

DISTRIBUTION LIST

Richard Donovan, Mayor
Edmond Theobald, Trustee
Ronald Cronk, Trustee
William Brazill, Trustee
John Champagne, Trustee
Steven Primo, Attorney
Thomas Petterelli, DPW Superintendent
Janet Stanley, Justice
Richard J. Greene, Codes Enforcement Officer
Chief Pat Flannery
Town of Manlius
Village of Manlius
Village of Fayetteville
Donna DeSiato, Superintendent ESM School District
Manlius Historical Society
Minoa Library
John Regan

VILLAGE OF MINOA
BOARD OF TRUSTEES
August 13, 2007

August 13, 2007

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 August 13, 2007.

PRESENT: Mayor Donovan
Trustee Brazill
Trustee Cronk
Trustee Theobald
Trustee Champagne
Attorney Primo
Clerk Snider

ALSO PRESENT: John Sears, Eric Christensen, Ryan Thompson (Ryan Homes), Elliot Lasky (Minoa Farms), David Hannig, Attorney Daniel Shulman, and Engineer Larry Roscini

Mayor Donovan opened the meeting at 7:34 p.m. with the Pledge of Allegiance led by Trustee Brazill.

MINUTES OF
VILLAGE BOARD
MEETING - JULY 31,
2007

A motion was made by Trustee Brazill and seconded by Trustee Theobald to accept the minutes of the July 31, 2007 Village Board Meeting as recorded. All in favor. Motion carried.

MINOA FARMS

Mr. Elliot Lasky thanked the Board for taking the time to discuss the following outstanding issues:

PAVING

The paving of the hammerhead had not been paved and his contractor confirmed with Engineer Larry Roscini that the paving would be completed the following week off South Central Avenue. Mr. Lasky said the paving was supposed to be completed last year, but was delayed due to scheduling conflicts.

PROPOSED VILLAGE PARK

Mr. Lasky requested permission from the Board to postpone park improvements until next year due to economic reasons.

SWALE CONTOURING

Mr. Lasky reported that he had a walkthrough with Engineer Roscini and DPW Superintendent Thomas Petterelli and it was agreed that remedial action would be taken on several swales that needed re-contouring, specifically the swales located at lot 219. He said all of the items pointed out by Engineer Roscini would be addressed immediately and would be completed within a few weeks.

SIDEWALKS

Mr. Lasky said the sidewalks had been discussed, but no action has been taken. He has volunteered, at his expense, to undertake the placement of sidewalks that would connect the subdivision from sub-lot 240 to connect to Lewis Park. He said builders have shied away from installing the sidewalks, as they feel the sidewalks are an invasion of space and have not been responsive to the sidewalks. He said the majority of builders view the sidewalks as a liability and impediment.

STREET LIGHTING

Mr. Lasky takes full responsibility that the street lighting has not been completed and that it was not intentional. He said the Village had previously agreed to work with NIMO to coordinate the lighting at his expense. Mr. Lasky said that he met with David Hess at NIMO and they would need an acceptance from the Village to design and install street lighting. Mr. Lasky was informed that if the Village chooses to take ownership of the street lighting, NIMO will not install or design street lighting if they do not own it, but will allow a contractor to install. Mr. Lasky said he has the spec sheets and is aware of two contractors that NIMO approved for installations.

Trustee Brazill said the Village had a similar situation when the Village took ownership of the lights on Ferndale and brought in their own contractors for installation.

Mayor Donovan said that it had been previously agreed that the Village of Minoa would take ownership of all new street lighting with regard to subdivisions and Attorney Primo agreed.

Mr. Lasky said the street lights were approximately \$2,200 per light and does not have the engineering numbers needed at this point. Attorney Primo said the Village should avoid turning this into a Public Works project. Mr. Lasky replied that the ownership comes from the developer and is turned over to the Village upon the completion of the light installation, as well as the streets when completed. Mr. Lasky said it was up to the Village to choose the specific design and the specs had been provided previously. Trustee Brazill said he would locate the file for the Board to review.

Discussion ensued regarding the street lighting history and the designs available.

RYAN HOMES AND LOT SIZE REDUCTION – HERETO ATTACHED AS SCHEDULE “A” PRELIMINARY PLAT REVISION DATED 08/08/2007

Mr. Lasky said there has been nine years of the approval process and he is very happy working with the Village, unfortunately, economic challenges have changed. He said he had a contract with Harrington Homes to move two (2) lots a month and another builder who wants to move three (3) lots a month. Mr. Lasky said that over the past two years all of the builders in the Syracuse area have received the plans, along with price lists, and sales have not been successful. He said there were 36 homes started and closed, but the sales do not justify the significant investment.

Mr. Lasky stated that he has worked with Ryan Homes for approximately sixteen (16) years in the Buffalo area and they have worked together in Lancaster. He said he has worked with Ryan over two years on the Minoa Farms project, but they could not agree on a price point and they recently started working together to find a medium ground to bring them to Minoa. He said that Building Permits are down 34% from last year, but Ryan Homes has 38% of the market share and several months ago they presented a concept of smaller lots at Minoa Farms. Mr. Lasky asked them to contact Mayor Donovan and the Trustees to see if they were interested in smaller lots. He said that he had received an article from Richard Greene, Codes Enforcement Officer, stating that he should begin to think outside of the box to make the Minoa community grow. Mr. Lasky displayed a revised plat that showed the proposed smaller lots and said that Mr. Hannig would provide the updated map to the Village Board.

Mr. Lasky said that the lots are currently zoned Residential A and would need to be adjusted to Residential B for the new lot sizes. He said they will not need to move the

roadway, sewer, water, or drainage easements. Mr. Lasky said there would not be any changes from the engineering standpoint. He said the only changes might possibly be to laterals, manholes or culverts that would be shifted. Mr. Lasky said the smaller lots would make Ryan Homes interested in the lots, as they provide homes in that price range. Mr. Lasky introduced Ryan Thompson of Ryan Homes

Mr. Thompson said that after thorough market research in the area community, they feel that a lower price point house would move much quicker in the Minoa community. He said that sales have been phenomenal with the new product line proposed and the market is available for the smaller lots. He said the homes are traditionally 1,600 square feet and range from \$150,000 to \$160,000 basic models.

Attorney Primo said he had reviewed their homes in Lysander that started at \$150,000, but typically sold for over \$200,000 with options. Mr. Thompson said the three models proposed range from 900 square feet to 2,200 square feet. Discussion ensued regarding the models, prices and square footage available.

Mr. Lasky reviewed the map with the Board and said that Section I and Section II would remain the same and continue as originally planned. He said they do not plan to make any Zoning or Usage changes to Section I and Section II. Mr. Lasky said he wants the residents who have purchased these lots to have a sense of continuity and see no changes in their property values.

Mayor Donovan asked Mr. Lasky what was holding up the contract between himself and Ryan Homes. Mr. Lasky said the original contract for 25 lots in Phase I would be taken over by Ryan Homes and Mr. Thompson wanted to see how the Village Board felt about the potential change. Mr. Lasky said they would enter into a contract with Ryan Homes for the remaining lots in Phase I, and upon the closing of their 10th lot, they would then begin the infrastructure in Phase II. He said Ryan Homes will not begin a new home until all financing has been completed.

Trustee Champagne asked when Section II would begin and Mr. Lasky said there were eleven (11) lots in contract. He said Ryan Homes might possibly take over the contracts and said possibly eight more homes would go into inventory. Mr. Lasky said Ryan Homes has a corporate policy to sell and lease back the sales center, which they will buyback the model home to sell. Mr. Lasky said their agreement is to sell lots as inventory as built and sold. He said that it would take up to two years to open up lots in Section II due to building schedules at approximately two homes a month. Mr. Lasky said that Sections I and II will be difficult to sell due to recent market changes and adjustments need to be made. Mr. Lasky said that Minoa Farms should be successful in both markets.

Mayor Donovan said that he appreciates that Ryan Homes places a model in the development that is available for viewing seven days a week. He said there have been problems with the clean-up process with the current builders, which possibly limited sales and hopes that Ryan Homes will be consistent in the clean-up process. Mayor Donovan said the Village of Minoa offers a great school system and transportation routes to major highways.

Mayor Donovan said the Board was concerned with the transition of the properties currently owned. Discussion ensued regarding the ownership of the current lots and the updated lot numbers.

Attorney Primo said the Board is concerned that the initial homeowners concerns are protected. He said there would need to be a Public Hearing and providing a special notice to the residents, builders and lot owners; specifically for the edge lot owners that are on larger lots and would be situated next to smaller lots. This would allow everyone to be heard on the issues.

Mr. Lasky said the transition between lots should be smooth and the homeowners would not change the viewpoint of the current owners. Attorney Primo said they probably would not be concerned with the size of the lot, but the size of the homes in the surrounding areas. Discussion ensued regarding the surrounding lot sizes and the respective builders.

Mr. Lasky said that some of the homes in Phase I are only 1,600 square feet and there are not architectural standards. He said they might be smaller lots, but the majority of homes will not be smaller per square foot. Mr. Lasky said that Ryan Homes needs volume and activity, just as the Village does and that Ryan Homes has done the market research. He said they will be building similar buildings on a bit smaller lots, which will move quicker. Mr. Lasky said that he has never defaulted on a property and they want to make Minoa work, the community will be better with a similar product on a smaller property.

Attorney Primo reiterated that there would need to be a Public Hearing for modification of the subdivision plan which will need to be explained to the residents.

Trustee Theobald said the residents are concerned with tax rates and they would probably want the properties sold to help decrease their tax responsibility. Mr. Lasky agreed that to keep taxes from going up is to bring in new assessed properties.

Mayor Donovan said the residents understand construction areas, but they are tired of

the extended construction. Mayor Donovan then asked Engineer Roscini if he had any concerns with what was being discussed.

Engineer Roscini said he was not familiar with the new plan, but agreed that lighting, grading and infrastructure should be reviewed accordingly. He said the transition should be relatively simple.

Mayor Donovan said the Board is reviewing the map for the first time and they were not prepared to make any decisions that evening. He then said the Board had discussed the sidewalk, topcoat for the roads and the proposed park delay. Attorney Primo said the Board could show their willingness to move forward in their proposal.

Mr. Lasky said Ryan Homes is prepared to move forward with the implied approval of the Village of Minoa and is dependent on a resolution for the sidewalks. He reminded the Board that the builders are against the sidewalks due to liability purposes and maintenance difficulties.

Engineer Roscini said there were several outstanding items that need to be addressed and the Village had set timeframes in the past. He suggested that the Village come up with a comprehensive resolution for the sidewalks. Engineer Roscini said there was a document submitted to the Village to use as a reference for the resolution. Attorney Primo said they would like to wrap up all of the issues with one resolution, but would not be possible for that evening, but could be done at the September 10, 2007 Board Meeting. Attorney Primo said the resolutions can be made piecemeal based on Engineer Roscini's plan.

It was agreed that the sidewalk along Hulbert and down Baird towards the park would be installed and the remaining sidewalk after the park has been developed, which would be done approximately within one year.

Attorney Primo said if the Board is receptive to the amended application, something should be done before the next meeting. He said the Village Code requires that any modification of a subdivision would involve going through the whole procedure again. Attorney Primo said the Board recently passed a modification of variance and waiver requirements, which would give the Board the ability to address the situation. He said the only thing being modified is the lot size; they would be amending the preliminary plat or seeking to file a final plat which would deviate from the preliminary plat. He said that it is not mandatory to meet with the Planning Board. Attorney Primo said the average lay person would be familiar with the idea that the lot sizes are being modified and made smaller. Attorney Primo recommended that Attorney Shulman provide a request in writing to change the zoning from Zone A to Zone B with an amended

application. Attorney Primo said he would provide the Local Law for the amendment and the Board would schedule a Public Hearing; the Zoning needs to be changed before a Public Hearing on the subdivision amendment is done. Attorney Primo said it would take at least sixty (60) to ninety (90) days to complete the process.

Attorney Primo said the Board wants to nail down when the lighting possession and the parkland completion dates.

SIDEWALK RESOLUTION

A motion was made by Trustee Brazill and seconded by Trustee Theobald in lieu of sidewalks throughout the Minoa Farms Development, Elliot Lasky of Minoa Farms, LLC agrees to begin the installation of sidewalks this year beginning at Norbert Place, extending east on Forrest View Lane to Baird Street and connecting to the existing sidewalk on Baird Street and then install sidewalks from the corner of Beresford Lane north to the corner of Hulbert Street. Upon development of parkland, the remaining sidewalk will be installed up to the parking area per the Alternative Sidewalk Plan dated February 2007 as submitted by Engineer Larry Roscini. All in favor. Motion carried.

Engineer Roscini said he would provide Mr. Lasky a copy of the Alternative Sidewalk Plan for his records. Mr. Lasky said the sidewalks should be completed by October 15, 2007 and there would be a continuous sidewalk to the park, with the understanding that they will develop the parkland by August 2008.

Trustee Brazill said he wanted Ryan Homes to know that it's important that a model is available seven days a week for viewing. He said that Ryan Homes would generate some movement in Minoa Farms and wants Ryan Homes to know he feels confident in their involvement.

Trustee Theobald said he knows numerous empty nesters and they are looking for smaller good quality homes and they are leaving Minoa. He said that the Village does not want to lose them and they want to bring more people in. Trustee Theobald said this is a positive situation for the Village of Minoa.

Mr. Elliot Lasky thanked the Board for their time and their cooperation.

Attorney Primo suggested that Attorney Shulman compose a letter with the preliminary plat approval, the SEQR resolution and he will create a proposed Local Law for Zoning and Planning to review beforehand. He said the Public Hearings will have to be scheduled in the fall due to time constraints. Discussion ensued regarding the potential Public Hearing date and that October 15, 2007 was an ideal date.

Engineer Roscini said that on March 8, 2007 Paul Joint submitted a request to lower the million dollar bond. Mayor Donovan said the Board would reconsider in a couple of months after the punch-list was completed and the sidewalks were installed. Engineer Roscini said there were not that many items remaining, thus the reduction request.

Attorney Primo said the bond initially covered Section I and then was rolled over to include Section II. He said that wherever there is a subdivision plat and it is substantially completed with a quantified dollar amount and there is a short punch list, then the bond can be reduced accordingly

Mr. Lasky said the punch-list would be completed by the next meeting and will schedule Mr. Joint for the sidewalks. He then requested that Engineer Roscini provide a number at the next meeting. Attorney Primo said there was a separate amount required for erosion stormwater security in place. Attorney Primo said he would work with Engineer Roscini to provide a Bond Resolution for the September 10, 2007 meeting.

**MINOA
AMBULANCE**

SIX MONTH INCREASE FOR TRACEY JUDA

A motion was made by Trustee Brazill and seconded by Trustee Champagne that based upon the recommendation of Trustee Brazill and a favorable six month review, Tracey Juda be given an increase of \$.50 per hour from \$9.50/hr to \$10.00/hr as was stated during the hiring process and that it be effective September 1, 2007. All in favor. Motion carried.

RESCIND JULY 31, 2007 RESIGNATION – LEONARD MODELEWSKI

A motion was made by Trustee Brazill and seconded by Trustee Cronk to rescind the July 31, 2007 resignation of Leonard Modelewski effective August 11, 2007. All in favor. Motion carried.

***RESIGNATION FROM F/T TO P/T EMERGENCY MEDICAL TECHNICIAN
– LEONARD MODELEWSKI***

A motion was made by Trustee Brazill and seconded by Trustee Theobald accepting the resignation of Leonard Modelewski from his full time position of Emergency Medical Technician and placing him in a part time Emergency Medical Technician position at his current hourly rate of \$11.82/hr effective August 11, 2007. All in favor. Motion carried.

**MINOA FIRE
DEPARTMENT**

***BID RESULTS FOR THE INSTALLATION OF EPOXY FLOORING AT
STATION II***

Clerk Snider reported on the results of the bids that were received on August 7, 2007 at 11:00 a.m. as follows: C.A. Reed Associates, Inc. - \$25,062.00 (low bidder) and Stonhard - \$29,250.00.

A motion was made by Trustee Brazill and seconded by Trustee Theobald awarding the bid for the installation of epoxy flooring at Station II to C.A. Reed Associates, Inc. in the amount of \$25,062.00 per their bid and our specifications and the recommendation of Patrick Flannery, Fire Chief. All in favor. Motion carried.

MEMBERSHIP

A motion was made by Trustee Brazill and seconded by Trustee Champagne that Soterios Kosmas, 203 William Street, Minoa, NY be accepted for membership in the Minoa Fire Department. All in favor. Motion carried.

A motion was made by Trustee Cronk and seconded by Trustee Brazill that Benjamin J. Peterson, 7648 Kirkville Road, Kirkville, NY be accepted for membership in the Minoa Fire Department. All in favor. Motion carried.

A motion was made by Trustee Cronk and seconded by Trustee Brazill that Robert Dann, 233 Ruth Street, Minoa, NY be terminated from his membership in the Minoa Fire Department. All in favor. Motion carried.

DPW

BID RESULTS FOR LIFT SYSTEM

Clerk Snider reported on the results of the bids that were received on August 2, 2007 at 11:00 a.m. as follows: McIndoo Associates, Inc. (low bidder) - \$35,200.00 and Automotive Resources, Inc. - \$40,947.37.

A motion was made by Trustee Champagne and seconded by Trustee Theobald awarding the bid for the purchase of a Lift System to McIndoo Associates, Inc. in the amount of \$35,200.00 per their bid and our specifications and the recommendation of Thomas Petterelli, DPW Superintendent. All in favor. Motion carried.

**WAIVER OF STATE
AID ELIGIBILITY
2008 / RECREATION
AND YOUTH
SERVICE**

A motion was made by Trustee Brazill and seconded by Trustee Cronk authorizing Mayor Donovan to sign the Waiver of State Aid Eligibility for Recreation in the amount of \$1,054.00 and Youth Service in the amount of \$934.00 to the Town of Manlius Police. All in favor. Motion carried.

**REQUEST
PERMISSION TO
ATTEND
MANAGING
INFRASTRUCTURE**

A motion was made by Trustee Brazill and seconded by Trustee Champagne giving permission to Mayor Donovan and the Village Board to attend the Managing Infrastructure for Sustainable Economic Development at the Doubletree Hotel in East Syracuse, NY on September 12, 2007 at a cost of \$125.00 per person. All in favor. Motion carried.

PROGRAM

REQUEST PERMISSION TO ATTEND FALL 2007 MUNICIPAL TRAINING PROGRAM A motion was made by Trustee Brazill and seconded by Trustee Cronk giving permission to Mayor Donovan, the Village, Planning and Zoning Boards, Thomas Petterelli and Steven Giarrusso to attend the Fall 2007 Municipal Training Program offered by the Onondaga County Planning Federation on September 25, 2007 at the OnCenter Convention Center at a cost of \$45.00 per person. All in favor. Motion carried.

TRUSTEES' REPORT Trustee Champagne reported that he is still working on the website and is going out for a few more quotes. He said he would provide the Board with the estimates upon receipt of all quotes.

Trustee Theobald congratulated the Minoa Fire Department on their 1st place win at the Onondaga County Firemen's Convention. Trustee Brazill reported that this was the 2nd year in a row that the Minoa Fire Department came in 1st place at the Firemen's Convention and they should be very proud of themselves for a job well done. Mayor Donovan added his congratulations to the Minoa Fire Department.

Trustee Cronk reported that the generator was installed at the Waste Water Treatment Facility and the electrician would install the conduit on August 16, 2007.

MAYOR'S REPORT Mayor Donovan reminded the Board that there was still time to register if anyone was interested in attending the NYCOM Fall Conference and if they were unable to attend, he would bring back as much information as possible.

Mayor Donovan reported that the Onondaga Mayor's Association summer outing had been cancelled, but will be rescheduled in September.

Mayor Donovan said that the paving was almost completed on N. Main Street and glad that project is coming to a successful conclusion.

ATTORNEY'S REPORT Attorney Primo provided the Board with the following proposed Local Laws to review and schedule Public Hearings:

Local Law #6 for 2007 – The enactment of Local Law No. 6 for the year 2007 for the Village of Minoa relating to the amendment of Chapter 136 of the Village of Minoa Municipal Code relative to standards for sidewalk and general property maintenance.

Attorney Primo said Local Law #6 deals with a comprehensive plan for property

maintenance in the Village of Minoa and the ability to incur penalties for items such as vehicles with penalties provision that allows the Board to relevel the amount expended to cure the problem.

Local Law #7 for 2007 - The enactment of Local Law No. 7 for the year 2007 for the Village of Minoa relating to the establishment of Chapter 120 of the Village of Minoa Municipal Code entitled "Registration and Inspection of Rental Properties Law" relative to the establishment of a uniform program for the registration and inspection of rental properties within the Village in an effort to help protect and safeguard the rights, health, safety and welfare of Landlords and Tenants.

Local Law #8 for 2007 - The purpose of this Local Law is to provide for the health, safety, and general welfare of the citizens of the Village of Minoa through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This local law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPEDES General Permit for Municipal Separate Storm Sewer Systems.

Attorney Primo said this was the second local law required under the Phase II Stormwater requirements and was not required to be adopted until January 2008. He said that as the Village currently has discharge issues, he recommended that it makes sense to get the law into effect as soon as possible. Attorney Primo said he had forwarded the information to Richard Greene, Codes Enforcement Officer, and requested that he provide his comments in writing.

Mayor Donovan asked Attorney Primo if the Village should hold a Public Informational Meeting for Local Law #7 for 2007 and Attorney Primo agreed that they should.

Mayor Donovan said there were concerns about Local Law #7 and he thought it would be a good idea to have an informational meeting on an evening that is not a Board Meeting and then schedule the Public Hearing shortly thereafter. He said the proposed law was meant to penalize landlords who do not maintain their property and allow tenants to feel confident that they are not dealing with absentee landlords.

A motion was made by Trustee Champagne and seconded by Trustee Theobald scheduling a Public Hearing on proposed Local Law #6 for 2007 on September 10, 2007 at 7:15 p.m. All in favor. Motion carried.

A motion was made by Trustee Cronk and seconded by Trustee Brazill scheduling a

Public Information Meeting on proposed Local Law #7 for 2007 on September 24, 2007 at 6:30 p.m. All in favor. Motion carried.

A motion was made by Trustee Champagne and seconded by Trustee Brazill scheduling a Public Hearing on proposed Local Law #7 for 2007 on October 01, 2007 at 7:00 p.m. All in favor. Motion carried.

AUDIT CLAIMS

A motion was made by Trustee Theobald and seconded by Trustee Cronk that claims on Abstract #5 in the amounts of General Fund - \$57,622.88 (Vouchers 174-222); Sewer Fund - \$17,056.15 (Vouchers 063-077); and Capital Fund (HE) - \$2,600.00 (Voucher – 002) for a total of \$77,279.03 be audited and paid. All in favor. Motion carried.

PUBLIC COMMENTS

Let the record show that there were no comments from the audience.

**EXECUTIVE
SESSION - IN**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to go into Executive Session at 9:45 p.m. for the purpose of discussing proposed, pending or current litigation. All in favor. Motion carried.

**EXECUTIVE
SESSION - OUT**

A motion was made by Trustee Cronk and seconded by Trustee Theobald to come out of Executive Session at 10:08 p.m. All in favor. Motion carried.

**MUNICIPAL
BUILDING REPAIRS**

A motion was made by Trustee Brazill and seconded by Trustee Champagne authorizing Mayor Donovan to retain a contractor for the purpose of securing the Municipal Building with respect to roofing issues prior to winter and authorize Attorney Primo to notify QPK's attorney of said action. All in favor. Motion carried.

ADJOURNMENT

A motion was made by Trustee Champagne and seconded by Trustee Theobald that the Village Board Meeting be adjourned at 10:10 p.m. All in favor. Motion carried.

Respectfully submitted,

Suzanne M. Snider
Village Clerk