

DISTRIBUTION LIST

Richard Donovan, Mayor
William Brazill, Trustee
Ronald Cronk, Trustee
John Champagne, Trustee
Eric Christensen, Trustee
Thomas Petterelli, DPW Superintendent
Janet Stanley, Justice
Richard J. Greene, Codes Enforcement Officer
Chief Pat Flannery
Koagel & Vincentini
Minoa Library

EMAIL DISTRIBUTION LIST

Steven Primo, Attorney
Keith Brandis, Paramedic Supervisor
Town of Manlius
Village of Fayetteville
Donna DeSiato, Superintendent ESM School District
Manlius Historical Society
John Regan

**VILLAGE OF MINOA
BOARD OF TRUSTEES
JULY 19, 2010**

SPECIAL MEETING

Upon due notice to all members of the Village Board, a Special Meeting was called on Monday, July 19, 2010 at the Municipal Building in the Village Board Room, 240 N. Main Street, Minoa, New York.

PRESENT: Mayor Donovan
Trustee Brazill
Trustee Champagne
Trustee Christensen
Attorney Primo
Clerk/Treasurer Snider
Attendant Mike Macko

ABSENT: Trustee Cronk

ALSO Richard Greene, Codes Enforcement Officer, Gail Greiner, and April
PRESENT: Hammond

Mayor Donovan opened the Special Meeting at 7:08 p.m. with the Pledge of Allegiance led by Trustee Christensen.

**PERMISSION TO
AMEND
DECLARATION OF
COVENANTS AND
RESTRICTIONS / 380 S.
MAIN STREET / GAIL
GREINER AND APRIL
HAMMOND**

Mayor Donovan stated that the Village of Minoa had received a letter of request from Attorney Robert Temple on behalf of Gail Greiner and April Hammond dated July 15, 2010 requesting permission to amend the Declaration of Covenants and Restrictions on Lot # 2 of the DeVeronica Family Trust Minor Subdivision located at 380 S. Main Street, Minoa, NY. The Village Board previously approved the Declaration of Covenants and Restrictions which restricted the property to be used only as a single family dwelling, but with the ability of the Village Board to change the restrictions upon request of the property owner. Ms. Greiner and Ms. Hammond respectfully requested that the Village Board lift the restriction so that they can build a single family home with an attached in-law apartment for Ms. Greiner's elderly parents.

Mayor Donovan said the covenants were placed to restrict multi-family homes on the Baird Street side of the subdivision. Mayor Donovan said the property on 380 S. Main Street is Residential B, which allows two-family dwellings and is in character with the neighborhood.

Attorney Primo said the covenants were approved by the Village Board and Mary Natale, acting on behalf of the DeVeronica Family Trust, that the subdivision property was zoned Residential B and Open Land and would be restricted to single family homes. Attorney Primo said the covenant reserved the ability of the Board of Trustees to amend the restrictions upon the request of the property owner. He said the only requirement of the Board is to remain consistent with zoning and land use concept of the area surrounding the property. Attorney Primo said the Village of Minoa does not have a Comprehensive Plan, so the Board is responsible to remain consistent. Attorney Primo said it is the responsibility of the Board to approve a SEQR Type II action before approving the amendment of the covenants allowing for a two family dwelling.

Attorney Primo reminded the Board that the subdivision consisted of Lot #3 that is located on Baird Street, Lot #2 is the longer piece of vacant land facing South Main Street and Lot #1 facing South Main Street currently has a structure on the property. Mayor Donovan said that Ms. Greiner and Ms. Hammond plan to build a single family home w/ an in-law apartment. Attorney Primo asked Ms. Greiner how far back she planned on building the home and Ms. Greiner said that she would like to build further back on the lot, which would create a large front yard. Ms. Greiner said that it would not be a duplex, but an in-law apartment attached to the main home that could potentially be rented in the future.

Attorney Primo asked Ms. Greiner and Ms. Hammond if they would be willing to restrict building on the remainder of the property. Ms. Greiner said they plan to build a two-car garage, but they do not plan on developing the property beyond their home and in-law apartment. She said by building further back on the lot it would provide the width needed for the home and allow space between them and the home located on Lot #1.

Attorney Primo said that the Board could approve the amendment of the declaration of covenants and restrictions to permit construction within the Residential B and Open Land areas on Lot #2 of a two-family structure under unified ownership and with the provision that the remainder of Lot #2 be restricted to the development of a garage and/or shed. Attorney Primo asked the Board if they had any concerns regarding the setback of the home and the Board did not have any concerns. Mayor Donovan said that it would be the property owner's expense to install the utilities and the Village would need to have the ability to access the driveway with fire and ambulance equipment in the event of an emergency. Richard Greene said they would need to meet the Fire Code requirements for the driveway and would be reviewed during the permit process.

SEQR

A motion was made by Trustee Brazill and seconded by Trustee Champagne to declare the action as Unlisted Type II or unlisted action pursuant to SEQR and the Board assumes lead agency status and elects to conduct an uncoordinated review and issues a

negative declaration pursuant to SEQR. All in favor. Motion carried.

PERMISSION TO AMEND DECLARATION OF COVENANTS AND RESTRICTIONS OF 380 S. MAIN STREET

A motion was made by Trustee Brazill and seconded by Trustee Champagne approving the amendment of the Declaration of Covenants and Restrictions of the property located at 380 S. Main Street to permit construction within the Residential B and Open Land areas on Lot #2 of a two-family structure under unified ownership and with the provision that the remainder of Lot #2 be restricted to the development of permitted structures such as a garage and/or shed incidental to the use of a home and based upon the written request from Attorney Robert Temple on behalf of the property owners Gail L. Greiner and April P. Hammond and attached hereto as Schedule "A". All in favor. Motion carried.

Gail Greiner and April Hammond thanked the Board for their time. Attorney Primo said that even though it was a Board decision and not a Zoning Board decision, surrounding residents would still have the opportunity to file a complaint for four months. Attorney Primo said that he would provide them with the amended declaration.

**UNSAFE BUILDING
REPORT / 312 SOUTH
MAIN STREET**

Mayor Donovan said the property located at 312 S. Main Street has been vacant and Richard Greene and Clerk/Treasurer Snider have both tried to contact the property owner to secure the building after a vandalism report from the Town of Manlius Police Department.

Richard Greene, Codes Enforcement Officer, said that Richard F. Hemmerlein died in 2006 and his property located at 312 S. Main Street is currently in foreclosure due to a reverse mortgage. He said that Homecomings Financial is the current holder of the mortgage and the Village Office has been unsuccessful in contacting anyone at the bank. Mr. Greene said that there have been numerous requests to purchase the property without any response from Homecomings Financial. Mr. Greene said a vandalism complaint was made to the Town of Manlius Police Department on July 13, 2010 and recommended that the property be secured by the Village of Minoa. Mr. Greene said that D&S Professional Services was contacted to board up the building and cut back the grass, with the fees to be relieved on the property. Mr. Greene said the bank was notified by mail of the work to be done and the Unsafe Building Report without any response from the bank.

Attorney Primo accepted Mr. Greene's notice of Failure to Remedy report and asked Mr. Greene if he swore and affirmed under penalty of perjury that the testimony that he provided the Board was true and accurate and that the June 30, 2010 final notice reciting the various violations under the Property Maintenance Code have not been addressed by the owner of record. Mr. Greene swore that he told the truth and that the final notice was not addressed. Attorney Primo asked for confirmation that the certified and return receipt requested notice was stamped received and no contact was made and/or rectified. Mr. Greene confirmed and also verified that the property problems had not been addressed as of July 19, 2010. Attorney Primo said that would suffice as the Codes Enforcement Officer's report and be included in the minutes.

Mayor Donovan asked if there was a lawn maintenance problem and Mr. Greene said there was

a problem, but the neighbors have been maintaining the property. Mayor Donovan said that he should continue to contact the outside contractor to maintain the property when the grass height doesn't meet Village Code. Attorney Primo suggested that Mr. Greene continue with proper notification to the property owner of maintenance issues and that they receive the report submitted that evening by certified mail.

**SCHEDULE UNSAFE
BUILDING
PROCEEDINGS**

A motion was made by Trustee Brazill and seconded by Trustee Christensen to schedule an Unsafe Building Proceeding for August 16, 2010 at 6:55 p.m. based upon the Unsafe Building Report attached hereto as Schedule "B". All in favor. Motion carried.

**PERMISSION TO
ATTEND ONODAGA
COUNTY TAX
RECEIVERS
LUNCHEON**

A motion was made by Trustee Champagne and seconded by Trustee Christensen giving permission for Clerk/Treasurer Snider to attend the Onondaga County Tax Receivers Association luncheon on August 11, 2010 at 12:00 Noon, Skaneateles, NY at a cost of \$15.00 per person.

**AMEND PRIOR
RESOLUTION / NYS
GFOA CENTRAL
REGION SUMMER
SEMINAR**

A motion was made by Trustee Champagne and seconded by Trustee Brazill amending a prior resolution giving permission to Clerk/Treasurer Snider to attend the NYS GFOA Central Region Summer Seminar on August 12, 2010 in Geneva, NY at a cost of \$125.00 per person plus travel and hotel expenses of \$70.00. All in favor. Motion carried.

AMBULANCE

***PERMISSION FOR AMBULANCE STANDBY / ESM SCHOOL DISTRICT FOOTBALL
AND CROSS COUNTRY FALL EVENTS***

A motion was made by Trustee Champagne and seconded by Trustee Christensen approving the request from the ESM School District to place a standby Ambulance at ESM 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.

FIRE DEPARTMENT

REQUEST CHANGE OF STATUS / JAMES GALLAGHER

A motion was made by Trustee Brazill and seconded by Trustee Champagne approving the resignation of James Gallagher from the Minoa Fire Department effective July 19, 2010. All in favor. Motion carried.

PERMISSION TO USE FIRE STATION II FOR A BABY SHOWER

A motion was made by Trustee Champagne and seconded by Trustee Christensen giving permission for Dennis Erard to host a baby shower at Station II on July 31, 2010 from noon to 6:00 p.m. All in favor. Motion carried.

DPW

***PERMISSION TO UTILIZE SYRACUSE RECYCLING AND RECOVERY, LLC FOR
THE DISPOSAL OF RECYCLABLES***

A motion was made by Trustee Christensen and seconded by Trustee Brazill authorizing Thomas Petterelli to utilize Syracuse Recycling and Recovery, LLC for the disposal of single stream material recyclables and accept the rebate of \$10.00/ton (based on current market conditions) for all delivered single stream material with a zero tipping fee regardless of market conditions. All in favor. Motion carried.

ATTORNEY'S REPORT Attorney Primo said the Village Board previously approved a resolution for Minoa Farms accepting the passive park and was substantially complete at that time, but with a few minor adjustments. He said that he had received the deed transfer documents for the park, but there wasn't a title policy included and Attorney Schulman would provide the title policy. Attorney Primo said the deed has not been recorded yet, but it is safe for the Village of Minoa to utilize and insure the park. He asked that the Board re-approve the resolution as the final draft and include with the original minutes of June 21, 2010.

Mayor Donovan said that he had not received the \$7,000.00 payment from Elliot Lasky towards the purchase of the ATV to maintain the park and Attorney Primo said that it could be a condition of the final resolution that the donation be included.

A motion was made by Trustee Brazill and seconded by Trustee Champagne re-affirming the finalized resolution adopting the resolution and the offer of dedication and the instruments of conveyance to the extent to which it requires mortgagee consents to the conveyance and puts the interest ahead of the mortgage that was originally approved on June 21, 2010 and to be included in those minutes as a matter of record. All in favor. Motion carried.

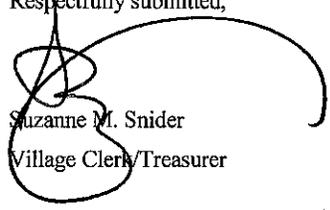
PUBLIC COMMENTS Let the record show that there were no comments from the public.

EXECUTIVE SESSION – IN A motion was made by Trustee Christensen and seconded by Trustee Brazill to go into Executive Session at 7:51 p.m. to discuss the medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demolition, discipline, suspension, dismissal or removal of a particular person or corporation and the proposed sale of real property owned by the Village. All in favor. Motion carried.

EXECUTIVE SESSION - OUT A motion was made by Trustee Brazill and seconded by Trustee Champagne to come out of Executive Session at 9:10 p.m. All in favor. Motion carried.

ADJOURNMENT A motion was made by Trustee Brazill and seconded by Trustee Christensen that the Special Meeting be adjourned at 9:10 p.m. All in favor. Motion carried.

Respectfully submitted,


Suzanne M. Snider
Village Clerk/Treasurer

Scan
Primo/Bear

TEMPLE AND TEMPLE, L.L.P.
ATTORNEYS AT LAW
211 NORTH CENTER STREET
EAST SYRACUSE, NEW YORK 13057
(315) 437-2684
Fax (315) 437-3430

RECEIVED
JUL 16 2010
VILLAGE OF MINOA

Robert S. Temple
Marisa V. Temple

Douglas Temple
1919 - 2001

July 15, 2010

Village of Minoa
Board of Trustees
240 N. Main Street
Minoa, New York 13116

Re: Request to amend Declaration of Covenants and Restrictions on Lot # 2 of the DeVeronica Family Trust Minor Subdivision

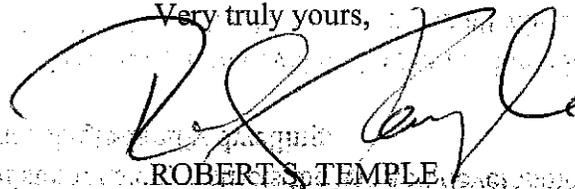
Dear Trustees,

My Clients Ms. Gail Greiner and Ms. April Hammond purchased Lot Two of the DeVeronica Family Trust Minor Subdivision, Filed Map # 11103 on June 16, 2010. The property is burdened by a Declaration of Covenants and Restrictions. The Declaration which was required by The Village at the time of subdivision, restricts the use and development of the land for any other purpose than a residential single-family dwelling.

Ms. Greiner and Ms. Hammond at this time wish to develop the land to include a two-family dwelling. Specifically they wish to build a single family home with an attached in-law apartment for Ms. Greiner's elderly parents.

Section three of the Declaration of Covenants and Restrictions states that the Village Board of Trustees shall have the right to amend, alter, annul or repeal any of the foregoing covenants upon the request of the respective owner. On behalf of my clients the owners of Lot Two I would respectfully request that the board amend the Covenants and Restrictions to allow for the construction of a two-family dwelling on Lot Two of the DeVeronica Family Trust.

Very truly yours,



ROBERT S. TEMPLE
TEMPLE & TEMPLE, LLP

RST/aed
Enc.

SCHEDULE "A"

RECEIVED
JUL 16 2010
VILLAGE OF MINOA

DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration, is made and dated as of the 22nd day of September, 2009 by **MARY J. NATALE, AS TRUSTEE UNDER THE DEVERONICA FAMILY TRUST**, 105 Colony Park Drive, Liverpool, New York 13088 ("Owner").

WITNESSETH:

WHEREAS, Owner is the owner of the real property shown on Exhibit A attached hereto and made a part hereof, same consisting of 8.86± acre parcel presently owned by Owner and as reflected in deed recorded at the Onondaga County Clerk's Office at Book 497 and Page 165, and known as tax parcel no. 04.-07-04.0 located in the Village of Minoa, New York ("Premises"); and

WHEREAS, Owner has prior hereto petitioned the Village Board of the Village of Minoa for and been granted subdivision approval of such 8.86± acre parcel, specifically for the purpose of creating a three lot subdivision all pursuant to Resolution of the Village Board of the Village of Minoa, New York dated July 13, 2009 and filed in the Office of the Village Clerk on July 21, 2009 ("Approval Resolution"); and

WHEREAS, as required under the Approval Resolution, and as proffered by Owner in connection with its application for subdivision approval, both Owner and the Village of Minoa deem it advisable, in their respective best interests and that of the Premises that a certain covenant and restriction be placed upon the Premises as described at Exhibit A with a view to conserving the value of nearby property and buildings, encouraging the most appropriate uses of land and protecting the safety, health and well-being of residents and occupants of the premises, neighboring premises, and the Village of Minoa in the future.

NOW THEREFORE, Owner hereby declares as follows:

11:47 10/30/09 4951609 MM DB-5105P-875

1) Prohibited Use(s). Owner declares and covenants that, and hereby restricts the use, development and occupancy of the Premises (as described at Exhibit "A") such that same shall not be developed, constructed or utilized for anything other than residential single-family dwelling development; and

2) Binding Effect/Enforceability/Non-exclusive. These covenants and restrictions shall constitute covenants running with the land, shall be binding upon and enforceable by and against the Owner, and any or all successor and subsequent owners, lessees and occupants of the Premises as described at Exhibit "A", any subdivided parcel and/or part thereof, and upon their respective heirs, executors, and administrators, successors, successors in title, and/or assigns. These covenants and restrictions shall be enforceable by the Village of Minoa, any neighboring nearby, or contiguous residents, their heirs, executors or administrators and by any other specially aggrieved party, including by injunction proceeding, and any other appropriate remedy. In addition, and notwithstanding any other provision hereof, this Declaration of Covenants and Restrictions shall not be deemed to cancel, nullify or supersede any other rights or remedies available to a party hereunder including but not limited to under relevant federal and state common and/or case law, statutory provisions and without limitation the State Environmental Quality Review Act, the Village Law and General Municipal Law of the State of New York.

3) Modification. The foregoing notwithstanding, the Village of Minoa Village Board of Trustees shall have the right to amend, alter, annul or repeal any or all of the foregoing covenants and/or restrictions upon the request and/or consent of a respective Owner, owners of (a) subdivided part(s) of the Premises, and/or any of their heirs, executors, administrators, successors and/or assigns. The Village Board may in this regard modify same in order to allow uses otherwise restricted herein provided that the Village Board has made a determination that such modification is consistent with any relevant zoning and/or comprehensive planning provisions or modifications thereof.

4) Severability, Illegality/Modification. Whenever possible, each provision of this Declaration of Covenants and Restrictions shall be interpreted in such manner as to be effective

VILLAGE OF MINOA
OFFICE OF CODE ENFORCEMENT

240 North Main Street
Minoa, New York 13116
Richard J. Donovan, Mayor
Richard J. Greene, Code Enforcement Officer
Telephone: (315) 656-3100
Fax: (315) 656-0825

June 30, 2010

FINAL NOTICE
Certified Mail/Return Receipt

Homecomings Financial
2711 North Haskell Avenue, Suite 900
Dallas, Texas 75204

Subject: 312 South Main Street
Tax Map No. 004.-05-12.0
Owner – Richard F. Hemmerlein

Dear Sir/Madam,

On November 19, 2006, Richard F. Hemmerlein died. Included in his assets is a structure(s) located at 312 South Main Street. Supposedly, the structure(s) was foreclosed by Homecomings Financial LLC of Dallas, Texas (Homecomings), but there is no record that Homecomings actually foreclosed since the tax record of this date does not show their name (A notice for the deceased to appear in Supreme Court of Onondaga County was filed on April 26, 2007.)

Since Mr. Hemmerleins' death, the structure(s) continue to deteriorate. I, Richard J. Greene, Codes Enforcement Officer of the Village of Minoa, viewed and/or confirmed on or about June 30, 2010, the following violations of the Property Maintenance Code of New York State and the Code of the Village of Minoa –

- 1) The exterior of the property and premises was not being maintained in a clean, safe and sanitary condition (**PMC¶ 302.1 Sanitation**).
- 2) The exterior of the house was not being maintained in good repair and structurally sound, so as not to pose a threat to the public health, safety or welfare (**PMC ¶304.1 General**).
- 3) All exterior surfaces were not being maintained in good condition (**PMC¶ 304.2 Protective treatment**).
- 4) Exterior wood surfaces were not being protected from the elements and decay by painting or other protective covering or treatment (**PMC¶ 304.2 Protective treatment**).
- 5) All siding and masonry joints as well as those between the building envelope and the perimeter of windows and doors were not being maintained weather resistant and water tight (**PMC¶ 304.2 Protective treatment**).
- 6) Exterior walls were not free from holes, breaks, and loose or rotting materials (**PMC¶ 304.6 Exterior walls**).
- 7) Exterior walls were not being maintained weatherproof and properly surface coated where required to prevent deterioration (**PMC¶ 304.6 Exterior walls**).
- 8) The roofing and flashing were not sound, tight and have defects that admit rain (**PMC¶ 304.7 Roofs and drainage**).

SCHEDULE "B"

- 9) Roof drainage was not adequate to prevent dampness or deterioration in the walls or interior portion of the structure (**PMC¶ 304.7 Roofs and drainage**).
- 10) Exterior deck was not being maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads (**PMC¶ 304.10 Stairways, decks, porches and balconies**).
- 11) Chimney was not being maintained structurally safe and sound, and in good repair (**PMC¶ 304.11 Chimneys and towers**).
- 12) Window was not being kept in sound condition, good repair and weather tight (**PMC¶ 304.13 Window, skylight and door frame**).
- 13) Glazing material was not being maintained free from cracks and holes (**PMC¶ 304.13 Glazing**).
- 14) Basement window was not supplied with rodent shields, storm windows or other approved protection against the entry of rodents (**PMC¶ 304.1444447 Guards for basement window**).
- 15) The house was not being kept free from insect and rodent infestation, neighbors confirmed that bats are seen entering and leaving the house (**PMC¶ 308.1 Infestation**).

Based upon a violation of **PMC ¶301.3 Vacant structures and land** (*All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety*); the Village of Minoa has deemed the structure(s) and its premises unsafe in accordance with its authority under **PMC ¶108.1 General** (*When a structure . . . is found to be unsafe, . . . or is found unlawful, such structure shall be condemned pursuant to the provisions of this code*).

If Homecomings Financial does not contact Suzanne Snider, Clerk for the Village of Minoa, by Wednesday, July 7, 2010; the Office of Code Enforcement will post the appropriate notice on the structure(s) at 312 South Main Street pursuant to **Chapter 51 Building Construction and Fire Prevention, ¶51-9 Unsafe buildings and structures and Chapter 57 Buildings Unsafe, ¶57-5 Unsafe buildings prohibited; criteria; abatement and ¶57-6(D) Duties of Codes Enforcement Officer**.

Further, the Board of Trustees of the Village of Minoa will hold a hearing at its regularly scheduled meeting on Monday, August 16, 2010 at 7:00 PM to determine why the structure(s) on the property at 312 South Main Street should not be demolished since they are causing a blighting problem and will adversely affect the neighbors' health or safety.

Thank you for your attention to this matter.

Sincerely,

 (A handwritten signature in cursive script that reads "Richard J. Greene". To the right of the signature is a small circular stamp containing the initials "R.J.G.")

Richard J. Greene
Codes Enforcement Officer
Village of Minoa

Cc: Suzanne Snider, Clerk of the Village of Minoa
Steven Primo, Attorney for Village of Minoa

copy of 7/14/10
at 7:14:10

COPY

COPY

RESOLUTION

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 21st day of June, 2010 at 7:00 P.M.

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

William Brazill
Eric Christensen
Ronald Cronk

Absent: John Champagne

Also Present: Suzanne Snider, Village Clerk-Treasurer
Steven J. Primo, Village Attorney
Thomas Petterelli, DPW Superintendent
Dan Shulman, Esq., Attorney for the Developer

The following resolution in form as drafted and proposed by the Village Attorney, was moved, seconded and duly adopted:

WHEREAS, the Village Board of Trustees having passed Local Law No. 2 of the year 2002, which amended Chapter 160 of the Village Code and approved the original Preliminary Plat of D.W. Hannig, LSPC ("Original Preliminary Plat"), for the Minoa Farms Subdivision ("Development"), and having duly adopted a resolution granting preliminary plat approval dated March 18, 2002 for the Development ("Original Preliminary Plat Resolution"); and

WHEREAS, relative to development and construction of the Development, Section 1A of same having been fully developed and water service, drainage, sanitary sewer infrastructure and streets intended to be offered for cession as public improvements relative to same having been installed/constructed to completion; and the Village Board having approved, by resolution duly adopted on April 4, 2005, the final subdivision plat, and such final subdivision plat for Section 1A having been filed at the Office of the Onondaga County Clerk on April 5, 2005 as Map No. 10141, and the streets and other infrastructure in Section 1A intended as public improvements same having been completed including punchlist items, and any warranty items (if any) having been (and/or to be) timely addressed by the Developer during the warranty period; and

WHEREAS, relative to development and construction of the Development, Section 1B of same having been fully developed and water service, drainage, sanitary sewer infrastructure and streets intended to be offered for cession as public improvements relative to same having been installed/constructed to completion; and the Village Board having approved, by resolution

duly adopted on September 30, 2005, the final subdivision plat, and such final subdivision plat for Section 1B having been filed at the Office of the Onondaga County Clerk on September 2, 2005 as Map No. 10257, and the streets and other infrastructure in Section 1B intended as public improvements same having been completed including punchlist items, and any warranty items (if any) having been (and/or to be) timely addressed by the Developer during the warranty period; and

WHEREAS, per Amended Resolution Approving Amended Preliminary Plat – Minoa Farms – Section II duly adopted by the Village of Minoa Board of Trustees the 3rd day of November, 2008 (“Amended Preliminary Plat Resolution”), the Village Board, amongst other things, and in connection with the approval of an Amended Preliminary Plat (“Amended Preliminary Plat”) imposed certain conditions (at paragraph (e) of the Amended Preliminary Plat Resolution) relative to the Village Park proposed for dedication under the Original Preliminary Plat Resolution (at paragraphs 9 and 10 thereof) such conditions being more fully set forth in the aforementioned Original and Amended Preliminary Plat Resolution(s), and in the aforementioned paragraph (e) of the Amended Preliminary Plat Resolution, and the Village Park having now been substantially completed by the Developer except for certain lingering issues related to an incomplete section of sidewalk, placement and condition of the trails and certain green areas; and

WHEREAS, the Developer and Village having agreed that the aforementioned conditions, although in part related to construction and satisfactory completion of same, are predominantly and potentially ongoing and therefore also, and perhaps might best be addressed as ongoing maintenance rather than only as initial construction requirement(s); and

WHEREAS, based upon the foregoing, the Village has now considered the propriety or necessity of purchase of specialized equipment for ongoing maintenance of certain areas of the Park, and relative to same, and in part resulting from the Developer’s failure or inability to complete certain of the Village Park improvements aforementioned, the Developer is willing to donate for or toward the purchase of such equipment the sum of \$7,000.00, and

WHEREAS, accordingly the Village is willing to accept such sum and in consideration thereof, to waive completion of the punchlist items, however (with warranty provisions relating to still apply as required to be set forth in the Security Agreement referenced herein and in the Original and Amended Preliminary Plat Resolutions); and

WHEREAS, as to each of the foregoing areas (Sections 1A, 1B and the Village Park), the Village Engineer and Village Superintendent of Public Works has approved and recommended (subject to any outstanding warranty items and provisions) acceptance of the foregoing public streets and improvements consisting of water service, drainage and sanitary sewer facilities, and the easements appropriate for same, and such streets all as shown on the approved Preliminary Plat for the entire Development and the Final Plats for Sections 1A and 1B, and such other streets, easements and improvements as shown on the respective approved and filed final subdivision plats including any approved amended plats; and

WHEREAS, likewise the Village Park has been approved and recommended for acceptance as a fee title conveyance to the Village; and

WHEREAS, in each case the appropriate security for completion of same, to the extent not yet completed or still within the warranty period has been or should be provided to and retained by the Village pursuant to the respective Security Agreements executed or required to be executed in connection with same (however as to the Park area no separate agreement being required); and

WHEREAS, proposed instruments of conveyance and policies of title insurance relating to the foregoing having been presented to the Village Attorney for review and approval, and the Village Attorney and Developer's attorney working together to finalize same, however the Village Attorney also advising that the within approvals contemplated by the Village Board are appropriate in that the foregoing instruments and proposed policies are generally in good order and that any issues to be resolved are minor in nature; and

WHEREAS, the Village Board upon the foregoing and upon all the prior proceedings relating to the Development, is desirous of accepting conveyance of said offered public streets, water service, drainage and sewer facilities and the appropriate easement and fee ownership interests in the Village Park area;

NOW THEREFORE, BE IT HEREBY RESOLVED THAT, the Village Board having reviewed the Short SEQRA EAF, hereby assumes Lead Agency status, elects to conduct an uncoordinated review, and hereby issues a negative declaration of significance; and be it further

RESOLVED, that the foregoing Premises ("Whereas") paragraphs, to the extent relevant, are hereby made a part of these Resolutions as if fully set forth hereinafter; and it is further

RESOLVED, that the Village Board of the Village of Minoa acting pursuant to various applicable Articles and Sections of the NYS Village Law does hereby conditionally accept the following (generally) described instruments and the interest(s) conveyed thereby, together with, as applicable, any required consents by applicable mortgagees or others with priority interest(s) (if any), in accordance with the terms and conditions contained in each such instrument; and be it further

RESOLVED, that such acceptance is conditioned upon and subject to final approval of the Village Attorney based upon sufficiency of the deed(s), bill(s) of sale and easement instruments tendered, and related fee title insurance policy(ies), and that upon all conditions of required security agreements and the underlying resolutions mandating same having been satisfied, and that the originals of such instruments be recorded/filed in the Office of the Clerk of the County of Onondaga or delivered to the Village Clerk if not required to be so filed or recorded, the fees for said recordings/filings to be borne by the Developer; and it is further

RESOLVED, that the Warranty Period relating to the Village Park improvements shall be deemed to have commenced as of this date (June 21, 2010).

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

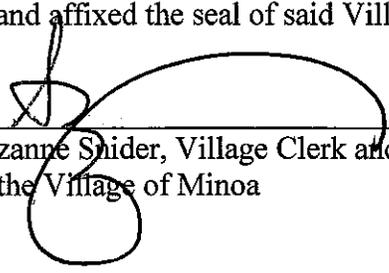
Richard Donovan, Mayor	AYE
William Brazill, Trustee	AYE
John Champagne, Trustee	ABSENT
Eric Christensen, Trustee	AYE
Ronald Cronk, Trustee	AYE

Resolution was adopted on June 21, 2010

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 June 21, 2010.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said Village this 21st day of June, 2010.



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