



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

June 12, 2012

Lisa L Devona  
Village Clerk  
240 N. Main Street  
Minoa NY 13116

RECEIVED

JUN 15 2012

VILLAGE OF MINOA

**RE: Village of Minoa, Local Law 2 2012, filed on June 12, 2012**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us](http://www.dos.state.ny.us).

Sincerely,  
State Records and Law Bureau  
(518) 474-2755

**MAYOR**  
Richard J. Donovan

**TRUSTEES**  
John M. Abbott  
William F. Brazill  
John H. Champagne  
Eric S. Christensen

**CLERK-TREASURER**  
Lisa L. DeVona

**LEGAL COUNSEL**  
Primo Law Offices, LLP



**VILLAGE OF MINOA**  
240 N. Main Street  
Minoa, New York 13116  
Office 315-656-3100  
Fax 315-656-0825  
[www.villageofminoa.com](http://www.villageofminoa.com)

April 6, 2012

State Records and Law Bureau  
State of New York Department of State  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231

Dear Secretary of State:

Enclosed is one (1) original copy of **Local Law #2** for 2012 for the Village of Minoa.

If there are any questions on this law, please contact this office.

Sincerely,

Lisa L. DeVona  
Village Clerk/Treasurer

Enclosure

# Local Law Filing

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

## **Village of Minoa**

Local Law No. Two (2) of the year 2012.

**A local law establishing Article III of Chapter 25 of the Village of Minoa Code entitled "Non-criminal Applicant Fingerprint Inquiries."**

### **Section One (1). Legislative Intent**

Access to criminal history record information ("CHRI") maintained by the (NYS) Division of Criminal Justice Services ("DCJS") for job or license applicants is permitted pursuant to state law, federal law, or local law of a municipality or political subdivision of the state, that specifically provides for fingerprint submission to DCJS. The intent of this local law is establish the Village of Minoa's authorization to submit non-criminal applicant fingerprint inquires to the DCJS for applicants for full- and part-time employment within the Village of Minoa including, without limitation, Village of Minoa Volunteer Fire Department Members (all classifications of membership).

**Section Two (2).** A new Article III shall be added to Chapter 25 of the Code of the Village of Minoa to provide as follows:

### **ARTICLE III Non-criminal Applicant Fingerprint Inquiries**

#### **§25-8. Authority**

9 NYCRR Part 6051.1 and 6051.2 expressly permits the release of CHRI to entities that have statutory authority to access such records, and the execution of a written Use and Dissemination agreement between the DCJS and the Village of Minoa.

#### **§25-9. Applicability to Village Employees.**

The requirements of this Chapter 25, Article III applies to all applicants for employment in the Village of Minoa whether full- and part-time, specifically: Court Attendant(s), Clerk Treasurer, Deputy Clerk Treasurer, Animal Control Officer, Crossing Guard, DPW Superintendent, Laborer, Mechanic, WWTP Supervisor, and Plant Operator. In addition, the requirements of this Chapter 25, Article III applies to, without limitation, Village of Minoa Volunteer Fire Department Members (all classifications of membership) performing services in the public.

**§25-10. Submission of Fingerprints; Fees.**

All applicants for full- and part-time employment within the Village of Minoa listed in §25-9, including, without limitation, Village of Minoa Volunteer Fire Department members, shall be required to submit fingerprints and information required for application of same and in the form and manner as prescribed by the DCJS.

**§25-11. Access to; Review of CHRI.**

The Village of Minoa Board of Trustees and Village Clerk-Treasurer shall have the right to review the CHRI disseminated by the DCJS. No other Village employees shall have access to such information.

**§25-12. Other Applicable Law(s).**

- A. If a prospective applicant has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license must be made upon consideration of New York State Correction Law §§701-703-b and §§751-753. Corrections Law §§701-703-b provides for certificates of relief from disability and certificates of good conduct and §§751-753 sets forth NY's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making hiring determinations.
- B. These provisions hereof shall not be interpreted or applied to affect the statutory authority under §50-4 of (NYS) Civil Service Law which authorizes the state civil service department or municipal commission to require applicants undergo a state and national criminal history record check.

**Three (3). SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstances is adjudged invalid, illegal or unconstitutional by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid, illegal or unconstitutional and which best achieves the intent of the invalid provision.

**Four (4). EFFECTIVE DATE.**

This Local Law shall take effect upon its filing in the office of the Secretary of State and shall apply to the assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

- I. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2012 of the (County)(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on June 4, 2012 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 19\_\_, and was (approved)(not approved)(repassed

\_\_\_\_\_ (Name of legislative Body) disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 199\_\_ (Elective Chief Executive Officer\*)

in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 199\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 19\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 19\_\_. Such local law was \_\_\_\_\_ (Elective Chief Executive Officer\*)

to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 19\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 19\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 19\_\_, and was (approved)(not approved)(repassed after

disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 19\_\_. Such local law was subject to \_\_\_\_\_ (Elective Chief Executive Officer\*)

permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 19\_\_, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, 19\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of 19\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 19\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.

*Lisa DeVona*

\_\_\_\_\_  
Lisa DeVona, Village Clerk-Treasurer

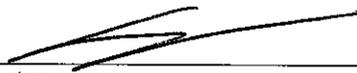
Date: 6/6/2012, 2012

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature

Steven J. Primo

Attorney for the Village

Title

County

City of Minoa

~~Town~~ Village

Date: June 6, 2012

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.