

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
JULY 13, 2009

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 July 13, 2009.

PRESENT: Mayor Donovan
Trustee Brazill
Trustee Cronk
Trustee Theobald
Attorney Steve Primo
Deputy Clerk/Treasurer Sturick
Attendant Mike Macko

ABSENT: Trustee Champagne
Clerk/Treasurer Snider

ALSO

PRESENT: Dan DeLucia, Maria DeMonte, Anthony Natale, and Mary Natale

Mayor Donovan opened the meeting at 7:40 p.m. with the Pledge of Allegiance led by Trustee Theobald.

MINUTES OF
PUBLIC HEARING /
LOCAL LAW #4 FOR
2009 / JUNE 15, 2009

A motion was made by Trustee Theobald and seconded by Trustee Cronk to accept the minutes of the June 15, 2009 Public Hearing on Local Law #4 for 2009 pertaining to Construction Site Maintenance as recorded. All in favor. Motion carried.

**MINUTES OF
VILLAGE BOARD
MEETING - JUNE 15,
2009**

A motion was made by Trustee Cronk and seconded by Trustee Brazill to accept the minutes of the June 15, 2009 Village Board Meeting as recorded. All in favor. Motion carried.

**ADOPTION OF
LOCAL LAW #4 FOR
2009 -
CONSTRUCTION
SITE
MAINTENANCE**

Attorney Primo explained the adjustments to Local Law #4 §59-3 Mandatory Action items C & D as follows:

- C. Ensure that each Recyclable and Waste Materials receptacle(s) shall, unless securely covered, be removed from the Construction Site within twenty-four (24) hours when full. The foregoing requirement of a secure covering notwithstanding, such Person(s) nonetheless shall be and remain responsible for any Waste Material on or off the Construction Site emanating from the receptacles(s) including as a result of vandalism or weather conditions.
- D. Ensure that no full Recyclable and Waste Materials receptacle(s), unless securely covered, shall remain on the Construction Site after 3:00 PM Friday of each week. The foregoing requirement of a secure covering notwithstanding, such Person(s) nonetheless shall be and remain responsible for any Waste Material on or off the Construction Site emanating from the receptacles(s) including as a result of vandalism or weather conditions.

A motion was made by Trustee Brazill and seconded by Trustee Cronk to accept the Adoption of Local Law #4 for 2009 establishing a new Chapter 59 of the Village of Minoa Municipal Code entitled "Construction Site Maintenance" and attached hereto as Schedule "A". All in favor. Motion carried.

**SUBDIVISION
APPLICATION
APPROVAL-
DEVERONICA
FAMILY TRUST - 380
S. MAIN STREET**

Mayor Donovan turned the discussion over to Attorney Primo.

Attorney Primo Presented and explained the property as a single lot located on 380 S. Main Street, Tax Map No. 004.-07-04.0, owned by the DeVeronica Family Trust and represented by Anthony and Mary Natale. He said they submitted a Revised Preliminary Plan that would subdivide the lots into three (3) lots as follows:

- Lot 1 has a single family home currently on the property and is 0.51 acres and faces S. Main Street
- Lot 2 is open land and is 7.35 acres
- Lot 3 is an empty lot that is 1.00 acres and faces Baird Street, with the ability to construct a home w/ sewer line connections.

Attorney Primo said the resolution shows the history of the Subdivision Application, SEQR, attorney and engineering positions, Onondaga County Health Department decisions, and drainage problems on the property.

Attorney Primo said that LJR Engineering did not see any future drainage issues, but recommended that the existing culvert on the property be reconstructed or a complete replacement culvert be constructed to avoid flooding on adjacent properties.

Attorney Primo said that the properties are bisected by two different zoning districts, Residential B and Open Land. He said that Residential B allows for two family homes and the Board had concerns that only single family homes be built on the properties to remain consistent with surrounding homes. Attorney Primo said that zoning could have been changed prior to the application or have the Developer be restricted to the construction of single family residences on each parcel within the resolution. Attorney Primo said the resolution will assume that the Developer will be agreeable to the restricted covenant and the drainage easement and if the Developer is not agreeable, the Board has the authority to not approve the Subdivision Application.

Attorney Primo said that the Board has the ability to approve a combined Preliminary/Final Plat procedure, which would allow the Developer to avoid another Public Hearing and is cost effective for the Developer.

Attorney Primo said that the resolution requires that the culvert and drainage issues be constructed before the Final Plat is submitted to Onondaga County. He said the resolution would require the Developer to be responsible for any fees related to the Subdivision Application. Attorney Primo said the Village of Minoa would accept a backup easement, which would allow the Village to address emergency situations, such as a flooding incident.

Anthony Natale said that he is working with the ES-M School District and the Masonry Program to build a residential one-family ranch style home on Lot 3 located on Baird Street. Attorney Primo said that a restrictive covenant would need to be agreed upon with Mr. Natale and the ES-M School District that only a single family residence will be built. Attorney Primo confirmed with Mary Natale that she agrees with Anthony Natale speaking on her behalf as her representation for the DeVeronica Family Trust and the Subdivision Application.

Mr. Natale asked if the Village of Minoa DPW would be able to install the culvert and Mayor Donovan said that it was Mr. Natale's responsibility to install the culvert. Mayor Donovan said the Village Engineer will work Mr. Natale's contractor and/or engineer to locate the culvert and provide the required specifications. Mr. Natale said that they have not been able to locate the culvert on the property. Mayor Donovan said there was a culvert in place and was filled in previously by Mrs. Natale's father throughout the years and would need to be re-constructed or replaced before moving forward. Mayor Donovan said that the property is located in a flood plain and the culvert will help the existing properties during periods of excessive water flow.

Mr. Natale said that he was working with Kristin Oot, Tom Oot and Rick Dunhauser on the specs for the property. Attorney Primo suggested to Mr. Natale that he contact Hal Romans and have him work with the Village Engineer on a plan designing the

culvert that the Village Engineer can agree to. Attorney Primo said that he would provide restrictions and easement items for his attorney to review on Mr. Natale's behalf. Attorney Primo said that before construction can begin, Mr. Natale would need to submit a Building Permit for approval by the Richard Greene, Codes Enforcement Officer. Attorney Primo said that he would be working with the Village Engineer and the Codes Enforcement Officer and suggested that his contractor work with the Village, so that the process does not become overly complicated.

A motion was made by Trustee Brazill and seconded by Trustee Cronk approving the Subdivision Application, SEQR resolution, and accepting the Preliminary/Final Plat for the property located at 380 S. Main Street, Tax Map No. 004.-07-04.0, owned by the DeVeronica Family Trust and represented by Anthony and Mary Natale, and accepting the resolution that is attached hereto as Schedule "B". All in favor. Motion carried.

**MINOA FARMS /
PART TWO - PHASE
3A & 3B
CONSTRUCTION
DRAWINGS
APPROVAL**

Mayor Donovan reported that the Village has received the Construction Drawings for Part Two, Phase 3A and 3B and that LJR Engineering has approved the Construction Drawings. Mayor Donovan said he would be meeting with Elliot Lasky on July 15, 2009 to walk the site for additional items to completed and said that he was comfortable with moving forward with the Construction Drawing approval.

A motion was made by Trustee Theobald and seconded by Trustee Brazill approving the submitted Construction Drawings (dated August 2008, revised November 24, 2008 and June 10, 2009) for Minoa Farms, Part Two, Phase 3A and 3B as and approved by LJR Engineering. All in favor. Motion carried.

**RATIFY PRIOR
APPROVAL FOR
FEMA ASSISTANCE
TO FIREFIGHTERS
GRANT
APPLICATION /
STATION II
RENOVATIONS**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to ratify prior approval giving permission to Mayor Donovan to sign and submit the FEMA Assistance to Firefighters Grant Application for Station II Renovations in the amount of \$1,020,000, with a Village contribution of \$180,000. All in favor. Motion carried.

**NATIONAL GRID /
RISE ENGINEERING
AGREEMENT FOR
ENERGY AUDIT**

A motion was made by Trustee Brazill and seconded by Trustee Theobald to enter into an agreement with Rise Engineering, as the sole contractor for National Grid, for electrical updates resulting from their energy audit conservation program and subject to review and approval by Attorney Primo with the following cost breakdown. All in favor. Motion carried.

| Location | Rise Engineering Village Cost | NYSERDA Grant Portion |
|--|----------------------------------|--------------------------|
| 100 Kalin Drive (DPW) | \$4,356.15 | \$3,548.53 |
| 242 N. Main Street (Fire/Amb) | \$1,558.98 | \$2,647.03 |
| 102 Kalin Drive (WWTF) | \$4,623.58 | \$3,818.06 |
| Station II, Manlius Center Road (Fire) | \$5,783.07 | \$2,446.34 |
| | \$16,321.78 | \$12,459.96 |

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

Mayor Donovan said that he received an email from NYCOM stating that they had previously requested an Advisory Opinion from the NYS Department of Taxation and Finance regarding the request from National Grid to municipalities for reimbursement of overpayment for utility gross receipt taxes and their opinion sided with the municipalities and supports NYCOM's position that municipalities are not responsible for refunding overpayments by National Grid.

**ONONDAGA
COUNTY
STORMWATER
MANAGEMENT
PROGRAM /
INTERMUNICIPAL
AGREEMENT**

A motion was made by Trustee Brazill and seconded by Trustee Cronk authorizing Mayor Donovan to enter into an Intermunicipal Agreement with the Onondaga County Department of Water Environment Protection to assist in the development and implementation of a Stormwater Management Program by providing hotline options and outfall inspections at no cost and upon the request of the Village, track down sources of illicit discharges and provide analysis for additional fees. All in favor. Motion carried.

**ONE WAY STOP SIGN
& A CROSSWALK AT
BAIRD STREET AND
HULBERT STREET**

Trustee Cronk stated that he was not in agreement with the installation of a three way stop at the intersection of Baird Street and Hulbert Street. Trustee Cronk stated that he felt one stop sign was more than efficient, as the speed limit is 25 MPH and that it is State Law to stop for pedestrians in the cross walk. Trustee Cronk said that one stop sign exiting the park should be sufficient and the Board members agreed that traffic slows down as they turn the corner. After further discussion, it was agreed that one stop sign would be adequate exiting Minoa Farms Park.

A motion was made by Trustee Brazill and second by Trustee Theobald to install one stop sign exiting Minoa Farms Park and install a new crosswalk at Baird Street at the park exit. All in favor. Motion carried.

**RATIFY PRIOR
APPROVAL /
FRANK'S FRANKS
TO OPERATE
HOTDOG VENDING
BUSINESS**

A motion was made by Trustee Theobald and seconded by Trustee Cronk ratifying prior approval giving permission to Frank Greiner, Frank's Franks, to operate a hotdog vending business at the Minoa Day Festival and the Movies and Concerts at the Park series at Lewis Park. All in favor. Motion carried.

AMBULANCE

PERMISSION FOR JOSEPH PAUL, RYAN AMMANN, PATRICK HERRICK, & KEITH BRANDIS TO ATTEND VITAL SIGNS CONFERENCE

A motion was made by Trustee Brazill and seconded by Trustee Cronk giving permission for Joseph Paul, Ryan Ammann, Patrick Herrick and Keith Brandis to attend the Vital Signs 2009 Conference, Rochester, NY, October 15-18, 2009, cost would include hotel, travel expenses and conference fees (\$845.00) with the following schedules:

| EMPLOYEE | DATE | REGISTRATION | PRECONFERENCE WORKSHOPS | MISC FEES CONFERENCE FEES |
|-----------------|---------------------|--------------|-------------------------|---------------------------|
| Keith Brandis | 10/17/09 & 10/18/09 | \$150.00 | \$0 | \$0 |
| Joseph Paul | 10/15/09 – 10/18/09 | \$150.00 | \$200.00 | \$45.00 |
| Patrick Herrick | 10/17/09 & 10/18/09 | \$150.00 | \$0 | \$0 |
| Ryan Ammann | 10/17/09 & 10/18/09 | \$150.00 | \$0 | \$0 |

All in favor. Motion carried.

PERMISSION FOR AMBULANCE STANDBY / ES-M SCHOOL DISTRICT FOOTBALL AND CROSS COUNTRY FALL EVENTS

A motion was made by Trustee Theobald and seconded by Trustee Brazill approving the request from the ES-M School District to place a standby Ambulance at ES-M School District Football and Cross Country fall events with the ability to leave if they receive another call during the standby. All in favor. Motion carried.

RATIFY PRIOR APPROVAL FOR AMBULANCE STANDBY / MINOA DAYS FESTIVAL

A motion was made by Trustee Brazill and seconded by Trustee Theobald ratifying prior approval to place a standby Ambulance at the Minoa Days Festival on July 11, 2009. All in favor. Motion carried.

RATIFY PRIOR APPROVAL FOR JOSEPH PAUL TO ATTEND ACLS INSTRUCTOR TRAINING

A motion was made by Trustee Brazill and seconded by Trustee Cronk ratifying prior approval for Joseph Paul to attend ACLS Instructor Training at Oneida Healthcare Center, Oneida, NY on April 3, 2009 at a cost of \$275.00. All in favor. Motion carried.

RATIFY PRIOR APPROVAL FOR RYAN AMMANN TO ATTEND BLS

INSTRUCTOR TRAINING

A motion was made by Trustee Theobald and seconded by Trustee Cronk ratifying prior approval for Ryan Ammann to attend BLS Instructor Training at Oneida Healthcare Center, Oneida, NY on April 3, 2009 at a cost of \$175.00. All in favor. Motion carried.

PROVISIONAL APPOINTMENT / PT EMERGENCY MEDICAL TECHNICIAN / CAROLYN HENN

A motion was made by Trustee Brazill and seconded by Trustee Theobald provisionally appointing Carolyn Henn, 334 Baird Street, Minoa, NY 13116, to a PT Emergency Medical Technician position at a rate of \$9.00 per hour and effective July 13, 2009. All in favor. Motion carried.

FIRE DEPARTMENT

RESTRICTED MEMBERSHIP IN THE MINOA FIRE DEPARTMENT

A motion was made by Trustee Theobald and seconded by Trustee Brazill accepting for restricted membership in the Minoa Fire Department the following individual: Dylan Dupra, 216 S Central Ave, Minoa, New York. All in favor. Motion carried

MEMBERSHIP IN THE MINOA FIRE DEPARTMENT

A motion was made by Trustee Brazill and seconded by Trustee Cronk accepting for membership in the Minoa Fire Department the following individual: Stephen M. Deaver, 116 Edgerton Street, Minoa, New York. All in favor. Motion carried.

A motion was made by Trustee Brazill and seconded by Trustee Cronk accepting for membership in the Minoa Fire Department the following individual from the Minoa Junior Fire Department: Will Foster, 207 South Main Street, Minoa, New York. All in favor. Motion carried.

DPW

Nothing to report

WWTF

RATIFY PRIOR APPROVAL GIVING ERMISION FOR STEVEN STURICK TO WORK AS AN UNPAID APPRENTICE

A motion was made by Trustee Theobald and seconded by Trustee Brazill ratifying prior approval for Steven Sturick to work as an unpaid apprentice at the Waste Water Treatment Facility during school summer break for educational purposes. All in favor. Motion carried.

Trustee Cronk said that this was a good program for both the Village and Steven Sturick.

TRUSTEES' REPORT

Trustee Theobald reported that the Minoa Days Fest had a great turn out. He thanked Barbara Sturick, Board of Trustees, and the Village staff for their assistance in organizing the event. He stated that the firework display on Friday night was very

successful and that Saturday was rained out, but there was still a good turn out. He said that next year's event will be held on July 9-10, 2010.

Trustee Theobald said he attended the Green Lakes Public Information Meeting on July 7, 2009. He said that local officials were invited and were provided with the planning process and timeline to improve the park and canal. He said there were concerns regarding the large deer population and opening the park for hunting, which was covered in the Post-Standard. Trustee Cronk asked about the Lyme Disease problem and Trustee Theobald said that it was discussed at the meeting.

Trustee Cronk reported that the trickling filter at the WWTP was installed, operating well and is a good process. He said they will possible change the other two arms and will observer how the plastic works in the cold weather.

Trustee Brazill said he had received great feedback from residents about the fireworks display and the Minoa Days Festival. He also reported that the newsletter had been completed and was mailed out the previous week.

MAYOR'S REPORT

Mayor Donovan reported that he had attended the 100th Anniversary NYCOM Annual Conference in Saratoga Springs with the other Board members and that it was an educational and worthwhile meeting to attend. Mayor Donovan said that it was a great opportunity to network with their peers, attend seminars and meet with officials.

Mayor Donovan said that he attended a meeting on Thursday, July 9, 2009 at the Syracuse Chamber of Commerce to listen to an advisor from Attorney General Cuomo's office who spoke on recent bills that were passed. Mayor Donovan said that attendees used that opportunity to challenge the speaker about their voting records and meeting attendance history. He said that it was an interesting and informative meeting.

AUDIT CLAIMS

A motion was made by Trustee Theobald and seconded by Trustee Brazill that claims on Abstract #03 in the amounts of General Fund - \$76,572.82 (Vouchers 040-120) and Sewer Fund - \$10,783.00 (Vouchers 020-054) for a total of \$87,355.82 be audited and paid. All in favor. Motion carried.

ATTORNEY'S REPORT

Attorney Primo provided a draft of the proposed Local Law #5 for 2009 amending Chapter 160 regarding Storage Sheds and asked the Board to review the proposed law and schedule a Public Hearing.

SCHEDULE PUBLIC HEARING / LOCAL LAW #5 FOR 2009 /

A motion was made by Trustee Cronk and seconded by Trustee Theobald to schedule a Public Hearing for Local Law #5 for 2009 amending the Village of Minoa Municipal Code relating to the amendment of Chapter 160 relative to the

AMENDING regulation of storage sheds for August 17, 2009 at 7:25 p.m. or shortly thereafter.
CHAPTER 160 / All in favor. Motion carried.
STORAGE SHEDS

PUBLIC COMMENTS Let the record show that there were no comments from the public.

ADJOURNMENT A motion was made by Trustee Cronk and seconded by Trustee Theobald that the Village Board Meeting be adjourned at 8:45 p.m. All in favor. Motion carried.

Respectfully submitted,

Barbara Sturick

Barbara Sturick

Deputy Village Clerk/Treasurer

Local Law Filing

(Name of legislative Body) NEW YORK STATE DEPARTMENT OF STATE

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 2009.

A local law establishing a new Chapter 59 of the Village of Minoa Municipal Code entitled "Construction Site Maintenance"

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

Section One (1). Purpose/Intent.

In the development and enactment of this local law, it is recognized that proper conduct of operations on construction sites, buildings under construction and areas, streets, roads and highways abutting or adjacent thereto is essential to the preservation of the public health, safety and general welfare. In addition, the failure to properly handle and promptly remove waste and recyclable materials has severe adverse effects on the community by tending to create a nuisance; creating hazardous conditions which may result in injury to person or property; attracting vermin; causing annoyance to residents and other persons who work in or pass through the Village; and detracting from the aesthetics of the neighborhoods involved. This local law is enacted to eliminate the aforementioned consequences, and it is also recognized that, if the prohibited acts are committed in violation of this local law, the needs of the Village may require expeditious removal of objectionable conditions or materials by the Village itself. To this end, a procedure is hereby established by which the Village, after due notice is given to the contractor, owner and/or other person in possession, control or use of a construction site or building under construction, may remove the objectionable conditions or materials and charge the cost of said removal to such the contractor, owner, other person and/or other party in interest.

Section Two (2) A new Chapter 59 of the Code of the Village of Minoa to provide as follows:

Chapter 59 Construction Site Maintenance

§59-1. Title.

This Chapter 59 shall be known as the "Construction Site Maintenance" local law of the Village of Minoa.

§59-2. Definitions.

In this local law:

“Contractor” shall mean a person who owns, contracts, subcontracts, or otherwise possesses or controls a construction site.

Commercially Licensed Hauler” shall mean any person licensed by New York State Department of Conservation who is engaged in the business of receiving, collecting, transporting or disposing of rubbish, nonrecyclable waste material or recyclable waste material for hire/and/or salvage.

“Construction Site” shall mean any real property which any person proposes to or does engage in clearing/grubbing, topsoil stripping, or excavation upon or in the construction, reconstruction or demolition (wholly or partially) of any building, structure or other improvement located upon said real property.

“Construction Equipment” (s) shall mean but is not limited to any trailer, tool, equipment, material, supply, dumpster, container, roll-back-type container, can or any other item or combination of materials.

“Debris” shall mean any accumulation of materials, broke or detached matter, including, but not limited to, construction materials, pieces of stone, brick, cement, plaster, lumber, pipe, wallboard and shingles.

“Due Notice” (or “Notice”) shall mean having been given or served with notice as required hereunder.

“Owner” shall mean a person who owns or has contracted for the ownership of a Construction Site, and as to the latter, is in possession, control or use of the site

“Parking” shall mean the act or condition of putting or leaving construction equipment as defined herein in a public place for longer than 15 minutes.

“Person” shall mean any individual, partnership, copartnership, limited partnership, association or corporation and their lessees, trustees or receivers appointed by any court. In the instance of a legal entity, the individual(s) who is (are) the general partners of a partnership, whether limited or not, the trustee(s) and any beneficiary having the power to appoint or constitute a trustee of a trust, the officers and directors of a corporation and any receiver thereof shall equally liable with the legal entity for any requirements or penalties provided in this Chapter. In any instance, an agent having the apparent authority to control the use or occupation of such persons having property regulated by this Chapter shall be equally liable with his, her or its principal for any requirements or penalties provided in this Chapter.

“Public Place(s)” shall mean any public street or sidewalk, alley, promenade, mall, park or any other place of public right-of-way or publicly owned property. Public Place(s) shall also include any of the foregoing that has been partially or fully constructed and offered (or contemplated to be offered) for dedication as public property.

“Recyclable Material” shall mean any recyclable materials and construction debris as defined by New York State Department of Conservation and/or Onondaga County Resource Recovery Agency that a contractor, owner or other person is required to or elects to be sent to a licensed recycling facility, construction transfer station or construction landfill.

“Responsible Person” (or “Person Responsible”) – shall mean the Owner and such Person(s) as are legally responsible hereunder.

“Waste Material” shall mean all putrescible and nonputrescible solid waste (except body waste), including, but not limited to, garbage, litter, debris, uprooted vegetation and herbage, tree limbs and stumps and any other matter which, if thrown, dumped, placed, left or deposited as herein prohibited, may tend to create a danger to the public health, safety or general welfare.

§59-3. Mandatory Action.

Any person who owns, controls or is in possession of a Construction Site shall:

- A. Contract with a Commercially Licensed Hauler to provide Recyclable and/or Waste Material receptacles at each Construction Site and building (including dwellings) under construction, which shall be of sufficient size and dimensions to adequately contain all Recyclable and Waste Materials as may be found at or around the Construction Site.
- B. Place all Recyclable and Waste Materials within said receptacle or receptacles and securely cover said receptacle or receptacles when work is not being done on the Construction Site.
- C. Ensure that each Recyclable and Waste Materials receptacle(s) shall, unless securely covered, be removed from the Construction Site within twenty-four (24) hours when full. The foregoing requirement of a secure covering notwithstanding, such Person(s) nonetheless shall be and remain responsible for any Waste Material on or off the Construction Site emanating from the receptacles(s) including as a result of vandalism or weather conditions.
- D. Ensure that no full Recyclable and Waste Materials receptacle(s), unless securely covered, shall remain on the Construction Site after 3:00 PM Friday of each week. The foregoing requirement of a secure covering notwithstanding, such Person(s) nonetheless shall be and remain responsible for any Waste Material on or off the Construction Site emanating from the receptacles(s) including as a result of vandalism or weather conditions.
- E. Stage, load, unload, place and maintain all Construction Equipment on the Construction Site, except as may be permitted under §59-3F hereof.
- F. Gravel (or pave) roads, access driveways, and parking areas of sufficient width and length prior to any excavation or topsoil stripping on the Construction Site sufficient and in order to prevent sediment from being tracked onto public or private roadways.
 1. Any sediment or mud tracking from the Construction Site or Construction Equipment serving the Construction Site, reaching a public or private road shall be removed by street cleaning or similar means (but not flushing) before the end of each work day.
 2. Graveled access driveways shall consist of single access driveway using a two- to three-inch stone aggregate. The driveway shall have gravel six inches deep and a minimum of 10 feet in width. The graveled driveways shall be a minimum of 50 feet in length or the distance from the road to the Construction Site, whichever is less. All gravel driveways shall be maintained by the builder or contractor throughout the construction project.

3. Each Construction Site shall provide sufficient graveled parking areas on site for all Construction Equipment.
- G. Sweep all streets, roads or highways adjacent to or abutting the Construction Site at least once per week and more frequently to prevent any Waste Material from being dumped, deposited, placed or thrown on said streets, roads or highways.
- H. No person shall operate, place or park (nor permit the same by others) any Construction Equipment on any Public Place nor drive or permit driving of any Construction Equipment through any Public Place, unless specific written permission (including any conditions) has been granted by of the Village Codes Enforcement Officer or by the Village Board.
- I. Ensure that all Public Places located upon or nearby the Construction Site shall be maintained free from obstacles during construction or demolition, as the case may be.

§59-4. Site Restoration.

Any applicant for a building permit (including for any site work) shall, in the discretion of the Village Codes Enforcement Officer or as directed by resolution of the Village Board of Trustees, and independent of any other requirements for security under the Village of Minoa Code or other applicable law(s), be requested to deposit with his application security for site maintenance and restoration, the same being in cash, letter of credit or bond in an amount to be determined by the Village Codes Enforcement Officer or Village Board, upon initial application or at such later time prior to issuance of a final/unconditional Certificate of Occupancy, sufficient to guarantee the following:

- A. The establishment or reestablishment of ditches and culverts to properly drain the building area and the reopening or reestablishment of any drainage ways that may have been interrupted by the course of construction.
- B. The repair, replacement and reconstruction of any Public Places damaged in the course of construction so that the same shall be in comparable status as they existed prior to the commencement of construction. All repairs to and replacements of such Public Places shall be completed in compliance with requirements of the Village Codes Enforcement Officer.
- C. The repair of all public utility structures damaged during the course of construction and the restoration and adjustment of all manholes, catch basins, grate wells, hydrants and shut-off boxes to the same conditions that they were in prior to the commencement of construction.
- D. Construction Sites to comply, in all respects, with Chapter 135 of the Village Code, including, without limitation, stabilizing and maintaining the Construction Site (including, seeding and mulching within fourteen (14) days after disturbing soil areas except for disturbed areas of 5 acres where it shall be seed and mulched within 7 days), and installing and maintaining silt fencing until final seeding and mulching of bare soils has been done.

- E. All Construction Sites that have been disturbed to be adequately seeded and mulched prior to the transfer of title.
- F. The full and complete compliance with all of the provisions of this Chapter 59 and other chapters of the Village Code relevant to such work on the Construction Site.

§59-5. Forfeiture of Security.

If any person(s) shall fail to perform as required under §§59-3 or 59-4 hereof within ten (10) days after Notice is given (in the manner required under §59-8 hereof) requiring said person(s) to correct or fulfill unperformed provisions, the applicable site maintenance and restoration security may be declared by the Village Board of Trustees forfeited and deposited in the general fund of the Village. The funds so deposited shall be returned by the Village Treasurer to the applicant if, after final inspection, a determination is made by the Village Codes Enforcement Officer or his designated representative that all of the provisions of §§59-4 and 59-5 have been properly performed. All such funds shall be held by the Village and returned to the applicant on demand. If no such demand is made within one year after the issuance of the Certificate of Occupancy, any such funds so held shall be forfeited.

§59-6. Enforcement.

- A. The provisions of this Chapter shall be enforced by the Village of Minoa Codes Enforcement Officer, or other individual authorized by law to enforce the provisions of the Code of the Village of Minoa.
- B. Stop-work Order. The Village Codes Enforcement Officer or his designated representative may post a stop-work order if there is any violation of the provisions hereof that is not corrected within the time period directed by the Village Codes Enforcement Officer.
- C. Permit Revocation. If a Person responsible does not cease the violative activity correct or fulfill underperformed permit conditions, or otherwise comply with the permit conditions within ten (10) days, the Village Codes Enforcement Officer may revoke the permit.
- D. Cease and Desist Order. If such Person responsible where no permit has been issued, does not cease the activity within ten (10) days, the Village Codes Enforcement Officer or the Zoning Board of Appeals may request the Village Attorney obtain a cease and desist order.
- E. Stop-work Order Retraction. The Village Codes Enforcement Office may retract the stop-work order or any revocation.
- F. Failure to comply. In addition to the foregoing remedies under §59-5 and this 59-6 hereof, whenever a Notice or Notices referred to in §59-5 advising of the provisions thereof, and of the rights of the Village under §§ 59-6(G) and (H) hereof, requiring such Person(s) to correct or perform as required hereunder is given, and if such Person(s) shall neglect or fail to comply with the requirements of such notice(s) within the time provided herein, or raise a meritorious defense or objection to same, the Mayor, Superintendent of Public Works or Codes Enforcement Officer may authorize the work to be done, and the Village may, in addition, proceed under §§59-6(G) and (H) hereof.

- G. Reimbursement of Costs; Assessment Upon Real Property. Upon review by and a finding of the Village Board that the requirements of this Chapter have not after due Notice been complied with by a responsible Person(s), that such Person(s) failed to raise a meritorious defense or objection, that the actions of the Village were reasonably justified based upon the provisions hereof, and that the Village has taken the required procedural steps as required herein, the Village Board may adopt a resolution authorizing that the costs incurred by the Village in performance of the work be paid for out of general Village funds appropriated by the Village Board for such purpose or any security deposit under §59-5. The Village shall be reimbursed for the cost of the work performed plus a service charge of 30% thereof to cover the cost of supervision and administration, and in addition for any penalties assessed under §59-7 hereof. The Village Board may in addition, order that any such unreimbursed charges be assessed and levied upon the Real Property subject of the enforcement action.
- H. Filing of Notice of Intent to Levy. Whenever the Village has ordered the reimbursement for the costs of the work performed or services rendered as hereinabove provided by assessment and levy upon the lot or parcels of lands whereon such work was performed or such services rendered, the Village Clerk may cause a notice of intent to levy such costs and expenses against said lots or parcels of land in a form approved by resolution of Village Board from time to time hereinafter, to be recorded in the records of the Onondaga County Clerk's Office in order that such notice shall be indexed against the said premises or parcels of land as notice to subsequent transferees or other acquiring any interest in said lots or parcels of land of the intention by the Village to assess and levy the amount of such expenses upon said lots or parcels of land. Any recorded fees of the Onondaga County Clerk shall be included in the costs and expenses assessed and levied upon such lots or parcels. The failure of the Village Clerk to record such notice of intent to levy shall not, however, affect or impair the validity of any lien or assessment of such costs and expenses later imposed against such lots or parcels of land, the owner(s) hereof or any subsequent transferees or others acquiring any interest in such lots or parcels of land.
- I. Additional Rights/Remedies. In addition to and separate from any of the foregoing standards, enforcement procedures and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article and which are/is determined to be a threat to public health, safety, and welfare is hereby deemed a nuisance, and as such, may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken as provided for under applicable law. This remedy shall be in addition to and separate from the remedies otherwise provided for hereunder.

§59-7. Penalties for Violations.

Any violation hereunder shall be considered an offense punishable by a fine not to exceed \$500.00 for each offense or imprisonment for a term not exceeding 90 days, or both. The following rules shall apply in determining responsibility for violations and penalties:

- A. The Owner, and Contractor or other person in possession, use or control of a Construction Site where a violation has been committed or does exist shall be guilty of such offense.

- B. Any other person who commits, takes part in or assists in such violation shall be guilty of such offense.
- C. Each day that a violation continues after written notification shall constitute a separate offense.
- D. In the event that the penalties established by this Section 59-7 are inconsistent with the penalty section of any other applicable provision contained within the Code of the Village of Minoa, then the inconsistency shall be resolved in favor of the provision providing the more severe penalty except in those cases wherein the penalty is prescribed by state statute.

§59-8. Notice.

Notice to an Owner or other responsible Person hereunder shall be made: (i) via personal delivery in the manner required under the Civil Practice Law and Rules of the State of New York, or (ii) via registered or certified mail at the property address according to the Village or Town's most recent assessment records, any address(es) shown on applications/permits filed with the Village of Minoa, any address(es) provided by the United States Postal Services, or such address(es) as listed in current publications (printed/online) of local telephone services; any "legal" address(es) derived from an official or other reliable source; and other address(es) reasonably likely to provide actual notice, to the extent known or easily ascertainable. Notice by personal service shall be deemed given as of the date of same; Notice by mail shall be deemed given as of the day following the date of posting. Any Notice time period hereunder may be shortened in the event of emergency or imminent danger by resolution of the Village Board, duly adopted (or ratified at the next following regular or special meeting).

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. 4 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 July 13, 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.)

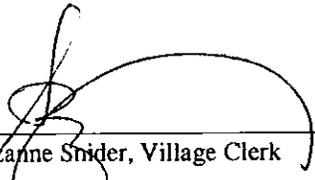
I hereby certify that the local law annexed hereto, designated as local law No _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors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



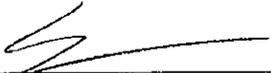
Suzanne Snider, Village Clerk
Date: July 29, 2009

(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: 7/29, 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.

**RESOLUTION
(APPROVING PRELIMINARY/FINAL PLAT – DEVERONICA FAMILY TRUST
SUBDIVISION)**

The **VILLAGE OF MINOA BOARD OF TRUSTEES**, in the County of Onondaga, State of New York, met in regular session at the Municipal Building in the Village of Minoa, located at 240 North Main Street, County of Onondaga, State of New York, on the 13th day of July at 7:30 P.M.

Richard Donovan, Mayor, and the following Trustees were present, namely:

William Brazill
Edmond Theobald
Ronald Cronk

Absent: John Champagne, Trustee
Suzanne M. Snider, Village Clerk-Treasurer

Also Present: Barbara Sturick, Village Deputy Clerk-Treasurer
Steven J. Primo, Village Attorney
Mary J. Natale, Trustee, DeVeronica Family Trust
Anthony Natale

Members of the Public in Attendance: Dan DeLucia and Maria DiMonte

The following resolution was moved, seconded and adopted:

WHEREAS, Applicant Mary J. Natale, Trustee under the DeVeronica Family Trust, of 105 Colony Park Drive, Liverpool, New York 13088, having filed an application for subdivision preliminary plat and of the premises known as 380 South Main Street, Minoa, New York 13116 (deed recorded in the Onondaga County Clerk's Office at Book 4697 at Page 165), for the purpose of creating a three lot subdivision from the existing 8.86± irregularly shaped lot to provide for one (1) 0.51± acre lot for an existing single family home fronting South Main Street, one (1) 0.50± acre lot for a proposed single family home fronting Baird Street, and one (1) 7.85± acres lot of remaining lands for a proposed single family home fronting South Main Street ("Application"); and

WHEREAS, such Application incorporated the proposed preliminary plat of Ianuzi and Romans Land Surveying, P.C. dated September 15, 2008, File No. 3348.001, and which map was subsequently amended as shown on proposed preliminary plat dated February 25, 2009; and

WHEREAS, the Applicant having submitted, together with the Application, a SEQRA Short Environmental Assessment Form dated February 26, 2009; and

SCHEDULE "B"

WHEREAS, by letter dated March 4, 2009, Village Attorney Steven J. Primo having advised the Village Planning Board Chairman, Village Clerk, and Village Engineer, that after review of the Application it appeared that no (area) variances would be required, including in order to establish the subdivided lot where there were existing improvements, but that Lot No. 2 consisting of the former railroad bed may be of concern from a topographical standpoint; and

WHEREAS, by a letter dated April 24, 2009 the Application having been forwarded pursuant to General Municipal Law §239 to the Onondaga County Planning Agency; and

WHEREAS, by Resolution under Case No. S-09-35, dated May 12, 2009, the Onondaga County Planning Agency having issued its determination that the project as submitted would have no significant adverse inter-community or county-wide implications, but offered recommended that the Village consider the implications the proposed subdivision may have on the Village's future ability to establish a Village street or recreational area connecting Forest View Lane with South Main Street; and

WHEREAS, the Application having also been forwarded to the Village Engineers L.J.R. Engineering, P.C., Alex J. Wisniewski, P.E., for review and comment; and

WHEREAS, the Village Engineers L.J.R. Engineering, P.C., Alex Wisniewski, P.E., by letter dated March 31, 2009 having advised that after reviewing the Application they recommended:

- (a) That since the subject property was located within the 100-year floodplain, any future development of the proposed lots should be done in accordance with the Village Code Chapter 75 entitled "Flood Damage Prevention";
- (b) That there were no State or Federal jurisdictional wetlands within the subject property;
- (c) That public sanitary sewer was available for connection to serve Lot 2 at South Main Street, that sewer service for Lot 3 was available either via connection to a gravity sewer at Forest View Lane or by connection to a forced sewer system installed along Baird Street as part of the Pheasant Run subdivision near Lots 9 & 10, that it was probable that Lot 3 would require an ejector pump as well, and any connection to the public sanitary sewer system should be coordinated through the Village DPW;
- (d) That public water was available for connection to serve the proposed lots at both South Main Street as well as Baird Street, and that connection to water mains should be coordinated with OCWA and the Village DPW;
- (e) That any future driveway connections to South Main Street and/or Baird Street should be coordinated with the Village DPW;

- (f) That a NYSDEC SPDES permit would be required if any future home construction Lot 2 and/or Lot 3 would result in the disturbance of more than one (1) acre of land but that unless the construction resulted in more than five (5) acres of disturbance, no post-construction stormwater management provisions would be required as part of the permit; and
- (g) That although Lots 2 and 3 are comprised of a former railroad bed, the topography of Lot 2 did not present a challenge to the future construction of a home and that with some land grading a viable home site could be created on Lot 3.

WHEREAS, a public hearing was duly noticed for May 18, 2009, at which time all parties in favor of and in opposition to the application were heard as more fully set forth in the minutes of such public hearings dated May 18, 2009, and the Village Board specifically discussing at such hearing the resolution of Onondaga County Planning Board upon its GML §239 review and certain issues raised at the public hearing relative to drainage concerns on adjacent properties and the potential effect on neighborhood character; and

WHEREAS, a Revised Preliminary Plat dated May 5, 2009 submitted at the May 18, 2009 Public Hearing included an increase in Lot 3 acreage from 0.50± acre lot to a 1.00± acre lot and attempted to locate the drainage culvert on the Revised Preliminary Plat; and

WHEREAS, by letter dated May 29, 2009, Village Engineer Alex J. Wisniewski, P.E. having advised based on drainage concerns voiced at the May 18, 2009 public hearing that it was his opinion, after a second site investigation, the proposed subdivision would probably not have a negative impact on drainage within the watershed, the current NYSDEC guidelines for stormwater control would not require post-construction stormwater management practices for the Application unless the subsequent site development were to disturb more than five (5) acres of land, but that nevertheless he did feel that a culvert extending under the former railroad bed would improve the upstream properties' ability to drain; and

WHEREAS, by letter to the Village Clerk dated July 1, 2009, the developer's attorney Michael Murphy inquired as to the status of the Application and the Waiver Request modified by the Village Attorney to extend the process out beyond the statutory default approval time period; and

WHEREAS, by letter dated July 3, 2009, Village Attorney Steven J. Primo having advised the Village Clerk-Treasurer (and advising that she in turn could forward a copy of same to the developer) that based on comments received at the public hearing and the responsive correspondence aforementioned from the Village Engineers dated May 29, 2009, there was enough concern relative to drainage, that it was recommended a culvert be installed (or restored and as need be, modified as required by the Village Engineer) through the former rail bed to relieve perceived upstream drainage conditions, and that the Board may impose (a) condition(s) in connection with the subdivision approval that such culvert addressing same be restored/modified or constructed; and

WHEREAS, Village Attorney Steven J. Primo having further advised in his July 3, 2009 letter that the statutory default approval period would be expiring following the Village Board's next meeting on July 13, 2009 and that he had spoken to the developer's attorney and asked for a voluntary waiver to extend the process out for another month if need be; and

WHEREAS, the Board having again considered the Application on this date; and

WHEREAS, the Board having previously determined this to be an Unlisted Action, electing to act as Lead Agency and determining to conduct an Uncoordinated Review, and having considered the information provided in the State Environmental Quality Review Short Environmental Assessment Form for Unlisted Actions dated February 26, 2009 and issuing a negative declaration relative to same; and

WHEREAS, the Village Board having discussed the irregular shape of the existing lot together with the existing single family home fronting on South Main Street intending to be situate on one (1) 0.51± acre lot and considering the issues raised at the public hearing and in follow up correspondence from the Village Engineer relative to drainage concerns and also relative to the Board's concerns regarding the existing character of the neighborhood, and it further being noted that the proposed lot bisects two (2) zoning districts, one being the Residential "B" District which permits, amongst other things, a one- or two-family dwelling and the other being an Open Land zoning district designation which although permitting other Residential "B" District uses (upon issuance of a special permit) clearly prohibits two-family homes; and

WHEREAS, it being recognized that the provisions of Section 160-22 of the Village of Minoa Code would not extend the benefits of the less restrictive (Residential "B") District to the proposed lots, and the Board likewise expressly recognizing an overwhelming concern that the subject subdivision be limited to single-family dwelling development so as to not permit any special permit or multi-family residential uses; and

WHEREAS, based on the foregoing the Board, upon advise of counsel, recognizing that the mandate of a condition restricting such uses may not be cleanly enforceable and accordingly considering denial of the subdivision; and

WHEREAS, upon further discussion with the developer on this date, the developer by Mrs. Mary J. Natale, Trustee, having affirmed its representations in the Application to restrict development to one-family dwellings, and to provide a restrictive covenant in form and substance approved by the Village Attorney irrevocably prohibiting future development and/or use of the land for any purposes other than single-family residential dwellings;

NOW THEREFORE, BE IT RESOLVED THAT, the Board hereby, based upon the foregoing and upon further consideration of the Short SEQRA-EAF, and having again, in light of the foregoing, reviewed Parts 2 and 3 of the EAF dated April 20, 2009 and affirming its prior determination of a Negative Declaration based upon the developer's affirmation of its

representatives relative to restricting such development to one family dwellings on the subdivided lots subject hereof; and it is further

RESOLVED, that the Revised Preliminary Plat is hereby approved pursuant and subject to the following:

- (a) That subject to compliance with the requirements hereof the Revised Preliminary Plat is hereby conditionally approved as a Final Plat pursuant to Section 140-5(i) of the Village of Minoa Code;
- (b) Pursuant to Section 140-7 of the Village of Minoa Code, construction of all required improvements as are shown or required to be shown on the Revised Preliminary Plat (including without limitation, the aforementioned drainage culvert/facilities, and such others as may be imposed by the Village Engineer in connection with its final review of same) shall be completed and/or secured, as provided for under Section 140-7 of the Village Code, prior to the filing of the approved Final subdivision plat and the initiation of land sales or construction, all as provided for at Sections 140-8 and 140-11 of the Village Code;
- (c) The developer shall have deposited with the Village Clerk money sufficient to pay any outstanding invoices and future projected costs of the Village in relation to its administrative (codes) and professional consultants review, and any other fees, costs and expenses pursuant to the Village Code, applicable provisions of the State Environmental Quality Review Act, and any related or incidental approvals or authorizations required under the Village Code;
- (d) The developer having provided to the Village in form approved by the Village Attorney and/or Engineer, as the case may be, such security agreement, security, and easement and restrictive covenant instruments together with any other documents required to be recorded/filed in connection with same and filing fees incidental to same or alternatively certified copies of the recorded/filed documents;
- (e) The easement and restrictive covenant instruments aforementioned shall provide for:
 - (i) Drainage facilities required to be constructed on the subdivided premises in the form of a "backup" easement clearly indicating that it is the owner's responsibility for construction, maintenance and repair of same and that the easement rights to be utilized by the Village may be exercised in the event of a failure to maintain or repair same and also relative to any emergency or similar condition(s) requiring that same be immediately addressed in order to protect adjacent and nearby properties;
 - (ii) The subdivided premises to not be developed, constructed upon or utilized for anything other than residential single-family development; and

- (f) The developer having made any and all modifications to the plat (map) to be filed as required (pursuant to New York State Law and Village Code) by the Village Engineers or Village Attorney.
- (g) The Village Mayor executing and delivering the final plat for filing to the developer, which acts are hereby authorized by this Resolution without further consideration and authorization by the Village Board of Trustees.
- (h) Such other and further conditions and requirements as are required by Village Code as if fully set forth herein.

Upon motion made by Trustee William Brazill, and seconded by Trustee Ronald Cronk, the question of adoption of the foregoing resolution was put to a roll call, which resulted as follows:

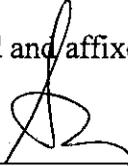
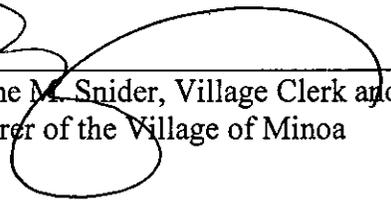
| | |
|--------------------------|---------------|
| Richard Donovan, Mayor | <u>YES</u> |
| William Brazill, Trustee | <u>YES</u> |
| Edmond Theobald, Trustee | <u>YES</u> |
| Ronald Cronk, Trustee | <u>YES</u> |
| John Champagne, Trustee | <u>ABSENT</u> |

Resolution was adopted on July 13, 2009

CERTIFICATION

I, the undersigned, Clerk of the Village of Minoa, Onondaga County, New York, do hereby certify: that the above is a true copy of the original resolution passed at a meeting of the Minoa Village Board on July 13, 2009.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said Village this 21st day of July, 2009.

Suzanne M. Snider, Village Clerk and
Treasurer of the Village of Minoa