

**VILLAGE OF MINOA
BOARD OF TRUSTEES
July 31, 2013**

PRESENT: Mayor Richard Donovan
Trustee Abbott
Trustee Brazill
Trustee Champagne
Trustee Christensen (**Absent**)
Clerk-Treasurer DeVona
Attorney Steven Primo

Mayor Richard Donovan opened the meeting at 12:00 p.m.

WTP / CERF

REQUEST PERMISSION TO APPLY FOR CNG FUEL STATE DOT CREDIT CARD

A motion was made by Trustee Brazill and seconded by Trustee Champagne to approve the request to apply for CNG Fuel Credit Card with NYS Office of General Services in order to fill CNG vehicle at DOT stations in New York State. All in favor. Motion carried.

REQUEST PERMISSION UNPAID INTERNSHIP, SUNY ESF STUDENTS, LACEY KUCERAK AND CAROLYN HUYNH, AUGUST THROUGH DECEMBER 2013 FOR EDUCATIONAL PURPOSES

A motion was made by Trustee Champagne and seconded by Trustee Brazill to approve unpaid internship for SUNY ESF students Lacey Kucerak and Carolyn Huynh to conduct a study of pharmaceutical compounds in the Minoa Wastewater Treatment Plant from August through December 2013 for educational purposes only. All in favor. Motion carried.

AUDIT OF CLAIMS

A motion was made by Trustee Champagne and seconded by Trustee Brazill that the claims on Abstract #004 in the amounts of General Fund - \$46,721.70 (Vouchers 138 - 180) and Sewer Fund - \$4,897.84 (Vouchers 51 - 64) for a total of \$51,619.54 audited and paid. All in favor. Motion carried.

CLERK

MEETING MINUTES – JULY 15, 2013

A motion was made by Trustee Champagne and seconded by Trustee Brazill to approve the meeting minutes of July 15, 2013 as submitted. All in favor. Motion carried.

RATIFY PRIOR APPROVAL TO SEND ALAN ARCHER, JOHN JARMACZ AND JOHN TURBEVILLE TO NYCOM PLANNING & ZONING SCHOOL

A motion was made by Trustee Abbott and seconded by Trustee Champagne to ratify prior approval to send Alan Archer, John Jarmacz and John Turbeville to

NYCOM Planning & Zoning School on Friday, August 2, 2013 at Best Western in East Syracuse, at a cost of \$80.00 per person. All in favor. Motion carried.

REQUEST PERMISSION TO HOLD MINOA MUSIC FESTIVAL, SATURDAY, SEPTEMBER 7, 2013 AT LEWIS PARK

Trustee Abbott made a motion, seconded by Trustee Brazill to approve the request to have the Minoa Music Festival on Saturday, September 7, 2013 in Lewis Park with local bands and fireworks display from noon to dusk. All in favor. Motion carried.

RATIFY PRIOR APPROVAL TO CLOSE 100 BLOCK OF N. MAIN STREET ON SUNDAY, AUGUST 4, 2013 FOR THE FILMING OF MOVIE SCENE

A motion was made by Trustee Brazill and seconded by Trustee Champagne to ratify prior approval to close the 100 block of N. Main Street, from the corner of Willard Street and N. Main to the corner of N. Central and Elm Street, on Sunday August 4, 2013, 10:00am to 4:00pm, for the filming of a movie scene of a Christopher Steinberger production called "Iris"; with a rain date of Sunday, August 11, 2013. All in favor. Motion carried.

**CODES
ENFORCEMENT**

UNSAFE BUILDINGS PURSUANT TO CHAPTER 57 – 237 ELM STREET

Trustee Brazill excused himself from the meeting at 12:38pm.

Mayor Donovan announced that he and attorney Primo visited the property located at 237 Elm Street today because of safety issues and code violations that continue to exist at this property. Notification from CitiMortgage received on July 11, 2013 indicates they (CitiMortgage) has no interest in this property (237 Elm Street) and their file is closed.

The following resolution as drafted and proposed by the Village Attorney, was moved, seconded and adopted:

WHEREAS, following a hearing in the above-referenced proceeding before the Village of Minoa Board of Trustees ("Village Board") held on January 7, 2013 at 7:00 P.M. at 240 North Main Street, County of Onondaga, State of New York, the Village Board, in connection with a proceeding under former Chapter 57 of the Village of Minoa Code (former Chapter 57 of the Village Code was consolidated with Section 136-14 entitled "Standards of Maintenance of Sidewalks and General Property Maintenance" by Local Law No. 2 of 2013 to become a new Chapter 116 entitled "General Property Maintenance Law."), issued a Resolution Adopting Findings of Fact and Order Pursuant to former Village Code §57-7(C)&(D) finding the Premises unsafe within the terms of for Village Code §57-5, and ordering same to be addressed in the manner provided for in former Chapter 57 and specifically as detailed in the Resolution Adopting Findings of Fact and Order dated January 7, 2013, attached hereto as Exhibit "A"; and

WHEREAS, the Order was served on the Owners in the manner required under former §57-9 of the Village Code and the Owners failed to timely perform the work as required; and

WHEREAS, immediately following the hearing and issuance of resolution (Order) on January 7, 2013 discussions ensued amongst Village Board members, the Village Attorney and thereafter with the undersigned relative to the demolition ordered following the January 7, 2013 hearing. Notwithstanding the condition of the Premises, it was considered that there may still be sufficient value, such that the mortgagee-owner might step in, take appropriate action and thereafter market the Premises for sale. Accordingly, since the resident Owners had long ago vacated the Premises efforts were made to initiate contact with and hopefully receive a favorable response from the mortgagee. In addition, the Village had received some inquiries from prospective purchasers and at least one realtor potentially interested in the Premises, none however having inspected the interior of the Premises. All were directed to contact the mortgagee, Citimortgage, Inc.; and

WHEREAS, on July 15, 2013, the Village Codes Enforcement Officer received an undated letter from Citimortgage, Inc. indicating they had no intent to assert any interest in the property; and

WHEREAS, after receipt of the Citimortgage, Inc. letter of July 15, 2013, the Village Codes Enforcement Officer again inspected the Premises and provided a Supplemental Report to the Village Board dated July 31, 2013 detailing the continuing deterioration of the condition of the Premises, a true copy of same attached hereto as Exhibit "B"; and

WHEREAS, said Supplemental Report incorporates, amongst other things, the Affidavit of Village Attorney Steven J. Primo, based in part on an inspection by said Village Attorney and the Village Mayor on July 31, 2013; and

WHEREAS, the Village Board specifically finds that since the date of the aforementioned issuance under former Chapter 57 of the Village Code the condition of the Premises has significantly worsened in that substantial additional damage to the interior by vandalism has occurred and conditions causing or having already caused serious substantial damages have occurred; and

WHEREAS, the Village Board now desires to reaffirm its Findings of Facts and Order dated January 7, 2013, pursuant to former Village Code §57-7(C)&(D), finding the Premises unsafe within the terms of §57-5 of the Village Code, and ordering same be addressed in the manner provided for in Chapter 116 by demolition of the dwelling on the Premises, and to in reaffirming same, reissue such Findings of Fact and Order in accordance with "new" §116-7A of the Village of Minoa Code which consolidated former Village Code Chapter 57 entitled "Unsafe Buildings" and Section 136-14 entitled "Standards of Maintenance of Sidewalks and General Property Maintenance, at any time after (and not sooner than) August 16, 2013, to take such actions as are described at the following paragraphs (b), (c), (d) and (e); provided however the Village shall not later than _ days prior to such date to serve by requested or certified mail return receipt requested, a true copy of this Resolution with incorporated Exhibits at the addresses required for service of notice under former and Village Code §§57-9 and 116-5; and

NOW THEREFORE BE IT RESOLVED, that the Village Board's prior January 7, 2013 Resolution adopting Findings of Fact and Order in this proceeding, pursuant to former §57-7 of the Code of the Village of Minoa, is hereby reaffirmed and reissued under and pursuant to §116-7A of the Village Code and that the Premises are clearly an "unsafe building" within the terms of former §57-5 and present §116-4 of the Village of Minoa Code, and that same should be addressed in the manner provided at Chapter 116 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

RESOLVED, that pursuant to §§116-6A and 7A of the Village of Minoa Code, it is hereby ORDERED that:

- (a) The Village Board reaffirms its Findings of Facts and Order dated January 7, 2013, pursuant to former Village Code §57-7(C)&(D), finding the Premises unsafe within the terms of §57-5 of the Village Code, and further ordering same be addressed in the manner provided for in Chapter 116 by demolition of the dwelling on the Premises, and to in reaffirming same, reissue such Findings of Fact and Order in accordance with §116 of the Village of Minoa Code which consolidated former Village Code Chapter 57 entitled "Unsafe Buildings" and Section 136-14 entitled "Standards of Maintenance of Sidewalks and General Property Maintenance," and at any time after (and not sooner than) August 16, 2013, the Village shall take such actions as are described at the following paragraphs (b), (c), (d) and (e); provided however the Village shall not later than ___ days prior to such date serve by registered or certified mail return receipt requested, a true copy of this Resolution with incorporated Exhibits at the addresses required for service of notice under Village Code §116-5.
- (b) The Village shall seek three (3) quotations for such demolition work as is authorized by the Village Codes Enforcement Officer pursuant to the Village's official procurement policies upon a request for quotations in form approved by the Village Attorney, same to enable, and the Village to commence the same upon expiration of the date above referenced.
- (c) Pursuant to §§116-7 and 116-7.1 of the Village Code, the Village shall compile all costs and expenses of this proceeding, including estimated costs as relates to any reasonably contemplated future action, and by notice to the Owner(s) in the manner required at Chapter 116 invoice the Owner(s) for same (noting however that any

estimated costs shall be held as a separated fund by Village and to be expended only for such purpose(s) or returned to the payor), 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) advising such persons or entities of amounts owed to the Village for all costs and expenses of the 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 determination resolution is adopted, the Village may consider and make the determination(s) required under §§ 116-7 and 116-7.1 (if not previously made) and assess the property subject hereof with such costs and expenses 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 charges; 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 Mayor, Village Attorney, Village Clerk-Treasurer, Village Codes Enforcement Officer and/or 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 Abbott, and seconded by Trustee Champagne, the foregoing resolutions were put to a roll call, which resulted as follows:

Richard Donovan, Mayor	Aye
William Brazill, Deputy Mayor	Not available at time of vote
John Champagne, Trustee	Aye
Eric Christensen, Trustee	Absent
John Abbott, Trustee	Aye

Resolution was adopted.

MAYOR'S REPORT

Mayor Donovan announced that Onondaga County Health Department had tested the Minoa Farms Ponds and have reported no viruses have been found. The health department has provided a mosquito larvae control product for standing (contained) water which can be picked up at the village clerk's office.

Mayor Donovan sadly announced the passing of G. Jeffrey Haber, retired Executive Director of the New York Association of Towns of which he served for 27 years. Jeff was a great supporter of villages and will be greatly missed.

ADJOURNMENT

A motion was made by Trustee Abbott and seconded by Trustee Champagne to adjourn the village board meeting at 12:45 pm. All in favor. Motion carried.

Respectfully submitted,

Lisa DeVona

Lisa L. DeVona
Clerk-Treasurer