

Richard Donovan, Mayor
Edmond Theobald, Trustee
Ronald Cronk, Trustee
William Brazill, Trustee
John Champagne, 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

May 3, 2010

**PUBLIC HEARING
LOCAL LAW #2 FOR
2010 – ANNEXATIONS**

Upon due notice to all members of the Village Board, a continuation of the Public Hearing was held on Monday, May 3, 2010 at 6:55 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The purpose was to consider the enactment of Local Law #2 for 2010 related to the amendment of Chapter 43 entitled "Annexations", amending Sections 43-1, 43-2, and 43-3, and adding Sections 43-4, 43-5 and 43-6 of the Village of Minoa Municipal Code relative to the procedural process of annexing into the Village.

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

ABSENT: Trustee Champagne

ALSO John Sears, Maria DeMonte, and Dennis Erard

PRESENT:

**PROOF OF
PUBLICATION**

A motion was made by Trustee Christensen and seconded by Trustee Brazill agreeing to waive the reading of the Proof of Publication of Public Hearing. All in favor. Motion carried.

**PURPOSE OF PUBLIC
HEARING**

Mayor Donovan called the Public Hearing to order at 7:00 p.m. for Local Law #2 for 2010 for the Village of Minoa related to the amendment of Chapter 43 entitled "Annexations", amending Sections 43-1, 43-2, and 43-3, and adding Sections 43-4, 43-5 and 43-6 of the Village of Minoa Municipal Code relative to the procedural process of annexing into the Village.

Mayor Donovan turned the Public Hearing over to Attorney Primo to discuss the proposed adjustments to Local Law #2 for 2010.

Attorney Primo said that the Local Law is being considered because there have been recent annexation discussions with a developer and an annexation in May 2009. Attorney Primo said that the Annexation Chapter 43 needed to be formalized with respect to use of village utilities and annexed properties and the zoning requirements. Attorney Primo said that there may be times when a property is unable to annex into the Village of Minoa and they cannot utilize the services without a good cause provision being shown. Attorney Primo combined all Annexation references to Chapter 43 for clarification purposes. Attorney Primo said that all properties would be annexed into the Village of Minoa under Residential A-1 (the most restrictive zoning) and would be subject to Board approval.

The proposed Local Law is as follows:

Section One (1). Chapter 43 of the Village Code shall be renamed and known as "Annexation of Territory."

Section Two (2). A new Article I of Chapter 43 of the Village Code shall be enacted and known as "General Provisions."

Section Three (3). A new Article II of Chapter 43 of the Village Code shall be enacted and known as "Land Annexed."

Section Four (4) Section 43-1 of the Village Code, entitled "Title", shall be deleted in its entirety and replaced with a new Article I, Section 43-1 entitled "Title" with the following language:

"This Chapter 43 shall be known as "Annexation of Territory".

Section Five (5). Section 43-2 of the Village Code, entitled "Description of Territory" shall be renumbered as Article II, Section 43-3(a).

Section Six (6). A new Article I, Section 43-2 of the Village Code shall be enacted and read as follows:

§43-2. Procedures.

- A. The procedures for the annexation of territory into the Village of Minoa shall be as described at, and pursuant to, Article 17 of the General Municipal Law.
- B. All territory annexed into the Village of Minoa shall be deemed, upon annexation, as within a Residential A-1 zoning district, and subject to any further action of the Village Board of Trustees.
- C. No territory outside of the Village of Minoa shall be permitted access to or use of Village sanitary sewer, storm sewer, or water service without first being annexed into

the Village of Minoa, except upon good cause shown as determined solely by the Village Board of Trustees.

- D. All territory annexed into the Village of Minoa from the effective date hereof, shall be described and listed at Article II, Section 43-3 and subsections thereof.

**COMMENTS FROM
THE VILLAGE BOARD**

Trustee Brazill asked for clarification of properties utilizing services and not being annexed into the village. Attorney Primo said an example would be of a development outside of the village that needs sewer services and they were unable to annex into the village due to territorial boundaries not being contiguous and the Board could possibly see that development as an asset and if they can show good cause, the Board could enter into a sewer user agreement for services at a different rate from village residents. Attorney Primo said that the local law would not affect the current agreement with the ESM School District.

Mayor Donovan said that any property being annexed into the village must be contiguous with the village boundary. Mayor Donovan said that there have been requests to buy sewer services in the past and the law gives the Board the ability to address further requests. He said the agreement would need to be a substantial increase compared to what the residents pay, so that it benefits the taxpayers. Mayor Donovan said that it would be the developer's responsibility to pay for and install the infrastructure. Attorney Primo said that this has always been the village's policy and would now formalize the policy.

PUBLIC COMMENTS

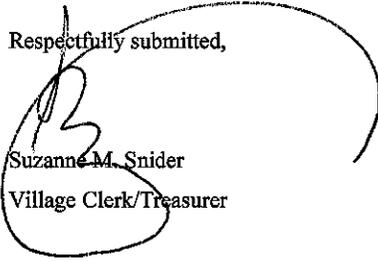
John Sears, 103 S. Main Street, asked if there were any calls to the Village Office requesting a copy of the proposed law or sent any comments. Attorney Primo said that written submissions would have been submitted to the Village Office. Clerk/Treasurer Snider said that the Village Office had not received any verbal and/or written requests for Local Law #2 for 2010.

Mr. Sears asked if there was a certain area expecting to be annexed that triggered the local law. Mayor Donovan said there was a recent annexation in May 2009 and developers occasionally ask for clarification. Attorney Primo said there have been no formal requests, but there have been inquiries and he does not have the right to discuss their contract negotiations. Attorney Primo said that there are numerous growth opportunities surrounding the village.

**PUBLIC HEARING
CLOSED**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to close the Public Hearing for Local Law #2 for 2010 at 7:14 p.m. All in favor. Motion carried.

Respectfully submitted,


Suzanne M. Snider
Village Clerk/Treasurer