Abbott, Trustee | Aye |
| Resolution was adopted. | |

LOCAL LAW #3 FOR 2013 – UNSAFE BUILDINGS

Attorney Primo presented the board with draft Local Law #3 for 2013 repealing Chapter 57 entitled “Unsafe Buildings” and Section 136-14 entitled “Standards of Maintenance of Sidewalks and General Property Maintenance” of the Village of Minoa Code and replacing the same with a new Chapter 116 entitled “General Property Maintenance Law,” and to amend Section 51-9 entitled “Unsafe Buildings and Structures” to replace the reference to Chapter 57 with the new Chapter 116.

Trustee Brazill made a motion, seconded by Trustee Christensen to hold the public hearing for Local Law #3 for 2013 on February 4, 2013 at 7:10pm. All in favor. Motion carried.

AUDIT OF CLAIMS

A motion was made by Trustee Christensen and seconded by Trustee Brazill that the claims on Abstract #016 in the amounts of General Fund - \$52,710.35 (Vouchers 714 - 754) and Sewer Fund – \$4,275.55 (Vouchers 298 - 306) for a total of \$56,985.90 audited and paid. All in favor. Motion carried.

PUBLIC COMMENTS

There were no comments from the public.

ADJOURNMENT

A motion was made by Trustee Abbott and seconded by Trustee Brazill to adjourn the village board meeting at 7:39 pm. All in favor. Motion carried.

Respectfully submitted,

Lisa DeVona

Lisa L. DeVona
Clerk-Treasurer