

**DISTRIBUTION LIST**

**Richard Donovan, Mayor**  
**Edmond Theobald, Trustee**  
**Ronald Cronk, Trustee**  
**William Brazill, Trustee**  
**John Champagne, Trustee**  
**Steven Primo, Attorney**  
**Thomas Petterelli, DPW Superintendent**  
**Keith Brandis, Paramedic Supervisor**  
**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**  
**FEBRUARY 17, 2009**

The re-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 February 17, 2009.

**PRESENT:** Mayor Donovan  
Trustee Mayor Brazill  
Trustee Champagne  
Trustee Cronk  
Trustee Theobald  
Attorney Courtney Hills  
Clerk/Treasurer Snider

**ALSO** Chris Beers, Dan DeLucia, David VanMarter, Ernie Green,  
**PRESENT:** John Sears, and Thomas Petterelli

**ABSENT:** Attorney Steven Primo

Mayor Donovan opened the meeting at 7:31 p.m. with the Pledge of Allegiance led by Trustee Brazill.

**MINUTES OF**  
**VILLAGE BOARD**  
**MEETING -**  
**FEBRUARY 2, 2009**

A motion was made by Trustee Champagne and seconded by Trustee Brazill to accept the minutes of the February 2, 2009 Village Board Meeting as recorded. All in favor. Motion carried.

**DAVID VAN**  
**MARTER -**

Mayor Donovan introduced David Van Marter from the Onondaga County Volunteer Firemen's Association. Mr. Van Marter said that he has participated in

**ONONDAGA  
COUNTY  
VOLUNTEER  
FIREMEN'S  
ASSOCIATION**

the fire service for over 40 years and he asked to be on the agenda to thank Mayor Donovan and Trustee Theobald for attending their February 7, 2009 meeting, along with a few other politicians that were invited. Mr. Van Marter said they were invited to the meetings so that they were kept abreast of issues that they are facing and items that they are requesting from Albany. Mr. Van Marter said they had numerous items on their agenda and some items are moving slowly, but wanted to thank them for their participation. Mr. Van Marter welcomed the Board to attend their next seminar on "Extinguishing the Flames of Liability" from 8:15 a.m. to 11:00 a.m. on March 28, 2009 at the Lakeside Recreation Hall.

Mayor Donovan thanked Mr. Van Marter for the opportunity to be a part of their meeting and said that Trustee Brazill would have been there, but he had a prior commitment. Mayor Donovan said this was the first year that Onondaga County had tried a joint meeting that invited representatives from congress all the way down to the local level. Mayor Donovan said that many liaisons attended in their place, a few politicians attended and he was given the opportunity to discuss available congressional funds. Mayor Donovan said the Board would be going to Albany on February 22-24, 2009 and they would voice their opinions and advised Mr. Van Marter to give him any front burner issues they would like expressed while speaking to their elected officials.

Trustee Theobald said there were over one hundred and seventy people in attendance at the meeting. Mayor Donovan said the Onondaga County Volunteer Firemen's Association provided an informative meeting, thanked them for a job well done and for inviting the Board.

**ADOPTION OF  
LOCAL LAW #1 FOR  
2009 - BUSINESS  
INVESTMENT  
EXEMPTION**

A motion was made by Trustee Brazill and seconded by Trustee Champagne adopting Local Law #1 for 2009 for the Village of Minoa establishing a new Article V of Chapter 143 of the Village of Minoa Municipal Code entitled "Business Investment Exemption" providing for a partial real property tax exemption for certain commercial, business and industrial improvements in the Village pursuant to the provisions of §485-b of the Real Property Tax Law of the State of New York and attached hereto as Schedule "A". All in favor. Motion carried.

**ADOPTION OF  
LOCAL LAW #2 FOR  
2009 -  
PROFESSIONAL  
SERVICES  
REIMBURSEMENT**

A motion was made by Trustee Champagne and seconded by Trustee Theobald adopting Local Law #2 for 2009 for the Village of Minoa establishing a new Chapter 115 of the Village of Minoa Municipal Code entitled "Professional Services Reimbursement" which provides for a mechanism whereby the Village of Minoa may utilize necessary expertise for particular land development and construction projects without imposing the cost on its taxpayers and attached hereto as Schedule "B". All in favor. Motion carried.

**MINOA FARMS /  
CONSTRUCTION  
DRAWINGS PART II  
- PHASE III**

Tabled

**NATIONAL GRID/  
REQUEST FOR  
REIMBURSEMENT  
OF UTILITY GROSS  
RECEIPTS TAX/  
UPDATE**

Mayor Donovan reported that Trustee Theobald, Attorney Primo and Clerk/Treasurer Snider participated in a conference call. Trustee Theobald said that National Grid repeatedly offered their apologies for the way they handled the processing of information given to the municipalities. He said that Barbara Van Epps, NYCOM attorney, stated in the conference call that NYCOM's position is that municipalities should not be held financially responsible for National Grid's error. Trustee Theobald said that National Grid did not offer a proposal at the time.

Clerk/Treasurer Snider said that National Grid will eventually propose a reduction in Utility Gross Receipts to recoup the overpayments made to the municipalities, but no offer was on the table. She said that Attorney Primo suggested that it would not be cost effective to fight the repayment due to high legal costs and the amount of approximately \$16,000 owed back to National Grid. Clerk/Treasurer Snider said that NYCOM and Attorney Primo both said that the Village of Minoa should wait and review the proposed offer from National Grid before making any decisions.

**RATIFY PRIOR  
APPROVAL /  
ONONDAGA  
COUNTY ONLINE  
AUCTION**

A motion was made by Trustee Brazill and seconded by Trustee Cronk ratifying prior approval to sell a DPW 2001 F-250 Ford Truck through the Onondaga County Online Auction with a reserve amount of \$3,000.00. All in favor. Motion carried.

**YEAR 2 MS4  
STORMWATER  
COMPLIANCE  
ASSISTANCE  
PROPOSAL**

A motion was made by Trustee Theobald and seconded by Trustee Champagne that the Village of Minoa agrees to participate in the SPDES Year 2 MS4 Stormwater Compliance Assistance Proposal for Education and Outreach Assistance Proposal at a cost not to exceed \$5, 000.00 sponsored by the Central New York Regional Planning & Development Board. All in favor. Motion carried.

**2009 COMMUNITY  
DEVELOPMENT  
FUNDING  
APPLICATION - NO  
SUBMISSION**

Mayor Donovan said that the 2008 funding application was approved for \$60,000 and the work at Rees Field would be completed upon this approved funding. Mayor Donovan said there weren't any other properties owned by the Village of Minoa that were eligible for funding in the approved Community Development areas. Mayor Donovan said that it would be wise to not submit an application this year and allow for other communities to receive the limited available funds.

**RESTORE NEW  
YORK**

Clerk/Treasurer Snider said that there was funding available for the Restore New York Communities Initiative for property owners in a commercial district area that own

**COMMUNITIES  
INITIATIVE -  
ROUND 3**

properties that are in need of demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, surplus and/or condemned residential, commercial or mixed use buildings. The properties must be 51% or greater vacant. Clerk/Treasurer Snider said the application is initiated by the Village of Minoa on behalf of interested property owners and currently there are a few properties located in the 100 block of North Main Street that fall into the 51% or greater category. Clerk/Treasurer Snider said there is a 90/10 match, with the 10% matching funds contributed by the property owners if the funding is approved. She said that the Village grant writer, Kristy LaManche, is willing to meet with interest property owners.

Clerk/Treasurer Snider said the Village of Minoa would need to send notification to the property owners and submit a letter of intent to New York State, which is due by March 9, 2009.

***LETTER OF INTENT***

A motion was made by Trustee Brazill and seconded by Trustee Cronk authorizing Mayor Donovan to sign a Letter of Intent for the Restore New York Communities Initiative, Round 3, on behalf of interested and eligible property owners in the 100 block of North Main Street. All in favor. Motion carried.

***REQUEST PERMISSION TO SCHEDULE AN INFORMATIONAL MEETING***

A motion was made by Trustee Cronk and seconded by Trustee Champagne giving Clerk/Treasurer Snider permission to schedule an informational meeting for the Restore New York Communities Initiative, Round 3, with interested property owners and Kristy LaManche before March 9, 2009. All in favor. Motion carried.

**REQUEST  
PERMISSION TO  
WAIVE SEWER  
RENT & PENALTY /  
GREGORY RINALDI  
/ ACCT # 2125.0**

Mayor Donovan said that the Village Office had received a request from Gregory Rinaldi dated February 11, 2009 to waive sewer rental and penalties for the property located at 124 North Main Street, as he purchased the property through a tax sale and was unaware of the outstanding sewer rent and penalties.

A motion was made by Trustee Brazill and seconded by Trustee Theobald to approve the request from Gregory Rinaldi, 124 North Main Street, Minoa, NY to waive the August 1, 2008 sewer rent and penalty for account # 2125.0 in the amount of \$135.00 rent and \$30.00 penalty per his written request dated February 11, 2009. All in favor. Motion carried.

**REQUEST  
PERMISSION TO  
WAIVE MOWING  
CHARGES /**

Mayor Donovan said that the Village Office had received a request from Gregory Rinaldi dated February 11, 2009 to waive mowing charges scheduled for relevy for the property located at 124 North Main Street, as he purchased the property through a tax sale and was unaware of the outstanding mowing charges.

**GREGORY RINALDI  
/124 NORTH MAIN  
STREET**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to approve the request from Gregory Rinaldi, 124 North Main Street, Minoa, NY to waive the mowing charges in the amount of \$125.00 and administrative fees in the amount of \$37.50 per his written request dated February 11, 2009. All in favor. Motion carried.

**REQUEST  
PERMISSION TO  
USE REES FIELD/  
ESM JV BASEBALL**

A motion was made by Trustee Brazill and seconded by Trustee Theobald giving permission to the East Syracuse-Minoa Central School District to use Rees Field for their interscholastic JV baseball practices from approximately March 23 – June 5, 2009 with the conditions that they coordinate the use of the field with ESM Youth Sports based on the Priority Use Agreement. All in favor. Motion carried.

**CENTRO PUBLIC  
HEARING**

Mayor Donovan reported for informational purposes only that Centro scheduled a Public Hearing for February 25, 2009 from 4:00 p.m. to 7:00 p.m. at the Curtin Auditorium, Onondaga County Library, for the purpose of discussing proposed rate increases and the possible cancellation of the bus route for the Fayetteville, Kirkville and Minoa area. Mayor Donovan encouraged available Board members to attend if they had time available upon returning from their trip to Albany to support the continuation of bus service to the Minoa area.

**TREE AND SHRUB  
CARE PROPOSAL/  
RATIFY PRIOR  
APPROVAL**

Mayor Donovan reported on two quotes Thomas Petterelli received for tree and shrub care as follows: Walker Tree, Inc. - \$9,210.00 and Bartlett Tree Experts - \$6,825.00.

A motion was made by Trustee Champagne and seconded by Trustee Brazill ratifying prior approval to award the tree and shrub care work to Bartlett Tree Experts in the amount of \$6,825.00, the low quote. All in favor. Motion carried.

**AMBULANCE**

***REQUEST PERMISSION FOR STANDBY AMBULANCE / ES-M HIGH SCHOOL***

A motion was made by Trustee Brazill and seconded by Trustee Theobald giving permission to have a standby ambulance utilizing volunteers located at the ESM High School athletic field on February 28, 2009 from 2:00 p.m. to 9:00 p.m. September 6, 2008 from 4:00 p.m. to 9:00 p.m. for the ES-M High School Spartan Spectacular Winter Guard competition with the understanding that they are available for other calls. All in favor. Motion carried.

**FIRE DEPARTMENT**

***REQUEST PERMISSION TO ATTEND THE NYSAFC 103<sup>RD</sup> ANNUAL CONFERENCE***

A motion was made by Trustee Brazill and seconded by Trustee Champagne giving permission for Jeremy Erard to attend the NYSAFC 103<sup>rd</sup> Annual Conference, June 11-12, 2009, Verona, NY, at a cost of \$650.00. All in favor. Motion carried.

***SERVICE AWARDS 2008 / ENGINE 92 PROGRAM CANCELLATION***

Trustee Brazill reported that on April 21, 2003 the Village Board voted to participate in

the Engine 92 Program which was made up of volunteer firefighters from East Syracuse, Kirkville, and Minoa who were on standby at Station II from 6:00 a.m. through 6:00 p.m., Monday through Friday. The program allowed firefighters to immediately respond to a fire in any of the three different fire protection areas. In 2007, due to an increase in call volume in each area, it was decided between the communities that the joint venture would end and is now being duly noted in the Board minutes. The Village of Minoa continues to staff Station II to handle all of our own calls and respond efficiently to daytime fire calls in our fire district.

Trustee Brazill said that a few calls were inappropriately designated and submitted to the Village Office as 92 Calls for the 2008 Service Award Program and need to be adjusted.

A motion was made by Trustee Champagne and seconded by Trustee Cronk to cancel the Engine 92 Program for 2008 and direct Clerk/Treasurer Snider to remove the 92 Calls from the 2008 Service Award Program monthly reports and re-post the adjusted final report at Station I and Station II for 30 days. All in favor. Motion carried.

***REQUEST CHANGE OF STATUS / C. STEPHEN KALMBACH, JR.***

A motion was made by Trustee Brazill and seconded by Trustee Champagne approving the resignation of C. Stephen Kalmbach, Jr. from the Minoa Fire Department effective April 7, 2008. All in favor. Motion carried.

***REQUEST CHANGE OF STATUS / NICOLE J. COOTER***

A motion was made by Trustee Brazill and seconded by Trustee Champagne approving the resignation of Nicole J. Cooter from the Minoa Fire Department effective April 7, 2008. All in favor. Motion carried.

**DPWF**

***REQUEST PERMISSION TO ATTEND THE ONONDAGA COUNTY SUPERINTENDENTS ASSOCIATIONS ADVOCACY DAY ON 3/11/2009***

A motion was made by Trustee Theobald and seconded by Trustee Champagne giving permission to Thomas Petterelli to attend the Onondaga County Superintendents Association Advocacy Day on March 11, 2009 in Albany, NY at no cost. All in favor. Motion carried.

**WWTF**

***RATIFY PRIOR APPROVAL FOR LETTER OF SUPPORT FOR HUI LIN***

A motion was made by Trustee Cronk and seconded by Trustee Brazill ratifying prior approval giving permission for Mayor Donovan to submit a letter of support to SUNY College of Environmental Science and Forestry for Hui Lin's application for a Sussman Internship to provide for a paid internship at the Village of Minoa's Waste Water Treatment Facility. All in favor. Motion carried.

**TRUSTEES' REPORT** Trustee Champagne had nothing to report.

Trustee Theobald had nothing to report.

Trustee Conk reported that Thomas Petterelli and Steve Giarrusso were working diligently on their 2009-2010 budgets for submission to the Village Office.

Trustee Brazill said he was contacted by the Texas Roadhouse restaurant and was provided with fundraising information that he will forward to Trustee Champagne and Trustee Theobald for future celebration events. Trustee Theobald said they had previously provided peanut packages for the Halloween Party.

**MAYOR'S REPORT** Mayor Donovan reminded the Board that they've been given time slots for Budget review and asked them to confirm their availability with Clerk/Treasurer Snider.

Mayor Donovan said the Board was leaving for Albany with the NYCOM Winter Legislative Meeting from February 22-24, 2009 and will provide an update at the next Board meeting.

**ATTORNEY'S  
REPORT** Nothing to report.

**AUDIT CLAIMS** A motion was made by Trustee Champagne and seconded by Trustee Cronk that claims on Abstract #18 in the amounts of General Fund - \$65,473.84 (Vouchers 705-750); Sewer Fund - \$19,257.76 (Vouchers 248-262); and Capital Fund (HP) - \$154,232.00 (Voucher 016) for a total of \$238,963.60 be audited and paid. All in favor. Motion carried.

**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 January 2009 as recorded. All in favor. Motion carried.

**PUBLIC COMMENTS** John Sears said that he has a few questions to ask, but did not want to be limited to three minutes and asked to be added to the next agenda. Mayor Donovan said that he would need specific items to be added to the agenda and encouraged him to ask his questions. Mr. Sears said that he was in the building before 7:30 p.m. and did not see any notification on the bulletin board. Clerk/Treasurer Snider said that the legal notices were posted around the Village of Minoa, the Post-Standard, the Village of Minoa website and were mentioned in detail in the newsletter. Mayor Donovan said the Board has no control over what people remove from the boards and the legal notices were posted. Mr. Sears expressed concern that he wanted more time to discuss his questions and Mayor Donovan reminded him that there was a

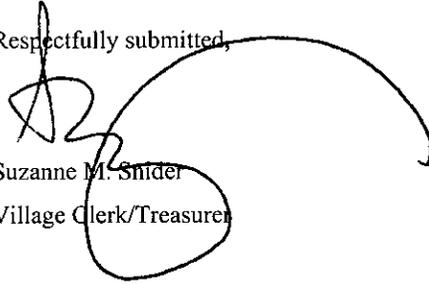
three minute limit per the Rules of Decorum policy.

**ADJOURNMENT**

A motion was made by Trustee Champagne and seconded by Trustee Theobald that the Village Board Meeting be adjourned at 8:07 p.m. All in favor. Motion carried.

Respectfully submitted,

Suzanne M. Snider  
Village Clerk/Treasurer

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke that curves back down to the right.

# 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. One (1) of the year 2009.

**A local law establishing a new Article V of Chapter 143 of the Village of Minoa Municipal Code entitled "Business Investment Exemption."**

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

**Section One (1).** A new Article V shall be added to Chapter 143 of the Code of the Village of Minoa to provide as follows:

### **Article V Business Investment Exemption**

#### **§143-21. Purpose.**

Pursuant to the provisions of §485-b of the Real Property Tax Law of the State of New York, the Village of Minoa Board of Trustees is authorized to adopt a partial real property tax exemption for certain commercial, business and industrial improvements in the Village. This Article V shall allow real property constructed, altered, installed or improved for the purpose of commercial, business or industrial activity to be exempt from taxation, special ad valorem levies and services charges pursuant to Real Property Tax Law §485-b to the extent hereinafter provided.

#### **§143-22. Computation of Exemption.**

Such real property shall be exempt for a period of one year to the extent of 50% of the increase in assessed value thereof attributable to such construction, alteration, installation, or improvement and for an additional period of nine years; provided, however, that the extent of such exemption shall be decreased by 5% each year during such additional period of nine years. The following table shall illustrate the computation of the tax exemption:

<b>Year of Exemption</b>	<b>Percentage of Exemption</b>
1	50%
2	45%
3	40%
4	35%
5	30%
6	25%
7	20%

8	15%
9	10%
10	5%

**§143-23. Qualification for Exemption.**

- A. No such exemption shall be granted unless such construction, alteration, installation or improvement exceeds the sum of \$10,000.00.
- B. For the purpose of this Article V, the terms construction, alteration, installation and improvement shall not include ordinary maintenance and repairs.

**§143-24. Application.**

Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the State Board. The original of such application shall be filed with the assessor of the Village of Minoa, or if none, the Town of Manlius, on or before the appropriate taxable status date. A copy thereof shall be filed with the State Board.

**§143-25. Approval of Application.**

If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this Article V, he or she shall approve the application, and such real property shall thereafter be exempt from taxation, special ad valorem levies, and service charges as herein provided, commencing with the assessment roll prepared after the taxable status date referred to in §143-4. The assessed value of any exemption granted pursuant to this Article V shall be entered by the assessor on the portion of the assessment roll provided for property exempt from taxation.

**§143-26. Eligible Properties.**

The provisions of this Article V shall apply to all real property within the Village of Minoa used primarily for the buying, selling, storing, or developing goods, services, the manufacture or assembly of goods, or the processing of raw materials. This Article V shall not apply to property used primarily for the furnishing of dwelling space or accommodations to either residents or transients other than hotels or motels.

**§143-27. Change of Use or Exempt Property.**

In the event that real property granted an exemption pursuant to this Article V ceases to be used primarily for eligible purposes, the exemption granted pursuant to this Article V shall cease.

**Section Two (2). Illegality/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 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 or unconstitutional and which best achieves the intent of the invalid provision.

**Section Three (3). 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.1 of 2009 of the (County)(City)(Town)(Village) of Minoa was duly passed by the Village Board of Trustees of the Village of Minoa on February 17, 2009 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.)~~

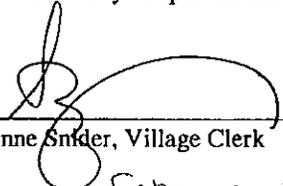
~~I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

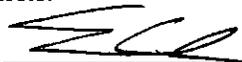
  
\_\_\_\_\_  
Suzanne Snyder, Village Clerk  
Date: February 23, 2009

(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: 2/19, 2009

\*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.

# Local Law Filing

41 STATE STREET, ALBANY, NY 12231

**(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 2009.

**A local law adding a new Chapter 115, entitled “Professional Services Reimbursement,” to the Code of the Village of Minoa, providing for a mechanism whereby the Village of Minoa may utilize necessary expertise for particular land development and construction projects without imposing the cost on its taxpayers.**

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

Section One. Chapter 115, entitled “Professional Services Reimbursement” is hereby added, reading in its entirety as follows:

### **CHAPTER 115 Professional Services Reimbursement**

§115-1. Title.

This Chapter 115 shall be known as “Professional Services Reimbursement Local Law.”

§115-2. Legislative Intent and Purpose.

The Village of Minoa Village Board hereby finds and determines that in order to protect and safeguard the Village, its residents and their property, with respect to land, and improvements within the Village, the development and construction thereon and the uses, operations, businesses, trades, professions and industries conducted thereon, all should be designed and constructed in a competent and workmanlike manner and developed, constructed and utilized in conformity with all applicable governmental laws, codes, rules and regulations, and where applicable to development, dedicated and conveyed to the Village in a legally sufficient manner. In order to ensure the foregoing, it is essential that the Village have available to it all necessary professional expertise to assist with inspections of the foregoing, any required legal opinion(s) or actions, including relative to violations and enforcement of such applicable law, codes, rules and regulations, the review of legal documents and instruments, plans, designs, applications, and to make recommendations to the Code Enforcement Officer, Village Board, Planning Board, Zoning Board of Appeals, Village Attorney and Building Inspector. The Village takes great pride in the skill and professionalism of its land use and zoning boards, code enforcement and administrative staff, however, from time to time, such boards and staff are called upon to review and evaluate matters and to consider and take actions outside the range of their training and/or expertise and/or requiring legal assistance and expertise. These situations may require the Village to seek out skills not

possessed by such Village boards and Village officials but which are not required frequently enough to justify the full or part-time hiring of such specialized staff. At the same time, the cost of retaining such expertise should not be borne by the taxpayers of the Village, but rather by those who seek to benefit or profit from the decisions of the Village, its boards, administrative staff and/or those who are legally responsible relative to efforts, actions and proceedings addressing violations and enforcement of such governmental laws, codes, rules and regulations. Therefore, it is the intent of this Chapter to establish a mechanism whereby the Village may utilize necessary expertise for such matters without imposing the cost on its taxpayers.

§115-3. Statutory Authority.

This Chapter is enacted under the authority of Subparagraphs (a)(12) and (d)(3) of the Municipal Home Rule Law § 10(l)(iii) and Municipal Home Rule Law § 22. To the extent that the Village Law of the State of New York does not authorize the Village Board, Village Planning Board or Zoning Board of Appeals to require the reimbursement to the Village of expenses incurred by the Village in connection with professional assistance, it is the expressed intent of the Village Board to change and supersede such statutes. Such statutes likewise do not authorize the deferral or withholding of approvals in the event such expenses are not paid to the Village. It is the express intent of the Village Board to change and supersede the New York State Village Law, including without limitations, §§ 7-700, 7-708, 7-712, 7-712-a, 7-712-b, 7-725-a, 7-725-b, 7-728, 7-732, and 7-736, and to the extent legally permissible, relating specifically to the subject matter hereof and subject to Executive Law §383, to supplement New York Code Rules and Regulations Title 19, Parts 1220-1226 and to supplement New York State Vehicle & Traffic Law §1224; Executive Law §382, the New York State Public Health Law (Article 13) relative to public nuisance abatement, Village Law §§4-400, 4-412, 8-802, and 20-2006, to empower the Village to require such payment as part of the any procedures thereunder and in relation to any efforts, actions or proceedings deemed necessary by the Town Board to address enforcement and violation issues.

§115-4. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

**APPLICANT** — Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Code Enforcement Officer, Zoning Officer, or other issuer of building permits, certificates of completion, occupancy and compliance, or the Village Board, the Planning Board or the Zoning Board of Appeals to approve a Municipal Application.

**ENFORCEMENT/VIOLATION EFFORTS** – Any efforts, actions or proceedings pursuant to, and intending to address the enforcement or violations of any Federal, New York State Law, Onondaga County, or Village of Minoa Code commenced or initiated by, at the request of or under policies established by the Village of Minoa Board of Trustees.

**MUNICIPAL APPLICATION** — An application or request, formal, informal, or otherwise relative to proposed development, construction, renovation, related and/or similar within the Village, including without limitation, application or requests for subdivision approval, site plan approval, area variance, use variance, special permit, zone change(s), utility availability, capacity or connection, storm drainage or erosion and sedimentation control,

building permit, certificate of compliance, occupancy or completion (or similar permit) and any additional review for those as needed to comply with the New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8, and regulations adopted pursuant thereto, and the Village Code, as amended. The foregoing notwithstanding, professional fees incurred or to be incurred for routine applications for utility connections or building permits specifically covered under the Village Code shall not be considered Municipal Applications unless the same involve special, unusual or extraordinary conditions or circumstances as solely determined initially by the Mayor, Village Administrator or Code Enforcement Officer, and affirmed by the Board of Trustees.

§115-5. Retention of professional services; reimbursement by Applicant.

- A. The Village may hire any consultant and/or expert necessary to assist the Village in reviewing or otherwise a Municipal Application or conducting Enforcement/Violation Efforts, including, but not limited to, scientific, technical, architectural or engineering consultants or legal counsel.
- B. Except as may otherwise be expressly provided in the Village Code, if, prior to the completion of a review of a Municipal Application, the Village discovers the need to retain consultant and/or expert services, the Applicant shall deposit with the Village funds sufficient to reimburse the Village for the reasonable costs of consultation and/or evaluation in connection with review of the application, the amount of such deposit to be estimated by the Code Enforcement Officer or professional(s) retained or to be retained for such service(s). The Village will maintain a separate escrow account for such funds.
- C. Upon receipt of such funds, the Village Clerk shall cause the money to be placed in an account in the name of the Village and shall keep a separate record of all money so deposited and the name of the Applicant and the project for which the sums were deposited.
- D. The Village's consultants and experts shall invoice the Village for services rendered in reviewing the application. The Village shall furnish a copy of each invoice received to the Applicant upon receipt of the invoice by the Village.
- E. The Village shall review and audit all invoices received and shall approve payment only of such fees as are reasonable in amount and necessarily incurred by the Village in connection with a review of a Municipal Application or conduct of Enforcement/Violation Efforts. For purposes of this chapter, a fee is reasonable in amount if it bears a reasonable relationship to the average charge by such an expert to the Village or others for services performed in connection with the review of a project similar to that involved in the Municipal Application or the conduct of enforcement proceedings or actions similar to those intended in the Enforcement/Violation Efforts. In this regard, the Village may take into consideration size and type of property use(s) or project involved and any special conditions or considerations as the Village may deem relevant in connection with the particular Municipal Application or Enforcement/Violation Effort.
- F. Contracts for the retention of experts shall be let pursuant to any applicable policy of the Village (if any) unless the contract is one that must be competitively bid or the service is performed by a retained

Attorney or Engineer of the Village or other retained expert under a general fee for service or hourly charge retainer agreement with the Village.

- G. After payment of all outstanding invoices, any funds held by the Village upon completion of a review of a Municipal Application shall be returned to the Applicant
- H. The Village shall be entitled to recover reasonable expenses, attorney's fees, costs and disbursements incurred or in the enforcement of any rights hereunder, including without limitation, the collection of professional fees owing to the Village.

§115-6. Exception.

Notwithstanding anything to the contrary contained in this Chapter in relation to a Municipal Application, an Applicant or developer shall not be required to reimburse the Village for any part of a fee incurred by the Village for services performed in connection with matters, including but not limited to those resulting from complaints by third parties, as to which the Village Board determined the Applicant had no responsibility or were beyond the reasonable control of the Applicant, such determination to be solely within the Village Board's discretion.

§115-7. Assessment of Charges.

Upon resolution duly adopted by the Village Board following a prior written notice of not less than thirty (30) days (addressed to the Applicant, individual(s) or entities subject of a Municipal Application or against whom Enforcement/Violation Efforts have been conducted and the owner of the property subject of a Municipal Application or Enforcement/Violation proceeding) advising such persons or entities of amounts owing to the Village for professional fees incurred hereunder, and providing such person(s) an opportunity to be heard at the Village Board meeting whereat such resolution is adopted, the Village may consider and make the determination(s) required at §115-5(E) hereof (if not previously made) and assess the property subject thereof with such costs in the same manner as with respect to property taxes, such that same may be collected and the lien of same enforced, in the same manner as liens for such taxes and charges.

§115-8. Provisions Non-Exclusive; Incorporation by Reference.

The provisions hereof shall be in addition to and not in lieu of any other provisions of the Village of Minoa Code or New York State law providing for the payment, reimbursement or recovery of legal or other professional fees costs and/or disbursements. Any such other provisions shall in addition be deemed to have incorporated therein by reference, subject to §115-9 hereof, the provisions of §115-7 hereof providing for the assessment of such charges on the property subject of the Municipal Application or Enforcement/Violation Efforts.

§115-9. 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 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 or unconstitutional and which best achieves the intent of the invalid provision.

**Section 2 (2). Effective Date.**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

(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. 2 of 2009 of the ~~(County)~~(City)(Village)(Village) of Minoa was duly passed by the Village Board of the Village of Minoa on February 17, 2009 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)(Village)(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)(Village)(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)(Village)(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  
(Elected 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.)~~

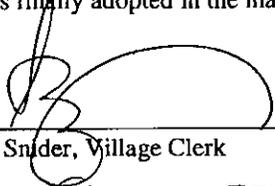
I hereby certify that the local law annexed hereto, designated as local law No \_\_\_\_\_ of the City of  
\_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the  
Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

Date: February 23, 2009

(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  
Village Town

Date: 2/19, 2009

\*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 Village where such officer is vested with the power to approve or veto local laws or ordinances.