

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**

**VILLAGE OF MINOA
BOARD OF TRUSTEES
AUGUST 18, 2008**

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 18, 2008.

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

ALSO PRESENT: Elliot Lasky, John Sears, Chris Beers, Thomas Petterelli,
Don Greveling, Jeremy Erard, and Matt McGarrity

ABSENT: None

Deputy Mayor Donovan opened the meeting at 7:41 p.m. with the Pledge of Allegiance led by Attorney Primo.

**MINUTES OF
VILLAGE BOARD
MEETING - JULY 31,
2008**

A motion was made by Trustee Theobald and seconded by Trustee Cronk to accept the minutes of the July 31, 2008 Village Board Meeting as recorded. All in favor. Motion carried.

**MINOA FARMS -
(AMENDED)**

PRELIMINARY PLAT Mayor Donovan said the item was adjourned because Elliot Lasky has not

**SUBDIVISION
APPROVAL**

completed the required park related tasks in the development. Mr. Lasky said he had met with the Village in July and they had agreed to a schedule for completing the park, but due to the excessive rain the park is not under construction as of yet and construction should begin shortly.

Elliot Lasky excused himself from the meeting at 7:50 p.m.

**ADOPTION OF
LOCAL LAW #4 FOR
2008 - REGULATION
OF PEDDLERS,
SOLICITORS AND
OUTSIDE FOOD
SERVICE**

A motion was made by Trustee Brazill and seconded by Trustee Theobald adopting 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 and attached hereto as Schedule "A". All in favor. Motion carried.

A motion was made by Trustee Brazill and seconded by Trustee Theobald to remove the indemnity bond requirement for Local Law #4 for 2008 as it relates to section 104-10 entitled Indemnity Bond. All in favor. Motion carried.

A motion was made by Trustee Brazill and seconded by Trustee Cronk that the designation location for outside food vendors would be located in the back corner of the Municipal Building - Adams Street parking lot and the 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. All in favor. Motion carried.

**RATIFY PRIOR
APPROVAL/
SCHEDULE PUBLIC
HEARING/LOCAL
LAW #4 FOR 2008/
REGULATION OF
PEDDLERS,
SOLICITORS, AND
OUTSIDE FOOD
VENDORS**

A motion was made by Trustee Theobald and seconded by Trustee Champagne ratifying prior approval to re-open the Public Hearing for Local Law #4 for 2008 amending the Village of Minoa Municipal Code relating to the amendment of Chapter 110 relative to the regulation of peddlers and solicitors, and the establishment of a new Chapter 104 relative to the regulation of outdoor food service for August 18, 2008 at 7:15 p.m. or shortly thereafter. All in favor. Motion carried.

**QUOTE FROM NEW
YORK RURAL
WATER
ASSOCIATION/
STORM SEWER
SYSTEM GIS
MAPPING**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to accept the quote from New York Rural Water Association, dated August 4, 2008, in the amount of \$5,475.27 for the purpose of providing Storm Sewer System GIS Mapping to digitize locations of stormwater catch basins, storm sewers, swales, ditches and outlets in the form of maps and software to be saved on Village of Minoa computers. All in favor. Motion carried.

**PERMISSION FOR
RICHARD GREENE
TO ATTEND FIRE
ACADEMY
COURSES**

A motion was made by Trustee Brazill and seconded by Trustee Theobald giving permission for Richard Greene, Codes Enforcement Officer, to attend the following classes at the Fire Academy located in Montour Falls, NY in the amount of \$105.00 per class including room and board:

- Fire Sprinkler System Workshop – 9/6-9/7/08
- Fire Marshals and Inspectors Conference - 10/21-10/23/08
- Fire Sprinkler Plans Review – 11/8-11/9/08

All in favor. Motion carried.

**ADOPTION OF
\$210,000 BOND
RESOLUTION**

A motion was made by Trustee Brazill and seconded by Trustee Theobald adopting the resolution attached hereto as Schedule “B” for the purchase of one (1) Brush Truck for the Minoa Fire Department and two (2) DPW Trucks in the amount of \$210,000.00. All in favor. Motion carried.

**PERMISSION TO
BID / BRUSH TRUCK**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to go out to bid for a Brush Truck for the Minoa Fire Department and sealed bids to be opened on September 22, 2008 at 12:00 Noon. All in favor. Motion carried.

**PERMISSION TO
HOST ONONDAGA
COUNTY
VOLUNTEER
FIREMEN
ASSOCIATION
FIREMATIC RACES
9/20/2008**

A motion was made by Trustee Brazill and seconded by Trustee Champagne approving the Minoa Fire Department’s request dated August 18, 2008 to host the Onondaga County Volunteer Firemen Association firematic races on September 20, 2008 at the Pole Barn located at Lewis Park from 8:00 a.m. until early evening with the Minoa Fire Department providing a BBQ for fundraising purposes. All in favor. Motion carried.

**ENERGY
CURTAILMENT
SPECIALISTS (ECS)
AGREEMENT**

Mayor Donovan reported that Steve Giarrusso, WWTF, was approached by Energy Curtailment Specialists (ECS) to participate in a program in which the Village of Minoa would switch to generator power when called upon by ECS to reduce the electricity demand on the power grid during major power outage events and if there are no events, then the Village of Minoa would only move to generator power once in the summer and once in the winter. The ECS agreement would pay the Village of Minoa approximately \$1,600 to \$2,800 annually based on kwh energy used for two events and an additional .40 cents per kwh as energy payments for any curtailment during an actual emergency event. The Village of Minoa currently has six generators located at the DPW/Waste Water Treatment Facility, Municipal Building, Station II, and Pumping Stations. The generators are routinely utilized on a monthly basis for maintenance purposes, so participating in the program would not have a negative affect on the generators and would be a way to be environmentally responsible. Mayor Donovan said that ECS would provide the Village with a 24 hour notice of a scheduled curtailment and there was no cost to the Village to

enroll. He said that upon being approached Mr. Giarrusso researched other curtailment specialists and EnerNOC responded that the Village of Minoa was too small to enroll in their program, as they typically deal with larger cities. Trustee Champagne said that ECS would provide additional equipment to the existing meter readers to verify meter usage.

A motion was made by Trustee Champagne and seconded by Trustee Cronk authorizing Mayor Donovan to sign the agreement between the Village of Minoa and Energy Curtailment Specialists for the purpose of reducing electricity on the grid and moving it to generator coverage once in the summer and once in the winter for one hour with an estimated revenue of \$1,600 to \$2,800 annually and when needed during an actual emergency event at \$.40 per kwh revenue. All in favor. Motion carried.

AMBULANCE

PERMISSION FOR STANDBY AMBULANCE – ESM HIGH SCHOOL

A motion was made by Trustee Theobald and seconded by Trustee Champagne giving permission to have a standby ambulance located at the ESM High School athletic field on September 6, 2008 from 4:00 p.m. to 9:00 p.m. for the ESM Marching Band Annual Spartan Spectacular with the understanding that they are available for other calls. All in favor. Motion carried.

REQUEST PARAMEDIC SCHOOL BE PAID FOR BY VILLAGE FOR RICHARD GOODSON

A motion was made by Trustee Champagne and seconded by Trustee Cronk approving Richard Goodson's request, and recommendation by Sharon Romer, Paramedic Supervisor, for financial assistance from the Village in the amount of \$5,120.00 to obtain training as a Paramedic contingent upon Mr. Goodson's entering into an agreement with the Village of Minoa in consideration of mutual covenants and conditions. All in favor. Motion carried.

FIRE DEPARTMENT

PERMISSION FOR DONALD GREVELDING TO ATTEND 2008 NYS OFPC INSTRUCTORS' CONFERENCE

A motion was made by Trustee Champagne and seconded by Trustee Theobald giving permission for Donald Grevelding to attend the October 2008 NYS OFPC Instructors' Conference from October 13-17, 2008 in Montour Falls, NY in the amount of \$216.00 including room and board. All in favor. Motion carried.

Don Grevelding said that he has been working with Eric Schepp to split training of core classes which would allow them to further train the Minoa Fire Department members and they are currently working with North Syracuse to share in-house training services for new recruits.

MEMBERSHIP IN THE MINOA FIRE DEPARTMENT

A motion was made by Trustee Champagne and seconded by Trustee Brazill accepting the following application for membership in the Minoa Fire Department:

- Charles D. Spratt, Jr., 117 Kirkpatrick Street, East Syracuse, New York

All in favor. Motion carried.

MEMBERSHIP IN THE MINOA FIRE DEPARTMENT - SUPPORT

A motion was made by Trustee Champagne and seconded by Trustee Brazill accepting for support membership in the Minoa Fire Department for the following individual:

- Colleen Matthes, 7687 Myers Road, Kirkville, New York

All in favor. Motion carried.

DPW

RATIFY PRIOR APPROVAL FOR TEMPORARY INCREASE FOR JAMES LANDRY

A motion was made by Trustee Cronk and seconded by Trustee Champagne ratifying prior approval giving James Landry a temporary \$1.00 per hour increase from \$20.09 to \$21.09 per hour for his temporary duties as Acting Assistant Superintendent effective August 4, 2008 and remain effective until George Wood returns to duties in a full-time status. All in favor. Motion carried.

RATIFY PRIOR APPROVAL TO ADJUST GEORGE L. WOOD'S HOURLY RATE

A motion was made by Trustee Cronk and seconded by Trustee Theobald ratifying prior approval to adjust George L. Wood's hourly rate from \$21.28 per hour to \$21.24 per hour based on the Auditor's review and recommendation. All in favor. Motion carried.

SUMMER POSITION COMPLETED / BRADLEY HYDE

A motion was made by Trustee Cronk and seconded by Trustee Champagne accepting the last day of work for Bradley Hyde, part-time summer Trash Thrower, effective August 1, 2008. All in favor. Motion carried.

WWTF

Nothing to report.

TRUSTEES' REPORT

Trustee Champagne reported that he had updated the Lewis Park sign reminding residents to keep the park clean.

Trustee Theobald had nothing to report.

Trustee Cronk had nothing to report.

Trustee Brazill had nothing to report.

MAYOR'S REPORT

Mayor Donovan reported that the Rees Field Improvement project has been going nicely and they finished the paving on August 18, 2008 and Thomas Petterelli will work on the finishing touches of the pavement, which will include seeding the area, plantings and guardrails.

Mayor Donovan thanked Trustee Brazill for handling the mayoral duties during his illness and thanked the Board and Village employees for doing an outstanding job in his absence.

**ATTORNEY'S
REPORT**

Nothing to report.

**TREASURER'S
REPORT**

A motion was made by Trustee Theobald and seconded by Trustee Champagne to accept the Treasurer's Report for the month of July 2008 as recorded. All in favor. Motion carried.

AUDIT CLAIMS

A motion was made by Trustee Champagne and seconded by Trustee Cronk that claims on Abstract # 05 in the amounts of General Fund - \$60,060.35 (Vouchers 153-202); and Sewer Fund - \$24,797.10 (Vouchers 057-075) for a total of \$84,857.45 be audited and paid. All in favor. Motion carried.

PUBLIC COMMENTS

Chris Beers, 113 Beresford Lane, thanked the Board for holding off voting on the Minoa Farms Amended Preliminary Plat and suggested that they continue to hold the vote until Elliot Lasky has completed his promises for parks, street paving, drainage, and street lighting. He said there hasn't been any movement since April and there should be protection around the promises that were given by the developer. Mr. Beers urged the Village protect themselves with bonds and/or penalties.

Mayor Donovan said the weather has not worked well for construction due to the excessive rain and assured Mr. Beers that they have met with Mr. Lasky and his attorney to keep the project moving forward. He said that he hopes the weather will cut them a break and the park can proceed. Mayor Donovan said the street lighting is currently between the Village of Minoa and National Grid and he was waiting for a proposal from National Grid for the street lighting implementation, which he hopes to have before the September 8, 2008 Board Meeting.

Mayor Donovan said that there is a bond currently in place for the Minoa Farms Development. Mr. Beers said they should continue to hold his feet to the fire in moving forward in the development process and be prepared to execute the bond.

Attorney Primo said that Mr. Lasky has traditionally followed through with his plans, but in some areas items have been delayed and the proposed resolution will address his concerns regarding drainage, parks, etc. Attorney Primo said the bond probably shouldn't be executed because a couple of the resolution components have not been met, but that Mr. Lasky should show good faith in completing these items within the next month.

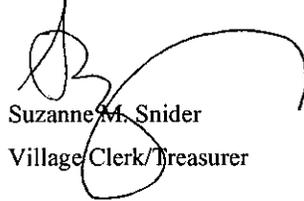
Mr. Beers said there are concerns and that he has discussed his concerns with Ryan Homes about heavy equipment continuously being driven over the unfinished roads, which has torn up the asphalt. He said they continue to load bulldozers using the streets and they do this because there aren't any fines or penalties for their actions. Mr. Beers said he is concerned that if the Ryan Homes contractors continue to move heavy equipment they will destroy the existing paving and the bulldozers should be loaded on the property itself and not on the street.

Mayor Donovan said he would report his concerns to Richard Greene, Codes Enforcement Officer, to address the problem.

ADJOURNMENT

A motion was made by Trustee Theobald and seconded by Trustee Champagne that the Village Board Meeting be adjourned at 8:19 p.m. All in favor. Motion carried

Respectfully submitted,



Suzanne M. Snider
Village Clerk/Treasurer

Local Law Filing

41 STATE STREET, ALBANY, NY 12231

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

Village of Minoa

Local Law No. Four (4) of the year 2008.

A local law amending Chapter 110 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 Service of Prepared Foods.

Be it enacted by the Board of Trustees of the Village of Minoa as follows:

Section One (1). PURPOSE AND INTENT.

The purpose of this Local Law is to establish appropriate regulations to license and regulate certain outdoor food service and dining within the Village of Minoa in order to ensure that the health, safety and welfare of the Village is protected.

Section Two (2). Section 110-2 of the Code of the Village of Minoa is hereby deleted in its entirety and replaced with the following language:

In this chapter:

Hawker and/or Peddler shall mean, except as hereinafter expressly provided, any person, either principal or agent, who from any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, books, magazines, periodicals or any other item or items of value, except for milk, newspapers and food distributed on regular customer routes and the service and sale of prepared foods. For purposes hereof, "prepared foods" shall mean foods prepared by means of a heat source at or near the time and point of sale.

Solicitor shall mean any person who goes from place to place or house to house or by telephone or stands in any street or public place taking or offering to take orders for goods, wares or merchandise, books, magazines, periodicals or any other item or items of value (except for newspapers, dairy products or milk, or prepared foods), or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery at the home or residence of any person who has been solicited prior thereto by telephone, or has responded to any type of advertising media require an appointment or consultation or sales presentation in the home or place of residence of such person.

Section Three (3). A new Section 110-3(5) is hereby added to the Code of the Village of Minoa with the following language:

SCHEDULE "A"

(5) Of prepared foods which conduct shall be governed under Chapter 104 of the Code of the Village of Minoa.

Section Four (4). A new Chapter 104 of the Code of the Village of Minoa to provide as follows:

Chapter 104
Outdoor Prepared Food Service

§104-1. Title.

This Chapter 104 shall be known as "Outdoor Prepared Food Service."

§104-2. Purpose and Intent.

This Chapter is designed to permit the outdoor service of prepared foods and dining in areas where it is appropriate and to promote and protect the public health, safety and general welfare. Specific purposes of this legislation are:

- A. To ensure adequate space for pedestrians on the sidewalk adjacent to outdoor service and dining areas.
- B. To preserve and enhance the character of the neighborhood where such outdoor service and dining is permitted in the Village and to protect the adjacent areas.
- C. To promote the most desirable use of land.

§104-3. Permit Required; Fee.

- A. No outdoor service of prepared foods or dining shall be allowed unless a permit has first been obtained from the Village Clerk. Every Applicant shall have a copy of the permit issued available for production upon the request of any police officer, codes enforcement or other Village official.
- B. The fee for such permit shall be in such amount as determined from time to time by the resolution of the Board of Trustees. Such resolution may fix fees based upon an annual, monthly or one day permit fee. The Village Board may, upon those not-for-profit, charitable or similar organizations applications not otherwise exempt under §104-17 hereof, as it deems appropriate, waive the permit fee.

§104-4. Eligible Persons/Establishments.

- A. Except as provided at §104-4B, only commercial establishments operating as of right as a restaurant or substantially similar use which take orders and serves food and beverages within their establishments for sit-down or take-out service, may take orders and serve food and beverages outdoors or in outdoor dining areas.
- B. Outdoor prepared foods vending units (e.g., hot-dog/sausage vendor carts) not affiliated with any commercial establishment as required at §104-4A may operate subject to the provisions of this Chapter

104 at such locations on Village (public) property as may be designated by the Village Board of Trustees from time to time by resolution.

§104-5. Application for Permit.

- A. Any application for outdoor service and dining shall be made to the Village Clerk in writing on a form prescribed by the Village Clerk's office. A separate permit shall be required for each vending unit. Applications for permits are made to the Village Clerk on a form prescribed by the Clerk.
- B. The terms "Applicant" and "Permittee" as used herein are synonymous and shall mean the individual or establishment that has applied for, and as applicable, been issued a permit under this Chapter 149.
- C. Such application shall contain the following information:
 - 1. The name, address and telephone number of the applicant.
 - 2. The name, address and telephone number of the establishment to be the subject of the application and the name and telephone number of the owner and/or operator of the establishment or designated responsible representative.
 - 3. Whether alcoholic beverages are to be served and, if so, a copy of the appropriate liquor license issued by the State of New York is to be appended to the application.
 - 4. A survey of the subject property also indicating any adjacent property which is Village owned.
 - 5. A plan showing the complete sidewalk area, with the location of all furniture and fixtures to be used, including a fully dimensioned seating plan and the location of entrances and exits.
 - 6. Descriptive material showing all furniture and fixtures to be used and how such furniture and fixtures shall be stored or secured during nonoperational hours.
 - 7. Whether live or mechanically reproduced music is to be played and a description and site location of the facilities, equipment or other devices needed for amplification of sound.
 - 8. Proof of insurance and security as required in §104-9 of this Chapter.
 - 9. Any other information that the Village Clerk may find reasonably necessary to determine whether a permit should be issued.
 - 10. The Village Board of Trustees may modify, relax or waive any of the foregoing application requirements as long as the intent of this Chapter is nonetheless achieved.
 - 11. (A) statement(s) or other satisfactory proof (certificate, permit or license) from all governmental agency(ies) having jurisdiction over such operations, indicating that the Applicant meets the requirements of all County or State codes, rules, regulations or laws relative to food preparation and service, sanitary practices, collection of New York State sales tax.

§104-6. Standards for Issuance of Permit.

The following standards shall apply:

- A. The proposed outdoor service or dining area will not interfere with pedestrian or vehicle traffic or use of any other private or Village owned portion of property adjacent to the establishment or unit and will not, without written consent, make use of any other Village owned or other public property or right of way adjacent to the establishment, except as may be permitted in connection with the subject permit. The Applicant's operations shall be confined and limited to that shown on the permit application as approved by the Village.
- B. The applicant is in compliance with and has met all other applicable provision in this Chapter and those in the Village of Minoa Building and Zoning Codes and such use shall not present a public or fire safety hazard.
- C. Except as permitted under Section 104-4B hereof, the operation of the outdoor service or dining facility must be the same person or entity as, or under written contractual agreement providing for such operation with, the principal operation on the premises.

§104-7. Effect of Permit.

- A. Notwithstanding the provisions of Chapter 110 of this Code, establishments issued a permit hereunder may engage in outdoor service and/or dining of prepared food products as set forth in this Chapter.
- B. The consumption of alcoholic beverages of any and all types and kinds is prohibited unless served by the related licensed premises and accompanied by a principal operation of the service and consumption of food. It is the responsibility of the owner and/or operator of the premises who has obtained a permit hereunder for outdoor dining to ensure compliance with this provision.
- C. A permit holder shall be bound by all applicable rules, regulations, ordinances, local laws and statutes. The Board of Trustees may, by resolution, adopt, from time to time, any additional rules and regulations intended to ensure compliance with all applicable rules, regulations, ordinances, local laws and statutes and the general protection of health, safety and welfare.
- D. No other activities of any nature conducted now or hereafter by any commercial establishment, enterprise, business, venture or shop in the Village, otherwise prohibited by all applicable rules, regulations, ordinances, local laws or statutes are changed, amended, suspended or altered in any respect because of this Chapter.
- E. Such outdoor service and dining activities shall, except where permitted under §104-4B hereof, be limited to areas directly to the front or rear of each store or merchant's establishment and not extend beyond the property lines. There shall be a minimum of five feet total sidewalk width clearance to provide adequate and unobstructed pedestrian movement, such width to be measured from the outermost point of the outdoor service and dining area to the nearest obstruction.

§104-8. Liability of Permit Holder.

The person or persons to whom a permit has been issued shall be liable and shall indemnify the Village for any loss, damage, or injury or expense sustained by the Village arising out of any claim or cause of action whatsoever instituted or commenced by any person or persons arising out of the issuance of such permit or as a direct or indirect result of the operation under such permit.

§104-9. Insurance.

Prior to the issuance of a permit, the applicant for a permit shall present to the Village a binder, endorsement or unconditional certificate of insurance (or other proof of insurance satisfactory to the Village attorney) clearly providing for comprehensive general liability, naming the Village of Minoa as additional insured, for combined single limits of no less than \$1,000,000 per occurrence and \$1,000,000 general aggregate. Same shall provide that no cancellation, or material modifications shall occur except upon thirty (30) days prior written notice to the Village of Minoa.

§104-10. Intentionally Omitted.

§104-11. Maintenance of Premises.

All outdoor service dining areas and adjacent areas shall be continuously cleaned and kept refuse free. The outdoor service or dining area and adjacent areas shall be swept and washed down each night just prior to closing and at other times as needed. Trash containers shall be maintained immediately adjacent to the point of sale. Permittees shall collect all litter and debris within 50ft of the point of sale before closing business on each day and shall transport away all trash and dispose of it in a legal and appropriate manner. However, same shall not be deposited in a Village maintained public garbage container. There shall be no storage of equipment on public property outside of the permittees actual hours of operations.

§104-12. Hours of Operation.

- A. Outdoor dining activities except pursuant to Section 104-4(B) 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. Operations pursuant to Section 104-4(B) shall be limited to not earlier than 11:00 a.m. and one half hour before dusk on any day.

§104-13. Music and Lighting.

Except for permits issued pursuant to §104-4(B), music may be provided so long as it is not a type or volume as to violate any applicable law or ordinance or create a nuisance to surrounding residents or property owners. Lighting shall be minimal and shall be installed so that no point source shall be observed for any neighboring properties nor shall any other direct or indirect illumination from the source of light cause illumination in excess of 0.5 footcandles on any abutting property.

§104-14. Furniture Fixtures and Signage.

All furniture and fixtures used in conjunction with outdoor service must be of a temporary nature, and must be brought in at closing time or except under permits issued pursuant to §104-4(B) securely fastened against the building façade during nonoperational hours. Except as hereinafter permitted, no signage shall be permitted to be affixed to any temporary structures. All furniture and fixtures shall be approved by the Village Clerk in conformity with guidelines established by the Board of Trustees. For Applicants operating under Section 104-4(B), signage shall be limited to one permanently mounted on the vending unit and one sandwich board sign located within 5ft of the unit not to exceed 4 sq. ft. on either side.

§104-15.

No Applicant shall employ any moving display, flashing or revolving light, nor shall Applicants call out to passerby to attract attention to their business.

§104-16. Permit; Term; Renewals.

- A. Permits shall be issued after Village Board review and approval of a permit application. All permits, regardless of when issued shall expire on the date stated therein.
- B. Applications for renewal of permits shall be made in the same manner as original applications. Permits are not assignable.

§104-17. Excepted Conduct.

The provisions hereof shall not be applicable to the temporary use of premises in connection with not-for-profit, charitable and similar uses such as field days, church bazaar and the like or municipal uses, provided in each such case the Village of Minoa Board of Trustees has been made aware of and formally recognized such exempt activity.

§104-18. Suspension or Revocation of Permit

A Permit may be suspended or revoked by the Village Clerk, any Village officer or law enforcement officer for any of the following:

- A. Violation by the Applicant of any of the provisions of this Chapter 104, the permit issued hereunder, or of any code, rules, regulations or other provisions of law required to be abided by hereunder;
- B. False or fraudulent material statement contained in the Application for Permit; or
- C. Any material fraudulent or false statement made in connection with the sale of any item;

§104-19. Appeal of Denial, Revocation of Permit

Any Applicant whose license is not granted or suspended or revoked pursuant to this Section may appeal such non-issuance, suspension or revocation to the Village Board of Trustees. The Applicant shall within thirty (30) days of written request for an appeal be granted an opportunity to be heard before the Board of Trustees at which time the only issues to be heard shall be whether the non-issuance, suspension or revocation was proper in light of the provisions and requirements of this Chapter 104 of the Village Code. The Applicant, Village

Board of Trustees, and any enforcement officials shall have the full right to examine and cross examine all physical evidence and witnesses. The Board of Trustees shall issue a written decision and a copy of which shall be mailed to the Applicant within thirty (30) days thereafter.

§104-20. Violation, Penalty.

A violation of this Chapter shall be subject to §104-18 and in addition shall be punishable pursuant to §113 of the Village of Minoa Code.

Section FIVE (5). EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

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

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No.4 of 2008 of the (County)(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on August 18, 2008, 2008 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~~

~~_____~~
(Name of Legislative Body)
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.)

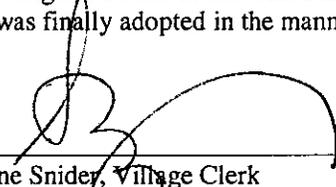
I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors 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.



Suzanne Snider, Village Clerk

Date: August 20, 2008

(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: 8/20 2008

*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.

BOND RESOLUTION

At a regular meeting of the Board of Trustees of the Village of Minoa, Onondaga County, New York, held at the Village Hall, in Minoa, New York, in said Village, on the 18th day of August, 2008, at 7:30 o'clock PM, Prevailing Time.

The meeting was called to order by Mayor Richard J. Donovan, and upon roll being called, the following were

PRESENT: Mayor Richard J. Donovan
Trustee William F. Brazill
Trustee John H. Champagne
Trustee Ronald L. Cronk
Trustee Edmond J. Theobald

ABSENT: None

The following resolution was offered by Trustee Brazill, who moved its adoption, seconded by Trustee Theobald, to-wit:

SCHEDULE "B"

BOND RESOLUTION DATED AUGUST 18, 2008.

A RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS AND EQUIPMENT FOR THE MINOA FIRE DEPARTMENT IN AND FOR THE VILLAGE OF MINOA, ONONDAGA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$210,000, AND AUTHORIZING THE ISSUANCE OF \$210,000 BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Board of Trustees of the Village of Minoa, Onondaga County, New York, as follows:

Section 1. The purchase of heavy equipment for the Department of Public Works and heavy equipment for the Minoa Fire Department, Village of Minoa, Onondaga County, New York, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$210,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$210,000 serial bonds of the Village hereby authorized to be issued therefor pursuant to the provisions of the Local Financing Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 15 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will **not** exceed five years.

Section 4. The faith and credit of said Village of Minoa, Onondaga County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and

payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds as a statutory installment bond and all matters related thereto, prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service and all matters relating thereto, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Mayor Richard J. Donovan</u>	VOTING	<u>Aye</u>
<u>Trustee William F. Brazill</u>	VOTING	<u>Aye</u>
<u>Trustee John H. Champagne</u>	VOTING	<u>Aye</u>
<u>Trustee Ronald L. Cronk</u>	VOTING	<u>Aye</u>
<u>Trustee Edmond J. Theobald</u>	VOTING	<u>Aye</u>

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned Clerk of the Village of Minoa in the County of Onondaga, New York (the "Issuer"), DO HEREBY CERTIFY:

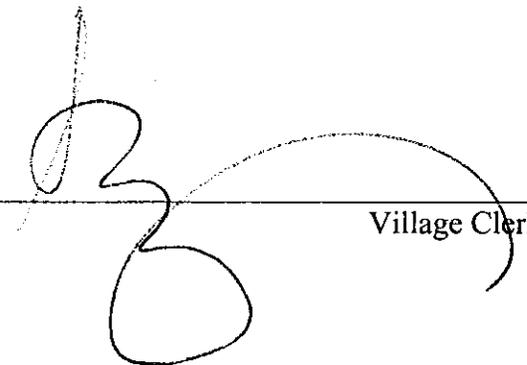
1. That a meeting of the Issuer was duly called, held and conducted on the 18th day of August, 2008.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

PUBLICATION Schedule of Regular Meetings was established by the Board at its Annual Meeting held on April 7, 2008. Notice published by Post Standard of Regular Meetings on a routine basis prior to meeting and posted on the Village of Minoa website.

POSTING (here insert place(s) and date(s) of posting- should be a date or dates falling prior to the date set forth above in item 1)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 18th day of August, 2008.

(CORPORATE SEAL)



Village Clerk