

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 Fayetteville
Donna DeSiato, Superintendent ESM School District
Manlius Historical Society
Minoa Library
John Regan

August 18, 2008

**PUBLIC HEARING
LOCAL LAW #4 FOR
2008 – PEDDLERS,
SOLICITORS, &
OUTDOOR FOOD
SERVICE
REGULATIONS**

Upon due notice to all members of the Village Board, the re-publicized and re-opening of the Public Hearing was held on Monday, August 18, 2008 at 7:15 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The purpose was to consider the enactment of Local Law #4 for 2008 for the Village of Minoa relating to the amendment of the Village of Minoa Municipal Code relative to the regulation of peddlers and solicitors, and the establishment of a new Chapter 104 relative to the regulation of outdoor food service.

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

ALSO John Sears, Chris Beers, Thomas Petterelli, Don
PRESENT: Grevelding, Jeremy Erard, Matt McGarrity, and Geoffrey
Allot

ABSENT: None

**RE-OPENING OF
PUBLIC HEARING**

Mayor Donovan re-opened the Public Hearing to order at 7:21 p.m. for Local Law #4 for 2008 for the Village of Minoa relating to the amendment of the Village of Minoa Municipal Code relative to the regulation of peddlers and solicitors, and the establishment of a new Chapter 104 relative to the regulation of outdoor food service.

Attorney Primo said he had provided an amended proposed Local Law #4 for 2008 to the Board for review which took into consideration comments made from the prior

Public Hearings, discussion with vendors and the review of East Syracuse's local law. He said the local law was re-published and re-opened on August 18, 2008. The original proposed Local Law #4 for 2008 did not allow for outside food vendors within the Village of Minoa limits unless they were an established business and/or had an agreed upon relationship with an established business. The amended Local Law #4 for 2008 would allow outside food vendors to apply for permits within the Village of Minoa and locate vendor carts on approved public property.

Attorney Primo said that two resolutions would be needed if the Board passed the amended Local Law a) the Board would need to designate a public property area, specifically the back corner parking lot of the Municipal Building, a discussion of an informal site plan on the parking lot based on discussions with the Minoa Fire Department and 2) a permit fee structure as follows: \$25.00 application fee for established businesses located in the Village of Minoa, outside food vendors would be \$500.00 annually, \$150.00 for sixty days, and \$25.00 per diem.

Attorney Primo said the Board would have the authority to adjust the fee schedule or location by resolution and would not need to amend the Local Law.

Attorney Primo said that he had initially placed Section 104-10 which required that vendors obtain Indemnity Bonds, but removed the bond requirement because the Bond does not protect the Village of Minoa and their insurance coverage would provide for general liability exposure. He said the insurance coverage between the Village of Minoa and the vendors would be more than sufficient coverage and does not feel that there's a need for a bond requirement. Attorney Primo suggested that the Board approval Local Law #4 for 2008 with Section 104-10 intentionally omitted.

Discussion of Hours of Operation ensued and it was clarified that established businesses who have outdoor dining activities may take place between the hours of 8:30 a.m. and 10:00 p.m. on all days of the week, except Sunday. Sunday hours shall be between 9:00 a.m. and 7:00 p.m. Vending units not affiliated with an established business may take place between 11:00 a.m. and one half hour before dusk on any day.

PUBLIC COMMENTS John Sears, 103 S. Main Street, asked for clarification of the designated parking lot and Attorney Primo said that it would be the parking lot to the south of the Municipal Building.

Mr. Sears asked if the Local Law changes were filed in the Village Office. Attorney Primo said the Public Hearing had been re-publicized and was available in the Village Office for review and if the law is approved it would be available on the website.

Mr. Sears asked why the law was so suddenly important and Attorney Primo explained again that the Village Office had received phone calls inquiring about vendor permits and the current Code did not address outside food vendors; therefore, their requests were denied. Attorney Primo said that a request was submitted again this year and resulted in a request for him to review the law and provide an option for the Village Board to review. He said that when constituents bring issues before the Board it is their responsibility to address the issues by Local Law and that Mr. Sears was criticizing the Board for doing their job as required by law.

Mr. Sears asked if he could FOIL request all phone records received by the Village Office and was informed that phone calls are not recorded by the Village Office. Mr. Sears said that he wants to know what is going on with the Village and thinks that all calls should be recorded. Mr. Sears continued to berate the Board about recording all calls received by the Village Office. Mayor Donovan asked that Mr. Sears stay on track regarding the proposed Local Law.

Mr. Sears said that it wasn't fair that the Methodist Church doesn't pay taxes and they have to raise money every week by selling food for their ill decisions. Mayor Donovan said that both churches raise money with food sales and said they were not considered outside food vendors; therefore, were exempt from the proposed law. Trustee Cronk said the churches are different entities and they do not conflict with local businesses.

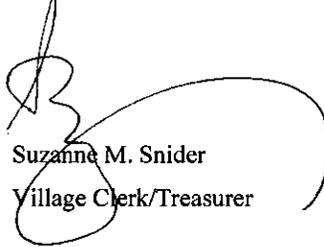
Mr. Sears continued to discuss the prior proposed law that would prohibit outside vendors and Attorney Primo said the new law does not prohibit outside food vendors which should eliminate his debate. Mr. Sears said he would like to know what kind of back deal agreements Attorney Primo made with Mr. Greiner. Attorney Primo said that the Board discussed the prior public hearings, spoke with Mr. Greiner, reviewed the petition he presented, and it was agreed that the proposed local law would be adjusted to allow for non-established outside food vendors. Attorney Primo said that he and the Board were providing due diligence to the requests of the constituents and there wasn't anything illegal in any of their actions.

Mr. Sears insisted that in the future the Village Office should record all phone calls received and all discussions made. Mayor Donovan again insisted that Mr. Sears limit his comments to the proposed local law and Mr. Sears said that he would file a lawsuit against the Village of Minoa. Attorney Primo informed Mr. Sears that if he continued to disrupt the meeting he would be removed from the meeting. Mayor Donovan advised Mr. Sears that if he made any more inappropriate comments he would be asked to leave and only legitimate concerns and/or comments pertaining to the public hearing would be accepted.

**PUBLIC HEARING
CLOSED**

A motion was made by Trustee Brazill and seconded by Trustee Champagne to close the re-publicized Public Hearing for Local Law #4 for 2008 at 7:41 p.m. All in favor. Motion carried.

Respectfully submitted,



Suzanne M. Snider
Village Clerk/Treasurer