

**VILLAGE OF MINOA
BOARD OF TRUSTEES**

August 1, 2016

PRESENT: Mayor William F. Brazill
Trustee Abbott
Trustee Champagne
Trustee Christensen
Trustee Rinaldi
Clerk Treasurer Lisa DeVona
Attorney Courtney Hills, Primo & Hills Law Firm

ALSO PRESENT: Fire Chief Erich Schepp
Thomas Petterelli, DPW Superintendent
Matt Bachner, Honeywell
Edward Carey, Good Energy
Javier Barrios, Community Choice Aggregation
Mike Macko, Attendant
John Sears
Bailey Feut
Sara Tangnedi
Sara Spraque
Alexis Leonard
Jay Patel
Brandon Gilmer

Mayor Brazill opened the village board meeting at 7:00pm and Clerk Treasurer DeVona led those present with the Pledge of Allegiance.

**PRESENTATION –
COMMUNITY CHOICE
AGGREGATION**

Edward Carey and Javier Barrios made a presentation to the village board regarding Community Choice Aggregation (CCA). The purpose of the CCA program is to allow the village of Minoa to procure energy supply services for its residential and commercial customers who will have the opportunity to “opt out” of the procurements while maintaining transmission and distributions services from the existing utility. Village residents will have the opportunity to lower their overall energy cost and to improve customer choice and value by providing an additional alternative source for electricity and natural gas. The CCA gives municipality the power to source energy based on residential electrical and gas needs. The first step in the process would be to hold a public hearing to establish and participate in the Community Chose Aggregation Program, then appoint Good Energy, LP to act as community choice Aggregation program Administrator for the village. The administrator duties would include formal petition with the Public Service Commission for approval of the CCA for the municipality, conduct utility rate comparison to market pricing to determine benefits, explore energy sourcing and pricing options, develop rate design, determine customer eligibility, design program to ensure legal and regulatory compliance and implement public education and marketing services for an opt-out CCA program.

Mayor Brazill thanked Ed and Javier for the presentation.

**HONEYWELL BUILDING
SOLUTIONS**

Honeywell representative Matt Bachner thanked the board for the invitation to attend the meeting and discuss the existing three (3) year agreement. The board asked Mr. Bachner exactly what was covered under the agreement costing \$33,407 per year. Mr. Bachner stated the upgraded EBI system the village purchased three years ago is capable of handling additional components such as security and

cameras. The board was interested in discussing other options and using the system they have to it fullest capabilities. A future meeting will be arranged with a Honeywell team and Trustee Champagne.

With no further questions from the board, Trustee Champagne made a motion, seconded by Trustee Christensen to approve a one (1) year agreement with Honeywell Building Solutions in the amount of \$33,407.00. All in favor; motion carried.

CLERK-TREASURER

HONEYWELL 3YR SERVICE AGREEMENT

Trustee Champagne made a motion, seconded by Trustee Christensen to approve a one-year service agreement effective August 1, 2016 with Honeywell Building Solutions in the amount of \$33,407.00. All in favor; motion carried.

MEETING MINUTES – JULY 18, 2016

Trustee Champagne made a motion, seconded by Trustee Abbott to approve the meeting minutes of July 18, 2016 as submitted. Trustees Christensen and Rinaldi abstained from the vote as they did not attend the July 18, 2016 meeting. Mayor Brazill, Trustees Abbott and Champagne all voted yes; motion carried.

PROPOSED CHANGES TO VILLAGE CODE – CHAPTERS 39, 66, 98, 113, 116, 120

The Village of Minoa Code has been amended on numerous occasions to comply with changes in state statute and for the health safety and welfare of residents and visitors to the Village of Minoa. Over the life span of the current Code, it has been brought to the attention of the Village Board of Trustees that various language and confusion with the organization and location of items in the Village Code has proved to be very difficult for our citizens. As such a comprehensive review of the Village Code was conducted, and it has been determined that the Village Code should be amended to provide for the following grammatical corrections and other recommended amendments to ensure compliance with state and federal statute and present a more clear, beneficial and understandable document for public use. A local law amending Chapters 66 entitled “Fences”, 98 entitled “Noise”, 113 entitled “Penalties”, 116 entitled “Property Maintenance, General”, 120 entitled “Rental Properties”, 136 entitled “Streets and Public Places, Sidewalk Maintenance”, and 160 entitled “Zoning” of the Village Code, and repealing Chapter 39 of the Village of Minoa Code entitled “Amusements” was proposed.

Trustee Champagne made a motion, seconded by Trustee Christensen to hold a public hearing on September 6, 2016 at 7:00pm for Local Law #5 – changes to Chapters(s) 39, 66, 98, 113, 116, 120. All in favor; motion carried.

WTP / CERF

PERMISSION TO TRANSFER ERIC CUSHING FROM LABORER TO WT PLANT OPERATOR B

Discussion tabled until after Executive Session.

FIRE DEPARTMENT

TRAINING REQUEST – JEREMY CUNNINGHAM & KYLE STANLEY

Trustee Champagne made a motion seconded by Trustee Abbott to approve the training request for Jeremy Cunningham and Kyle Stanley to attend Machinery

Rescue Operations Class, October 8, 2016, 8am-4pm at Manlius Fire Station I
\$175.00 per student. All in favor; motion carried.

NEW MEMBERSHIP (RESTRICTED)

Trustee Christensen made a motion, seconded by Trustee Champagne to approve the new restricted membership application for Tim Shane, 410 Harwell Avenue. All in favor; motion carried.

RATIFY PRIOR APPROVAL - CHANGE IN MEMBERSHIP – NICHOLAS ERARD, JR

Trustee Champagne made a motion, seconded by Trustee Christensen to ratify prior approval on July 27, 2016 to approve the change in membership status for Nicolas Erard, Jr from Life to Active Life. All in favor; motion carried.

ATTORNEY'S REPORT

DISCUSSION – RB ZONING – EDGERTON ESTATES

Attorney Hills explained the village has received a building permit/site plan application from the owners of Edgerton Estate Apartments for additional apartment buildings to be built on the northeast section of the parcel known as 501 Edgerton Estates and currently the parcel is zoned Residential B. Apartments or multi-family units are not a permitted use within Residential B zoning districts under the Village of Minoa Code. Ms. Hills stated that at some point in the past the zoning designation of the subject parcel was changed from Industrial to Residential B, and as such the existing multi-family (apartments) are now a legal non-conforming use. Under the Village's Code, any modification or alteration of a legal non-conforming use or structure would require the use or structure to be brought up to current Code standards. As such, the applicant has requested the village board to either amend the zoning code to permit such uses in Residential B district or change the zoning designation of that particular parcel.

Ms. Hills stated that both amending the zoning code to permit such uses in a Residential B District and or changing the zoning designation of the subject parcel would require legislative actions by the village board, same to include local laws and public hearings. She stated that amending the zoning code to permit such uses in Residential B would open up that use for all Residential B districts within the village which essentially defeats the purpose of the residential designation, and if the village board were to consider same she suggested permitting the use by special use permit only and carving out very specific standards that must be met before a permit was granted. She also advised that changing the zoning designation of a subject parcel could very well be considered "spot zoning". She gave a brief overview of the term "spot zoning" and how it is treated by the courts on appeal. The board discussed the options available and all agreed that they are certainly pro-development but do not want to change the zoning designation of the subject parcel nor change the permitted uses in Residential B zoning districts in order to resolve this issue.

RESOLUION - ESTABLISH FIRE STATION II REPAIR RESERVE FUND

The following resolutions were moved, seconded and adopted:

WHEREAS, pursuant to New York State General Municipal Law § 6-d, the Village of Minoa Board of Trustees (“Village Board”) may, from time to time, by resolution establish a Fire Station II Repair Reserve Fund whereby any budgeted amounts and unexpended fund surpluses from the prior year Fire Department’s budget each year may be allocated to a fund dedicated to the repair of capital improvements or equipment located at Minoa Fire Station II, if such repairs are of a type that does not occur on an annual or shorter-interval basis; and

WHEREAS, provided such Fire Station II Repair Reserve Fund is in full force and effect, unexpended fund surplus moneys from the prior year Fire Department’s budget shall be deposited in such Fire Station II Repair Reserve Fund (and any capital reserve fund established by the Village Board thereafter); the allocation of such surplus funds as between the repair reserve funds and a subsequent capital reserve fund shall be as determined by the Village Board following consultation with the Fire Department; and

WHEREAS, appropriations from such repair reserve fund, including to any capital reserve fund, shall, as required by law, be by duly adopted resolution of the Board of Trustees and following a public hearing; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that pursuant to Section 6-d of the General Municipal Law, there is hereby established a Fire Station II Reserve Fund to be known as the “Fire Station II Repair Reserve Fund” (hereinafter “Fire Station II Repair Reserve Fund”). The purpose of this Fire Station II Repair Reserve Fund is to accumulate moneys to pay for certain repairs to capital improvements or equipment. The type of repairs shall not recur annually or at shorter intervals; and it is

FURTHER RESOLVED, the Village Clerk-Treasurer is hereby directed to deposit and secure the moneys of this Fire Station II Repair Reserve Fund in the manner provided by Section 10 of the General Municipal Law; and it is

FURTHER RESOLVED, the Village Clerk-Treasurer may invest the moneys in the Fire Station II Repair Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Village of Minoa. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Fire Station II Repair Reserve Fund. The Village Clerk-Treasurer shall account for the Fire Station II Repair Reserve Fund in a manner, which maintains the separate identity of the cash and investments of the Fire Station II Repair Reserve Fund; and it is

FURTHER RESOLVED, except as otherwise provided by Section 6-d of the General Municipal Law, expenditures from this Fire Station II Repair Reserve Fund shall be made only for the purpose for which the Fire Station II Repair Reserve Fund is established; and is

FURTHER RESOLVED, there are no referendum requirements for the establishment of this Fire Station II Repair Reserve Fund or for expenditures from the fund. A resolution appropriating moneys from this Fire Station II Repair Reserve Fund is subject to a public hearing and at least five (5) days must elapse between the publication of the notice of hearing; and it is

FURTHER RESOLVED, in the event of an emergency situation, moneys in this

Fire Station II Repair Reserve Fund may be expended without giving notice and without holding a public hearing. To make such an emergency expenditure, the Village Board must pass a resolution approved by at least two-thirds (2/3) vote. In addition, at least one-half of the expenditure must be repaid in the next fiscal year and the balance repaid by the end of the fiscal year after that; and it is

FURTHER RESOLVED, the Village Board, in regular session duly convened, does hereby authorize and direct the Mayor or Clerk-Treasurer of the Village of Minoa to execute such other and additional documents as may be required for the establishment of the Repair Reserve Fund herein;

The adoption of the foregoing Resolution was moved by Trustee Champagne, seconded by Trustee Abbott, and duly put to vote, which resulted as follows

John Champagne, Deputy Mayor/Trustee

Eric Christensen, Trustee

John Abbott, Trustee

Gregory Rinaldi, Trustee

This resolution was adopted.

ESTABLISH PUBLIC HEARINGS FOR LOCAL LAW #3 – CABLE TELEVISION FRANCHISES

Trustee Christensen made a motion; seconded by Trustee Champagne to set public hearing for Local Law #3 adopting new Chapter 56 entitled Cable Television Franchises at 7:01pm on September 6, 2016. All in favor; motion carried.

ESTABLISH PUBLIC HEARING FOR LOCAL LAW #4 – UTILITY GROSS RECEIPTS TAX

Trustee Christensen made a motion; seconded by Trustee Champagne to set public hearing for Local Law #4 implementing New York Village Law 5-530 enabling the village to collect Utility Gross Receipt Tax at 7:02pm on September 6, 2016. All in favor; motion carried.

ESTABLISH PUBLIC HEARING FOR LOCAL LAW #6 – COMMUNITY CHOICE AGGREGATION

Trustee Christensen made a motion; seconded by Trustee Abbott to set public hearing for Local Law #6 providing for the establishment and participation in a Community Choice Aggregation Program September 19, 2016 at 7:00pm. All in favor; motion carried.

TRUSTEES' REPORT

Trustee Abbott stated a few Fire Department members have inquired about the monument once talked about with the former Mayor and if the village would consider a monument for both stations. Mayor Brazill stated the last meeting he attended regarding the monument was that the fire department was going to help with the cost of the monument with some fund raising events.

Trustee Rinaldi reported everything is going well in DPW.

Trustee Christensen reported the next Hope for Heather meeting is scheduled for August 11, 2016 and Trappers II will host a celebrity bartending night for Hope for Heather on August 17, 2016.

Trustee Champagne – report the plant just passed federal testing; replacing kick-

plates on SBR and other equipment, SBR is off-line and DEC has been notified, and SPDES modification has been requested by DEC which is another unfunded mandate which will require many hours to complete the process.

MAYOR'S REPORT

Mayor Brazill announced NYCOM Fall Training School will be held in Saratoga Springs, September 12 – 16, 2016. Registration and hotel reservations are now being accepted.

**AUDIT OF CLAIMS
ABSTRACT 005**

A motion was made by Trustee Christensen and seconded by Trustee Champagne that the claims on Abstract #005 in the amounts of General Fund - \$52,441.71 (Vouchers 158 - 201), Sewer Fund - \$3,470.96 (Vouchers 068 - 083), for a total of \$55,912.67 audited and paid. All in favor; motion carried.

EXECUTIVE SESSION

Trustee Christensen made a motion, seconded by Trustee Champagne to enter into Executive Session for a personnel matter. All in favor; motion carried.

The board entered into Executive Session at 9:13pm.

Trustee Champagne made a motion, seconded by Trustee Christensen to enter into Regular Session. All in favor; motion carried.

The board entered into regular session at 9:43pm.

WTP / CERF

***PERMISSION TO TRANSFER ERIC CUSHING FROM LABORER TO
WTP OPERATOR B***

Trustee Abbott made a motion, seconded by Trustee Champagne to transfer Eric Cushing from Laborer (roster #29) to WTP Operator B (roster #010) effective August 1, 2016 at an hourly rate of \$18.75. All in favor; motion carried.

ADJOURNMENT

With no further business before the board, a motion was made by Trustee Christensen and seconded by Trustee Champagne to adjourn the village board meeting at 9:45pm. All in favor. Motion carried.

Respectfully submitted,

Lisa L. DeVona

Lisa L. DeVona
Clerk-Treasurer