

DISTRIBUTION LIST

Richard Donovan, Mayor
Edmond Theobald, Trustee
Ronald Cronk, Trustee
William Brazill, Trustee
John Champagne, Trustee
Steven Primo, Attorney
Thomas Petterelli, DPW Superintendent
Janet Stanley, Justice
Richard J. Greene, Codes Enforcement Officer
Chief Pat Flannery
Town of Manlius
Village of Fayetteville
Donna DeSiato, Superintendent ESM School District
Manlius Historical Society
Minoa Library
John Regan

November 5, 2007

**PUBLIC HEARING
LOCAL LAW #9 FOR
2007**

Upon due notice to all members of the Village Board, the continuation of the Public Hearing was held on Monday, November 5, 2007 at 6:30 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The enactment of Local Law #9 for 2007 for the Village of Minoa relating to the establishment of Chapter 120 of the Village of Minoa Municipal Code entitled "Registration and Inspection of Rental Properties Law" relative to the establishment of a uniform program for the registration and inspection of rental properties within the Village in an effort to help protect and safeguard the rights, health, safety and welfare of Landlords and Tenants.

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

ALSO PRESENT: Thomas Petterelli, Richard Greene, Walt Moyer,
JeannieDowns, David Cremeans, Julia Cremeans, Sue Stiglich, Richard Sollitt, Laurie Danboise, David Schmidt, Bruce Dailey, Randi Doyle, Margaret Green, JoAnn Perkins, Jim Perkins, Joe Abbott, Larry Abbott, Dan DeLucia, Pat Abbott, John Sears, Deb Heneka-Peters, Tom Peters, and Tom deBerjeois

**CONTINUATION OF
PUBLIC HEARING**

Mayor Donovan reconvened the Public Hearing to order at 6:32 p.m. for Local Law #9 for 2007 for the Village of Minoa relating to the establishment of Chapter 120 of the Village of Minoa Municipal Code entitled "Registration and Inspection of Rental

Properties Law” relative to the establishment of a uniform program for the registration and inspection of rental properties within the Village in an effort to help protect and safeguard the rights, health, safety and welfare of Landlords and Tenants. Mayor Donovan turned the Public Hearing over to Attorney Primo for an update of the proposed Local Law.

Attorney Primo said the Board and the public were provided with a revised draft of the proposed local law. He said the changes were based on suggestions from the Board and ideas from the Public Hearing held on October 1, 2007. Attorney Primo said originally inspections were to be scheduled on an annual basis and were adjusted to state that if the property passed inspection, the property would not require another inspection for three (3) years; however, if it was a problem property, it would continue to be inspected annually.

Attorney Primo said the fees would be adjusted by the Board and would initially be set at \$20.00 per rental unit and \$25.00 per rental commercial unit. He said the fees would be subject to change based upon the costs incurred by Codes Enforcement.

Attorney Primo said that assuming approval of the proposed Local Law, each property owner would be required to register their property and then an inspection would be completed by the Codes Enforcement Officer who would then indicate an amount of time for the problem to be corrected. Attorney Primo said emergency situations would need to be corrected immediately and if it was a run of the mill violation, a reasonable amount of time would be given, up to ninety (90) days, and possibly more depending on the problems. He said there should be a reasonable timing mechanism for correcting the problem. Attorney Primo said that if the problem was corrected within the time agreed upon, then the property would be inspected in another three (3) years and if there were numerous problems, the property would be inspected on an annual basis until the problems have been corrected.

Attorney Primo said the law was to regulate absentee landlords and if the landlord does not live within the county or adjacent counties, they will need to assign an agent to respond to problems and enforcement issues. He said landlords can seek exemptions regarding agents if they reside relatively close to Onondaga County.

**COMMENTS FROM
THE VILLAGE
BOARD**

Trustee Theobald asked when a property owner would need to register if the unit was vacant and nobody currently resides in the property or they do not plan on renting due to reconstruction. Attorney Primo said if the owner was working on a rental property or it is empty, it is still considered a rental unit and should be registered. He said if they do not plan on renting the property or will be working extensively on the property, they can request an extension.

PUBLIC COMMENTS Randi Doyle, 314 N. Main Street, said she lives in one of her units and rents the other unit in a two-family home. She asked if both units would be subject to the fee and Attorney Primo said the fee would only apply to the rental unit.

Richard Sollitt, 306 Ferndale Lane, said he lives in his grandmother's former home and they have a joint account for expenses, but he does not pay rent and asked if he would be subjected to the fee and inspection. Attorney Primo said that he should request an exemption, as has a familial relationship to the property and it is not a business relationship.

Sue Stiglich, 407 East Avenue, asked if they would be given a copy of the code if the law is adopted. Attorney Primo said inspection and violations are based on the New York State Building Code and it is quite extensive. He said the same code currently applies to her property and this law only allows for the inspection of the rental property.

Mayor Donovan said the obvious problems would be addressed and minor items would be given time to solve the problems. Mayor Donovan said there are nightmare problems out there that have exposed wires and fire hazards that would be considered emergency situations, which would need to be corrected immediately. Mayor Donovan said the majority of owners will be fine, but there are owners that cannot be located and they have problem properties. Mayor Donovan said that the law cannot be selectively enforced; therefore, it applies to everyone.

Jeannie Downs, 309 Edgerton Street, said she is a renter and her brother is the executor. She said theirs is a family rental situation and she is the last one to rent the property. She said she rents the property from her sisters and she pays the bills. Attorney Primo said it sounds like another family situation and she can ask for an exemption from the Village Board.

Tom Peters, 122 N. Main Street, said he owns a duplex and rents to his mother but doesn't charge her rent and he rents a room in his unit. Attorney Primo said that it was a family situation and request an exemption.

Bruce Dailey, 125 Elm Street, said that the attorney said "when" the law is passed and is concerned that it's a done deal. Attorney Primo clarified that he said "assuming" the law was passed. Mr. Dailey then asked why the Board didn't know what the exact code requirements were when asked by another audience member. Attorney Primo said it was the Codes Enforcement Officer's responsibility to know and follow the New York State Building Code. Mr. Dailey then said he doesn't want people to be in his house. Attorney Primo clarified that his own personal home would not be inspected, but the

rental units would be.

Mr. Dailey said his taxes have been raised repeatedly and he carries two mortgages and doesn't want to pay more fees. He said between the increased taxes and fees, it might push him out of the Town of Manlius. Attorney Primo asked Mr. Dailey if he had petitioned the Town of Manlius for a reduction on his taxes and Mr. Dailey said he had, but they refused to decrease his taxes. Mr. Dailey said it was the principle of it and he didn't want to pay any more fees to the Town of Manlius or the Village of Minoa to live there.

Mayor Donovan said he recognizes his frustration and the law is being proposed because of the absentee landlords and wishes that they could be selective, but they cannot. Mayor Donovan said he had previously spoken to a landlord from East Syracuse who was against their law and also took care of his property, the landlord said that his neighbors were nowhere to be found and their property was in a crisis situation. Mayor Donovan said the Village of Minoa is trying to address numerous problems and the problem properties are bringing down property values.

Peg Green, 152 N. Main Street, said she rents property and understands the Village's concern, but she feels that it's an intrusion to the renter. She said she does not enter the rental properties unless during emergency situations. Mrs. Green said the properties are insured and the insurance companies do not allow them to have rundown properties. She said she does not feel comfortable invading her tenants' privacy.

Mrs. Green asked what the increased liability to the Village of Minoa is if the Codes Enforcement Officer is injured. Attorney Primo said there is no increased liability because it's similar to police protection and is specifically called "no special duty".

Pat Abbott, 8019 Kirkville Road, Bridgeport, has two rental properties in Minoa. He said the bank checks the house, the homeowners insurance checks the house and you don't get a mortgage if the property doesn't meet code. Mr. Abbott said that if the bank and the insurance company approve the property, they shouldn't have to have the Village inspect their properties as well. Mr. Abbott said it was an invasion of privacy and an excessive amount of fees. He asked who was liable if the Codes Enforcement Officer trips and falls on their property. Attorney Primo said it would be possible for them to sue, but it's no different than if the mailman fell while delivering mail. Mr. Abbott said there are many problem properties in the Village of Minoa that are not rental properties and they should be inspected first.

Mr. Abbott expressed concern that an inspection would trigger increased assessments. Attorney Primo said the inspections do not result in increased assessments, but the

assessments are triggered by building permits and not basic corrections.

Attorney Primo said problem properties are issues throughout Onondaga County and they are being addressed. If the Village of Minoa does not address the problem, then it shifts the blight to neighboring areas. Attorney Primo said by considering this law and not adopting it, problem landlords are going to start looking for properties that don't demand high expectations and if the law gets adopted it will only increase property values.

Mr. Dailey said he doesn't want to have to take a day off from work and does not want to force his renter to accommodate the Codes Enforcement Officer. Attorney Primo said the Board has sympathy for their situation, but there has to be a solution to the problem. Mayor Donovan said he does value their opinion and considers all suggestions made to him.

Mr. Abbott asked if the law does get approved and if the properties are up to code, would there be a reduction in taxes. Mayor Donovan said that if his assessment increased, he would need to address that with the Town of Manlius. Mr. Abbott said if the Codes Enforcement Officer does find problems and then a building permit is issued, this will trigger a new assessment from the Town of Manlius. Mayor Donovan said there is always a fear of the unknown and if there are problems on your property, you probably would want to know about it to prevent a liability.

Mr. Abbott asked how many true rental properties existed that would justify the proposed law. Mayor Donovan said approximately 110 legal notices regarding the Public Hearing were mailed out to possible rental property owners.

Peg Green asked if part of the problem is that the owner has passed away and that it could be as simple as a family member passing the property to another family member. Mayor Donovan said the Board did not know how many of those situations exist and that is what they are trying to address.

Pat Abbott said he recognizes that the village is trying to prevent a problem but the group in the room is not the problem. Mr. Abbott said he does not feel there are that many problem rental properties and the Village is just jumping on the bandwagon. Mayor Donovan said there are probably half a dozen current problems and they will increase if not taken care of. Mayor Donovan said the look of the village does not happen by accident and if the law is not passed, it will come back to haunt everyone.

Julia Cremeans, 105 Elm Street, said the property owners addresses are on their tax bills and they are the ones that should be addressed. She said the owners who are in the area

should not be penalized due to outside problems. Mayor Donovan said the law is not meant to penalize, but to maintain property standards and \$20.00 per unit is not a large fee for the magnitude of the problem.

Trustee Cronk said that \$20.00 is a fair price to know that your property is in good shape. Mrs. Cremeans said it is not that the price is unfair, but she cannot violate the renters' privacy and they have no way to know what is wrong with the property. She did not have a problem with the fee, but they all have a fear of what will come out of it. Mrs. Cremeans said they all fear that problems requiring building permits will generate a new assessment, thus an increase in their taxes.

Larry Abbott, 108 Edgerton Street, agreed and said it was not the fee, but the invasion of privacy and the added expense should they need to hire people for repairs and fees. He said it could be very expensive for landlords.

Mayor Donovan said there would not be fines for problems, but they would be made aware in writing of the existing problems. He said the only time you would be before the judge is if you do not comply and the majority of the people in the room are probably in compliance. Mayor Donovan said the problem is with the landlords that do not care about their property, the people who live there, or the village of Minoa. He recognizes their concerns, but they need to work through this and make it palatable for everyone. Mayor Donovan said he would like to bring landlords in from East Syracuse because they see their property values increasing as other properties are brought up to code.

Dave Cremeans, 105 Elm Street, said he sees the law as a positive measure and the properties should be inspected to prevent problems. He said that as a landlord, he wants a safe environment for his tenants and keeps the property values up. He said the \$20.00 fee is nothing and he is a licensed realtor that sees these problems all of the time. Mr. Cremeans said if there is a problem they should be opened up and cured. Mayor Donovan said he appreciated his comments.

Mayor Donovan said single family homeowners have rights that don't allow them to be inspected, but the Codes Enforcement Officer is working within the scope of the law and it is a long process.

Peg Green asked if the new apartments would be inspected and Mayor Donovan said they would be inspected. Attorney Primo said the only properties exempt from the inspection are HUD properties, as they currently have annual inspections through the HUD program.

Randi Doyle said she lives month to month and would not anticipate any problems in her home, but if she did, then she wouldn't have the resources to make the changes within the 90 days. Attorney Primo said if problems are small and income is limited, then they can ask for relief from the Board to be able to afford to make the repairs required. Attorney Primo said emergency repairs could be a hardship and non-emergency issues could seek relief from the Board and ask for an extended period. He said the Board could grant relief for a period of time. Mayor Donovan said the Codes Enforcement Officer will work with them to make arrangements.

Peg Green asked how many properties will be inspected and is there enough time? Mayor Donovan said the inspection is not that time consuming and the Codes Enforcement Officer feels he can handle the workload. Mrs. Green asked if there would be another department or unit created to handle the influx of inspections and Mayor Donovan said the village is looking to expand the hours of the Codes Enforcement Officer to handle problems. Mayor Donovan said the Village is under tremendous pressure after leaving the Town of Manlius, because the codes services slipped so dramatically. Mayor Donovan said the Village now has a Codes Enforcement Officer and he is actively searching out problems. Mayor Donovan said there will probably be over 100 units to inspect over a three year period.

Tom Peters, 122 N. Main Street, said he has not seen an improvement in the properties near his home. Mayor Donovan said the landlord he is referring to is a perfect example of an absentee landlord that doesn't care about their property. Mayor Donovan said they have been pressuring the landlord to correct the problems and they intend to keep working on the property.

Mr. Peters asked what was happening with 124 N. Main Street and Mr. Greene said the property is in foreclosure. Mayor Donovan said the landlord left grease and invited rats into the neighborhood. He said the DPW has had to clean up properties and it's not easy to make everyone comply.

John Sears, 103 South Main Street, asked if inspection times could be adjusted to allow for work schedules and Mayor Donovan said that evening appointments are possible.

Mr. Sears said there was an individual at the last Public Hearing that said the Village could send out a tenants' rights pamphlet to the renters and possibly avoid problems in the inside of the property. Mayor Donovan said the booklet is a good idea, but if there is a problem with the property it is the landlords responsibility and they will be addressed, not the tenant. Mr. Sears said it wouldn't hurt to hand out the brochure and it's provided by the Attorney General's Office. Attorney Primo said that Mr. Young had also suggested to the Board that they not incite renters to harass the landlords by

handing out the pamphlets. Mr. Sears said education is power and wants to know what the problem is for handing out the book and Attorney Primo said there wasn't a problem. Mr. Sears said it would save the intrusion, eliminate the \$20.00 fee and the inspection.

Randi Doyle said the pamphlets don't help because the tenants don't inform the landlord and they don't discover problems until the tenants move out and the pamphlet is not the solution.

Attorney Primo said the Board does not want to create a hostile environment between tenants and landlords, but acknowledged that it would be a good idea to have the pamphlets available.

Mayor Donovan said he used to supervise properties and the inspection and report generated by the Codes Enforcement Officer's report would be a great backup for problem tenants.

Mr. Sears said that having an inspection every three years doesn't safeguard the property because the turnaround is higher.

Mr. Sears suggested that a group of concerned residents should do the inspections and it would save time and money. He said they could get a checklist from the Codes Enforcement Officer and they could inspect the apartments. Mayor Donovan said they would need state certification to inspect properties and the scenario would not be possible.

Mr. Sears said he is the only one who attends the meetings and would like the job description of the Codes Enforcement Officer and how far they can go with raising their assessment values by telling the Town of Manlius. Mayor Donovan said the Codes Enforcement Officer has nothing to do with the assessors department and Mr. Sears is stretching his argument.

Attorney Primo said that Mr. Sears should keep his questions and comments relevant to the Public Hearing. Mr. Sears said he wants to know how much more the Codes Enforcement Officer does because the Animal Control Officer often goes beyond her boundaries and wants to know what he will do. Mr. Sears said he doesn't want the Codes Enforcement Officer to go beyond their bounds and create more problem landlords. Mayor Donovan said the Animal Control Officer position has nothing to do with the Public Hearing and the Codes Enforcement Officer only deals with codes and not assessments.

Mayor Donovan thanked everyone for coming and said they will continue to reach out to everyone. He said the Board will continue the process and if they would like to talk to him or the attorney they can contact the Village Office.

**PUBLIC HEARING
TO BE CONTINUED**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to continue the Public Hearing on November 19, 2007 at 6:30 p.m. All in favor. Motion carried.

**PUBLIC HEARING
CLOSED**

A motion was made by Trustee Brazill and seconded by Trustee Theobald to adjourn the Public Hearing for Local Law #9 for 2007 at 7:52 p.m. All in favor. Motion carried.

Respectfully submitted,

Suzanne M. Snider
Village Clerk/Treasurer